



(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend chapter 3 of title 5, United States Code, to require Federal agencies to maintain plans for responding to, mitigating, and adapting to climate change, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which was referred to the Committee on _____

A BILL

To amend chapter 3 of title 5, United States Code, to require Federal agencies to maintain plans for responding to, mitigating, and adapting to climate change, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Agency Cli-
5 mate Planning, Resilience, and Enhanced Preparedness
6 Act of 2021” or the “Federal Agency Climate PREP
7 Act”.

1 **SEC. 2. CLIMATE ACTION PLANS.**

2 (a) AMENDMENT.—Chapter 3 of title 5, United
3 States Code, is amended by adding at the end the fol-
4 lowing new subchapter:

5 “SUBCHAPTER III—GOVERNMENT-WIDE
6 COORDINATION ON CLIMATE CHANGE

7 “§ 321. Definitions

8 “In this subchapter:

9 “(1) ADAPTATION.—The term ‘adaptation’
10 means adjustment to natural or human systems in
11 response to actual or expected climate change, in-
12 cluding both sudden-onset and slow-onset climate
13 change-related risks or events assessed through his-
14 torical data, recent climate conditions and risks, and
15 climate change projections, to minimize negative im-
16 pacts on human health and safety, equity, eco-
17 systems, and the environment.

18 “(2) AGENCY.—The term ‘agency’ has the
19 meaning given the term ‘Executive agency’ under
20 section 105, but does not include the Government
21 Accountability Office.

22 “(3) CLIMATE CHANGE.—The term ‘climate
23 change’ means the long-term change in the average
24 weather patterns influencing local, regional, and
25 global climates, that are primarily driven by human-
26 produced greenhouse gas emissions, and observed

1 through key indicators including global land and
2 ocean temperature increases, rising sea levels, loss of
3 polar and mountain glacier ice, cloud and vegetation
4 cover changes, and increases in extreme weather
5 such as hurricanes, heatwaves, wildfires, droughts,
6 floods, and precipitation.

7 “(4) DIRECTOR.—The term ‘Director’ means
8 the Director of the Office of Management and Budg-
9 et.

10 “(5) DISADVANTAGED COMMUNITY.—The term
11 ‘disadvantaged community’ means a community that
12 is harmed by environmental, economic, or socio-
13 economic injustice, and includes a community that—

14 “(A) has a high concentration of low-in-
15 come and low-wealth households, including
16 households comprised primarily of members of
17 groups that have historically experienced dis-
18 crimination on the basis of race, gender, na-
19 tional origin, or ethnicity (including Black, In-
20 digenous, Latinx, Arab, Asian, and Pacific Is-
21 lander communities);

22 “(B) faces economic transition,
23 deindustrialization, historic underinvestment, or
24 poverty; or

1 “(C) is an environmental justice commu-
2 nity.

3 “(6) ENVIRONMENTAL JUSTICE COMMUNITY.—

4 The term ‘environmental justice community’ means
5 a low-income or low-wealth community facing envi-
6 ronmental injustice, including any community that—

7 “(A) is located nearest to an existing area
8 of grave environmental pollution or degradation;

9 “(B) bears a burden of negative public
10 health effects of pollution;

11 “(C) includes one or more sites of—

12 “(i) a facility that is a part of a pol-
13 luting industry;

14 “(ii) a waste dump; or

15 “(iii) a facility for resource extraction;

16 “(D) experiences a high incidence of cli-
17 mate change impacts and disasters;

18 “(E) has been excluded or harmed by rac-
19 ist or discriminatory policies that have resulted
20 in economic or health disparities;

21 “(F) has a land-based or food subsistence
22 culture that is experiencing ecosystem disrup-
23 tion and devastation;

24 “(G) faces relocation and resettlement re-
25 sulting from—

1 “(i) climate change;

2 “(ii) impacts to the environment and
3 ecosystems; or

4 “(iii) impacts associated with eco-
5 nomic inequities; or

6 “(H) is an Indigenous community.

7 “(7) IMPACT.—The term ‘impact’ means con-
8 sequences, both realized and expected, for natural
9 and human systems.

10 “(8) PREPAREDNESS.—The term ‘preparedness’
11 means actions taken to plan, organize, equip, train,
12 and exercise to build, apply, and sustain the capa-
13 bilities necessary to prevent, protect against, amelio-
14 rate the effects of, respond to, and recover from cli-
15 mate change-related damages to life, health, prop-
16 erty, livelihoods, ecosystems, and national security.

17 “(9) RESILIENCE.—The term ‘resilience’ means
18 the ability to anticipate, prepare for, and adapt to
19 changing conditions and withstand, respond to, and
20 recover rapidly from disruptions while ensuring the
21 sustainment of mission-critical operations.

22 “(10) RISK.—The term ‘risk’ means an assess-
23 ment based on formal analysis of the consequences,
24 likelihoods, and responses to the impacts of climate

1 change and how societal constraints shape adapta-
2 tion options.

3 “(11) STATE.—The term ‘State’ means each of
4 the several States, the District of Columbia, each
5 commonwealth, territory, or possession of the United
6 States, and each federally recognized Indian Tribe.

7 “(12) VULNERABLE POPULATION.—The term
8 ‘vulnerable population’ means groups of individuals,
9 including those with underlying health conditions,
10 subject to greater climate change exposure, or ad-
11 versely impacted by social determinants of health,
12 who experience heightened sensitivity to climate-re-
13 lated health and economic impacts.

14 **“§ 322. Agency climate action plans required**

15 “(a) AGENCY CLIMATE ACTION PLANS REQUIRED.—
16 Not later than 1 year after the date of the enactment of
17 this section, the head of each agency shall submit to the
18 Director and the steering committee of the Council on
19 Federal Agency Climate PREP an agency climate action
20 plan.

21 “(b) CONTENTS OF PLAN.—Each agency climate ac-
22 tion plan submitted pursuant to subsection (a) shall in-
23 clude the following:

24 “(1) An identification and assessment of cli-
25 mate change-related impacts on and risks to the

1 ability of the agency to accomplish its missions, op-
2 erations, and programs.

3 “(2) A description of programs, policies, and
4 plans the agency has in place and any additional ac-
5 tion the agency plans to take to mitigate and man-
6 age the impacts and risks identified in paragraph
7 (1) and build resilience, both immediately and at
8 milestones that are 2, 5, 10, and 20 years after the
9 date of the enactment of this section.

10 “(3) A description of how any climate change-
11 related impact and risk identified under paragraph
12 (1) that is determined by the agency to be so signifi-
13 cant that it impairs the statutory mission or oper-
14 ation of the agency will be addressed.

15 “(4) An assessment of whether implementation
16 of any of the programs, policies, or plans of the
17 agency exacerbates climate change-related impacts
18 and risks.

19 “(5) A description of how the agency will con-
20 sider the need to improve climate change adaptation
21 and resilience, including—

22 “(A) an assessment that monetizes the
23 costs and benefits of such improvement, includ-
24 ing the value of climate change adaptation, re-
25 siliance, and mitigation; and

1 “(B) with respect to agency suppliers, sup-
2 ply chains, real property investments, and cap-
3 ital equipment purchases such as updating
4 agency policies for leasing, building upgrades,
5 relocation of existing facilities and equipment,
6 and construction of new facilities.

7 “(6) In the case of the implementation of a pro-
8 gram that uses cost-benefit analyses, a description of
9 any additional methodologies used by the agency to
10 incorporate climate change risks into the cost-benefit
11 analyses, including the metrics and methodologies
12 used.

13 “(7) An assessment of the efforts of the agency
14 to reverse the disproportionate impacts of climate
15 change on disadvantaged communities and vulner-
16 able populations, including—

17 “(A) a description of opportunities identi-
18 fied to reverse such impacts;

19 “(B) a description of progress made in re-
20 versing such impacts; and

21 “(C) a description of the methodology used
22 by the agency for actively and widely soliciting
23 and receiving input and feedback directly from
24 such communities and populations regarding
25 such opportunities and progress.

1 “(8) A description of how the agency will pro-
2 mote the preparedness and resilience of the Federal
3 workforce with respect to climate change.

4 “(9) A description of how the agency will con-
5 tribute to coordinated interagency efforts to support
6 climate change mitigation preparedness, and resil-
7 ience at all levels of government, including collabo-
8 rative work across regional offices of agencies and
9 through coordinated development of information,
10 data, and tools.

11 “(c) PROGRESS REPORTS.—The head of each agency
12 shall submit to the Director and the steering committee
13 of the Council on Federal Agency Climate PREP an an-
14 nual progress report on the implementation of the plans
15 required pursuant to subsection (a), including updated
16 identification and assessments of climate change-related
17 impacts and risks.

18 **“§ 323. Council on Federal Agency Climate PREP**

19 “(a) ESTABLISHMENT.—There is established an
20 interagency council, to be known as the Council on Fed-
21 eral Agency Climate Planning, Resilience, and Enhanced
22 Preparedness, or the Council on Federal Agency Climate
23 PREP (in this section referred to as the ‘Council’).

24 “(b) LEADERSHIP.—The Director shall serve as the
25 Chair of the Council (in this section referred to as the

1 ‘Chair’) and shall be guided by a steering committee,
2 which shall determine priorities and strategic direction for
3 the Council in accordance with subsection (f), made up
4 of the National Climate Advisor, the Chair of the Council
5 on Environmental Quality, and the Director of the Office
6 of Science and Technology Policy.

7 “(c) MEMBERS.—In addition to the Chair and steer-
8 ing committee, the Council shall be composed of the fol-
9 lowing members who are senior officials (Deputy Secretary
10 or equivalent officer) from the following:

11 “(1) The Department of State.

12 “(2) The Department of the Treasury.

13 “(3) The Department of Defense.

14 “(4) The Department of Justice.

15 “(5) The Department of the Interior.

16 “(6) The Department of Agriculture.

17 “(7) The Department of Commerce.

18 “(8) The Department of Labor.

19 “(9) The Department of Health and Human
20 Services.

21 “(10) The Department of Housing and Urban
22 Development.

23 “(11) The Department of Transportation.

24 “(12) The Department of Energy.

25 “(13) The Department of Education.

- 1 “(14) The Department of Veterans Affairs.
- 2 “(15) The Department of Homeland Security.
- 3 “(16) The United States Agency for Inter-
- 4 national Development.
- 5 “(17) The Army Corps of Engineers.
- 6 “(18) The Environmental Protection Agency.
- 7 “(19) The General Services Administration.
- 8 “(20) The Millennium Challenge Corporation.
- 9 “(21) The National Aeronautics and Space Ad-
- 10 ministration.
- 11 “(22) The U.S. Small Business Administration.
- 12 “(23) The Corporation for National and Com-
- 13 munity Service.
- 14 “(24) The Office of Personnel Management.
- 15 “(25) The Nuclear Regulatory Commission.
- 16 “(26) The Office of the Director of National In-
- 17 telligence.
- 18 “(27) The Council of Economic Advisers.
- 19 “(28) The National Economic Council.
- 20 “(29) The Domestic Policy Council.
- 21 “(30) The Office of Management and Budget.
- 22 “(31) The White House Office of Public En-
- 23 gagement and Intergovernmental Affairs.
- 24 “(32) The United States Trade Representative.

1 “(33) Such agencies or offices as the President,
2 Chair, or steering committee shall designate.

3 “(d) ADMINISTRATION.—The Director of the Office
4 of Management and Budget shall provide administrative
5 support and additional resources, as appropriate, to the
6 Council. Agencies shall assist and provide information to
7 the Council deemed necessary by the Chair or the steering
8 committee to carry out its functions. Each such agency
9 shall pay its own expenses related to participating as
10 members of the Council.

11 “(e) COUNCIL STRUCTURE.—The Chair and steering
12 committee may establish task forces and working groups
13 as needed.

14 “(f) MISSION AND FUNCTION OF THE COUNCIL.—
15 The Council shall coordinate across Federal agencies and
16 offices, and in partnership with State and local govern-
17 ments, academic and research institutions, and the private
18 and nonprofit sectors to do the following:

19 “(1) Facilitate the organization and deployment
20 of a government-wide approach to combat the cli-
21 mate crisis.

22 “(2) Develop, recommend, coordinate inter-
23 agency efforts on, and track implementation of Fed-
24 eral Government actions to—

25 “(A) reduce climate pollution;

1 “(B) increase resilience to the impacts of
2 climate change;

3 “(C) protect public health;

4 “(D) conserve lands, waters, oceans, and
5 biodiversity;

6 “(E) deliver environmental justice; and

7 “(F) spur well-paying union jobs and eco-
8 nomic growth.

9 “(3) Provide expertise to assist regional, State,
10 Tribal, territorial, and local action to—

11 “(A) reduce climate pollution;

12 “(B) increase resilience to the impacts of
13 climate change;

14 “(C) protect public health;

15 “(D) conserve lands, waters, oceans, and
16 biodiversity;

17 “(E) deliver environmental justice; and

18 “(F) spur well-paying union jobs and eco-
19 nomic growth.

20 “(4) Integrate climate change science in policies
21 and planning, where appropriate, of agencies and
22 the private sector, including by developing and de-
23 ploying of innovative, actionable, and accessible Fed-
24 eral climate change-related information, data, and
25 tools.

1 “(5) To the extent permitted by law, prioritize
2 action on climate change in their policy-making,
3 budget processes, contracting and procurement, and
4 engagement with governments, workers, commu-
5 nities, and the private sector.

6 “(6) Carry out such other functions as the Di-
7 rector may determine necessary.”.

8 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
9 The table of sections for chapter 3 of title 5, United States
10 Code, is amended by adding at the end the following new
11 items:

“SUBCHAPTER III—GOVERNMENT-WIDE COORDINATION ON CLIMATE CHANGE

“321. Definitions.

“322. Agency climate action plans required.

“323. Council on Federal Agency Climate PREP.”.

12 **SEC. 3. WHITE HOUSE OFFICE OF DOMESTIC CLIMATE POL-**
13 **ICY.**

14 (a) **ESTABLISHMENT.**—There is established, within
15 the Executive Office of the President, the Office of Domes-
16 tic Climate Policy (in this section referred to as the “Of-
17 fice”).

18 (b) **NATIONAL CLIMATE ADVISOR.**—

19 (1) **IN GENERAL.**—The Office shall be headed
20 by the National Climate Advisor (in this section re-
21 ferred to as the “Advisor”) who shall be appointed
22 by the President.

1 (2) POSITION.—The Advisor shall hold office at
2 the pleasure of the President.

3 (3) PAY AND ALLOWANCES.—The Advisor shall
4 be entitled to receive the same pay and allowances
5 as are provided for level II of the Executive Schedule
6 under section 5313 of title 5, United States Code.

7 (c) DUTIES OF THE NATIONAL CLIMATE ADVISOR.—
8 Subject to the authority, direction, and control of the
9 President, the Advisor shall—

10 (1) coordinate the policymaking process with re-
11 spect to domestic climate policy issues;

12 (2) coordinate domestic climate policy advice to
13 the President;

14 (3) ensure that domestic climate policy deci-
15 sions and programs are consistent with the stated
16 goals of the President and that those goals are being
17 effectively pursued; and

18 (4) monitor implementation of the domestic cli-
19 mate policy agenda of the President.

20 (d) POWERS OF THE ADVISOR.—The Advisor may,
21 for the purposes of carrying out the functions of the Advi-
22 sor under this section—

23 (1) subject to the civil service and classification
24 laws, select, appoint, employ, and fix the compensa-

1 tion of such officers and employees as are necessary
2 and prescribe their duties;

3 (2) employ experts and consultants in accord-
4 ance with section 3109 of title 5, United States,
5 Code, and compensate individuals so employed for
6 each day (including travel time) at rates not in ex-
7 cess of the maximum rate of basic pay for grade
8 GS-15 as provided in section 5332 of such title, and
9 while such experts and consultants are so serving
10 away from their homes or regular place of business,
11 to pay such employees travel expenses and per diem
12 in lieu of subsistence at rates authorized by section
13 5703 of such title 5 for persons in Federal Govern-
14 ment service employed intermittently;

15 (3) promulgate such rules and regulations as
16 may be necessary to carry out the functions, powers,
17 and duties vested in the Advisor;

18 (4) utilize, with their consent, the services, per-
19 sonnel, and facilities of other Federal agencies;

20 (5) enter into and perform such contracts,
21 leases, cooperative agreements, or other transactions
22 as may be necessary in the conduct of the work of
23 the Office and on such terms as the Advisor may de-
24 termine appropriate, with any Federal agency, or
25 with any public or private person or entity;

1 (6) accept voluntary and uncompensated serv-
2 ices, notwithstanding the provisions of section 1342
3 of title 31, United States Code;

4 (7) adopt an official seal, which shall be judi-
5 cially noticed; and

6 (8) provide, where authorized by law, copies of
7 documents to persons at cost, except that any funds
8 so received shall be credited to, and be available for
9 use from, the account from which expenditures relat-
10 ing thereto were made.