

116TH CONGRESS
2D SESSION

H. R. 8429

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2020

Mrs. CAROLYN B. MALONEY of New York (for herself and Mr. ROUDA) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend chapter 3 of title 5, United States Code, to require Federal agencies to submit 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 2020” or the “Federal Agency Climate PREP
7 Act”.

1 **SEC. 2. CLIMATE CHANGE ADAPTATION 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—CLIMATE CHANGE
6 ADAPTATION

7 “§ 321. Definitions

8 “In this subchapter:

9 “(1) ADAPTATION.—The term ‘adaptation’
10 means adjustment in natural or human systems in
11 anticipation of or response to a changing environ-
12 ment in a way that effectively uses beneficial oppor-
13 tunities or reduces negative effects.

14 “(2) AGENCY.—The term ‘agency’ has the
15 meaning given the term ‘Executive agency’ under
16 section 105, but does not include the Government
17 Accountability Office.

18 “(3) CLIMATE CHANGE.—The term ‘climate
19 change’ means the long-term change in the average
20 weather patterns influencing local, regional, and
21 global climates, that are primarily driven by human-
22 produced greenhouse gas emissions, and observed
23 through key indicators including global land and
24 ocean temperature increases, rising sea levels, loss of
25 polar and mountain glacier ice, cloud and vegetation
26 cover changes, and increases in extreme weather

1 such as hurricanes, heatwaves, wildfires, droughts,
2 floods, and precipitation.

3 “(4) DIRECTOR.—The term ‘Director’ means
4 the Director of the Office of Management and Budget.
5 et.

6 “(5) FRONTLINE COMMUNITY.—The term
7 ‘frontline community’ means a low-income commu-
8 nity, community of color, or Tribal community that
9 is disproportionately impacted or burdened by cli-
10 mate change and associated phenomena.

11 “(6) IMPACT.—The term ‘impact’ means con-
12 sequences, both realized and expected, for natural
13 and human systems.

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

21 “(8) RESILIENCE.—The term ‘resilience’ means
22 the ability to anticipate, prepare for, and adapt to
23 changing conditions and withstand, respond to, and
24 recover rapidly from disruptions while ensuring the
25 sustainment of mission-critical operations.

1 “(9) RISK.—The term ‘risk’ means an assess-
2 ment based on formal analysis of the consequences,
3 likelihoods, and responses to the impacts of climate
4 change and how societal constraints shape adapta-
5 tion options.

6 “(10) STATE.—The term ‘State’ means each of
7 the several States, the District of Columbia, each
8 commonwealth, territory, or possession of the United
9 States, and each federally recognized Indian Tribe.

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

17 **“§ 322. Agency climate change adaptation plans re-**
18 **quired**

19 “(a) AGENCY CLIMATE CHANGE ADAPTATION PLANS
20 REQUIRED.—Not later than 1 year after the date of the
21 enactment of this section, the head of each agency shall
22 submit to the Director an agency climate change adapta-
23 tion plan.

1 “(b) CONTENTS OF PLAN.—Each agency climate
2 change adaptation plan submitted pursuant to subsection
3 (a) shall include the following:

4 “(1) An identification and assessment of cli-
5 mate change-related impacts on and risks to the
6 ability of the agency to accomplish its missions, op-
7 erations, and programs.

8 “(2) A description of programs, policies, and
9 plans the agency has in place and any additional ac-
10 tion the agency plans to take to manage the impacts
11 and risks identified in paragraph (1) and build resil-
12 ience, both immediately and at milestones that are
13 5, 10, and 20 years after the date of the enactment
14 of this section.

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

20 “(4) An assessment of whether implementation
21 of any of the programs, policies, or plans of the
22 agency exacerbates climate change-related impacts
23 and risks, and a description of how the agency will
24 consider the need to improve climate change adapta-
25 tion and resilience, including the costs and benefits

1 of such improvement, with respect to agency sup-
2 pliers, supply chains, real property investments, and
3 capital equipment purchases such as updating agen-
4 cy policies for leasing, building upgrades, relocation
5 of existing facilities and equipment, and construction
6 of new facilities.

7 “(5) In the case of the implementation of a pro-
8 gram that uses cost-benefit analyses, a description of
9 how the agency incorporates climate change risks
10 into the cost-benefit analyses, including the metrics
11 and methodologies used.

12 “(6) A description of opportunities identified to
13 address the disproportionate impacts of climate
14 change on frontline communities and vulnerable pop-
15 ulations.

16 “(7) A description of how the agency will pro-
17 mote the preparedness and resilience of the Federal
18 workforce with respect to climate change.

19 “(8) A description of how the agency will con-
20 tribute to coordinated interagency efforts to support
21 climate change preparedness and resilience at all lev-
22 els of government, including collaborative work
23 across regional offices of agencies and through co-
24 ordinated development of information, data, and
25 tools.

1 “(c) PROGRESS REPORTS.—In 2023 and every two
2 years thereafter, the head of each agency shall submit to
3 the Director a report on the implementation of the plans
4 required pursuant to subsection (a), including updated
5 identification and assessments of climate change-related
6 impacts and risks.

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

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

13 “(b) LEADERSHIP.—The Director shall serve as the
14 Chair of the Council and shall be supported by a steering
15 committee, which shall help determine priorities and stra-
16 tegic direction for the Council in accordance with sub-
17 section (f), made up of the Chair of the Council on Envi-
18 ronmental Quality, the Director of the Office of Science
19 and Technology Policy, and the Assistant to the President
20 for Homeland Security and Counterterrorism.

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

25 “(1) The Department of State.

- 1 “(2) The Department of the Treasury.
- 2 “(3) The Department of Defense.
- 3 “(4) The Department of Justice.
- 4 “(5) The Department of the Interior.
- 5 “(6) The Department of Agriculture.
- 6 “(7) The Department of Commerce.
- 7 “(8) The Department of Labor.
- 8 “(9) The Department of Health and Human
- 9 Services.
- 10 “(10) The Department of Housing and Urban
- 11 Development.
- 12 “(11) The Department of Transportation.
- 13 “(12) The Department of Energy.
- 14 “(13) The Department of Education.
- 15 “(14) The Department of Veterans Affairs.
- 16 “(15) The Department of Homeland Security.
- 17 “(16) The United States Agency for Inter-
- 18 national Development.
- 19 “(17) The Army Corps of Engineers.
- 20 “(18) The Environmental Protection Agency.
- 21 “(19) The General Services Administration.
- 22 “(20) The Millennium Challenge Corporation.
- 23 “(21) The National Aeronautics and Space Ad-
- 24 ministration.
- 25 “(22) The U.S. Small Business Administration.

1 “(23) The Corporation for National and Com-
2 munity Service.

3 “(24) The Office of Personnel Management.

4 “(25) The Nuclear Regulatory Commission.

5 “(26) The Office of the Director of National In-
6 telligence.

7 “(27) The Council of Economic Advisers.

8 “(28) The National Economic Council.

9 “(29) The Domestic Policy Council.

10 “(30) The Office of Management and Budget.

11 “(31) The White House Office of Public En-
12 gagement and Intergovernmental Affairs.

13 “(32) The United States Trade Representative.

14 “(33) Such agencies or offices as the President
15 or Co-Chairs shall designate.

16 “(d) ADMINISTRATION.—The Office of Management
17 and Budget shall provide administrative support and addi-
18 tional resources, as appropriate, to the Council. Agencies
19 shall assist and provide information to the Council deemed
20 necessary by the Director to carry out its functions. Each
21 such agency shall pay its own expenses related to partici-
22 pating as members of the Council.

23 “(e) COUNCIL STRUCTURE.—The Director and steer-
24 ing committee may establish working groups as needed.

1 “(f) MISSION AND FUNCTION OF THE COUNCIL.—

2 The Council shall coordinate across Federal agencies and
3 offices, and in partnership with State and local govern-
4 ments (including the State and Local Leaders Task Force
5 established in section 324), academic and research institu-
6 tions, and the private and nonprofit sectors to do the fol-
7 lowing:

8 “(1) Develop, recommend, coordinate inter-
9 agency efforts on, and track implementation of Fed-
10 eral Government actions related to climate change
11 preparedness and resilience.

12 “(2) Provide expertise to assist regional, State,
13 and local action to—

14 “(A) assess vulnerabilities that due to or
15 exacerbated by climate change; and

16 “(B) cost-effectively increase climate
17 change preparedness and resilience of commu-
18 nities, critical economic sectors, natural and
19 built infrastructure, and natural resources.

20 “(3) 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 “(4) Such other functions as the Director may
2 determine necessary, including implementing, as ap-
3 propriate, the recommendations of the State and
4 Local Leaders Task Force established in section
5 324.

6 **“§ 324. State and Local Leaders Task Force on Fed-**
7 **eral Agency Climate PREP**

8 “(a) ESTABLISHMENT.—To inform Federal efforts to
9 support climate change preparedness and resilience, there
10 is established a task force to be known as the State and
11 Local Leaders Task Force on Federal Agency Climate
12 Planning, Resilience, and Enhanced Preparedness, or the
13 State and Local Leaders Task Force on Federal Agency
14 Climate PREP (in this section referred to as the ‘Task
15 Force’).

16 “(b) MEMBERSHIP.—The Chair of the Task Force
17 shall be the Director of the White House Office of Inter-
18 governmental Affairs. In addition to the Chair, the mem-
19 bers shall be such elected State and local officials as may
20 be invited by the Chair to participate. Members of the
21 Task Force, acting in their official capacity, may des-
22 ignate employees with authority to act on their behalf.

23 “(c) MISSION AND FUNCTION.—Not later than 1
24 year after the date of the enactment of this section, the
25 Chair of the Task Force shall submit to the President and

1 the Council recommendations on how the Federal Govern-
 2 ment may accomplish the following:

3 “(1) Remove barriers, create incentives, and
 4 otherwise modernize Federal programs to encourage
 5 investments, practices, and partnerships that facili-
 6 tate increased adaptation and resilience to climate
 7 change-related impacts.

8 “(2) Provide climate change preparedness tools
 9 and actionable information for States and local com-
 10 munities.

11 “(3) Otherwise support State and local pre-
 12 paredness for and resilience to climate change.

13 “(d) SUNSET.—The Task Force shall terminate not
 14 later than 6 months after the date on which the rec-
 15 ommendations are submitted pursuant to subsection (c).”.

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 17 The table of sections for chapter 3 of title 5, United States
 18 Code, is amended by adding at the end the following new
 19 items:

“SUBCHAPTER III—CLIMATE CHANGE ADAPTATION

“321. Definitions.

“322. Agency climate change adaptation plans required.

“323. Council on Federal Agency Climate PREP.

“324. State and Local Leaders Task Force on Federal Agency Climate
 PREP”.

