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2D SESSION

S. 4736

To prepare the United States for the impacts of climate change, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Ms. KLOBUCHAR (for herself, Mrs. GILLIBRAND, Ms. STABENOW, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prepare the United States for the impacts of 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 “Climate Planning, Re-
5 silience, and Enhanced Preparedness Act of 2020” or the
6 “Climate PREP Act”.

7 **SEC. 2. AGENCY CLIMATE CHANGE ADAPTATION PLANS RE-**
8 **QUIRED.**

9 (a) AGENCY CLIMATE CHANGE ADAPTATION PLANS
10 REQUIRED.—Not later than 1 year after the date of the

1 enactment of this Act, the head of each agency shall sub-
2 mit to the Director and the Chair an agency climate
3 change adaptation plan.

4 (b) CONTENTS OF PLAN.—Each agency climate
5 change adaptation plan submitted pursuant to subsection
6 (a) shall include the following:

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

11 (2) A description of programs, policies, and
12 plans the agency has in place and any additional ac-
13 tion the agency plans to take to manage the impacts
14 and risks identified in paragraph (1) and build resil-
15 ience, both immediately and at milestones that are
16 5, 10, and 20 years after the date of the enactment
17 of this Act.

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

23 (4) An assessment of whether implementation
24 of any of the programs, policies, or plans of the
25 agency exacerbates climate change-related impacts

1 and risks, and a description of how the agency will
2 consider the need to improve climate change adapta-
3 tion and resilience, including the costs and benefits
4 of such improvement, with respect to agency sup-
5 pliers, supply chain, real property investments, and
6 capital equipment purchases such as updating agen-
7 cy policies for leasing, building upgrades, relocation
8 of existing facilities and equipment, and construction
9 of new facilities.

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

15 (6) A description of opportunities identified to
16 address the disproportionate impacts of climate
17 change on frontline communities and vulnerable pop-
18 ulations.

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

22 (8) A description of how the agency will con-
23 tribute to coordinated interagency efforts to support
24 climate change preparedness and resilience at all lev-
25 els of government, including collaborative work

1 across regional offices of agencies and through co-
2 ordinated development of information, data, and
3 tools.

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

10 **SEC. 3. COUNCIL ON CLIMATE PREPAREDNESS AND RESIL-**
11 **IENCE.**

12 (a) ESTABLISHMENT.—There is established an inter-
13 agency counsel, to be known as the Council on Climate
14 Preparedness and Resilience (in this section referred to
15 as the “Council”).

16 (b) CO-CHAIRS.—There shall be three Chairs of the
17 Task Force (collectively known as the ‘Co-Chairs’) made
18 up of the Chair, the Director of the Office of Science and
19 Technology Policy, and the Assistant to the President for
20 Homeland Security and Counterterrorism.

21 (c) MEMBERS.—In addition to the Co-Chairs, the
22 Council shall be composed of the following members who
23 are senior officials (Deputy Secretary or equivalent offi-
24 cer) 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 Commu-
2 nity 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 Engage-
12 ment 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 Council on Environ-
17 mental Quality shall provide administrative support and
18 additional resources, as appropriate, to the Council. Agen-
19 cies shall assist and provide information to the Council
20 deemed necessary by the Chair to carry out its functions.
21 Each such agency shall pay its own expenses related to
22 participating as members of the Council.

23 (e) COUNCIL STRUCTURE.—The Co-Chairs shall des-
24 ignate members of the Council to serve as a steering com-
25 mittee, which shall help determine priorities and strategic

1 direction for the Council in accordance with subsection (f).
2 The Co-Chairs and steering committee may establish
3 working groups as needed.

4 (f) MISSION AND FUNCTION OF THE COUNCIL.—The
5 Council shall coordinate across Federal agencies and of-
6 fices, and in partnership with State and local governments
7 (including the State and Local Leaders Task Force estab-
8 lished in section 4), academic and research institutions,
9 and the private and nonprofit sectors to do the following:

10 (1) Develop, recommend, coordinate interagency
11 efforts on, and track implementation of Federal
12 Government actions related to climate change pre-
13 paredness and resilience.

14 (2) Provide expertise to assist regional, State,
15 and local action to—

16 (A) assess vulnerabilities that due to or ex-
17 acerbated by climate change; and

18 (B) cost-effectively increase climate change
19 preparedness and resilience of communities,
20 critical economic sectors, natural and built in-
21 frastructure, and natural resources.

22 (3) Integrate climate change science in policies
23 and planning, where appropriate, of agencies and
24 the private sector, including by developing and de-
25 ploying of innovative, actionable, and accessible Fed-

1 eral climate change related information, data, and
2 tools.

3 (4) Such other functions as the Co-Chairs may
4 determine necessary, including implementing, as ap-
5 propriate, the recommendations of the State and
6 Local Leaders Task Force on Climate Change Pre-
7 paredness and Resilience established in section 4.

8 **SEC. 4. STATE AND LOCAL LEADERS TASK FORCE ON CLI-**
9 **MATE CHANGE PREPAREDNESS AND RESIL-**
10 **IENCE.**

11 (a) ESTABLISHMENT.—To inform Federal efforts to
12 support climate change preparedness and resilience, there
13 is established a task force to be known as the State and
14 Local Leaders Task Force on Climate Change Prepared-
15 ness and Resilience (in this section referred to as the
16 “Task Force”).

17 (b) MEMBERSHIP.—The Co-Chairs of the Task Force
18 shall be the Chair and the Director of the White House
19 Office of Intergovernmental Affairs. In addition to the Co-
20 Chairs, the members shall be such elected State and local
21 officials as may be invited by the Co-Chairs to participate.
22 Members of the Task Force, acting in their official capac-
23 ity, may designate employees with authority to act on their
24 behalf.

1 (c) MISSION AND FUNCTION.—Not later than 1 year
2 after the date of the enactment of this Act, the Co-Chairs
3 of the Task Force shall submit to the President and the
4 Council recommendations on how the Federal Government
5 may accomplish do the following:

6 (1) Remove barriers, create incentives, and oth-
7 erwise modernize Federal programs to encourage in-
8 vestments, practices, and partnerships that facilitate
9 increased adaptation and resilience to climate
10 change-related impacts.

11 (2) Provide climate change preparedness tools
12 and actionable information for States and local com-
13 munities.

14 (3) Otherwise support State and local prepared-
15 ness for and resilience to climate change.

16 (d) SUNSET.—The Task Force shall terminate not
17 later than 6 months after the date on which the rec-
18 ommendations are submitted pursuant to subsection (c).

19 **SEC. 5. DEFINITIONS.**

20 In this Act:

21 (1) ADAPTATION.—The term “adaptation”
22 means adjustment in natural or human systems in
23 anticipation of or response to a changing environ-
24 ment in a way that effectively uses beneficial oppor-
25 tunities or reduces negative effects.

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

5 (3) CHAIR.—The term “Chair” means the
6 Chairman of the Council on Environmental Quality.

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

18 (5) DIRECTOR.—The term “Director” means
19 the Director of the Office of Management and Budg-
20 et.

21 (6) FRONTLINE COMMUNITY.—The term
22 “frontline community” means a low-income commu-
23 nity, community of color, or Tribal community that
24 is disproportionately impacted or burdened by cli-
25 mate change and associated phenomena.

1 (7) IMPACT.—The term “impact” means con-
2 sequences, both realized and expected, for natural
3 and human systems.

4 (8) PREPAREDNESS.—The term “preparedness”
5 means actions taken to plan, organize, equip, train,
6 and exercise to build, apply, and sustain the capa-
7 bilities necessary to prevent, protect against, amelio-
8 rate the effects of, respond to, and recover from cli-
9 mate change related damages to life, health, prop-
10 erty, livelihoods, ecosystems, and national security.

11 (9) RESILIENCE.—The term “resilience” means
12 the ability to anticipate, prepare for, and adapt to
13 changing conditions and withstand, respond to, and
14 recover rapidly from disruptions while ensuring the
15 sustainment of mission-critical operations.

16 (10) RISK.—The term “risk” means an assess-
17 ment based on formal analysis of the consequences,
18 likelihoods and responses to the impacts of climate
19 change and how societal constraints shape adapta-
20 tion options.

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

1 (12) VULNERABLE POPULATION.—The term
2 “vulnerable population” means groups of individuals,
3 including those with underlying health conditions,
4 subject to greater climate change exposure, or ad-
5 versely impacted by social determinants of health,
6 who experience heightened sensitivity to climate-re-
7 lated health and economic impacts.

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