



## Climate Equity Act

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- **Sec.1.** Short title; table of contents
- **Sec.2.** Findings
  - States that people in the United State have the right to a clean, healthful, and sustainable environment and climate and that realizing that right will require addressing systemic injustices and that the federal government has a responsibility to ensure the right is realized.
- **Sec.3.** Definitions

### Title I – Congressional Equity Score

- **Sec.101.** Climate and Environmental Equity Office
  - Establishes the Climate and Environmental Equity Office within the Congressional Budget Office and tasks the new office with developing an equity score for legislation that is both quantitative and qualitative. The development will be done in coordination with an advisory board composed of relevant experts and representatives from frontline communities.
  - The equity score shall be reviewed and updated every 5 years with the best available science and understanding.

### Title II – Office of Climate and Environmental Justice Accountability

- **Sec.201.** Establishment; head of the Office
  - Establishes the Office of Climate and Environmental Justice Accountability within the Office of Management and Budget, which shall be headed by a Head of the Office as a Senate-confirmed position.
- **Sec.202.** Functions; personnel
  - Establishes the functions as (1) representing the views of frontline communities in rulemaking, (2) conducting research on environmental and climate regulations on frontline communities, (3) monitoring compliance of the Act, (4) coordinating with other relevant Federal groups like the National Environmental Justice Advisory Council and the Council on Environmental Quality.
  - Establishes a Director of Climate and Environmental Justice at 18 departments, agencies, and offices and allows for others to be included at the discretion of the Board of Advisors.
- **Sec.203.** Board of Advisors
  - Establishes a Board of Advisors made up of at least 10 permanent members that provide a diverse and fair representation of frontline communities and allies of frontline communities.
  - To remove political influence of the makeup of the Board, the members are to be nominated by the National Academy of Sciences.
  - Members will serve 3 year terms that may be renewed once.

- **Sec.204.** Budgetary line item and authorization of appropriations
  - Separates the funding for the office from that of the Office of Management and Budget.
- **Sec.205.** Definition of frontline community
  - Directs the Board of Advisors to develop a transparent and functional definition of frontline community for the purposes of this Act. The definition shall incorporate the best available science in identifying and defining those communities most impacted and shall iteratively updated.

### **Title III – Rules and Regulations**

- **Sec.301.** Climate and environmental justice accountability agenda
  - Mandates that twice a year, all agencies post any planned rules that the agency expects to propose or promulgate that are likely to have a significant economic, public health, or environmental impact on frontline communities.
- **Sec.302.** Initial climate and environmental justice analysis
  - Outlines the requirements for the initial analysis for any rule that is expected to have a significant impact on frontline communities. These requirements include formal public comment, consultation with representatives and allies of frontline communities, a description of comments from those representatives, the incorporation or justification for non-incorporation of comments and edits from those representatives.
  - The analysis shall include an assessment of alternatives that would maximize the positive economic, environmental, or public health impacts or minimize the negative relevant impacts on frontline communities.
  - The economic, public health, and environmental impact on frontline communities includes cultural impacts.
- **Sec.303.** Final climate and environmental justice analysis
  - Final assessment that addresses changes made and a detailed description of the steps taken to minimize the negative, or maximize the positive, economic, environmental, and public health impact on frontline communities.
- **Sec.304.** Avoidance of duplicative or unnecessary analyses
  - Allows the analyses to be conducted simultaneous with other statutorily required analyses or with substantially similar rules.
  - Allows the Board of Advisors to allow an agency to bypass the analysis if it is certified that the rule will not substantially impact frontline communities. If this is approved, certification that includes justification must be published to the Federal Register.
- **Sec.305.** Procedures for gathering comments
  - Outlines specific requirements for ensuring that notice of an analysis and the opportunity to comment on the analysis are adequate for frontline communities. This includes direct notification of frontline communities, including through community centers and schools.
  - Outlines the requirements for staffing the review panels that will receive direct input from representatives and allies of frontline communities.
  - Provides compensation for frontline community representatives on the review panels.
- **Sec.306.** Periodic review of rules
  - Requires agencies to put forward a plan to periodically review rules in the future and to conduct a review of all existing rules within 10 years.

- **Sec.307.** Judicial review
  - Allows frontline communities to challenge a federal action under this Act in the courts. A challenge must be made within a year.
- **Sec.308.** Availability
  - Requires analyses and documents to be made publically available.

#### **Title IV – Federal Investments**

- **Sec.401.** Review of Federal investments
  - Requires a review of all federal investment programs with a climate or environmental nexus within 2 years and then every 5 years thereafter.
  - The review shall include an examination of (1) eligibility requirements, (2) options for meeting non-Federal costs shares, (3) prioritization of applications, and (4) the diversity of historical recipients to find ways to ensure frontline communities can benefit from the investment.
  - Requires a retrospective review of investment programs every 10 years.
- **Sec.402.** Additional review
  - At the discretion of the Board of Advisors and Director of the office, a review may require full coordination with frontline communities similar to the review panel in Sec. 302.
- **Sec.403.** Nonscheduled review
  - At the discretion of CEJA, an investment program may be required to go through a nonscheduled review if sufficient complaints have been made by frontline communities.
- **Sec.404.** Availability
  - Requires analyses and documents to be made publically available.

#### **Title V – Subnational Guidance**

- **Sec.501.** Review of implementation plans
  - Requires that CEJA issue guidance and procedures for compliance under this Act for state implementation plans, like those required in the Clean Power Plan.