117TH CONGRESS
1ST SESSION

S. 3156

To require Federal agencies to maintain plans for responding to, mitigating, and adapting to climate change, and for other purposes.

IN THE SENATE OF THE UNITED STATES

November 3, 2021

Ms. KLOBUCAR (for herself, Ms. SMITH, Mr. MURPHY, Mr. VAN HOLLEN, Ms. WARREN, Ms. STABENOW, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require Federal agencies to maintain plans for responding to, mitigating, and adapting to climate change, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Agency Climate Planning, Resilience, and Enhanced Preparedness Act of 2021” or the “Federal Agency Climate PREP Act of 2021”.
SEC. 2. CLIMATE ACTION PLANS.

(a) AGENCY CLIMATE ACTION PLANS REQUIRED.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall submit to the Director an agency climate action plan.

(b) CONTENTS OF PLAN.—Each agency climate action plan submitted pursuant to subsection (a) shall include the following:

(1) An identification and assessment of climate change-related impacts on and risks to the ability of the agency to accomplish its missions, operations, and programs.

(2) A description of programs, policies, and plans the agency has in place and any additional action the agency plans to take to mitigate and manage the impacts and risks identified in paragraph (1) and build resilience, both immediately and at milestones that are 2, 5, 10, and 20 years after the date of enactment of this Act.

(3) A description of how any climate change-related impact and risk identified under paragraph (1) that is determined by the agency to be so significant that it impairs the statutory mission or operation of the agency will be addressed.

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

(5) A description of how the agency will consider the need to improve climate change adaptation and resilience, including—

(A) an assessment that monetizes the costs and benefits of such improvement, including the value of climate change adaptation, resilience, and mitigation; and

(B) with respect to agency suppliers, supply chains, real property investments, and capital equipment purchases, such as updating agency policies for leasing, building upgrades, relocation of existing facilities and equipment, and construction of new facilities.

(6) In the case of the implementation of a program that uses cost-benefit analyses, a description of any additional methodologies used by the agency to incorporate climate change risks into the cost-benefit analyses, including the metrics and methodologies used.

(7) An assessment of the efforts of the agency to reverse the disproportionate impacts of climate change on disadvantaged communities and vulnerable populations, including—
(A) a description of opportunities identified
to reverse those impacts;

(B) a description of progress made in re-
versing those impacts; and

(C) a description of the methodology of the
agency for actively and widely soliciting and re-
ceiving input and feedback directly from those
communities and populations regarding the op-
portunities and progress described in subpara-
graphs (A) and (B).

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

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

(c) PROGRESS REPORTS.—The head of each agency
shall submit to the Director an annual report on the im-
plementation of the agency climate action plans required
pursuant to subsection (a), including updated identifica-
tion and assessments of climate change-related impacts and risks.

SEC. 3. COUNCIL ON FEDERAL AGENCY CLIMATE PLANNING, RESILIENCE, AND ENHANCED PREPAREDNESS.

(a) Establishment.—There is established an inter-agency council, to be known as the “Council on Federal Agency Climate Planning, Resilience, and Enhanced Preparedness” or the “Council on Federal Agency PREP” (referred to in this section as the “Council”).

(b) Leadership.—The Director shall—

(1) serve as the Chair of the Council; and

(2) be guided as Chair of the Council by a steering committee (referred to in this section as the “steering committee”), which shall help to determine the priorities and strategic direction of the Council in accordance with subsection (f), composed of—

(A) the National Climate Advisor established under section 4(b);

(B) the Chair of the Council on Environmental Quality; and

(C) the Director of the Office of Science and Technology Policy.

(c) Members.—In addition to the Director and members of the steering committee, the Council shall be
composed of the following members who are senior officials (Deputy Secretary or equivalent officer) from the following:

(1) The Department of State.
(2) The Department of the Treasury.
(3) The Department of Defense.
(4) The Department of Justice.
(5) The Department of the Interior.
(6) The Department of Agriculture.
(7) The Department of Commerce.
(8) The Department of Labor.
(9) The Department of Health and Human Services.
(10) The Department of Housing and Urban Development.
(11) The Department of Transportation.
(12) The Department of Energy.
(13) The Department of Education.
(14) The Department of Veterans Affairs.
(16) The United States Agency for International Development.
(17) The Corps of Engineers.
(18) The Environmental Protection Agency.
(19) The General Services Administration.
(20) The Millennium Challenge Corporation.

(21) The National Aeronautics and Space Administration.

(22) The Small Business Administration.

(23) The Corporation for National and Community Service.

(24) The Office of Personnel Management.


(26) The Office of the Director of National Intelligence.

(27) The Council of Economic Advisers.


(29) The Domestic Policy Council.


(31) The United States Trade Representative.

(32) Such other agencies or offices as the President or Director shall designate.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Office of Management and Budget shall provide administrative support and additional resources, as appropriate, to the Council.

(2) AGENCY ASSISTANCE.—Agencies shall assist and provide information to the Council determined
to be necessary by the Chair to carry out the functions of the Council.

(3) Participation costs.—Each agency represented on the Council shall pay its own expenses related to participating as members of the Council.

(e) Council structure.—The Director and the steering committee may establish task forces and working groups within the Council as needed.

(f) Mission and function of the Council.—The Council, in partnership with State and local governments, academic and research institutions, and the private and nonprofit sectors, shall coordinate with Federal agencies and offices to do the following:

(1) Facilitate the organization and deployment of a government-wide approach to combat the climate crisis.

(2) Develop, recommend, coordinate interagency efforts on, and track implementation of Federal Government actions—

(A) to reduce climate pollution;

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

(C) to protect public health;

(D) to conserve land, water, oceans, and biodiversity;
(E) to deliver environmental justice; and

(F) to spur well-paying union jobs and economic growth.

(3) Provide expertise to assist regional, State, and local action—

(A) to reduce climate pollution;

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

(C) to protect public health;

(D) to conserve land, water, oceans, and biodiversity;

(E) to deliver environmental justice; and

(F) to spur well-paying union jobs and economic growth.

(4) Integrate climate change science in policies and planning, where appropriate, for agencies and the private sector, including by developing and deploying innovative, actionable, and accessible Federal climate change related information, data, and tools.

(5) To the extent permitted by law, prioritize action on climate change in policymaking, budget processes, contracting and procurement, and engagement with governments, workers, communities, and the private sector.
(6) Such other actions as the Director may determine necessary.

SEC. 4. WHITE HOUSE OFFICE OF DOMESTIC CLIMATE POLICY.

(a) Establishment.—There is established, within the Executive Office of the President, the Office of Domestic Climate Policy (referred to in this section as the “Office”).

(b) National Climate Advisor.—

(1) In general.—The Office shall be headed by the National Climate Advisor (referred to in this section as the “Advisor”), whom shall be appointed by the President.

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

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

(4) Duties of the National Climate Advisor.—Subject to the authority, direction, and control of the President, the Advisor shall—

(A) coordinate the policymaking process with respect to domestic climate policy issues;
(B) coordinate domestic climate policy advice to the President;

(C) ensure that—

(i) domestic climate policy decisions and programs are consistent with the stated goals of the President; and

(ii) those goals are being effectively pursued; and

(D) monitor the implementation of the domestic climate policy agenda of the President.

(5) Powers of the National Climate Advisor.—The Advisor may, for the purposes of carrying out the functions of the Advisor under this section—

(A) subject to the civil service and classification laws—

(i) select, appoint, employ, and fix the compensation of such officers and employees as are necessary; and

(ii) prescribe the duties of those officers and employees;

(B)(i) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at
rates not in excess of the maximum rate of
basic pay for grade GS–15, as provided in sec-
tion 5332 of that title; and

(ii) while those experts and consultants are
so serving away from their homes or regular
places of business, pay those experts and con-
sultants travel expenses and per diem in lieu of
subsistence at rates authorized by section 5703
of that title for individuals employed intermit-
tently in the Federal Government service;

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

(D) enter into and perform under such
contracts, leases, cooperative agreements, or
other transactions with Federal agencies or any
public or private persons or entities as may be
necessary in the conduct of the work of the Of-
fice, on such terms as the Advisor may deter-
mine appropriate;

(E) notwithstanding section 1342 of title
31, United States Code, accept voluntary and
uncompensated services;

(F) adopt an official seal, which shall be
judicially noticed; and
(G) provide, when authorized by law, copies of documents to persons at cost, except that any funds so received shall be credited to, and be available for use from, the account from which expenditures relating to the documents were made.

SEC. 5. DEFINITIONS.

In this Act:

(1) ADAPTATION.—The term “adaptation” means adjustment to natural or human systems in response to actual or expected climate change, including both sudden-onset and slow-onset climate change-related risks or events assessed through historical data, recent climate conditions and risks, and climate change projections, to minimize negative impacts on human health and safety, equity, ecosystems, and the environment.

(2) AGENCY.—The term “agency” has the meaning given the term “Executive agency” under section 105 of title 5, United States Code, but does not include the Government Accountability Office.

(3) CLIMATE CHANGE.—The term “climate change” means the long-term change in the average weather patterns influencing local, regional, and global climates that are primarily driven by human-
produced greenhouse gas emissions, and observed through key indicators, including global land and ocean temperature increases, rising sea levels, loss of polar and mountain glacier ice, cloud and vegetation cover changes, and increases in extreme weather, such as hurricanes, heatwaves, wildfires, droughts, floods, and precipitation.

(4) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(5) **DISADVANTAGED COMMUNITY.**—The term “disadvantaged community” means a community that is harmed by environmental, economic, or socio-economic injustice, including—

(A) a community that—

(i) has a high concentration of low-income and low-wealth households, including households comprised primarily of members of groups that have historically experienced discrimination on the basis of race, gender, national origin, or ethnicity (including Black, Indigenous, Latino, Arab, Asian, and Pacific Islander communities); or
(ii) faces economic transition, deindustrialization, historic underinvestment, or poverty; and

(B) a low-income or low-wealth community facing environmental injustice, including any community that, as determined by the Director—

(i) is located nearest to an existing area of grave environmental pollution or degradation;

(ii) bears a burden of negative public health effects of pollution;

(iii) includes one or more sites of—

(I) a facility that is part of a polluting industry;

(II) a waste dump; or

(III) a facility for resource extraction;

(iv) experiences a high incidence of climate change-related impacts and disasters;

(v) has been excluded or harmed by racist or discriminatory policies that have resulted in economic or health disparities;
(vi) faces relocation and resettlement resulting from—

(I) climate change;

(II) impacts to the environment and ecosystems from climate change; or

(III) impacts associated with economic inequities; or

(vii) is an Indigenous community.

(6) IMPACT.—The term “impact” means consequences, both realized and expected, for natural and human systems.

(7) PREPAREDNESS.—The term “preparedness” means actions taken to plan, organize, equip, train, and exercise to build, apply, and sustain the capabilities necessary to prevent, protect against, ameliorate the effects of, respond to, and recover from climate change-related damages to life, health, property, livelihoods, ecosystems, and national security.

(8) RESILIENCE.—The term “resilience” means the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions while ensuring the sustainment of mission-critical operations.
(9) Risk.—The term “risk” means a potential exposure to danger as a result of the impacts of climate change, including a potential exposure to such danger that results from societal constraints that shape adaptation options.

(10) State.—The term “State” means each of the several States, the District of Columbia, each commonwealth, territory, or possession of the United States, and each federally recognized Indian Tribe.

(11) Vulnerable Population.—The term “vulnerable population” means groups of individuals, including those with underlying health conditions, subject to greater climate change exposure, or adversely impacted by social determinants of health, who experience heightened sensitivity to climate-related health and economic impacts.