

Federal Agency Climate PREP Act

Section-by-Section

Section 1. Short Title

The Act is the “Federal Agency Climate Planning, Resilience, and Enhanced Preparedness Act of 2021” or the “Federal Agency Climate PREP Act.”

Section 2. Climate Action Plans

Subsection (a) would add a new subchapter entitled “Government-Wide Coordination on Climate Change” to Chapter 3, Title 5, of the United States Code.

The new subchapter would contain the following sections:

Section 321. Definitions

The term “adaptation” would mean 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.

The term “agency” would have the meaning given the term “Executive agency” under section 105, but does not include the Government Accountability Office.

The term “climate change” would mean 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.

The term “Director” would mean the Director of the Office of Management and Budget.

The term “disadvantaged community” would mean a community that is harmed by environmental, economic, or socioeconomic injustice, and includes a community that (1) has a high concentration of low-income and low-wealth households, including households composed primarily of members of groups that have historically experienced discrimination on the basis of race, gender, national origin, or ethnicity (including Black, Indigenous, Latinx, Arab, Asian, and Pacific Islander communities); (2) faces economic transition, deindustrialization, historic underinvestment, or poverty; or (3) is an environmental justice community.

The term “environmental justice community” would mean a low-income or low-wealth community facing environmental injustice, including any community that (1) is located nearest to an existing area of grave environmental pollution or degradation; (2) bears a burden of

negative public health effects of pollution; (3) includes one or more sites of a facility that is a part of a polluting industry, a waste dump, or a facility for resource extraction; (4) experiences a high incidence of climate change impacts and disasters; (5) has been excluded or harmed by racist or discriminatory policies that have resulted in economic or health disparities; (6) has a land-based or food subsistence culture that is experiencing ecosystem disruption and devastation; (7) faces relocation and resettlement resulting from climate change, impacts to the environment and ecosystems, or impacts associated with economic inequities; or (8) is an Indigenous community.

The term “impact” would mean consequences, both realized and expected, for natural and human systems.

The term “preparedness” would mean 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.

The term “resilience” would mean 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.

The term “risk” would mean an assessment based on formal analysis of the consequences, likelihoods, and responses to the impacts of climate change and how societal constraints shape adaptation options.

The term “State” would mean each of the several States, the District of Columbia, each commonwealth, territory, or possession of the United States, and each federally recognized Indian Tribe.

The term “vulnerable population” would mean 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.

Section 322. Agency Climate Action Plans

Subsection (a) would require each agency to submit to the Office of Management and Budget (OMB) an agency climate action plan within one year of enactment.

Subsection (b) would require that each climate action plan contain 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 the enactment of this section.

(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 an assessment that monetizes the costs and benefits of such improvement, including the value of climate change adaptation, resilience, and mitigation. The plan would also describe how the agency will consider the need to improve climate change adaptation and resilience 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 agency’s efforts to reverse the disproportionate impacts of climate change on disadvantaged communities and vulnerable populations, to include descriptions of opportunities identified to reverse such impacts, progress made in reversing such impacts, and the agency’s methodology for actively and widely soliciting and receiving input and feedback directly from such communities and populations regarding such opportunities and progress.

(8) A description of how the agency will promote the preparedness and resilience of the federal workforce with respect to climate change.

(9) A description of how the agency will contribute to coordinated interagency efforts to support climate change mitigation, preparedness, and resilience at all levels of government, including collaborative work across regional offices of agencies and through coordinated development of information, data, and tools.

Subsection (c) would require each agency to submit an annual progress report to OMB on its Climate Action Plan implementation, including updated identification and assessments of climate change–related impacts and risks.

Section 323. Council on Federal Agency Climate PREP

Subsection (a) would establish an interagency council called the Council on Federal Agency Climate Planning, Resilience, and Enhanced Preparedness, or the Council on Federal Agency Climate PREP.

Subsection (b) would establish the Director of OMB as the Chair of the Council, to be guided by a steering committee composed of the National Climate Advisor, the Chair of the Council on Environmental Quality, and the Director of the Office of Science and Technology Policy. The steering committee would determine priorities and strategic direction for the Council.

Subsection (c) would establish the membership of the Council to be senior officials from the Departments of State, the Treasury, Defense, Justice, the Interior, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, Veterans Affairs, and Homeland Security; the United States Agency for International Development; the Army Corps of Engineers; the Environmental Protection Agency; the General Services Administration; the Millennium Challenge Corporation; the National Aeronautics and Space Administration; the U.S. Small Business Administration; the Corporation for National and Community Service; the Office of Personnel Management; the Nuclear Regulatory Commission; the Office of the Director of National Intelligence; the Council of Economic Advisers; the National Economic Council; the Domestic Policy Council; the Office of Management and Budget; the White House Office of Public Engagement and Intergovernmental Affairs; the United States Trade Representative; and other agencies or offices determined by the President, Chair, or steering committee.

Subsection (d) would determine that OMB would provide administrative support and additional resources, as appropriate, to the Council. Agencies would assist and provide information to the Council deemed necessary by the Chair or the steering committee to carry out its functions. Agencies would pay their own participation expenses.

Subsection (e) would allow the Chair and steering committee to establish task forces and working groups as needed.

Subsection (f) lays out the mission and function of the Council. The Council would coordinate across federal agencies and offices, and in partnership with state and local governments, academic and research institutions, and the private and nonprofit sectors to:

- (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 to reduce climate pollution;

increase resilience to the impacts of climate change; protect public health; conserve lands, waters, oceans, and biodiversity; deliver environmental justice; and spur well-paying union jobs and economic growth.

(3) Provide expertise to assist regional, state, Tribal, territorial, and local action to reduce climate pollution; increase resilience in response to the impacts of climate change; protect public health; conserve lands, waters, oceans, and biodiversity; deliver environmental justice; and spur well-paying union jobs and economic growth.

(4) Integrate climate change science in policies and planning, where appropriate, of agencies and the private sector, including by developing and deploying of 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 policy-making, budget processes, contracting and procurement, and engagement with governments, workers, communities, and the private sector.

(6) Execute other functions as the Director may determine necessary.

Subsection (b) would make technical and conforming amendments.

Section 3. White House Office of Domestic Climate Policy

Subsection (a) would establish the Office of Domestic Climate Policy within the Executive Office of the President.

Subsection (b) would determine that the Office would be headed by the National Climate Advisor, who would be appointed by the President, and would receive pay and allowances under level II of the Executive Schedule.

Subsection (c) would make the National Climate Advisor responsible for coordinating the policymaking process with respect to domestic climate policy issues, coordinating domestic climate policy advice to the President, ensuring that domestic climate policy decisions and programs are consistent with the President’s stated goals and that those goals are being effectively pursued, and monitoring implementation of the President’s domestic climate policy agenda.

Subsection (d) would establish the standard powers of the Advisor to staff and operate the Office of Domestic Climate Policy.