

117TH CONGRESS
1ST SESSION

H. R. 2394

To provide for the establishment of a Climate Justice Working Group to help guide the Nation's just and equitable transition towards a clean, climate-resilient, zero-emission economy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2021

Ms. CLARKE of New York (for herself, Ms. VELÁZQUEZ, Ms. BARRAGÁN, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. NADLER, Mr. BOWMAN, Ms. CHU, Mr. ESPAILLAT, Ms. BLUNT ROCHESTER, Ms. LEE of California, Ms. MATSUI, and Ms. MENG) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the establishment of a Climate Justice Working Group to help guide the Nation's just and equitable transition towards a clean, climate-resilient, zero-emission economy, 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 Justice Act
5 of 2021”.

1 **SEC. 2. CLIMATE JUSTICE WORKING GROUP.**

2 (a) ESTABLISHMENT.—Not later than 60 days after
3 the date of enactment of this Act, the President shall es-
4 tablish an advisory committee, to be known as the Climate
5 Justice Working Group, to advise on the Nation’s just and
6 equitable transition towards a clean, climate-resilient,
7 zero-emission economy.

8 (b) MEMBERSHIP.—

9 (1) TOTAL NUMBER.—The Working Group
10 shall be comprised of no fewer than 22 members.

11 (2) QUALIFICATIONS.—The members of the
12 Work Group shall have significant expertise or expe-
13 rience in matters relating to—

14 (A) climate change and environmental pol-
15 lution; and

16 (B) the impacts of climate change and en-
17 vironmental pollution on frontline and disadvan-
18 taged communities.

19 (3) APPOINTMENT.—The members of the
20 Working Group shall be appointed by the President
21 and shall include at a minimum the following rep-
22 resentatives:

23 (A) Eight representatives from frontline
24 community-based organizations with experience
25 with, and a history of, advocacy regarding envi-
26 ronmental justice or climate justice and equity

1 issues. The representatives appointed pursuant
2 to this subparagraph shall include at least one
3 from each of a coastal community, a rural com-
4 munity, an urban community, and a Tribal
5 community.

6 (B) One representative from the Environ-
7 mental Protection Agency.

8 (C) One representative from the Depart-
9 ment of Transportation.

10 (D) One representative from the Depart-
11 ment of the Interior.

12 (E) One representative from the Depart-
13 ment of Energy.

14 (F) One representative from the Depart-
15 ment of Housing and Urban Development.

16 (G) One representative from the Federal
17 Emergency Management Agency.

18 (H) One public health representative from
19 the Department of Health and Human Services.

20 (I) One representative from the Council on
21 Environmental Quality.

22 (J) Two representatives from local govern-
23 ment.

24 (K) Two representatives from State gov-
25 ernment.

1 (L) Two representatives from Tribal gov-
2 ernment.

3 (c) DUTIES.—

4 (1) IN GENERAL.—The Working Group shall
5 advise and provide recommendations to the Presi-
6 dent and Federal agencies on or relating to the just
7 and equitable creation and implementation of goals
8 and initiatives to transition towards a clean, climate-
9 resilient, zero-emission economy, including through
10 reduction of greenhouse gas emissions and copollut-
11 ants.

12 (2) CORE FUNCTIONS.—

13 (A) CRITERIA AND METRICS.—The Work-
14 ing Group, in consultation with relevant Fed-
15 eral agencies, interagency councils, White
16 House offices, and advisory councils, shall es-
17 tablish a robust set of criteria and metrics to
18 identify climate-burdened communities for the
19 purposes of informing relevant Federal initia-
20 tives to geographically map the location of dis-
21 advantaged or vulnerable communities and of
22 achieving a just and equitable transition to-
23 wards a clean, climate-resilient, zero-emission
24 economy. Such criteria and metrics shall be es-
25 tablished based on geographic, public health,

1 environmental hazard, and socioeconomic con-
2 siderations, including such considerations as—

3 (i) a disproportionate prevalence of
4 negative health conditions;

5 (ii) cumulative environmental pollu-
6 tion and other hazards that can lead to
7 negative public health effects;

8 (iii) proximity to existing environ-
9 mental pollution and degradation, polluting
10 facilities, waste sites, or natural resource
11 extraction sites;

12 (iv) vulnerability to the impacts of cli-
13 mate change such as flooding, drought,
14 storm surges, and urban heat island ef-
15 fects;

16 (v) vulnerability to displacement due
17 to the impacts of climate change or other
18 socioeconomic forces;

19 (vi) access to green space;

20 (vii) historical and present-day dis-
21 crimination on the basis of race, ethnicity,
22 gender, national origin, immigration sta-
23 tus, or other demographic factors;

24 (viii) historical or present-day experi-
25 ence of economic transition,

deindustrialization, or chronic underinvestment;

(ix) income and wealth;

(x) rent burden;

(xi) home ownership;

(xii) educational attainment;

(xiii) linguistic isolation; and

(xiv) such other considerations as the Working Group considers appropriate.

(B) GUIDING PRINCIPLES.—The Working Group, in consultation with relevant Federal agencies, interagency councils, White House offices, and advisory councils, shall establish guiding principles and recommendations for ensuring that, with respect to climate-burdened communities, all Federal goals and initiatives involving greenhouse gas emissions, copollutant reductions, and the allocation of Federal investments related to achieving a clean, climate-resilient, zero-emission economy—

(i) prioritize and directly benefit such communities;

(ii) do not produce new or exacerbate existing disproportionate health, environ-

1 mental, or socioeconomic burdens in such
2 communities; and

3 (iii) include meaningful public con-
4 sultation and engagement with members of
5 such communities.

6 (C) COMMUNITY ENGAGEMENT.—In car-
7 rying out subparagraphs (A) and (B), the
8 Working Group shall initiate and carry out pub-
9 lic engagement, particularly with residents and
10 stakeholders from disadvantaged and front-line
11 communities, to ensure that the public has
12 input into the criteria and metrics under sub-
13 paragraph (A) and the guiding principles and
14 recommendations under subparagraph (B).

15 (D) DRAFT REPORT.—Before finalizing the
16 criteria and metrics under subparagraph (A)
17 and the guiding principles and recommenda-
18 tions under subparagraph (B), the Working
19 Group shall—

20 (i) publish a draft report containing a
21 list of the proposed criteria and metrics
22 and guiding principles and recommenda-
23 tions;

24 (ii) make such draft report available
25 on an easily accessible public website; and

(iii) deliver such draft report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(E) PUBLIC INPUT.—

(i) COMMENT PERIOD.—After publishing the draft report under subparagraph (D), the Working Group shall provide a period of at least 120 days for the submission of public comment on the draft report.

(ii) PUBLIC HEARINGS.—During such 120-day period, the Working Group shall hold at least four public hearings on the draft report in different geographic regions of the United States.

(iii) MEANINGFUL OPPORTUNITIES.—The Working Group shall ensure there are meaningful opportunities for public comment on the draft report from all segments of the population that might be impacted by the criteria and metrics under subparagraph (A) and the guiding principles and recommendations under subparagraph (B),

1 including persons living in areas that may
2 be identified as climate-burdened commu-
3 nities under such criteria and metrics.

4 (F) OUTREACH.—During the 120-day pe-
5 riod for public comment under subparagraph
6 (E)(i), and as soon as practicable, the Working
7 Group, in coordination with relevant Federal
8 entities, shall perform targeted outreach to all
9 segments of the population that might be im-
10 pacted by the criteria and metrics under sub-
11 paragraph (A) and the guiding principles and
12 recommendations under subparagraph (B) in
13 order to inform such persons about the draft
14 report and ways to provide meaningful input on
15 the finalization of the report.

16 (G) FINAL REPORT.—Once public input
17 has been sufficiently taken into account, and
18 not later than 1 year after publication of the
19 draft report under subparagraph (D), the
20 Working Group shall—

21 (i) publish a final report containing
22 the criteria and metrics under subpara-
23 graph (A) and the guiding principles and
24 recommendations under subparagraph (B),
25 including in a downloadable report made

1 available on an easily accessible public
2 website; and

3 (ii) deliver such final report to the
4 Committee on Energy and Commerce of
5 the House of Representatives, the Com-
6 mittee on Environment and Public Works
7 of the Senate, and the President.

8 (d) FEDERAL EXPERTS.—In carrying out this Act,
9 the Working Group may call upon experts at Federal
10 agencies and White House offices to provide testimony and
11 advice.

12 (e) MEETINGS.—The Working Group shall meet not
13 less than annually to review and provide guidance on Fed-
14 eral goals and initiatives for the Nation’s just and equi-
15 table transition towards a clean, climate-resilient, zero-
16 emission economy, including to review and modify as nec-
17 essary any of the criteria and metrics established pursuant
18 to subsection (c)(2)(A), or the guiding principles and rec-
19 ommendations established pursuant to subsection
20 (c)(2)(B).

21 (f) COMPENSATION AND EXPENSES.—Any nonfeder-
22 ally employed member of the Working Group, when at-
23 tending meetings of the Working Group or when otherwise
24 engaged in the business of the Working Group, shall re-
25 ceive—

1 (1) compensation at a rate fixed by the Sec-
2 retary, not exceeding the daily equivalent of the cur-
3 rent rate of basic pay in effect for GS-15 of the
4 General Schedule under section 5332 of title 5,
5 United States Code, including travel time; and

6 (2) travel or transportation expenses under sec-
7 tion 5703 of title 5, United States Code.

8 (g) APPLICABILITY OF FEDERAL ADVISORY COM-
9 MITTEE ACT.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 the Federal Advisory Committee Act (5 U.S.C.
12 App.) shall apply to the Working Group.

13 (2) TERMINATION.—The termination require-
14 ments under section 14 of the Federal Advisory
15 Committee Act (5 U.S.C. App.) shall not apply to
16 the Working Group.

17 (h) DEFINITIONS.—In this section:

18 (1) The term “frontline community-based orga-
19 nization” means a local nonprofit advocacy organiza-
20 tion that represents frontline communities that are
21 most vulnerable to the impacts of climate change or
22 burdened by environmental pollution.

23 (2) The term “Working Group” means the Cli-
24 mate Justice Working Group established pursuant to
25 subsection (a).

1 **SEC. 3. IMPLEMENTATION BY FEDERAL AGENCIES OF CRI-**
2 **TERIA, METRICS, GUIDING PRINCIPLES, AND**
3 **RECOMMENDATIONS.**

4 No later than 90 days after the completion of the
5 final report under section 2(c)(2)(G), the President
6 shall—

7 (1) direct all relevant Federal agencies, White
8 House offices, Federal interagency councils, and
9 other relevant Federal entities—

10 (A) to incorporate the criteria and metrics
11 under subsection (c)(2)(A) to identify climate-
12 burdened communities, including for the pur-
13 pose of informing any relevant initiatives to
14 geographically map the location of disadvan-
15 tagged or vulnerable communities, including the
16 Environmental Protection Agency’s EJScreen
17 tool; and

18 (B) to incorporate the guiding principles
19 and recommendations under section 2(c)(2)(B)
20 into plans, strategies, and programs to the
21 maximum extent possible, including for the pur-
22 pose of prioritizing investment and directing
23 programmatic resources towards climate-bur-
24 dened communities, including through the
25 Justice40 Initiative; and

1 (2) issue to the Committee on Energy and
2 Commerce of the House of Representatives and the
3 Committee on Environment and Public Works of the
4 Senate, and make available to the public, a report
5 specifying—

6 (A) the steps taken to comply with para-
7 graphs (1) and (2); and

8 (B) how the Climate Justice Working
9 Group will continue to be utilized and involved
10 in upcoming Federal planning and initiatives
11 related to supporting a just and equitable tran-
12 sition towards a clean, climate-resilient, zero-
13 emission economy.

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