

117TH CONGRESS
1ST SESSION

S. 872

To restore, reaffirm, and reconcile environmental justice and civil rights,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2021

Ms. DUCKWORTH (for herself, Ms. WARREN, Ms. SMITH, Mr. MERKLEY, Mr. DURBIN, Mr. WYDEN, Mr. SCHATZ, Mr. MARKEY, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SANDERS, Mr. VAN HOLLEN, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To restore, reaffirm, and reconcile environmental justice and
civil rights, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Environmental Justice For All Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; statement of policy.
- Sec. 3. Definitions.
- Sec. 4. Prohibited discrimination.

- Sec. 5. Right of action.
- Sec. 6. Rights of recovery.
- Sec. 7. Consideration of cumulative impacts and persistent violations in certain permitting decisions.
- Sec. 8. White House Environmental Justice Interagency Council.
- Sec. 9. Federal agency actions and responsibilities.
- Sec. 10. Ombuds.
- Sec. 11. Access to parks, outdoor spaces, and public recreation opportunities.
- Sec. 12. Transit to trails grant program.
- Sec. 13. Repeal of sunset for the Every Kid Outdoors program.
- Sec. 14. Protections for environmental justice communities against harmful Federal actions.
- Sec. 15. Training of employees of Federal agencies.
- Sec. 16. Environmental justice grant programs.
- Sec. 17. Environmental justice basic training program.
- Sec. 18. National Environmental Justice Advisory Council.
- Sec. 19. Environmental Justice Clearinghouse.
- Sec. 20. Public meetings.
- Sec. 21. Environmental projects for environmental justice communities.
- Sec. 22. Grants to further achievement of Tribal coastal zone objectives.
- Sec. 23. Cosmetic labeling.
- Sec. 24. Safer cosmetic alternatives for disproportionately impacted communities.
- Sec. 25. Safer child care centers, schools, and homes for disproportionately impacted communities.
- Sec. 26. Certain menstrual products misbranded if labeling does not include ingredients.
- Sec. 27. Support by National Institute of Environmental Health Sciences for research on health disparities impacting communities of color.
- Sec. 28. Revenues for just transition assistance.
- Sec. 29. Economic revitalization for fossil fuel-dependent communities.
- Sec. 30. Evaluation by Comptroller General of the United States.

1 SEC. 2. FINDINGS; STATEMENT OF POLICY.

2 (a) FINDINGS.—Congress finds the following:

3 (1) Communities of color, low-income commu-
 4 nities, Tribal and Indigenous communities, fossil
 5 fuel-dependent communities, and other vulnerable
 6 populations, such as persons with disabilities, chil-
 7 dren, and the elderly, are disproportionately bur-
 8 dened by environmental hazards that include expo-
 9 sure to polluted air, waterways, and landscapes.

1 (2) Environmental justice disparities are also
2 exhibited through a lack of equitable access to green
3 spaces, public recreation opportunities, and informa-
4 tion and data on potential exposure to environmental
5 hazards.

6 (3) Communities experiencing environmental in-
7 justice have been subjected to systemic racial, social,
8 and economic injustices and face a disproportionate
9 burden of adverse human health or environmental
10 effects, a higher risk of intentional, unconscious, and
11 structural discrimination, and disproportionate en-
12 ergy burdens.

13 (4) Environmental justice communities have
14 been made more vulnerable to the effects of climate
15 change due to a combination of factors, particularly
16 the legacy of segregation and historically racist zon-
17 ing codes, and often have the least resources to re-
18 spond, making it a necessity for environmental jus-
19 tice communities to be meaningfully engaged as
20 partners and stakeholders in government decision
21 making as the United States builds its climate resil-
22 ience.

23 (5) Potential environmental and climate threats
24 to environmental justice communities merit a higher
25 level of engagement, review, and consent to ensure

1 that communities are not forced to bear dispropor-
2 tionate environmental and health impacts.

3 (6) The burden of proof that a proposed action
4 will not harm communities, including through cumu-
5 lative exposure effects, should fall on polluting in-
6 dustries and on the Federal Government in its regu-
7 latory role, not the communities themselves.

8 (7) Executive Order 12898 (42 U.S.C. 4321
9 note; relating to Federal actions to address environ-
10 mental justice in minority populations and low-in-
11 come populations) directs Federal agencies to ad-
12 dress disproportionately high and adverse human
13 health or environmental effects of its programs, but
14 Federal agencies have been inconsistent in updating
15 their strategic plans for environmental justice and
16 reporting on their progress in enacting those plans.

17 (8) Government action to correct environmental
18 injustices is a moral imperative. Federal policy can
19 and should improve public health and improve the
20 overall well-being of all communities.

21 (9) All people have the right to breathe clean
22 air, drink clean water, live free of dangerous levels
23 of toxic pollution, and share the benefits of a pros-
24 perous and vibrant pollution-free economy.

1 (10) A fair and just transition to a pollution-
2 free economy is necessary to ensure that workers
3 and communities in deindustrialized areas have ac-
4 cess to the resources and benefits of a sustainable
5 future. That transition must also address the eco-
6 nomic disparities experienced by residents living in
7 areas contaminated by pollution or environmental
8 degradation, including access to jobs, and members
9 of those communities must be fully and meaningfully
10 involved in transition planning processes.

11 (11) It is the responsibility of the Federal Gov-
12 ernment to seek to achieve environmental justice,
13 health equity, and climate justice for all commu-
14 nities.

15 (b) STATEMENT OF POLICY.—It is the policy of Con-
16 gress that each Federal agency should—

17 (1) seek to achieve environmental justice as
18 part of its mission by identifying and addressing, as
19 appropriate, disproportionately adverse human
20 health or environmental effects of its programs, poli-
21 cies, practices, and activities on communities of
22 color, low-income communities, and Tribal and In-
23 digenous communities in each State and territory of
24 the United States;

1 (2) promote meaningful involvement by commu-
2 nities and due process in the development, imple-
3 mentation, and enforcement of environmental laws;

4 (3) provide direct guidance and technical assist-
5 ance to communities experiencing environmental in-
6 justice focused on increasing shared understanding
7 of the science, laws, regulations, and policy related
8 to Federal agency action on environmental justice
9 issues;

10 (4) cooperate with State governments, Tribal
11 Governments, and local governments to address pol-
12 lution and public health burdens in communities ex-
13 periencing environmental injustice, and build
14 healthy, sustainable, and resilient communities; and

15 (5) recognize the right of all people to clean air,
16 safe and affordable drinking water, protection from
17 climate hazards, and the sustainable preservation of
18 the ecological integrity and aesthetic, scientific, cul-
19 tural, and historical values of the natural environ-
20 ment.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Environ-
25 mental Protection Agency.

1 (2) ADVISORY COUNCIL.—The term “Advisory
2 Council” means the National Environmental Justice
3 Advisory Council established by the President under
4 section 18.

5 (3) CLEARINGHOUSE.—The term “Clearing-
6 house” means the Environmental Justice Clearing-
7 house established by the Administrator under section
8 19.

9 (4) COMMUNITY OF COLOR.—The term “com-
10 munity of color” means a geographically distinct
11 area in which the population of any of the following
12 categories of individuals is higher than the average
13 population of that category for the State in which
14 the community is located:

15 (A) Black.

16 (B) African American.

17 (C) Asian.

18 (D) Pacific Islander.

19 (E) Other non-White race.

20 (F) Hispanic.

21 (G) Latino.

22 (H) Linguistically isolated.

23 (5) DIRECTOR.—The term “Director” means
24 the Director of the National Institute of Environ-
25 mental Health Sciences.

1 (6) DISPARATE IMPACT.—The term “disparate
2 impact” means an action or practice that, even if
3 appearing neutral, actually has the effect of sub-
4 jecting persons to discrimination on the basis of
5 race, color, or national origin.

6 (7) DISPROPORTIONATE BURDEN OF ADVERSE
7 HUMAN HEALTH OR ENVIRONMENTAL EFFECTS.—
8 The term “disproportionate burden of adverse
9 human health or environmental effects” means a sit-
10 uation where there exists higher or more adverse
11 human health or environmental effects on commu-
12 nities of color, low-income communities, and Tribal
13 and Indigenous communities.

14 (8) ENVIRONMENTAL JUSTICE.—The term “en-
15 vironmental justice” means the fair treatment and
16 meaningful involvement of all people regardless of
17 race, color, culture, national origin, or income, with
18 respect to the development, implementation, and en-
19 forcement of environmental laws, regulations, and
20 policies to ensure that each person enjoys—

21 (A) the same degree of protection from en-
22 vironmental and health hazards; and

23 (B) equal access to any Federal agency ac-
24 tion on environmental justice issues in order to

1 have a healthy environment in which to live,
2 learn, work, and recreate.

3 (9) ENVIRONMENTAL JUSTICE COMMUNITY.—

4 The term “environmental justice community” means
5 a community with significant representation of com-
6 munities of color, low-income communities, or Tribal
7 and Indigenous communities, that experiences, or is
8 at risk of experiencing higher or more adverse
9 human health or environmental effects.

10 (10) ENVIRONMENTAL LAW.—The term “envi-
11 ronmental law” includes—

12 (A) the Clean Air Act (42 U.S.C. 7401 et
13 seq.);

14 (B) the Federal Water Pollution Control
15 Act (33 U.S.C. 1251 et seq.);

16 (C) the Energy Policy Act of 2005 (42
17 U.S.C. 15801 et seq.);

18 (D) the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4321 et seq.);

20 (E) the Pollution Prevention Act of 1990
21 (42 U.S.C. 13101 et seq.);

22 (F) the Safe Drinking Water Act (42
23 U.S.C. 300f et seq.);

24 (G) the Solid Waste Disposal Act (42
25 U.S.C. 6901 et seq.);

1 (H) the Federal Insecticide, Fungicide,
2 and Rodenticide Act (7 U.S.C. 136 et seq.); and

3 (I) the Toxic Substances Control Act (15
4 U.S.C. 2601 et seq.).

5 (11) FAIR TREATMENT.—The term “fair treat-
6 ment” means the conduct of a program, policy, prac-
7 tice, or activity by a Federal agency in a manner
8 that ensures that no group of individuals (including
9 racial, ethnic, or socioeconomic groups) experience a
10 disproportionate burden of adverse human health or
11 environmental effects resulting from such program,
12 policy, practice, or activity, as determined through
13 consultation with, and with the meaningful partici-
14 pation of, individuals from the communities affected
15 by a program, policy, practice, or activity of a Fed-
16 eral agency.

17 (12) INDIAN TRIBE.—The term “Indian Tribe”
18 has the meaning given the term in section 4 of the
19 Indian Self-Determination and Education Assistance
20 Act (25 U.S.C. 5304).

21 (13) LOCAL GOVERNMENT.—The term “local
22 government” means—

23 (A) a county, municipality, city, town,
24 township, local public authority, school district,
25 special district, intrastate district, council of

1 governments (regardless of whether the council
2 of governments is incorporated as a nonprofit
3 corporation under State law), regional or inter-
4 state governmental entity, or agency or instru-
5 mentality of a local government; or

6 (B) an Indian Tribe or authorized Tribal
7 organization, or Alaska Native village or organi-
8 zation, that is not a Tribal Government.

9 (14) LOW-INCOME COMMUNITY.—The term
10 “low-income community” means any census block
11 group in which 30 percent or more of the population
12 are individuals with an annual household income
13 equal to, or less than, the greater of—

14 (A) an amount equal to 80 percent of the
15 median income of the area in which the house-
16 hold is located, as reported by the Department
17 of Housing and Urban Development; and

18 (B) 200 percent of the Federal poverty
19 line.

20 (15) POPULATION.—The term “population”
21 means a census block group or series of geographi-
22 cally contiguous blocks representing certain common
23 characteristics, such as race, ethnicity, national ori-
24 gin, income level, health disparities, or other public
25 health and socioeconomic attributes.

1 (16) STATE.—The term “State” means—

2 (A) any State of the United States;

3 (B) the District of Columbia;

4 (C) the Commonwealth of Puerto Rico;

5 (D) the United States Virgin Islands;

6 (E) Guam;

7 (F) American Samoa; and

8 (G) the Commonwealth of the Northern
9 Mariana Islands.

10 (17) TRIBAL AND INDIGENOUS COMMUNITY.—

11 The term “Tribal and Indigenous community”
12 means a population of people who are members of—

13 (A) a federally recognized Indian Tribe;

14 (B) a State-recognized Indian Tribe;

15 (C) an Alaska Native or Native Hawaiian
16 community or organization; or

17 (D) any other community of Indigenous
18 people located in a State.

19 (18) TRIBAL GOVERNMENT.—The term “Tribal
20 Government” means the governing body of an In-
21 dian Tribe.

22 (19) WHITE HOUSE INTERAGENCY COUNCIL.—

23 The term “White House interagency council” means
24 the White House Environmental Justice Interagency
25 Council described in section 8.

1 **SEC. 4. PROHIBITED DISCRIMINATION.**

2 Section 601 of the Civil Rights Act of 1964 (42
3 U.S.C. 2000d) is amended—

4 (1) by striking “No” and inserting “(a) No”;
5 and

6 (2) by adding at the end the following:

7 “(b)(1)(A) Discrimination (including exclusion from
8 participation and denial of benefits) based on disparate
9 impact is established under this title if—

10 “(i) an entity subject to this title (referred to
11 in this subsection as a ‘covered entity’) has a pro-
12 gram, policy, practice, or activity that causes a dis-
13 parate impact on the basis of race, color, or national
14 origin and the covered entity fails to demonstrate
15 that the challenged program, policy, practice, or ac-
16 tivity is related to and necessary to achieve the non-
17 discriminatory goal of the program, policy, practice,
18 or activity alleged to have been operated in a dis-
19 criminatory manner; or

20 “(ii) a less discriminatory alternative program,
21 policy, practice, or activity exists, and the covered
22 entity refuses to adopt such alternative program,
23 policy, practice, or activity.

24 “(B) With respect to demonstrating that a particular
25 program, policy, practice, or activity does not cause a dis-
26 parate impact, the covered entity shall demonstrate that

1 each particular challenged program, policy, practice, or ac-
2 tivity does not cause a disparate impact, except that if
3 the covered entity demonstrates to the courts that the ele-
4 ments of the covered entity’s decision-making process are
5 not capable of separation for analysis, the decision-making
6 process may be analyzed as 1 program, policy, practice,
7 or activity.

8 “(2) A demonstration that a program, policy, prac-
9 tice, or activity is necessary to achieve the goals of a pro-
10 gram, policy, practice, or activity may not be used as a
11 defense against a claim of intentional discrimination under
12 this title.

13 “(3) In this subsection—

14 “(A) the term ‘demonstrates’ means to meet
15 the burdens of going forward with the evidence and
16 of persuasion; and

17 “(B) the term ‘disparate impact’ has the mean-
18 ing given the term in section 3 of the Environmental
19 Justice For All Act.

20 “(c) No person in the United States shall be sub-
21 jected to discrimination, including retaliation or intima-
22 tion, because such person opposed any program, policy,
23 practice, or activity prohibited by this title, or because
24 such person made a charge, testified, assisted, or partici-

1 pated in any manner in an investigation, proceeding, or
2 hearing under this title.”.

3 **SEC. 5. RIGHT OF ACTION.**

4 (a) IN GENERAL.—Section 602 of the Civil Rights
5 Act of 1964 (42 U.S.C. 2000d–1) is amended—

6 (1) by inserting “(a)” before “Each Federal de-
7 partment and agency which is empowered”; and

8 (2) by adding at the end the following:

9 “(b) Any person aggrieved by the failure to comply
10 with this title, including any regulation promulgated pur-
11 suant to this title, may file suit in any district court of
12 the United States having jurisdiction of the parties, with-
13 out respect to the amount in controversy and without re-
14 gard to the citizenship of the parties.”.

15 (b) EFFECTIVE DATE.—

16 (1) IN GENERAL.—This section, including the
17 amendments made by this section, takes effect on
18 the date of enactment of this Act.

19 (2) APPLICATION.—This section, including the
20 amendments made by this section, applies to all ac-
21 tions or proceedings pending on or after the date of
22 enactment of this Act.

1 **SEC. 6. RIGHTS OF RECOVERY.**

2 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
3 2000d et seq.) is amended by inserting after section 602
4 the following:

5 **“SEC. 602A. ACTIONS BROUGHT BY AGGRIEVED PERSONS.**

6 “(a) CLAIMS BASED ON PROOF OF INTENTIONAL
7 DISCRIMINATION.—In an action brought by an aggrieved
8 person under this title against an entity subject to this
9 title (referred to in this section as a ‘covered entity’) who
10 has engaged in unlawful intentional discrimination (not a
11 practice that is unlawful because of its disparate impact)
12 prohibited under this title (including its implementing reg-
13 ulations), the aggrieved person may recover equitable and
14 legal relief (including compensatory and punitive dam-
15 ages), attorney’s fees (including expert fees), and costs of
16 the action, except that punitive damages are not available
17 against a government, government agency, or political
18 subdivision.

19 “(b) CLAIMS BASED ON THE DISPARATE IMPACT
20 STANDARD OF PROOF.—In an action brought by an ag-
21 grieved person under this title against a covered entity
22 who has engaged in unlawful discrimination based on dis-
23 parate impact prohibited under this title (including imple-
24 menting regulations), the aggrieved person may recover
25 attorney’s fees (including expert fees), and costs of the
26 action.

1 “(c) DEFINITIONS.—In this section:

2 “(1) AGGRIEVED PERSON.—The term ‘ag-
3 grievied person’ means a person aggrieved by dis-
4 crimination on the basis of race, color, or national
5 origin.

6 “(2) DISPARATE IMPACT.—The term ‘disparate
7 impact’ has the meaning given the term in section
8 3 of the Environmental Justice For All Act.”.

9 **SEC. 7. CONSIDERATION OF CUMULATIVE IMPACTS AND**
10 **PERSISTENT VIOLATIONS IN CERTAIN PER-**
11 **MITTING DECISIONS.**

12 (a) FEDERAL WATER POLLUTION CONTROL ACT.—
13 Section 402 of the Federal Water Pollution Control Act
14 (33 U.S.C. 1342) is amended—

15 (1) by striking the section designation and
16 heading and all that follows through “Except as” in
17 subsection (a)(1) and inserting the following:

18 **“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMI-**
19 **NATION SYSTEM.**

20 “(a) PERMITS ISSUED BY ADMINISTRATOR.—

21 “(1) IN GENERAL.—Except as”;

22 (2) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) by striking “upon condition that
25 such discharge will meet either (A) all”

1 and inserting the following: “subject to the
2 conditions that—

3 “(A) the discharge will achieve compliance
4 with, as applicable—

5 “(i) all”;

6 (ii) by striking “403 of this Act, or
7 (B) prior” and inserting the following:

8 “403; or

9 “(ii) prior”; and

10 (iii) by striking “this Act.” and insert-
11 ing the following: “this Act; and

12 “(B) with respect to the issuance or re-
13 newal of the permit—

14 “(i) based on an analysis by the Ad-
15 ministrator of existing water quality and
16 the potential cumulative impacts (as de-
17 fined in section 501 of the Clean Air Act
18 (42 U.S.C. 7661)) of the discharge, consid-
19 ered in conjunction with the designated
20 and actual uses of the impacted navigable
21 water, there exists a reasonable certainty
22 of no harm to the health of the general
23 population, or to any potentially exposed or
24 susceptible subpopulation; or

1 “(ii) if the Administrator determines
2 that, due to those potential cumulative im-
3 pacts, there does not exist a reasonable
4 certainty of no harm to the health of the
5 general population, or to any potentially
6 exposed or susceptible subpopulation, the
7 permit or renewal includes such terms and
8 conditions as the Administrator determines
9 to be necessary to ensure a reasonable cer-
10 tainty of no harm.”; and

11 (B) in paragraph (2), by striking “assure
12 compliance with the requirements of paragraph
13 (1) of this subsection, including conditions on
14 data and information collection, reporting, and
15 such other requirements as he deems appro-
16 priate.” and inserting the following: “ensure
17 compliance with the requirements of paragraph
18 (1), including—

19 “(A) conditions relating to—

20 “(i) data and information collection;

21 “(ii) reporting; and

22 “(iii) such other requirements as the
23 Administrator determines to be appro-
24 priate; and

1 “(B) additional controls or pollution pre-
2 vention requirements.”; and

3 (3) in subsection (b)—

4 (A) in each of paragraphs (1)(D), (2)(B),
5 and (3) through (7), by striking the semicolon
6 at the end and inserting a period;

7 (B) in paragraph (8), by striking “; and”
8 at the end and inserting a period; and

9 (C) by adding at the end the following:

10 “(10) To ensure that no permit will be issued
11 or renewed if, with respect to an application for the
12 permit, the State determines, based on an analysis
13 by the State of existing water quality and the poten-
14 tial cumulative impacts (as defined in section 501 of
15 the Clean Air Act (42 U.S.C. 7661)) of the dis-
16 charge, considered in conjunction with the des-
17 ignated and actual uses of the impacted navigable
18 water, that the terms and conditions of the permit
19 or renewal would not be sufficient to ensure a rea-
20 sonable certainty of no harm to the health of the
21 general population, or to any potentially exposed or
22 susceptible subpopulation.”.

23 (b) CLEAN AIR ACT.—

24 (1) DEFINITIONS.—Section 501 of the Clean
25 Air Act (42 U.S.C. 7661) is amended—

1 (A) in the matter preceding paragraph (1),
2 by striking “As used in this title—” and insert-
3 ing “In this title:”;

4 (B) by redesignating paragraphs (2), (3),
5 and (4) as paragraphs (3), (5), and (4), respec-
6 tively, and moving the paragraphs so as to ap-
7 pear in numerical order; and

8 (C) by inserting after paragraph (1) the
9 following:

10 “(2) CUMULATIVE IMPACTS.—The term ‘cumu-
11 lative impacts’ means any exposure to a public
12 health or environmental risk, or other effect occur-
13 ring in a specific geographical area, including from
14 an emission, discharge, or release—

15 “(A) including—

16 “(i) environmental pollution re-
17 leased—

18 “(I)(aa) routinely;

19 “(bb) accidentally; or

20 “(cc) otherwise; and

21 “(II) from any source, whether
22 single or multiple; and

23 “(ii) as assessed based on the com-
24 bined past, present, and reasonably fore-

1 seeable emissions and discharges affecting
2 the geographical area; and

3 “(B) evaluated taking into account sen-
4 sitive populations and other factors that may
5 heighten vulnerability to environmental pollu-
6 tion and associated health risks, including so-
7 cioeconomic characteristics.”.

8 (2) PERMIT PROGRAMS.—Section 502(b) of the
9 Clean Air Act (42 U.S.C. 7661a(b)) is amended—

10 (A) in paragraph (5)—

11 (i) in subparagraphs (A) and (C), by
12 striking “assure” each place it appears and
13 inserting “ensure”; and

14 (ii) by striking subparagraph (F) and
15 inserting the following:

16 “(F) ensure that no permit will be issued
17 or renewed, as applicable, if—

18 “(i) with respect to an application for
19 a permit or renewal of a permit for a
20 major source, the permitting authority de-
21 termines under paragraph (9)(A)(i)(II)(bb)
22 that the terms and conditions of the per-
23 mit or renewal would not be sufficient to
24 ensure a reasonable certainty of no harm
25 to the health of the general population, or

1 to any potentially exposed or susceptible
2 subpopulation, of the applicable census
3 block groups or Tribal census block groups
4 (as those terms are defined by the Director
5 of the Bureau of the Census); or

6 “(ii) the Administrator objects to the
7 issuance of the permit in a timely manner
8 under this title.”; and

9 (B) by striking paragraph (9) and insert-
10 ing the following:

11 “(9) MAJOR SOURCES.—

12 “(A) IN GENERAL.—With respect to any
13 permit or renewal of a permit, as applicable, for
14 a major source, a requirement that the permit-
15 ting authority shall—

16 “(i) in determining whether to issue
17 or renew the permit—

18 “(I) evaluate the potential cumu-
19 lative impacts of the major source, as
20 described in the applicable cumulative
21 impacts analysis submitted under sec-
22 tion 503(b)(3), taking into consider-
23 ation other pollution sources and risk
24 factors within a community;

1 “(II) if, due to those potential
2 cumulative impacts, the permitting
3 authority cannot determine that there
4 exists a reasonable certainty of no
5 harm to the health of the general pop-
6 ulation, or to any potentially exposed
7 or susceptible subpopulation, of any
8 census block groups or Tribal census
9 block groups (as those terms are de-
10 fined by the Director of the Bureau of
11 the Census) located in, or immediately
12 adjacent to, the area in which the
13 major source is, or is proposed to be,
14 located—

15 “(aa) include in the permit
16 or renewal such standards and
17 requirements (including addi-
18 tional controls or pollution pre-
19 vention requirements) as the per-
20 mitting authority determines to
21 be necessary to ensure a reason-
22 able certainty of no such harm;
23 or

24 “(bb) if the permitting au-
25 thority determines that standards

1 and requirements described in
2 item (aa) would not be sufficient
3 to ensure a reasonable certainty
4 of no such harm, deny the
5 issuance or renewal of the per-
6 mit;

7 “(III) determine whether the ap-
8 plicant is a persistent violator, based
9 on such criteria relating to the history
10 of compliance by an applicant with
11 this Act as the Administrator shall es-
12 tablish by not later than 180 days
13 after the date of enactment of the En-
14 vironmental Justice for All Act;

15 “(IV) if the permitting authority
16 determines under subclause (III) that
17 the applicant is a persistent violator
18 and the permitting authority does not
19 deny the issuance or renewal of the
20 permit pursuant to subclause
21 (II)(bb)—

22 “(aa) require the applicant
23 to submit a plan that describes—

24 “(AA) if the applicant
25 is not in compliance with

1 this Act, measures the appli-
2 cant will carry out to
3 achieve that compliance, to-
4 gether with an approximate
5 deadline for that achieve-
6 ment;

7 “(BB) measures the
8 applicant will carry out, or
9 has carried out to ensure the
10 applicant will remain in
11 compliance with this Act,
12 and to mitigate the environ-
13 mental and health effects of
14 noncompliance; and

15 “(CC) the measures the
16 applicant has carried out in
17 preparing the plan to con-
18 sult or negotiate with the
19 communities affected by
20 each persistent violation ad-
21 dressed in the plan; and

22 “(bb) once such a plan is
23 submitted, determine whether the
24 plan is adequate to ensuring that
25 the applicant—

1 “(AA) will achieve com-
2 pliance with this Act expedi-
3 tiously;

4 “(BB) will remain in
5 compliance with this Act;

6 “(CC) will mitigate the
7 environmental and health ef-
8 fects of noncompliance; and

9 “(DD) has solicited and
10 responded to community
11 input regarding the plan;
12 and

13 “(V) deny the issuance or re-
14 newal of the permit if the permitting
15 authority determines that—

16 “(aa) the plan submitted
17 under subclause (IV)(aa) is inad-
18 equate; or

19 “(bb)(AA) the applicant has
20 submitted a plan on a prior occa-
21 sion, but continues to be a per-
22 sistent violator; and

23 “(BB) no indication exists
24 of extremely exigent circum-

1 stances excusing the persistent
2 violations; and

3 “(ii) in the case of such a permit with
4 a term of 3 years or longer, require permit
5 revisions in accordance with subparagraph
6 (B).

7 “(B) REVISION REQUIREMENTS.—

8 “(i) DEADLINE.—A revision described
9 in subparagraph (A)(ii) shall occur as ex-
10 peditiously as practicable and consistent
11 with the procedures established under
12 paragraph (6) but not later than 18
13 months after the promulgation of such
14 standards and regulations.

15 “(ii) EXCEPTION.—A revision under
16 this paragraph shall not be required if the
17 effective date of the standards or regula-
18 tions is a date after the expiration of the
19 permit term.

20 “(iii) TREATMENT AS RENEWAL.—A
21 permit revision under this paragraph shall
22 be treated as a permit renewal if it com-
23 plies with the requirements of this title re-
24 garding renewals.”.

1 (3) PERMIT APPLICATIONS.—Section 503(b) of
2 the Clean Air Act (42 U.S.C. 7661b(b)) is amended
3 by adding at the end the following:

4 “(3) MAJOR SOURCE ANALYSES.—The regula-
5 tions required by section 502(b) shall include a re-
6 quirement that an applicant for a permit or renewal
7 of a permit for a major source shall submit, together
8 with the compliance plan required under this sub-
9 section, a cumulative impacts analysis for each cen-
10 sus block group or Tribal census block group (as
11 those terms are defined by the Director of the Bu-
12 reau of the Census) located in, or immediately adja-
13 cent to, the area in which the major source is, or is
14 proposed to be, located that analyzes—

15 “(A) community demographics and loca-
16 tions of community exposure points, such as
17 schools, day care centers, nursing homes, hos-
18 pitals, health clinics, places of religious worship,
19 parks, playgrounds, and community centers;

20 “(B) air quality and the potential effect on
21 that air quality of emissions of air pollutants
22 (including pollutants listed under section 108 or
23 112) from the major source, including in com-
24 bination with existing sources of pollutants;

1 “(C) the potential effects on soil quality
2 and water quality of emissions of lead and other
3 air pollutants that could contaminate soil or
4 water from the major source, including in com-
5 bination with existing sources of pollutants; and

6 “(D) public health and any potential ef-
7 fects on public health from the major source.”.

8 **SEC. 8. WHITE HOUSE ENVIRONMENTAL JUSTICE INTER-**
9 **AGENCY COUNCIL.**

10 (a) **IN GENERAL.**—The President shall maintain
11 within the Executive Office of the President a White
12 House Environmental Justice Interagency Council.

13 (b) **PURPOSES.**—The purposes of the White House
14 interagency council are—

15 (1) to improve coordination and collaboration
16 among Federal agencies and to help advise and as-
17 sist Federal agencies in identifying and addressing,
18 as appropriate, the disproportionate human health
19 and environmental effects of Federal programs, poli-
20 cies, practices, and activities on communities of
21 color, low-income communities, and Tribal and In-
22 digenous communities;

23 (2) to promote meaningful involvement and due
24 process in the development, implementation, and en-
25 forcement of environmental laws;

1 (3) to coordinate with, and provide direct guid-
2 ance and technical assistance to, environmental jus-
3 tice communities, with a focus on increasing commu-
4 nity understanding of the science, regulations, and
5 policy related to Federal agency actions on environ-
6 mental justice issues;

7 (4) to address environmental health, pollution,
8 and public health burdens in environmental justice
9 communities, and build healthy, sustainable, and re-
10 silient communities; and

11 (5) to develop and update a strategy to address
12 current and historical environmental injustice, in
13 consultation with the National Environmental Jus-
14 tice Advisory Council and local environmental justice
15 leaders, that includes—

16 (A) clear performance metrics to ensure
17 accountability; and

18 (B) an annually published public perform-
19 ance scorecard on the implementation of the
20 White House interagency council.

21 (c) COMPOSITION.—The White House interagency
22 council shall be composed of members as follows (or their
23 designee):

24 (1) The Secretary of Agriculture.

25 (2) The Secretary of Commerce.

- 1 (3) The Secretary of Defense.
- 2 (4) The Secretary of Education.
- 3 (5) The Secretary of Energy.
- 4 (6) The Secretary of Health and Human Serv-
5 ices.
- 6 (7) The Secretary of Homeland Security.
- 7 (8) The Secretary of Housing and Urban Devel-
8 opment.
- 9 (9) The Secretary of the Interior.
- 10 (10) The Attorney General.
- 11 (11) The Secretary of Labor.
- 12 (12) The Secretary of Transportation.
- 13 (13) The Administrator of the Environmental
14 Protection Agency.
- 15 (14) The Director of the Office of Management
16 and Budget.
- 17 (15) The Director of the Office of Science and
18 Technology Policy.
- 19 (16) The Deputy Assistant to the President for
20 Environmental Policy.
- 21 (17) The Assistant to the President for Domes-
22 tic Policy.
- 23 (18) The Director of the National Economic
24 Council.

1 (19) The Chairperson of the Council on Envi-
2 ronmental Quality.

3 (20) The Chairperson of the Council of Eco-
4 nomic Advisers.

5 (21) The Director of the National Institutes of
6 Health.

7 (22) The Director of the Office of Environ-
8 mental Justice.

9 (23) The Chairperson of the Consumer Product
10 Safety Commission.

11 (24) The Chairperson of the Chemical Safety
12 Board.

13 (25) The Director of the National Park Service.

14 (26) The Assistant Secretary of the Bureau of
15 Indian Affairs.

16 (27) The Chairperson of the National Environ-
17 mental Justice Advisory Council.

18 (28) The head of any other agency that the
19 President may designate.

20 (d) GOVERNANCE.—The Chairperson of the Council
21 on Environmental Quality shall serve as Chairperson of
22 the White House interagency council.

23 (e) REPORTING TO PRESIDENT.—The White House
24 interagency council shall report to the President through
25 the Chairperson of the Council on Environmental Quality.

1 (f) UNIFORM CONSIDERATION GUIDANCE.—

2 (1) IN GENERAL.—To ensure that there is a
3 common level of understanding of terminology used
4 in dealing with environmental justice issues, not
5 later than 1 year after the date of enactment of this
6 Act, after coordinating with and conducting outreach
7 to environmental justice communities, State govern-
8 ments, Tribal Governments, and local governments,
9 the White House interagency council shall develop
10 and publish in the Federal Register a guidance doc-
11 ument to assist Federal agencies in defining and ap-
12 plying the following terms:

13 (A) Health disparities.

14 (B) Environmental exposure disparities.

15 (C) Demographic characteristics, including
16 age, sex, and race or ethnicity.

17 (D) Social stressors, including poverty,
18 housing quality, access to health care, edu-
19 cation, immigration status, linguistic isolation,
20 historical trauma, and lack of community re-
21 sources.

22 (E) Cumulative impacts or risks.

23 (F) Community vulnerability or suscepti-
24 bility to adverse human health and environ-
25 mental effects (including climate change).

1 (G) Barriers to meaningful involvement in
2 the development, implementation, and enforce-
3 ment of environmental laws.

4 (H) Community capacity to address envi-
5 ronmental concerns, including the capacity to
6 obtain equitable access to environmental amen-
7 ities.

8 (2) PUBLIC COMMENT.—For a period of not
9 less than 30 days, the White House interagency
10 council shall seek public comment on the guidance
11 document developed under paragraph (1).

12 (3) DOCUMENTATION.—Not later than 90 days
13 after the date of publication of the guidance docu-
14 ment under paragraph (1), the head of each Federal
15 agency participating in the White House interagency
16 council shall document the ways in which the Fed-
17 eral agency will incorporate guidance from the docu-
18 ment into the environmental justice strategy of the
19 Federal agency developed and finalized under section
20 9(b).

21 (g) DEVELOPMENT OF INTERAGENCY FEDERAL EN-
22 VIRONMENTAL JUSTICE STRATEGY.—

23 (1) IN GENERAL.—Not less frequently than
24 once every 3 years, after notice and opportunity for
25 public comment, the White House interagency coun-

1 cil shall update a coordinated interagency Federal
2 environmental justice strategy to address current
3 and historical environmental injustice.

4 (2) DEVELOPMENT OF STRATEGY.—In carrying
5 out paragraph (1), the White House interagency
6 council shall—

7 (A) consider the most recent environmental
8 justice strategy of each Federal agency that
9 participates in the White House interagency
10 council that is developed and finalized under
11 section 9(b);

12 (B) consult with the National Environ-
13 mental Justice Advisory Council and local envi-
14 ronmental justice leaders; and

15 (C) include in the interagency Federal en-
16 vironmental justice strategy clear performance
17 metrics to ensure accountability.

18 (3) ANNUAL PERFORMANCE SCORECARD.—The
19 White House interagency council shall annually pub-
20 lish a public performance scorecard on the imple-
21 mentation of the interagency Federal environmental
22 justice strategy.

23 (h) SUBMISSION OF REPORT TO PRESIDENT.—

24 (1) IN GENERAL.—Not later than 180 days
25 after updating the interagency Federal environ-

1 mental justice strategy under subsection (g)(1), the
2 White House interagency council shall submit to the
3 President a report that contains—

4 (A) a description of the implementation of
5 the interagency Federal environmental justice
6 strategy; and

7 (B) a copy of the finalized environmental
8 justice strategy of each Federal agency that
9 participates in the White House interagency
10 council that is developed and finalized under
11 section 9(b).

12 (2) PUBLIC AVAILABILITY.—The head of each
13 Federal agency that participates in the White House
14 interagency council shall make the report described
15 in paragraph (1) available to the public (including
16 by posting a copy of the report on the website of
17 each Federal agency).

18 (i) ADMINISTRATION.—

19 (1) OFFICE OF ADMINISTRATION.—The Office
20 of Administration within the Executive Office of the
21 President shall provide funding and administrative
22 support for the White House interagency council, to
23 the extent permitted by law and within existing ap-
24 propriations.

1 (2) OTHER AGENCIES.—To the extent per-
2 mitted by law, including section 1535 of title 31,
3 United States Code (commonly known as the “Econ-
4 omy Act”), and subject to the availability of appro-
5 priations, the Secretary of Labor, the Secretary of
6 Transportation, and the Administrator of the Envi-
7 ronmental Protection Agency shall provide adminis-
8 trative support for the White House interagency
9 council, as necessary.

10 (j) MEETINGS AND STAFF.—

11 (1) CHAIRPERSON.—The Chairperson of the
12 Council on Environmental Quality shall—

13 (A) convene regular meetings of the White
14 House interagency council;

15 (B) determine the agenda of the White
16 House interagency council in accordance with
17 this section; and

18 (C) direct the work of the White House
19 interagency council.

20 (2) EXECUTIVE DIRECTOR.—The Chairperson
21 of the Council on Environmental Quality shall des-
22 ignate an Executive Director of the White House
23 interagency council, who shall coordinate the work
24 of, and head any staff assigned to, the White House
25 interagency council.

1 (k) OFFICERS.—To facilitate the work of the White
2 House interagency council, the head of each agency de-
3 scribed in subsection (c) shall assign a designated official
4 within the agency to be an Environmental Justice Officer,
5 with the authority—

6 (1) to represent the agency on the White House
7 interagency council; and

8 (2) to perform such other duties relating to the
9 implementation of this section within the agency as
10 the head of the agency determines to be appropriate.

11 (l) ESTABLISHMENT OF SUBGROUPS.—At the direc-
12 tion of the Chairperson of the Council on Environmental
13 Quality, the White House interagency council may estab-
14 lish 1 or more subgroups consisting exclusively of White
15 House interagency council members or their designees
16 under this section, as appropriate.

17 **SEC. 9. FEDERAL AGENCY ACTIONS AND RESPONSIBIL-**
18 **ITIES.**

19 (a) CONDUCT OF PROGRAMS.—Each Federal agency
20 that participates in the White House interagency council
21 shall conduct each program, policy, practice, and activity
22 of the Federal agency that adversely affects, or has the
23 potential to adversely affect, human health or the environ-
24 ment in a manner that ensures that each such program,
25 policy, practice, or activity does not have an effect of ex-

1 cluding any individual from participating in, denying any
2 individual the benefits of, or subjecting any individual to
3 discrimination or disparate impact under, such program,
4 policy, practice, or activity of the Federal agency on the
5 basis of the race, color, national origin, or income level
6 of the individual.

7 (b) FEDERAL AGENCY ENVIRONMENTAL JUSTICE
8 STRATEGIES.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the date of enactment of this Act, and after notice
11 and opportunity for public comment, each Federal
12 agency that participates in the White House inter-
13 agency council shall develop and finalize an agency-
14 wide environmental justice strategy that—

15 (A) identifies staff to support implementa-
16 tion of the Federal agency’s environmental jus-
17 tice strategy;

18 (B) identifies and addresses any dispropor-
19 tionately high or adverse human health or envi-
20 ronmental effects of its programs, policies,
21 practices, and activities on—

22 (i) communities of color;

23 (ii) low-income communities; and

24 (iii) Tribal and Indigenous commu-
25 nities; and

1 (C) complies with each requirement de-
2 scribed in paragraph (2).

3 (2) CONTENTS.—Each environmental justice
4 strategy developed by a Federal agency under para-
5 graph (1) shall contain—

6 (A) an assessment that identifies each pro-
7 gram, policy, practice, and activity (including
8 any public participation process) of the Federal
9 agency, relating to human health or the envi-
10 ronment that the Federal agency determines
11 should be revised—

12 (i) to ensure that all persons have the
13 same degree of protection from environ-
14 mental and health hazards;

15 (ii) to ensure meaningful public in-
16 volvement and due process in the develop-
17 ment, implementation, and enforcement of
18 all Federal laws;

19 (iii) to improve direct guidance and
20 technical assistance to environmental jus-
21 tice communities with respect to the under-
22 standing of the science, regulations, and
23 policy related to Federal agency action on
24 environmental justice issues;

1 (iv) to improve cooperation with State
2 governments, Tribal Governments, and
3 local governments to address pollution and
4 public health burdens in environmental jus-
5 tice communities, and build healthy, sus-
6 tainable, and resilient communities;

7 (v) to improve Federal research and
8 data collection efforts related to—

9 (I) the health and environment of
10 communities of color, low-income com-
11 munities, and Tribal and Indigenous
12 communities;

13 (II) climate change; and

14 (III) the inequitable distribution
15 of burdens and benefits of the man-
16 agement and use of natural resources,
17 including water, minerals, and land;
18 and

19 (vi) to reduce or eliminate dispropor-
20 tionately adverse human health or environ-
21 mental effects on communities of color,
22 low-income communities, and Tribal and
23 Indigenous communities; and

24 (B) a timetable for the completion of—

1 (i) each revision identified under sub-
2 paragraph (A); and

3 (ii) an assessment of the economic
4 and social implications of each revision
5 identified under subparagraph (A).

6 (3) REPORTS.—

7 (A) ANNUAL REPORTS.—Not later than 2
8 years after the finalization of an environmental
9 justice strategy under this subsection, and an-
10 nually thereafter, a Federal agency that partici-
11 pates in the White House interagency council
12 shall submit to the White House interagency
13 council a report describing the progress of the
14 Federal agency in implementing the environ-
15 mental justice strategy of the Federal agency.

16 (B) PERIODIC REPORTS.—In addition to
17 the annual reports described in subparagraph
18 (A), upon receipt of a request from the White
19 House interagency council, a Federal agency
20 shall submit to the White House interagency
21 council a report that contains such information
22 as the White House interagency council may re-
23 quire.

24 (4) REVISION OF AGENCYWIDE ENVIRON-
25 MENTAL JUSTICE STRATEGY.—Not later than 5

1 years after the date of enactment of this Act, each
2 Federal agency that participates in the White House
3 interagency council shall—

4 (A) evaluate and revise the environmental
5 justice strategy of the Federal agency; and

6 (B) submit to the White House inter-
7 agency council a copy of the revised version of
8 the environmental justice strategy of the Fed-
9 eral agency.

10 (5) PETITION.—

11 (A) IN GENERAL.—The head of a Federal
12 agency may submit to the President a petition
13 for an exemption of any requirement described
14 in this section with respect to any program or
15 activity of the Federal agency if the head of the
16 Federal agency determines that complying with
17 such requirement would compromise the agen-
18 cy's ability to carry out its core missions.

19 (B) AVAILABILITY TO PUBLIC.—Each peti-
20 tion submitted by a Federal agency to the
21 President under subparagraph (A) shall be
22 made available to the public (including through
23 a description of the petition on the website of
24 the Federal agency).

1 (C) CONSIDERATION.—In determining
2 whether to grant a petition for an exemption
3 submitted by a Federal agency to the President
4 under subparagraph (A), the President shall
5 make a decision that reflects both the merits of
6 the specific case and the broader national inter-
7 est in breaking cycles of environmental injus-
8 tice, and shall consider whether the granting of
9 the petition would likely—

10 (i) result in disproportionately adverse
11 human health or environmental effects on
12 communities of color, low-income commu-
13 nities, and Tribal and Indigenous commu-
14 nities; or

15 (ii) exacerbate, or fail to ameliorate,
16 any disproportionately adverse human
17 health or environmental effect on any com-
18 munity of color, low-income community, or
19 Tribal and Indigenous community.

20 (D) APPEAL.—

21 (i) IN GENERAL.—Not later than 90
22 days after the date on which the President
23 approves a petition under this paragraph,
24 an individual may appeal the decision of
25 the President to approve the petition.

1 (ii) WRITTEN APPEAL.—

2 (I) IN GENERAL.—To appeal a
3 decision of the President under clause
4 (i), an individual shall submit a writ-
5 ten appeal to—

6 (aa) the Council on Environ-
7 mental Quality;

8 (bb) the Deputy Assistant to
9 the President for Environmental
10 Policy; or

11 (cc) the Assistant to the
12 President for Domestic Policy.

13 (II) CONTENTS.—A written ap-
14 peal shall contain a description of
15 each reason why the exemption that is
16 the subject of the petition is unneces-
17 sary.

18 (iii) REQUIREMENT OF PRESIDENT.—
19 Not later than 90 days after the date on
20 which an agency or officer described in
21 clause (ii)(I) receives a written appeal sub-
22 mitted by an individual under that clause,
23 the President shall provide to the indi-
24 vidual a written notification describing the

1 decision of the President with respect to
2 the appeal.

3 (c) HUMAN HEALTH AND ENVIRONMENTAL RE-
4 SEARCH, DATA COLLECTION, AND ANALYSIS.—

5 (1) RESEARCH.—Each Federal agency, to the
6 maximum extent practicable and permitted by appli-
7 cable law, shall—

8 (A) in conducting environmental, public ac-
9 cess, or human health research, include diverse
10 segments of the population in epidemiological
11 and clinical studies, including segments at high
12 risk from environmental hazards, such as com-
13 munities of color, low-income communities, and
14 Tribal and Indigenous communities;

15 (B) in conducting environmental or human
16 health analyses, identify multiple and cumu-
17 lative exposures, including potentially exacer-
18 bated risks due to current and future climate
19 impacts; and

20 (C) actively encourage and solicit commu-
21 nity-based science, and provide to communities
22 of color, low-income communities, and Tribal
23 and Indigenous communities the opportunity to
24 comment on and participate in the development

1 and design of research strategies carried out
2 pursuant to this Act.

3 (2) DISPROPORTIONATE IMPACT.—To the max-
4 imum extent practicable and permitted by applicable
5 law (including section 552a of title 5, United States
6 Code (commonly known as the “Privacy Act”)), each
7 Federal agency shall—

8 (A) collect, maintain, and analyze informa-
9 tion assessing and comparing environmental
10 and human health risks borne by populations
11 identified by race, national origin, income, or
12 other readily available and appropriate informa-
13 tion; and

14 (B) use that information to determine
15 whether the programs, policies, and activities of
16 the Federal agency have disproportionately ad-
17 verse human health or environmental effects on
18 communities of color, low-income communities,
19 and Tribal and Indigenous communities.

20 (3) INFORMATION RELATING TO NON-FEDERAL
21 FACILITIES.—In connection with the implementation
22 of Federal agency environmental justice strategies
23 under subsection (b), each Federal agency, to the
24 maximum extent practicable and permitted by appli-
25 cable law, shall collect, maintain, and analyze infor-

1 mation relating to the race, national origin, and in-
2 come level, and other readily accessible and appro-
3 priate information, for communities of color, low-in-
4 come communities, and Tribal and Indigenous com-
5 munities in proximity to any facility or site expected
6 to have a substantial environmental, human health,
7 or economic effect on the surrounding populations, if
8 the facility or site becomes the subject of a substan-
9 tial Federal environmental administrative or judicial
10 action.

11 (4) IMPACT FROM FEDERAL FACILITIES.—Each
12 Federal agency, to the maximum extent practicable
13 and permitted by applicable law, shall collect, main-
14 tain, and analyze information relating to the race,
15 national origin, and income level, and other readily
16 accessible and appropriate information, for commu-
17 nities of color, low-income communities, and Tribal
18 and Indigenous communities in proximity to any fa-
19 cility of the Federal agency that is—

20 (A) subject to the reporting requirements
21 under the Emergency Planning and Community
22 Right-to-Know Act of 1986 (42 U.S.C. 11001
23 et seq.), as required by Executive Order 12898
24 (42 U.S.C. 4321 note; relating to Federal ac-
25 tions to address environmental justice in minor-

1 ity populations and low-income populations);
2 and

3 (B) expected to have a substantial environ-
4 mental, human health, or economic effect on
5 surrounding populations.

6 (d) CONSUMPTION OF FISH AND WILDLIFE.—

7 (1) IN GENERAL.—Each Federal agency shall
8 develop, publish (unless prohibited by law), and re-
9 vise, as practicable and appropriate, guidance on ac-
10 tions of the Federal agency that will impact fish and
11 wildlife consumed by populations that principally
12 rely on fish or wildlife for subsistence.

13 (2) REQUIREMENT.—The guidance described in
14 paragraph (1) shall—

15 (A) reflect the latest scientific information
16 available concerning methods for evaluating the
17 human health risks associated with the con-
18 sumption of pollutant-bearing fish or wildlife;
19 and

20 (B) publish the risks of such consumption
21 patterns.

22 (e) MAPPING AND SCREENING TOOL.—The Adminis-
23 trator shall make available to the public an environmental
24 justice mapping and screening tool (such as EJScreen or

1 an equivalent tool) that includes, at a minimum, the fol-
2 lowing features:

3 (1) Nationally consistent data.

4 (2) Environmental data.

5 (3) Demographic data, including data relating
6 to race, ethnicity, and income.

7 (4) Capacity to produce maps and reports by
8 geographical area.

9 (5) Data on national parks and other federally
10 protected natural, historic, and cultural sites.

11 (f) JUDICIAL REVIEW AND RIGHTS OF ACTION.—

12 Any person may commence a civil action—

13 (1) to seek relief from, or to compel, an agency
14 action under this section (including regulations pro-
15 mulgated pursuant to this section); or

16 (2) otherwise to ensure compliance with this
17 section (including regulations promulgated pursuant
18 to this section).

19 (g) INFORMATION SHARING.—In carrying out this
20 section, each Federal agency, to the maximum extent
21 practicable and permitted by applicable law, shall share
22 information and eliminate unnecessary duplication of ef-
23 forts through the use of existing data systems and cooper-
24 ative agreements among Federal agencies and with State,
25 local, and Tribal governments.

1 (h) CODIFICATION OF GUIDANCE.—

2 (1) COUNCIL ON ENVIRONMENTAL QUALITY.—

3 Sections II and III of the guidance issued by the
4 Council on Environmental Quality entitled “Environ-
5 mental Justice Guidance Under the National Envi-
6 ronmental Policy Act” and dated December 10,
7 1997, are enacted into law.

8 (2) ENVIRONMENTAL PROTECTION AGENCY.—

9 The guidance issued by the Environmental Protec-
10 tion Agency entitled “EPA Policy on Consultation
11 and Coordination with Indian Tribes: Guidance for
12 Discussing Tribal Treaty Rights” and dated Feb-
13 ruary 2016 is enacted into law.

14 **SEC. 10. OMBUDS.**

15 (a) ESTABLISHMENT.—The Administrator shall es-
16 tablish within the Environmental Protection Agency a po-
17 sition of Environmental Justice Ombuds.

18 (b) REPORTING.—The Environmental Justice
19 Ombuds shall—

20 (1) report directly to the Administrator; and

21 (2) not be required to report to the Office of
22 Environmental Justice of the Environmental Protec-
23 tion Agency.

24 (c) FUNCTIONS.—The Environmental Justice
25 Ombuds shall—

1 (1) in coordination with the Inspector General
2 of the Environmental Protection Agency, establish
3 an independent, neutral, accessible, confidential, and
4 standardized process—

5 (A) to receive, review, and process com-
6 plaints and allegations with respect to environ-
7 mental justice programs and activities of the
8 Environmental Protection Agency; and

9 (B) to assist individuals in resolving com-
10 plaints and allegations described in subpara-
11 graph (A);

12 (2) identify and thereafter review, examine, and
13 make recommendations to the Administrator to ad-
14 dress recurring and chronic complaints regarding
15 specific environmental justice programs and activi-
16 ties of the Environmental Protection Agency identi-
17 fied by the Ombuds pursuant to paragraph (1);

18 (3) review the Environmental Protection Agen-
19 cy's compliance with policies and standards of the
20 Environmental Protection Agency with respect to its
21 environmental justice programs and activities; and

22 (4) produce an annual report that details the
23 findings of the regional staff, feedback received from
24 environmental justice communities, and rec-
25 ommendations to increase cooperation between the

1 Environmental Protection Agency and environmental
2 justice communities.

3 (d) AVAILABILITY OF REPORT.—The Administrator
4 shall make each report produced pursuant to subsection
5 (c) available to the public (including by posting a copy of
6 the report on the website of the Environmental Protection
7 Agency).

8 (e) REGIONAL STAFF.—

9 (1) AUTHORITY OF ENVIRONMENTAL JUSTICE
10 OMBUDS.—The Administrator shall allow the Envi-
11 ronmental Justice Ombuds to hire such staff as the
12 Environmental Justice Ombuds determines to be
13 necessary to carry out at each regional office of the
14 Environmental Protection Agency the functions of
15 the Environmental Justice Ombuds described in sub-
16 section (c).

17 (2) PURPOSES.—Staff hired pursuant to para-
18 graph (1) shall—

19 (A) foster cooperation between the Envi-
20 ronmental Protection Agency and environ-
21 mental justice communities;

22 (B) consult with environmental justice
23 communities on the development of policies and
24 programs of the Environmental Protection
25 Agency;

1 (C) receive feedback from environmental
 2 justice communities on the performance of the
 3 Environmental Protection Agency; and

4 (D) compile and submit to the Environ-
 5 mental Justice Ombuds such information as
 6 may be necessary for the Ombuds to produce
 7 the annual report described in subsection (c).

8 (3) FULL-TIME POSITION.—Each individual
 9 hired by the Environmental Justice Ombuds under
 10 paragraph (1) shall be hired as a full-time employee
 11 of the Environmental Protection Agency.

12 **SEC. 11. ACCESS TO PARKS, OUTDOOR SPACES, AND PUB-**
 13 **LIC RECREATION OPPORTUNITIES.**

14 (a) DEFINITIONS.—In this section:

15 (1) ELIGIBLE ENTITY.—

16 (A) IN GENERAL.—The term “eligible enti-
 17 ty” means—

18 (i) a State;

19 (ii) a political subdivision of a State,
 20 including—

21 (I) a city; and

22 (II) a county;

23 (iii) a special purpose district, includ-
 24 ing park districts; and

25 (iv) an Indian Tribe.

1 (B) POLITICAL SUBDIVISIONS AND INDIAN
2 TRIBES.—A political subdivision of a State or
3 an Indian Tribe shall be considered an eligible
4 entity only if the political subdivision or Indian
5 Tribe represents or otherwise serves a quali-
6 fying urban area.

7 (2) OUTDOOR RECREATION LEGACY PARTNER-
8 SHIP GRANT PROGRAM.—The term “Outdoor Recre-
9 ation Legacy Partnership Grant Program” means
10 the program established under subsection (b).

11 (3) QUALIFYING URBAN AREA.—The term
12 “qualifying urban area” means an area identified by
13 the Census Bureau as an “urban area” in the most
14 recent census.

15 (4) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (b) ESTABLISHMENT.—The Secretary shall establish
18 an outdoor recreation legacy partnership grant program
19 under which the Secretary may award grants to eligible
20 entities for projects—

21 (1) to acquire land and water for parks and
22 other outdoor recreation purposes;

23 (2) to develop new or renovate existing outdoor
24 recreation facilities; and

1 (3) to develop projects that provide opportuni-
2 ties for outdoor education and public land vol-
3 unteerism.

4 (c) MATCHING REQUIREMENT.—

5 (1) IN GENERAL.—As a condition of receiving a
6 grant under subsection (b), an eligible entity shall
7 provide matching funds in the form of cash or an in-
8 kind contribution in an amount equal to not less
9 than 100 percent of the amounts made available
10 under the grant.

11 (2) SOURCES.—The matching amounts referred
12 to in paragraph (1) may include amounts made
13 available from State, local, nongovernmental, or pri-
14 vate sources.

15 (3) WAIVER.—The Secretary may waive all or
16 part of the matching requirement under paragraph
17 (1) if the Secretary determines that—

18 (A) no reasonable means are available
19 through which an applicant can meet the
20 matching requirement; and

21 (B) the probable benefit of the project out-
22 weighs the public interest in the matching re-
23 quirement.

24 (d) ELIGIBLE USES.—

1 (1) IN GENERAL.—A grant recipient may use a
2 grant awarded under this section—

3 (A) to acquire land or water that provides
4 outdoor recreation opportunities to the public;
5 and

6 (B) to develop or renovate outdoor rec-
7 reational facilities that provide outdoor recre-
8 ation opportunities to the public, with priority
9 given to projects that—

10 (i) create or significantly enhance ac-
11 cess to park and recreational opportunities
12 in an urban or suburban area that lacks
13 access to such activities;

14 (ii) engage and empower underserved
15 communities and youth;

16 (iii) provide opportunities for youth
17 employment or job training;

18 (iv) establish or expand public-private
19 partnerships, with a focus on leveraging re-
20 sources; and

21 (v) take advantage of coordination
22 among various levels of government.

23 (2) LIMITATIONS ON USE.—A grant recipient
24 may not use grant funds for—

25 (A) grant administration costs;

1 (B) incidental costs related to land acquisi-
2 tion, including appraisal and titling;

3 (C) operation and maintenance activities;

4 (D) facilities that support semiprofessional
5 or professional athletics;

6 (E) indoor facilities, such as recreation
7 centers or facilities that support primarily non-
8 outdoor purposes; or

9 (F) acquisition of land or interests in land
10 that restrict access to specific persons.

11 (e) NATIONAL PARK SERVICE REQUIREMENTS.—In
12 carrying out the Outdoor Recreation Legacy Partnership
13 Grant Program, the Secretary shall—

14 (1) conduct an initial screening and technical
15 review of applications received; and

16 (2) evaluate and score all qualifying applica-
17 tions.

18 (f) REPORTING.—

19 (1) ANNUAL REPORTS.—Not later than 30 days
20 after the last day of each report period, each State
21 lead agency that receives a grant under this section
22 shall annually submit to the Secretary performance
23 and financial reports that—

24 (A) summarize project activities conducted
25 during the report period; and

1 (B) provide the status of the project, in-
2 cluding a description of how the project has im-
3 proved access to parkland, open space, or rec-
4 reational facilities from the community perspec-
5 tive.

6 (2) FINAL REPORTS.—Not later than 90 days
7 after the earlier of the date of expiration of a project
8 period or the completion of a project, each State
9 lead agency that receives a grant under this section
10 shall submit to the Secretary a final report con-
11 taining such information as the Secretary may re-
12 quire.

13 (g) REVENUE SHARING.—Section 105(a)(2) of the
14 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
15 1331 note) is amended—

16 (1) in subparagraph (A), by striking “and”;

17 (2) in subparagraph (B)—

18 (A) by striking “25 percent” and inserting
19 “20 percent”; and

20 (B) by striking the period at the end and
21 inserting “; and”; and

22 (3) by adding at the end the following:

23 “(C) 5 percent to provide grants under the
24 Outdoor Recreation Legacy Partnership Grant

1 Program established under section 11(b) of the
2 Environmental Justice For All Act.”.

3 **SEC. 12. TRANSIT TO TRAILS GRANT PROGRAM.**

4 (a) DEFINITIONS.—In this section:

5 (1) CRITICALLY UNDERSERVED COMMUNITY.—

6 The term “critically underserved community”
7 means—

8 (A) a community that can demonstrate to
9 the Secretary that the community has inad-
10 equate, insufficient, or no park space or recre-
11 ation facilities, including by demonstrating—

12 (i) quality concerns relating to the
13 available park space or recreation facilities;

14 (ii) the presence of recreational facili-
15 ties that do not serve the needs of the com-
16 munity; or

17 (iii) the inequitable distribution of
18 park space for high-need populations,
19 based on income, age, or other measures of
20 vulnerability and need;

21 (B) a community in which at least 50 per-
22 cent of the population is not located within ½
23 mile of park space;

24 (C) a community that is designated as a
25 qualified opportunity zone under section

1 1400Z-1 of the Internal Revenue Code of 1986;
2 or

3 (D) any other community that the Sec-
4 retary determines to be appropriate.

5 (2) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means—

7 (A) a State;

8 (B) a political subdivision of a State (in-
9 cluding a city or a county) that represents or
10 otherwise serves an urban area or a rural area;

11 (C) a special purpose district (including a
12 park district);

13 (D) an Indian Tribe that represents or
14 otherwise serves an urban area or a rural area;

15 or

16 (E) a metropolitan planning organization
17 (as defined in section 134(b) of title 23, United
18 States Code).

19 (3) PROGRAM.—The term “program” means
20 the Transit to Trails Grant Program established
21 under subsection (b)(1).

22 (4) RURAL AREA.—The term “rural area”
23 means a community that is not an urban area.

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of Transportation.

1 (6) TRANSPORTATION CONNECTOR.—

2 (A) IN GENERAL.—The term “transportation connector” means a system that—

3 (i) connects 2 ZIP Codes or communities within a 175-mile radius of a designated service area; and

4 (ii) offers rides available to the public.

5 (B) INCLUSIONS.—The term “transportation connector” includes microtransits, bus lines, bus rails, light rail, rapid transits, or personal rapid transits.

6 (7) URBAN AREA.—The term “urban area” means a community that—

7 (A) is densely developed;

8 (B) has residential, commercial, and other nonresidential areas; and

9 (C)(i) is an urbanized area with a population of 50,000 or more; or

10 (ii) is an urban cluster with a population of—

11 (I) not less than 2,500; and

12 (II) not more than 50,000.

13 (b) GRANT PROGRAM.—

14 (1) ESTABLISHMENT.—The Secretary shall establish a grant program, to be known as the “Tran-

1 sit to Trails Grant Program”, under which the Sec-
2 retary shall award grants to eligible entities for—

3 (A) projects that develop transportation
4 connectors or routes in or serving, and related
5 education materials for, critically underserved
6 communities to increase access and mobility to
7 Federal or non-Federal public land, waters,
8 parkland, or monuments; or

9 (B) projects that facilitate transportation
10 improvements to enhance access to Federal or
11 non-Federal public land and recreational oppor-
12 tunities in critically underserved communities.

13 (2) ADMINISTRATION.—

14 (A) IN GENERAL.—The Secretary shall ad-
15 minister the program to assist eligible entities
16 in the development of transportation connectors
17 or routes in or serving, and related education
18 materials for, critically underserved commu-
19 nities and Federal or non-Federal public land,
20 waters, parkland, and monuments.

21 (B) JOINT PARTNERSHIPS.—The Secretary
22 shall encourage joint partnership projects under
23 the program, if available, among multiple agen-
24 cies, including school districts, nonprofit organi-
25 zations, metropolitan planning organizations,

1 regional transportation authorities, transit
2 agencies, and State and local governmental
3 agencies (including park and recreation agen-
4 cies and authorities) to enhance investment of
5 public sources.

6 (C) ANNUAL GRANT PROJECT PROPOSAL
7 SOLICITATION, REVIEW, AND APPROVAL.—

8 (i) IN GENERAL.—The Secretary
9 shall—

10 (I) annually solicit the submis-
11 sion of project proposals for grants
12 from eligible entities under the pro-
13 gram; and

14 (II) review each project proposal
15 submitted under subclause (I) on a
16 timeline established by the Secretary.

17 (ii) REQUIRED ELEMENTS FOR
18 PROJECT PROPOSAL.—A project proposal
19 submitted under clause (i)(I) shall in-
20 clude—

21 (I) a statement of the purposes
22 of the project;

23 (II) the name of the entity or in-
24 dividual with overall responsibility for
25 the project;

- 1 (III) a description of the quali-
2 fications of the entity or individuals
3 identified under subclause (II);
- 4 (IV) a description of—
- 5 (aa) staffing and stake-
6 holder engagement for the
7 project;
- 8 (bb) the logistics of the
9 project; and
- 10 (cc) anticipated outcomes of
11 the project;
- 12 (V) a proposed budget for the
13 funds and time required to complete
14 the project;
- 15 (VI) information regarding the
16 source and amount of matching fund-
17 ing available for the project;
- 18 (VII) information that dem-
19 onstrates the clear potential of the
20 project to contribute to increased ac-
21 cess to parkland for critically under-
22 served communities; and
- 23 (VIII) any other information that
24 the Secretary considers to be nec-
25 essary for evaluating the eligibility of

1 the project for funding under the pro-
2 gram.

3 (iii) CONSULTATION; APPROVAL OR
4 DISAPPROVAL.—The Secretary shall, with
5 respect to each project proposal submitted
6 under this subparagraph, as appropriate—

7 (I) consult with the government
8 of each State in which the proposed
9 project is to be conducted;

10 (II) after taking into consider-
11 ation any comments resulting from
12 the consultation under subclause (I),
13 approve or disapprove the proposal;
14 and

15 (III) provide written notification
16 of the approval or disapproval to—

17 (aa) the individual or entity
18 that submitted the proposal; and

19 (bb) each State consulted
20 under subclause (I).

21 (D) PRIORITY.—To the extent practicable,
22 in determining whether to approve project pro-
23 posals under the program, the Secretary shall
24 prioritize projects that are designed to increase
25 access and mobility to local or neighborhood

1 Federal or non-Federal public land, waters,
2 parkland, monuments, or recreational opportu-
3 nities.

4 (3) TRANSPORTATION PLANNING PROCE-
5 DURES.—

6 (A) PROCEDURES.—In consultation with
7 the head of each appropriate Federal land man-
8 agement agency, the Secretary shall develop, by
9 rule, transportation planning procedures for
10 projects conducted under the program that are
11 consistent with metropolitan and statewide
12 planning processes.

13 (B) REQUIREMENTS.—All projects carried
14 out under the program shall be developed in co-
15 operation with States and metropolitan plan-
16 ning organizations.

17 (4) NON-FEDERAL CONTRIBUTIONS.—

18 (A) IN GENERAL.—As a condition of re-
19 ceiving a grant under the program, an eligible
20 entity shall provide funds in the form of cash
21 or an in-kind contribution in an amount equal
22 to not less than 100 percent of the amount of
23 the grant.

24 (B) SOURCES.—The non-Federal contribu-
25 tion required under subparagraph (A) may in-

1 clude amounts made available from State, local,
2 nongovernmental, or private sources.

3 (5) ELIGIBLE USES.—Grant funds provided
4 under the program may be used—

5 (A) to develop transportation connectors or
6 routes in or serving, and related education ma-
7 terials for, critically underserved communities
8 to increase access and mobility to Federal and
9 non-Federal public land, waters, parkland, and
10 monuments; and

11 (B) to create or significantly enhance ac-
12 cess to Federal or non-Federal public land and
13 recreational opportunities in an urban area or
14 a rural area.

15 (6) GRANT AMOUNT.—A grant provided under
16 the program shall be—

17 (A) not less than \$25,000; and

18 (B) not more than \$500,000.

19 (7) TECHNICAL ASSISTANCE.—It is the intent
20 of Congress that grants provided under the program
21 deliver project funds to areas of greatest need while
22 offering technical assistance to all applicants and po-
23 tential applicants for grant preparation to encourage
24 full participation in the program.

1 (8) PUBLIC INFORMATION.—The Secretary
2 shall ensure that current schedules and routes for
3 transportation systems developed after the receipt of
4 a grant under the program are available to the pub-
5 lic, including on a website maintained by the recipi-
6 ent of a grant.

7 (c) REPORTING REQUIREMENT.—

8 (1) REPORTS BY GRANT RECIPIENTS.—The
9 Secretary shall require a recipient of a grant under
10 the program to submit to the Secretary at least 1
11 performance and financial report that—

12 (A) includes—

13 (i) demographic data on communities
14 served by the project; and

15 (ii) a summary of project activities
16 conducted after receiving the grant; and

17 (B) describes the status of each project
18 funded by the grant as of the date of the re-
19 port.

20 (2) ADDITIONAL REPORTS.—In addition to the
21 report required under paragraph (1), the Secretary
22 may require additional reports from a recipient, as
23 the Secretary determines to be appropriate, includ-
24 ing a final report.

1 (3) DEADLINES.—The Secretary shall establish
2 deadlines for the submission of each report required
3 under paragraph (1) or (2).

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$10,000,000 for each fiscal year.

7 **SEC. 13. REPEAL OF SUNSET FOR THE EVERY KID OUT-**
8 **DOORS PROGRAM.**

9 Section 9001(b) of the John D. Dingell, Jr. Con-
10 servation, Management, and Recreation Act (16 U.S.C.
11 6804 note; Public Law 116–9) is amended by striking
12 paragraph (5).

13 **SEC. 14. PROTECTIONS FOR ENVIRONMENTAL JUSTICE**
14 **COMMUNITIES AGAINST HARMFUL FEDERAL**
15 **ACTIONS.**

16 (a) PURPOSE.—The purpose of this section is to es-
17 tablish additional protections relating to Federal actions
18 affecting environmental justice communities in recognition
19 of the disproportionate burden of adverse human health
20 or environmental effects faced by such communities.

21 (b) DEFINITIONS.—In this section:

22 (1) ENVIRONMENTAL IMPACT STATEMENT.—
23 The term “environmental impact statement” means
24 the detailed statement of environmental impacts of
25 a proposed action required to be prepared pursuant

1 to the National Environmental Policy Act of 1969
2 (42 U.S.C. 4321 et seq.).

3 (2) FEDERAL ACTION.—The term “Federal ac-
4 tion” means a proposed action that requires the
5 preparation of an environmental impact statement,
6 environmental assessment, categorical exclusion, or
7 other document under the National Environmental
8 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

9 (c) PREPARATION OF A COMMUNITY IMPACT RE-
10 PORT.—A Federal agency proposing to take a Federal ac-
11 tion that has the potential to cause negative environmental
12 or public health impacts on an environmental justice com-
13 munity shall prepare a community impact report assessing
14 the potential impacts of the proposed action.

15 (d) CONTENTS.—A community impact report de-
16 scribed in subsection (c) shall—

17 (1) assess the degree to which a proposed Fed-
18 eral action affecting an environmental justice com-
19 munity will cause multiple or cumulative exposure to
20 human health and environmental hazards that influ-
21 ence, exacerbate, or contribute to adverse health out-
22 comes;

23 (2) assess relevant public health data and in-
24 dustry data concerning the potential for multiple or
25 cumulative exposure to human health or environ-

1 mental hazards in the area of the environmental jus-
2 tice community and historical patterns of exposure
3 to environmental hazards and Federal agencies shall
4 assess these multiple, or cumulative effects, even if
5 certain effects are not within the control or subject
6 to the discretion of the Federal agency proposing the
7 Federal action;

8 (3) assess the impact of such proposed Federal
9 action on such environmental justice community's
10 ability to access public parks, outdoor spaces, and
11 public recreation opportunities;

12 (4) evaluate alternatives to or mitigation meas-
13 ures for the proposed Federal action that will—

14 (A) eliminate or reduce any identified ex-
15 posure to human health and environmental haz-
16 ards described in paragraph (1) to a level that
17 is reasonably expected to avoid human health
18 impacts in environmental justice communities;
19 and

20 (B) not negatively impact an environ-
21 mental justice community's ability to access
22 public parks, outdoor spaces, and public recre-
23 ation opportunities; and

24 (5) analyze any alternative developed by mem-
25 bers of an affected environmental justice community

1 that meets the purpose and need of the proposed ac-
2 tion.

3 (e) DELEGATION.—Federal agencies shall not dele-
4 gate responsibility for the preparation of a community im-
5 pact report described in subsection (c) to any other entity.

6 (f) NATIONAL ENVIRONMENTAL POLICY ACT RE-
7 QUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMU-
8 NITIES.—When carrying out the requirements of the Na-
9 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
10 et seq.) for a proposed Federal action that may affect an
11 environmental justice community, a Federal agency
12 shall—

13 (1) consider all potential direct, indirect, and
14 cumulative impacts caused by the action, alter-
15 natives to such action, and mitigation measures on
16 the environmental justice community required by
17 that Act;

18 (2) require any public comment period carried
19 out during the scoping phase of the environmental
20 review process to be not less than 90 days;

21 (3) provide early and meaningful community in-
22 volvement opportunities by—

23 (A) holding multiple hearings in such com-
24 munity regarding the proposed Federal action

1 in each prominent language within the environ-
2 mental justice community; and

3 (B) providing notice of any step or action
4 in the process under that Act that involves pub-
5 lic participation to any representative entities or
6 organizations present in the environmental jus-
7 tice community, including—

8 (i) local religious organizations;

9 (ii) civic associations and organiza-
10 tions;

11 (iii) business associations of people of
12 color;

13 (iv) environmental and environmental
14 justice organizations, including community-
15 based grassroots organizations led by peo-
16 ple of color;

17 (v) homeowners', tenants', and neigh-
18 borhood watch groups;

19 (vi) local governments and Tribal
20 Governments;

21 (vii) rural cooperatives;

22 (viii) business and trade organiza-
23 tions;

24 (ix) community and social service or-
25 ganizations;

1 (x) universities, colleges, and voca-
2 tional schools;

3 (xi) labor and other worker organiza-
4 tions;

5 (xii) civil rights organizations;

6 (xiii) senior citizens' groups; and

7 (xiv) public health agencies and clin-
8 ics; and

9 (4) provide translations of publicly available
10 documents made available pursuant to that Act in
11 any language spoken by more than 5 percent of the
12 population residing within the environmental justice
13 community.

14 (g) COMMUNICATION METHODS AND REQUIRE-
15 MENTS.—Any notice provided under subsection (f)(3)(B)
16 shall be provided—

17 (1) through communication methods that are
18 accessible in the environmental justice community,
19 which may include electronic media, newspapers,
20 radio, direct mailings, canvassing, and other out-
21 reach methods particularly targeted at communities
22 of color, low-income communities, and Tribal and In-
23 digenous communities; and

1 (2) at least 30 days before any hearing in such
2 community or the start of any public comment pe-
3 riod.

4 (h) REQUIREMENTS FOR ACTIONS REQUIRING AN
5 ENVIRONMENTAL IMPACT STATEMENT.—For any pro-
6 posed Federal action affecting an environmental justice
7 community requiring the preparation of an environmental
8 impact statement, the Federal agency shall provide the fol-
9 lowing information when giving notice of the proposed ac-
10 tion:

11 (1) A description of the proposed action.

12 (2) An outline of the anticipated schedule for
13 completing the process under the National Environ-
14 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
15 with a description of key milestones.

16 (3) An initial list of alternatives and potential
17 impacts.

18 (4) An initial list of other existing or proposed
19 sources of multiple or cumulative exposure to envi-
20 ronmental hazards that contribute to higher rates of
21 serious illnesses within the environmental justice
22 community.

23 (5) An agency point of contact.

24 (6) Timely notice of locations where comments
25 will be received or public meetings held.

1 (7) Any telephone number or locations where
2 further information can be obtained.

3 (i) NATIONAL ENVIRONMENTAL POLICY ACT RE-
4 QUIREMENTS FOR INDIAN TRIBES.—When carrying out
5 the requirements of the National Environmental Policy
6 Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed Fed-
7 eral action that may affect an Indian Tribe, a Federal
8 agency shall—

9 (1) seek Tribal representation in the process in
10 a manner that is consistent with the government-to-
11 government relationship between the United States
12 and Tribal Governments, the Federal Government’s
13 trust responsibility to federally recognized Indian
14 Tribes, and any treaty rights;

15 (2) ensure that an Indian Tribe is invited to
16 hold the status of a cooperating agency throughout
17 the process under that Act for any proposed action
18 that could impact an Indian Tribe, including actions
19 that could impact off reservation lands and sacred
20 sites; and

21 (3) invite an Indian Tribe to hold the status of
22 a cooperating agency in accordance with paragraph
23 (2) not later than the date on which the scoping
24 process for a proposed action requiring the prepara-

1 tion of an environmental impact statement com-
2 mences.

3 (j) AGENCY DETERMINATIONS.—Federal agency de-
4 terminations about the analysis of a community impact
5 report described in subsection (c) shall be subject to judi-
6 cial review to the same extent as any other analysis per-
7 formed under the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.).

9 (k) EFFECTIVE DATE.—This section shall take effect
10 1 year after the date of enactment of this Act.

11 (l) SAVINGS CLAUSE.—Nothing in this section dimin-
12 ishes—

13 (1) any right granted through the National En-
14 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
15 seq.) to the public; or

16 (2) the requirements under that Act to consider
17 direct, indirect, and cumulative impacts.

18 **SEC. 15. TRAINING OF EMPLOYEES OF FEDERAL AGENCIES.**

19 (a) INITIAL TRAINING.—Not later than 1 year after
20 the date of enactment of this Act, each employee of the
21 Department of Energy, the Environmental Protection
22 Agency, the Department of the Interior, and the National
23 Oceanic and Atmospheric Administration shall complete
24 an environmental justice training program to ensure that
25 each such employee—

1 (1) has received training in environmental jus-
2 tice; and

3 (2) is capable of—

4 (A) appropriately incorporating environ-
5 mental justice concepts into the daily activities
6 of the employee; and

7 (B) increasing the meaningful participation
8 of individuals from environmental justice com-
9 munities in the activities of the applicable agen-
10 cy.

11 (b) MANDATORY PARTICIPATION.—Effective on the
12 date that is 1 year after the date of enactment of this
13 Act, each individual hired by the Department of Energy,
14 the Environmental Protection Agency, the Department of
15 the Interior, and the National Oceanic and Atmospheric
16 Administration after that date shall be required to partici-
17 pate in environmental justice training.

18 (c) REQUIREMENT RELATING TO CERTAIN EMPLOY-
19 EES.—

20 (1) IN GENERAL.—With respect to each Fed-
21 eral agency that participates in the Working Group,
22 not later than 30 days after the date on which an
23 individual is appointed to the position of environ-
24 mental justice coordinator, Environmental Justice
25 Ombuds, or any other position the responsibility of

1 which involves the conducting of environmental jus-
2 tice activities, the individual shall be required to pos-
3 sess documentation of the completion by the indi-
4 vidual of environmental justice training.

5 (2) EFFECT.—If an individual described in
6 paragraph (1) fails to meet the requirement de-
7 scribed in that paragraph, the Federal agency at
8 which the individual is employed shall transfer the
9 individual to a different position until the date on
10 which the individual completes environmental justice
11 training.

12 (3) EVALUATION.—Not later than 3 years after
13 the date of enactment of this Act, the Inspector
14 General of each Federal agency that participates in
15 the Working Group shall evaluate the training pro-
16 grams of such Federal agency to determine if such
17 Federal agency has improved the rate of training of
18 the employees of such Federal agency to ensure that
19 each employee has received environmental justice
20 training.

21 **SEC. 16. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

22 (a) ENVIRONMENTAL JUSTICE COMMUNITY GRANT
23 PROGRAM.—

24 (1) ESTABLISHMENT.—The Administrator shall
25 establish a program under which the Administrator

1 shall provide grants to eligible entities to assist the
2 eligible entities in—

3 (A) building capacity to address issues re-
4 lating to environmental justice; and

5 (B) carrying out any activity described in
6 paragraph (4).

7 (2) ELIGIBILITY.—To be eligible to receive a
8 grant under paragraph (1), an eligible entity shall be
9 a nonprofit, community-based organization that con-
10 ducts activities, including providing medical and pre-
11 ventive health services, to reduce the dispropor-
12 tionate health impacts of environmental pollution in
13 the environmental justice community at which the
14 eligible entity proposes to conduct an activity that is
15 the subject of the application described in paragraph
16 (3).

17 (3) APPLICATION.—To be eligible to receive a
18 grant under paragraph (1), an eligible entity shall
19 submit to the Administrator an application at such
20 time, in such manner, and containing such informa-
21 tion as the Administrator may require, including—

22 (A) an outline describing the means by
23 which the project proposed by the eligible entity
24 will—

1 (i) with respect to environmental and
2 public health issues at the local level, in-
3 crease the understanding of the environ-
4 mental justice community at which the eli-
5 gible entity will conduct the project;

6 (ii) improve the ability of the environ-
7 mental justice community to address each
8 issue described in clause (i);

9 (iii) facilitate collaboration and co-
10 operation among various stakeholders (in-
11 cluding members of the environmental jus-
12 tice community); and

13 (iv) support the ability of the environ-
14 mental justice community to proactively
15 plan and implement just sustainable com-
16 munity development and revitalization ini-
17 tiatives, including countering displacement
18 and gentrification;

19 (B) a proposed budget for each activity of
20 the project that is the subject of the applica-
21 tion;

22 (C) a list of proposed outcomes with re-
23 spect to the proposed project;

24 (D) a description of the ways by which the
25 eligible entity may leverage the funds of the eli-

1 gible entity, or the funds made available
2 through a grant under this subsection, to de-
3 velop a project that is capable of being sus-
4 tained beyond the period of the grant; and

5 (E) a description of the ways by which the
6 eligible entity is linked to, and representative
7 of, the environmental justice community at
8 which the eligible entity will conduct the
9 project.

10 (4) USE OF FUNDS.—An eligible entity may
11 only use a grant under this subsection to carry out
12 culturally and linguistically appropriate projects and
13 activities that are driven by the needs, opportunities,
14 and priorities of the environmental justice commu-
15 nity at which the eligible entity proposes to conduct
16 the project or activity to address environmental jus-
17 tice concerns and improve the health or environment
18 of the environmental justice community, including
19 activities—

20 (A) to create or develop collaborative part-
21 nerships;

22 (B) to educate and provide outreach serv-
23 ices to the environmental justice community;

1 (C) to identify and implement projects to
2 address environmental or public health con-
3 cerns; or

4 (D) to develop a comprehensive under-
5 standing of environmental or public health
6 issues.

7 (5) REPORT.—

8 (A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of this Act, and an-
10 nually thereafter, the Administrator shall sub-
11 mit to the Committees on Energy and Com-
12 merce and Natural Resources of the House of
13 Representatives and the Committees on Envi-
14 ronment and Public Works and Energy and
15 Natural Resources of the Senate a report de-
16 scribing the ways by which the grant program
17 under this subsection has helped community-
18 based nonprofit organizations address issues re-
19 lating to environmental justice.

20 (B) PUBLIC AVAILABILITY.—The Adminis-
21 trator shall make each report required under
22 subparagraph (A) available to the public (in-
23 cluding by posting a copy of the report on the
24 website of the Environmental Protection Agen-
25 cy).

1 (6) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$25,000,000 for each of fiscal years
4 2022 through 2026.

5 (b) STATE GRANT PROGRAM.—

6 (1) ESTABLISHMENT.—The Administrator shall
7 establish a program under which the Administrator
8 shall provide grants to States to enable the States—

9 (A) to establish culturally and linguistically
10 appropriate protocols, activities, and mecha-
11 nisms for addressing issues relating to environ-
12 mental justice; and

13 (B) to carry out culturally and linguis-
14 tically appropriate activities to reduce or elimi-
15 nate disproportionately adverse human health
16 or environmental effects on environmental jus-
17 tice communities in the State, including reduc-
18 ing economic vulnerabilities that result in the
19 environmental justice communities being dis-
20 proportionately affected.

21 (2) ELIGIBILITY.—

22 (A) APPLICATION.—To be eligible to re-
23 ceive a grant under paragraph (1), a State shall
24 submit to the Administrator an application at
25 such time, in such manner, and containing such

1 information as the Administrator may require,
2 including—

3 (i) a plan that contains a description
4 of the means by which the funds provided
5 through a grant under paragraph (1) will
6 be used to address issues relating to envi-
7 ronmental justice at the State level; and

8 (ii) assurances that the funds pro-
9 vided through a grant under paragraph (1)
10 will be used only to supplement the
11 amount of funds that the State allocates
12 for initiatives relating to environmental
13 justice.

14 (B) ABILITY TO CONTINUE PROGRAM.—To
15 be eligible to receive a grant under paragraph
16 (1), a State shall demonstrate to the Adminis-
17 trator that the State has the ability to continue
18 each program that is the subject of funds pro-
19 vided through a grant under paragraph (1)
20 after receipt of the funds.

21 (3) REPORT.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this Act, and an-
24 nually thereafter, the Administrator shall sub-
25 mit to the Committees on Energy and Com-

1 merce and Natural Resources of the House of
2 Representatives and the Committees on Envi-
3 ronment and Public Works and Energy and
4 Natural Resources of the Senate a report de-
5 scribing—

6 (i) the implementation of the grant
7 program established under paragraph (1);

8 (ii) the impact of the grant program
9 on improving the ability of each partici-
10 pating State to address environmental jus-
11 tice issues; and

12 (iii) the activities carried out by each
13 State to reduce or eliminate disproportion-
14 ately adverse human health or environ-
15 mental effects on environmental justice
16 communities in the State.

17 (B) PUBLIC AVAILABILITY.—The Adminis-
18 trator shall make each report required under
19 subparagraph (A) available to the public (in-
20 cluding by posting a copy of the report on the
21 website of the Environmental Protection Agen-
22 cy).

23 (4) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to carry out

1 this subsection \$15,000,000 for each of fiscal years
2 2022 through 2026.

3 (c) TRIBAL GRANT PROGRAM.—

4 (1) ESTABLISHMENT.—The Administrator shall
5 establish a program under which the Administrator
6 shall provide grants to Tribal Governments to enable
7 the Indian Tribes—

8 (A) to establish culturally and linguistically
9 appropriate protocols, activities, and mecha-
10 nisms for addressing issues relating to environ-
11 mental justice; and

12 (B) to carry out culturally and linguis-
13 tically appropriate activities to reduce or elimi-
14 nate disproportionately adverse human health
15 or environmental effects on environmental jus-
16 tice communities in Tribal and Indigenous com-
17 munities, including reducing economic vulnera-
18 bilities that result in the Tribal and Indigenous
19 communities being disproportionately affected.

20 (2) ELIGIBILITY.—

21 (A) APPLICATION.—To be eligible to re-
22 ceive a grant under paragraph (1), a Tribal
23 Government shall submit to the Administrator
24 an application at such time, in such manner,

1 and containing such information as the Admin-
2 istrator may require, including—

3 (i) a plan that contains a description
4 of the means by which the funds provided
5 through a grant under paragraph (1) will
6 be used to address issues relating to envi-
7 ronmental justice in Tribal and Indigenous
8 communities; and

9 (ii) assurances that the funds pro-
10 vided through a grant under paragraph (1)
11 will be used only to supplement the
12 amount of funds that the Tribal Govern-
13 ment allocates for initiatives relating to en-
14 vironmental justice.

15 (B) ABILITY TO CONTINUE PROGRAM.—To
16 be eligible to receive a grant under paragraph
17 (1), a Tribal Government shall demonstrate to
18 the Administrator that the Tribal Government
19 has the ability to continue each program that is
20 the subject of funds provided through a grant
21 under paragraph (1) after receipt of the funds.

22 (3) REPORT.—

23 (A) IN GENERAL.—Not later than 1 year
24 after the date of enactment of this Act, and an-
25 nually thereafter, the Administrator shall sub-

1 mit to the Committees on Energy and Com-
2 merce and Natural Resources of the House of
3 Representatives and the Committees on Envi-
4 ronment and Public Works and Energy and
5 Natural Resources of the Senate a report de-
6 scribing—

7 (i) the implementation of the grant
8 program established under paragraph (1);

9 (ii) the impact of the grant program
10 on improving the ability of each partici-
11 pating Indian Tribe to address environ-
12 mental justice issues; and

13 (iii) the activities carried out by each
14 Tribal Government to reduce or eliminate
15 disproportionately adverse human health or
16 environmental effects on applicable envi-
17 ronmental justice communities in Tribal
18 and Indigenous communities.

19 (B) PUBLIC AVAILABILITY.—The Adminis-
20 trator shall make each report required under
21 subparagraph (A) available to the public (in-
22 cluding by posting a copy of the report on the
23 website of the Environmental Protection Agen-
24 cy).

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$25,000,000 for each of fiscal years
4 2022 through 2026.

5 (d) COMMUNITY-BASED PARTICIPATORY RESEARCH
6 GRANT PROGRAM.—

7 (1) ESTABLISHMENT.—The Administrator, in
8 consultation with the Director, shall establish a pro-
9 gram under which the Administrator shall provide
10 not more than 25 multiyear grants to eligible enti-
11 ties to carry out community-based participatory re-
12 search—

13 (A) to address issues relating to environ-
14 mental justice;

15 (B) to improve the environment of resi-
16 dents and workers in environmental justice
17 communities; and

18 (C) to improve the health outcomes of resi-
19 dents and workers in environmental justice
20 communities.

21 (2) ELIGIBILITY.—To be eligible to receive a
22 multiyear grant under paragraph (1), an eligible en-
23 tity shall be a partnership composed of—

24 (A) an accredited institution of higher edu-
25 cation; and

1 (B) a community-based organization.

2 (3) APPLICATION.—To be eligible to receive a
3 multiyear grant under paragraph (1), an eligible en-
4 tity shall submit to the Administrator an application
5 at such time, in such manner, and containing such
6 information as the Administrator may require, in-
7 cluding—

8 (A) a detailed description of the partner-
9 ship of the eligible entity that, as determined by
10 the Administrator, demonstrates the participa-
11 tion of members of the community at which the
12 eligible entity proposes to conduct the research;
13 and

14 (B) a description of—

15 (i) the project proposed by the eligible
16 entity; and

17 (ii) the ways by which the project
18 will—

19 (I) address issues relating to en-
20 vironmental justice;

21 (II) assist in the improvement of
22 health outcomes of residents and
23 workers in environmental justice com-
24 munities; and

1 (III) assist in the improvement of
2 the environment of residents and
3 workers in environmental justice com-
4 munities.

5 (4) PUBLIC AVAILABILITY.—The Administrator
6 shall make the results of the grants provided under
7 this subsection available to the public, including by
8 posting on the website of the Environmental Protec-
9 tion Agency a copy of the grant awards and an an-
10 nual report at the beginning of each fiscal year de-
11 scribing the research findings associated with each
12 grant provided under this subsection.

13 (5) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this subsection \$10,000,000 for each of fiscal years
16 2022 through 2026.

17 **SEC. 17. ENVIRONMENTAL JUSTICE BASIC TRAINING PRO-**
18 **GRAM.**

19 (a) ESTABLISHMENT.—The Administrator shall es-
20 tablish a basic training program, in coordination and con-
21 sultation with nongovernmental environmental justice or-
22 ganizations, to increase the capacity of residents of envi-
23 ronmental justice communities to identify and address dis-
24 proportionately adverse human health or environmental ef-

1 fects by providing culturally and linguistically appro-
2 priate—

3 (1) training and education relating to—

4 (A) basic and advanced techniques for the
5 detection, assessment, and evaluation of the ef-
6 fects of hazardous substances on human health;

7 (B) methods to assess the risks to human
8 health presented by hazardous substances;

9 (C) methods and technologies to detect
10 hazardous substances in the environment;

11 (D) basic biological, chemical, and physical
12 methods to reduce the quantity and toxicity of
13 hazardous substances;

14 (E) the rights and safeguards currently af-
15 farded to individuals through policies and laws
16 intended to help environmental justice commu-
17 nities address disparate impacts and discrimi-
18 nation, including—

19 (i) environmental laws; and

20 (ii) section 602 of the Civil Rights Act
21 of 1964 (42 U.S.C. 2000d–1);

22 (F) public engagement opportunities
23 through the policies and laws described in sub-
24 paragraph (E);

1 (G) materials available on the Clearing-
2 house;

3 (H) methods to expand access to parks
4 and other natural and recreational amenities;
5 and

6 (I) finding and applying for Federal grants
7 related to environmental justice; and

8 (2) short courses and continuation education
9 programs for residents of communities who are lo-
10 cated in close proximity to hazardous substances to
11 provide—

12 (A) education relating to—

13 (i) the proper manner to handle haz-
14 ardous substances;

15 (ii) the management of facilities at
16 which hazardous substances are located
17 (including facility compliance protocols);
18 and

19 (iii) the evaluation of the hazards that
20 facilities described in clause (ii) pose to
21 human health; and

22 (B) training on environmental and occupa-
23 tional health and safety with respect to the pub-
24 lic health and engineering aspects of hazardous
25 waste control.

1 (b) GRANT PROGRAM.—

2 (1) ESTABLISHMENT.—In carrying out the
3 basic training program established under subsection
4 (a), the Administrator may provide grants to, or
5 enter into any contract or cooperative agreement
6 with, an eligible entity to carry out any training or
7 educational activity described in subsection (a).

8 (2) ELIGIBLE ENTITY.—To be eligible to receive
9 assistance under paragraph (1), an eligible entity
10 shall be an accredited institution of education in
11 partnership with—

12 (A) a community-based organization that
13 carries out activities relating to environmental
14 justice;

15 (B) a generator of hazardous waste;

16 (C) any individual who is involved in the
17 detection, assessment, evaluation, or treatment
18 of hazardous waste;

19 (D) any owner or operator of a facility at
20 which hazardous substances are located; or

21 (E) any State government, Tribal Govern-
22 ment, or local government.

23 (c) PLAN.—

24 (1) IN GENERAL.—Not later than 2 years after
25 the date of enactment of this Act, the Administrator,

1 in consultation with the Director, shall develop and
2 publish in the Federal Register a plan to carry out
3 the basic training program established under sub-
4 section (a).

5 (2) CONTENTS.—The plan described in para-
6 graph (1) shall contain—

7 (A) a list that describes the relative pri-
8 ority of each activity described in subsection
9 (a); and

10 (B) a description of research and training
11 relevant to environmental justice issues of com-
12 munities adversely affected by pollution.

13 (3) COORDINATION WITH FEDERAL AGEN-
14 CIES.—The Administrator shall, to the maximum ex-
15 tent practicable, take appropriate steps to coordinate
16 the activities of the basic training program described
17 in the plan with the activities of other Federal agen-
18 cies to avoid any duplication of effort.

19 (d) REPORT.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date of enactment of this Act, and every 2 years
22 thereafter, the Administrator shall submit to the
23 Committees on Energy and Commerce and Natural
24 Resources of the House of Representatives and the
25 Committees on Environment and Public Works and

1 Energy and Natural Resources of the Senate a re-
2 port describing—

3 (A) the implementation of the basic train-
4 ing program established under subsection (a);
5 and

6 (B) the impact of the basic training pro-
7 gram on improving training opportunities for
8 residents of environmental justice communities.

9 (2) PUBLIC AVAILABILITY.—The Administrator
10 shall make the report required under paragraph (1)
11 available to the public (including by posting a copy
12 of the report on the website of the Environmental
13 Protection Agency).

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$10,000,000 for each of fiscal years 2022 through 2026.

17 **SEC. 18. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY**
18 **COUNCIL.**

19 (a) ESTABLISHMENT.—The President shall establish
20 an advisory council, to be known as the “National Envi-
21 ronmental Justice Advisory Council”.

22 (b) MEMBERSHIP.—The Advisory Council shall be
23 composed of 26 members who have knowledge of, or expe-
24 rience relating to, the effect of environmental conditions

1 on communities of color, low-income communities, and
2 Tribal and Indigenous communities, including—

3 (1) representatives of—

4 (A) community-based organizations that
5 carry out initiatives relating to environmental
6 justice, including grassroots organizations led
7 by people of color;

8 (B) State governments, Tribal Govern-
9 ments, and local governments;

10 (C) Indian Tribes and other Indigenous
11 groups;

12 (D) nongovernmental and environmental
13 organizations; and

14 (E) private sector organizations (including
15 representatives of industries and businesses);
16 and

17 (2) experts in the field of—

18 (A) socioeconomic analysis;

19 (B) health and environmental effects;

20 (C) exposure evaluation;

21 (D) environmental law and civil rights law;

22 or

23 (E) environmental health science research.

24 (c) SUBCOMMITTEES; WORKGROUPS.—

1 (1) ESTABLISHMENT.—The Advisory Council
2 may establish any subcommittee or workgroup to as-
3 sist the Advisory Council in carrying out any duty
4 of the Advisory Council described in subsection (d).

5 (2) REPORT.—Upon the request of the Advisory
6 Council, each subcommittee or workgroup estab-
7 lished by the Advisory Council under paragraph (1)
8 shall submit to the Advisory Council a report that
9 contains—

10 (A) a description of each recommendation
11 of the subcommittee or workgroup; and

12 (B) any advice requested by the Advisory
13 Council with respect to any duty of the Advi-
14 sory Council.

15 (d) DUTIES.—The Advisory Council shall provide
16 independent advice and recommendations to the Environ-
17 mental Protection Agency with respect to issues relating
18 to environmental justice, including advice—

19 (1) to help develop, facilitate, and conduct re-
20 views of the direction, criteria, scope, and adequacy
21 of the scientific research and demonstration projects
22 of the Environmental Protection Agency relating to
23 environmental justice;

24 (2) to improve participation, cooperation, and
25 communication with respect to such issues—

1 (A) within the Environmental Protection
2 Agency;

3 (B) between the Environmental Protection
4 Agency and other entities; and

5 (C) between, and among, the Environ-
6 mental Protection Agency and Federal agencies,
7 State and local governments, Indian Tribes, en-
8 vironmental justice leaders, interest groups, and
9 the public;

10 (3) requested by the Administrator to help im-
11 prove the response of the Environmental Protection
12 Agency in securing environmental justice for com-
13 munities of color, low-income communities, and
14 Tribal and Indigenous communities; and

15 (4) on issues relating to—

16 (A) the developmental framework of the
17 Environmental Protection Agency with respect
18 to the integration by the Environmental Protec-
19 tion Agency of socioeconomic programs into the
20 strategic planning, annual planning, and man-
21 agement accountability of the Environmental
22 Protection Agency to achieve environmental jus-
23 tice results throughout the Environmental Pro-
24 tection Agency;

1 (B) the measurement and evaluation of the
2 progress, quality, and adequacy of the Environ-
3 mental Protection Agency in planning, devel-
4 oping, and implementing environmental justice
5 strategies, projects, and programs;

6 (C) any existing and future information
7 management systems, technologies, and data
8 collection activities of the Environmental Pro-
9 tection Agency (including recommendations to
10 conduct analyses that support and strengthen
11 environmental justice programs in administra-
12 tive and scientific areas);

13 (D) the administration of grant programs
14 relating to environmental justice assistance; and

15 (E) education, training, and other outreach
16 activities conducted by the Environmental Pro-
17 tection Agency relating to environmental jus-
18 tice.

19 (e) MEETINGS.—

20 (1) FREQUENCY.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), the Advisory Council shall meet bi-
23 annually.

24 (B) AUTHORITY OF ADMINISTRATOR.—The
25 Administrator may require the Advisory Council

1 to conduct additional meetings if the Adminis-
2 trator determines that the conducting of any
3 additional meetings is necessary.

4 (2) PUBLIC PARTICIPATION.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (B), each meeting of the Advisory Coun-
7 cil shall be open to the public to provide the
8 public an opportunity—

9 (i) to submit comments to the Advi-
10 sory Council; and

11 (ii) to appear before the Advisory
12 Council.

13 (B) AUTHORITY OF ADMINISTRATOR.—The
14 Administrator may close any meeting, or por-
15 tion of any meeting, of the Advisory Council to
16 the public.

17 (f) FACA.—The Federal Advisory Committee Act (5
18 U.S.C. App.) shall apply to the Advisory Council.

19 (g) TRAVEL EXPENSES.—The Administrator may
20 provide to any member of the Advisory Council travel ex-
21 penses, including per diem in lieu of subsistence, at rates
22 authorized for an employee of an agency under subchapter
23 I of chapter 57 of title 5, United States Code, while away
24 from the home or regular place of business of the member
25 in the performance of the duties of the Advisory Council.

1 **SEC. 19. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.**

2 (a) ESTABLISHMENT.—Not later than 1 year after
3 the date of enactment of this Act, the Administrator shall
4 establish a public internet-based clearinghouse, to be
5 known as the Environmental Justice Clearinghouse.

6 (b) CONTENTS.—The Clearinghouse shall be com-
7 posed of culturally and linguistically appropriate materials
8 related to environmental justice, including—

9 (1) information describing the activities con-
10 ducted by the Environmental Protection Agency to
11 address issues relating to environmental justice;

12 (2) copies of training materials provided by the
13 Administrator to help individuals and employees un-
14 derstand and carry out environmental justice activi-
15 ties;

16 (3) links to web pages that describe environ-
17 mental justice activities of other Federal agencies;

18 (4) a directory of individuals who possess tech-
19 nical expertise in issues relating to environmental
20 justice;

21 (5) a directory of nonprofit and community-
22 based organizations, including grassroots organiza-
23 tions led by people of color, that address issues re-
24 lating to environmental justice at the local, State,
25 and Federal levels (with particular emphasis given to
26 nonprofit and community-based organizations that

1 possess the capability to provide advice or technical
2 assistance to environmental justice communities);
3 and

4 (6) any other appropriate information as deter-
5 mined by the Administrator, including information
6 on any resources available to help address the dis-
7 proportionate burden of adverse human health or en-
8 vironmental effects on environmental justice commu-
9 nities.

10 (c) CONSULTATION.—In developing the Clearing-
11 house, the Administrator shall consult with individuals
12 representing academic and community-based organiza-
13 tions who have expertise in issues relating to environ-
14 mental justice.

15 (d) ANNUAL REVIEW.—The Advisory Council shall—

16 (1) conduct a review of the Clearinghouse on an
17 annual basis; and

18 (2) recommend to the Administrator any up-
19 dates for the Clearinghouse that the Advisory Coun-
20 cil determines to be necessary for the effective oper-
21 ation of the Clearinghouse.

22 **SEC. 20. PUBLIC MEETINGS.**

23 (a) IN GENERAL.—Not later than 2 years after the
24 date of enactment of this Act, and biennially thereafter,
25 the Administrator shall hold public meetings on environ-

1 mental justice issues in each region of the Environmental
2 Protection Agency to gather public input with respect to
3 the implementation and updating of environmental justice
4 strategies and efforts of the Environmental Protection
5 Agency.

6 (b) OUTREACH TO ENVIRONMENTAL JUSTICE COM-
7 MUNITIES.—The Administrator, in advance of the meet-
8 ings described in subsection (a), shall to the extent prac-
9 ticable hold multiple meetings in environmental justice
10 communities in each region to provide meaningful commu-
11 nity involvement opportunities.

12 (c) NOTICE.—Notice for the meetings described in
13 subsections (a) and (b) shall be provided—

14 (1) to applicable representative entities or orga-
15 nizations present in the environmental justice com-
16 munity, including—

17 (A) local religious organizations;

18 (B) civic associations and organizations;

19 (C) business associations of people of color;

20 (D) environmental and environmental jus-
21 tice organizations;

22 (E) homeowners', tenants', and neighbor-
23 hood watch groups;

24 (F) local and Tribal Governments;

25 (G) rural cooperatives;

1 (H) business and trade organizations;

2 (I) community and social service organiza-
3 tions;

4 (J) universities, colleges, and vocational
5 schools;

6 (K) labor organizations;

7 (L) civil rights organizations;

8 (M) senior citizens' groups; and

9 (N) public health agencies and clinics;

10 (2) through communication methods that are
11 accessible in the applicable environmental justice
12 community, which may include electronic media,
13 newspapers, radio, and other media particularly tar-
14 geted at communities of color, low-income commu-
15 nities, and Tribal and Indigenous communities; and

16 (3) at least 30 days before any such meeting.

17 (d) COMMUNICATION METHODS AND REQUIRE-
18 MENTS.—The Administrator shall—

19 (1) provide translations of any documents made
20 available to the public pursuant to this section in
21 any language spoken by more than 5 percent of the
22 population residing within the applicable environ-
23 mental justice community, and make available trans-
24 lation services for meetings upon request; and

1 (2) not require members of the public to
2 produce a form of identification or register their
3 names, provide other information, complete a ques-
4 tionnaire, or otherwise fulfill any condition precedent
5 to attending a meeting, but if an attendance list,
6 register, questionnaire, or other similar document is
7 utilized during meetings, it shall state clearly that
8 the signing, registering, or completion of the docu-
9 ment is voluntary.

10 (e) **REQUIRED ATTENDANCE OF CERTAIN EMPLOY-**
11 **EES.**—In holding a public meeting under subsection (a),
12 the Administrator shall ensure that at least 1 employee
13 of the Environmental Protection Agency at the level of As-
14 sistant Administrator is present at the meeting to serve
15 as a representative of the Environmental Protection Agen-
16 cy.

17 **SEC. 21. ENVIRONMENTAL PROJECTS FOR ENVIRON-**
18 **MENTAL JUSTICE COMMUNITIES.**

19 The Administrator shall ensure that all environ-
20 mental projects developed as part of a settlement relating
21 to violations in an environmental justice community—

22 (1) are developed through consultation with,
23 and with the meaningful participation of, individuals
24 in the affected environmental justice community;
25 and

1 (2) result in a quantifiable improvement to the
2 health and well-being of individuals in the affected
3 environmental justice community.

4 **SEC. 22. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
5 **COASTAL ZONE OBJECTIVES.**

6 (a) GRANTS AUTHORIZED.—The Coastal Zone Man-
7 agement Act of 1972 is amended by inserting after section
8 309 (16 U.S.C. 1456b) the following:

9 **“SEC. 309A. GRANTS TO FURTHER ACHIEVEMENT OF TRIB-**
10 **AL COASTAL ZONE OBJECTIVES.**

11 “(a) GRANTS AUTHORIZED.—The Secretary may
12 award grants, on a competitive basis, to Indian Tribes to
13 pay for the Federal share of the cost of furthering achieve-
14 ment of the Tribal coastal zone objectives of such a Tribe.

15 “(b) FEDERAL SHARE.—

16 “(1) IN GENERAL.—The Federal share of the
17 cost of any activity carried out under a grant under
18 this section shall be—

19 “(A) in the case of a grant of less than
20 \$200,000, 100 percent of such cost; and

21 “(B) in the case of a grant of \$200,000 or
22 more, 95 percent of such cost, except as pro-
23 vided in paragraph (2).

24 “(2) WAIVER.—The Secretary may waive the
25 application of paragraph (1)(B) with respect to a

1 grant to an Indian Tribe, or otherwise reduce the
2 portion of the share of the cost of an activity re-
3 quired to be paid by an Indian Tribe under such
4 paragraph, if the Secretary determines that the
5 Tribe does not have sufficient funds to pay such por-
6 tion.

7 “(c) COMPATIBILITY.—The Secretary may not award
8 a grant under this section to an Indian Tribe unless the
9 Secretary determines that the activities to be carried out
10 under the grant are compatible with this title and that
11 the Indian Tribe has consulted with the affected coastal
12 state regarding the grant objectives and purposes.

13 “(d) AUTHORIZED OBJECTIVES AND PURPOSES.—An
14 Indian Tribe that receives a grant under this section shall
15 use the grant funds for one or more of the objectives and
16 purposes authorized under subsections (b) and (c), respec-
17 tively, of section 306A, with respect to the Indian Tribe
18 and its Tribal coastal zone. In applying section 306A(b)
19 under this subsection, a reference in that section to a pro-
20 vision shall be considered to be a corresponding provision
21 or policy for an Indian Tribe.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$5,000,000 for each fiscal year.

25 “(f) DEFINITIONS.—In this section:

1 “(1) INDIAN LAND; INDIAN TRIBE.—The term
2 ‘Indian land’ has the meaning given the term, and
3 the term ‘Indian Tribe’ has the meaning given the
4 term ‘Indian tribe’, under section 2601 of the En-
5 ergy Policy Act of 1992 (25 U.S.C. 3501).

6 “(2) TRIBAL COASTAL ZONE.—The term ‘Tribal
7 coastal zone’ means any Indian land of an Indian
8 Tribe that is within the coastal zone.

9 “(3) TRIBAL COASTAL ZONE OBJECTIVE.—The
10 term ‘Tribal coastal zone objective’ means, with re-
11 spect to an Indian Tribe and its Tribal coastal zone,
12 any of the following objectives:

13 “(A) Protection, restoration, or preserva-
14 tion of areas in that zone of that Tribe that—

15 “(i) hold important ecological, cul-
16 tural, or sacred significance for such Tribe;
17 or

18 “(ii) reflect traditional, historic, and
19 esthetic values essential to such Tribe.

20 “(B) Preparing and implementing a special
21 area management plan and technical planning
22 for important coastal areas.

23 “(C) Taking any coastal or shoreline sta-
24 bilization measure, including any mitigation

1 measure, for the purpose of public safety, public
2 access, or cultural or historical preservation.”.

3 (b) GUIDANCE.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Com-
5 merce shall issue guidance for the program established
6 under the amendment made by subsection (a), including
7 the criteria for awarding grants under such program based
8 on consultation with Indian Tribes (as that term is defined
9 in that amendment).

10 (c) USE OF STATE GRANTS TO FULFILL TRIBAL OB-
11 JECTIVES.—Section 306A(c)(2) of the Coastal Zone Man-
12 agement Act of 1972 (16 U.S.C. 1455a(c)(2)) is amend-
13 ed—

14 (1) in subparagraph (D), by striking “and” at
15 the end;

16 (2) in subparagraph (E), by striking the period
17 at the end and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(F) fulfilling any Tribal coastal zone objective
20 (as that term is defined in section 309A).”.

21 (d) OTHER PROGRAMS NOT AFFECTED.—Nothing in
22 this section, including an amendment made by this sec-
23 tion, shall be construed to affect the ability of an Indian
24 Tribe to apply for assistance, receive assistance under, or
25 participate in any program authorized by the Coastal Zone

1 Management Act of 1972 (16 U.S.C. 1451 et seq.) or
2 other related Federal laws.

3 **SEC. 23. COSMETIC LABELING.**

4 (a) IN GENERAL.—Chapter VI of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 361 et seq.) is amend-
6 ed by adding at the end the following:

7 **“SEC. 604. LABELING.**

8 “(a) COSMETIC PRODUCTS FOR PROFESSIONAL
9 USE.—

10 “(1) DEFINITION OF PROFESSIONAL.—With re-
11 spect to cosmetics, the term ‘professional’ means an
12 individual who—

13 “(A) is licensed by an official State author-
14 ity to practice in the field of cosmetology, nail
15 care, barbering, or esthetics;

16 “(B) has complied with all requirements
17 set forth by the State for such licensing; and

18 “(C) has been granted a license by a State
19 board or legal agency or legal authority.

20 “(2) LISTING OF INGREDIENTS.—Cosmetic
21 products used and sold by professionals shall list all
22 ingredients and warnings, as required for other cos-
23 metic products under this chapter.

24 “(3) PROFESSIONAL USE LABELING.—In the
25 case of a cosmetic product intended to be used only

1 by a professional on account of a specific ingredient
2 or increased concentration of an ingredient that re-
3 quires safe handling by trained professionals, the
4 product shall bear a statement as follows: ‘To be Ad-
5 ministered Only by Licensed Professionals’.

6 “(b) DISPLAY REQUIREMENTS.—A listing required
7 under subsection (a)(2) and a statement required under
8 subsection (a)(3) shall be prominently displayed—

9 “(1) in the primary language used on the label;
10 and

11 “(2) in conspicuous and legible type in contrast
12 by typography, layout, or color with other material
13 printed or displayed on the label.

14 “(c) INTERNET SALES.—In the case of internet sales
15 of cosmetics, each internet website offering a cosmetic
16 product for sale to consumers shall provide the same infor-
17 mation that is included on the packaging of the cosmetic
18 product as regularly available through in-person sales, ex-
19 cept information that is unique to a single cosmetic prod-
20 uct sold in a retail facility, such as a lot number or expira-
21 tion date, and the warnings and statements described in
22 subsection (b) shall be prominently and conspicuously dis-
23 played on the website.

24 “(d) CONTACT INFORMATION.—The label on each
25 cosmetic shall bear the domestic telephone number or elec-

1 tronic contact information, and it is encouraged that the
2 label include both the telephone number and electronic
3 contact information, that consumers may use to contact
4 the responsible person with respect to adverse events. The
5 contact number shall provide a means for consumers to
6 obtain additional information about ingredients in a cos-
7 metic, including the ability to ask if a specific ingredient
8 may be present that is not listed on the label, including
9 whether a specific ingredient may be contained in the fra-
10 grance or flavor used in the cosmetic. The manufacturer
11 of the cosmetic is responsible for providing such informa-
12 tion, including obtaining the information from suppliers
13 if it is not readily available. Suppliers are required to re-
14 lease such information upon request of the cosmetic manu-
15 facturer.”.

16 (b) MISBRANDING.—Section 602 of the Federal
17 Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amend-
18 ed by adding at the end the following:

19 “(g) If its labeling does not conform with a require-
20 ment under section 604.”.

21 (c) EFFECTIVE DATE.—Section 604 of the Federal
22 Food, Drug, and Cosmetic Act, as added by subsection
23 (a), shall take effect on the date that is 1 year after the
24 date of enactment of this Act.

1 **SEC. 24. SAFER COSMETIC ALTERNATIVES FOR DIS-**
2 **PROPORTIONATELY IMPACTED COMMU-**
3 **NITIES.**

4 (a) **IN GENERAL.**—The Secretary of Health and
5 Human Services (in this section referred to as the “Sec-
6 retary”), acting through the Commissioner of Food and
7 Drugs, shall award grants to eligible entities—

8 (1) to support research focused on the design of
9 safer alternatives to chemicals in cosmetics with in-
10 herent toxicity or associated with chronic adverse
11 health effects; or

12 (2) to provide educational awareness and com-
13 munity outreach efforts to educate and promote the
14 use of safer alternatives in cosmetics.

15 (b) **ELIGIBLE ENTITIES.**—To be eligible to receive a
16 grant under subsection (a), an entity shall—

17 (1) be a public institution such as a university,
18 a nonprofit research institution, or a nonprofit
19 grassroots organization; and

20 (2) not benefit from a financial relationship
21 with a chemical or cosmetics manufacturer, supplier,
22 or trade association.

23 (c) **PRIORITY.**—In awarding grants under subsection
24 (a), the Secretary shall give priority to applicants pro-
25 posing to focus on—

1 (1) replacing chemicals in professional cosmetic
2 products used by nail and hair and beauty salon
3 workers with safer alternatives; or

4 (2) replacing chemicals in cosmetic products
5 marketed to women and girls of color, including any
6 such beauty, personal hygiene, and intimate care
7 products, with safer alternatives.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
9 out this section, there are authorized to be appropriated
10 such sums as may be necessary for fiscal years 2022
11 through 2026.

12 **SEC. 25. SAFER CHILD CARE CENTERS, SCHOOLS, AND**
13 **HOMES FOR DISPROPORTIONATELY IM-**
14 **PACTED COMMUNITIES.**

15 (a) IN GENERAL.—The Secretary of Health and
16 Human Services (in this section referred to as the “Sec-
17 retary”), acting through the Commissioner of Food and
18 Drugs, in consultation with the Administrator of the Envi-
19 ronmental Protection Agency, shall award grants to eligi-
20 ble entities to support research focused on the design of
21 safer alternatives to chemicals in consumer, cleaning, toy,
22 and baby products with inherent toxicity or that are asso-
23 ciated with chronic adverse health effects.

24 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
25 grant under subsection (a), an entity shall—

1 (1) be a public institution such as a university
2 or a nonprofit research institution; and

3 (2) not benefit from a financial relationship
4 with—

5 (A) a chemical manufacturer, supplier, or
6 trade association; or

7 (B) a cleaning, toy, or baby product manu-
8 facturer, supplier, or trade association.

9 (c) PRIORITY.—In awarding grants under subsection
10 (a), the Secretary shall give priority to applicants pro-
11 posing to focus on replacing chemicals in cleaning, toy,
12 or baby products used by child care providers with safer
13 alternatives.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
15 out this section, there are authorized to be appropriated
16 such sums as may be necessary for fiscal years 2022
17 through 2026.

18 **SEC. 26. CERTAIN MENSTRUAL PRODUCTS MISBRANDED IF**
19 **LABELING DOES NOT INCLUDE INGREDI-**
20 **ENTS.**

21 (a) IN GENERAL.—Section 502 of the Federal Food,
22 Drug, and Cosmetic Act (21 U.S.C. 352) is amended by
23 adding at the end the following:

24 “(gg) If it is a menstrual product, such as a men-
25 strual cup, a scented, scented deodorized, or unscented

1 menstrual pad or tampon, a therapeutic vaginal douche
2 apparatus, or an obstetrical and gynecological device de-
3 scribed in section 884.5400, 884.5425, 884.5435,
4 884.5460, 884.5470, or 884.5900 of title 21, Code of Fed-
5 eral Regulations (or any successor regulation), unless its
6 label or labeling lists the name of each ingredient or com-
7 ponent of the product in order of the most predominant
8 ingredient or component to the least predominant ingre-
9 dient or component.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) applies with respect to products introduced
12 or delivered for introduction into interstate commerce on
13 or after the date that is one year after the date of the
14 enactment of this Act.

15 **SEC. 27. SUPPORT BY NATIONAL INSTITUTE OF ENVIRON-**
16 **MENTAL HEALTH SCIENCES FOR RESEARCH**
17 **ON HEALTH DISPARITIES IMPACTING COM-**
18 **MUNITIES OF COLOR.**

19 Subpart 12 of part C of title IV of the Public Health
20 Service Act (42 U.S.C. 285l et seq.) is amended by adding
21 at the end the following new section:

1 **“SEC. 463C. RESEARCH ON HEALTH DISPARITIES RELATED**
2 **TO COSMETICS IMPACTING COMMUNITIES OF**
3 **COLOR.**

4 “(a) IN GENERAL.—The Director of the Institute
5 shall award grants to eligible entities—

6 “(1) to expand support for basic, epidemiolog-
7 ical, and social scientific investigations into—

8 “(A) the chemicals linked (or with possible
9 links) to adverse health effects most commonly
10 found in cosmetics marketed to women and
11 girls of color, including beauty, personal hy-
12 giene, and intimate care products;

13 “(B) the marketing and sale of such cos-
14 metics containing chemicals linked to adverse
15 health effects to women and girls of color across
16 their lifespans;

17 “(C) the use of such cosmetics by women
18 and girls of color across their lifespans; or

19 “(D) the chemicals linked to the adverse
20 health effects most commonly found in products
21 used by nail, hair, and beauty salon workers;

22 “(2) to provide educational awareness and com-
23 munity outreach efforts to educate and promote the
24 use of safer alternatives in cosmetics; and

25 “(3) to disseminate the results of any such re-
26 search described in subparagraph (A) or (B) of

1 paragraph (1) (conducted by the grantee pursuant
2 to this section or otherwise) to help communities
3 identify and address potentially unsafe chemical ex-
4 posures in the use of cosmetics.

5 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
6 a grant under subsection (a), an entity shall—

7 “(1) be a public institution such as a university,
8 a nonprofit research institution, or a nonprofit
9 grassroots organization; and

10 “(2) not benefit from a financial relationship
11 with a chemical or cosmetics manufacturer, supplier,
12 or trade association.

13 “(c) REPORT.—Not later than the end 1 year after
14 awarding grants under this section, and each year there-
15 after, the Director of the Institute shall submit to the
16 Committee on Energy and Commerce of the House of
17 Representatives and the Committee on Health, Education,
18 Labor, and Pensions of the Senate, and make publicly
19 available, a report on the results of the investigations
20 funded under subsection (a), including—

21 “(1) summary findings on—

22 “(A) marketing strategies, product cat-
23 egories, and specific cosmetics containing ingre-
24 dients linked to adverse health effects; and

1 “(B) the demographics of the populations
2 marketed to and using cosmetics containing
3 such ingredients for personal and professional
4 use; and

5 “(2) recommended public health information
6 strategies to reduce potentially unsafe exposures to
7 cosmetics.

8 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
9 carry out this section, there are authorized to be appro-
10 priated such sums as may be necessary for fiscal years
11 2022 through 2026.”.

12 **SEC. 28. REVENUES FOR JUST TRANSITION ASSISTANCE.**

13 (a) DEFINITIONS.—In this section:

14 (1) NONPRODUCING LEASE.—The term “non-
15 producing lease” means any Federal onshore or off-
16 shore oil or natural gas lease under which oil or nat-
17 ural gas is produced for fewer than 90 days in an
18 applicable calendar year.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (b) MINERAL LEASING REVENUE.—

22 (1) COAL LEASES.—Section 7(a) of the Mineral
23 Leasing Act (30 U.S.C. 207(a)) is amended, in the
24 fourth sentence, by striking “12½ per centum” and
25 inserting “18.75 percent”.

1 (2) LEASES ON LAND KNOWN OR BELIEVED TO
2 CONTAIN OIL OR NATURAL GAS.—Section 17 of the
3 Mineral Leasing Act (30 U.S.C. 226) is amended—

4 (A) in subsection (b)—

5 (i) in paragraph (1)(A)—

6 (I) in the fourth sentence, by
7 striking “shall be held” and all that
8 follows through “are necessary” and
9 inserting “may be held in each State
10 not more than once each year”; and

11 (II) in the fifth sentence, by
12 striking “12.5 percent” and inserting
13 “18.75 percent”; and

14 (ii) in paragraph (2)(A)(ii), by strik-
15 ing “12½ per centum” and inserting
16 “18.75 percent”;

17 (B) in subsection (c)(1), in the second sen-
18 tence, by striking “12.5 percent” and inserting
19 “18.75 percent”;

20 (C) in subsection (l), by striking “12½ per
21 centum” each place it appears and inserting
22 “18.75 percent”; and

23 (D) in subsection (n)(1)(C), by striking
24 “12½ per centum” and inserting “18.75 per-
25 cent”.

1 (3) REINSTATEMENT OF LEASES.—Section
2 31(e)(3) of the Mineral Leasing Act (30 U.S.C.
3 188(e)(3)) is amended by striking “16²/₃” each place
4 it appears and inserting “25”.

5 (4) DEPOSITS.—Section 35 of the Mineral
6 Leasing Act (30 U.S.C. 191) is amended—

7 (A) in subsection (a), in the first sentence,
8 by striking “All” and inserting “Except as pro-
9 vided in subsection (e), all”; and

10 (B) by adding at the end the following:

11 “(e) DISTRIBUTION OF CERTAIN AMOUNTS.—Not-
12 withstanding paragraph (1), the amount of any increase
13 in revenues collected as a result of the amendments made
14 by subsection (b) of section 28 of the Environmental Jus-
15 tice For All Act shall be deposited and distributed in ac-
16 cordance with subsection (d) of that section.”.

17 (c) FEES FOR PRODUCING LEASES AND NONPRO-
18 DUCING LEASES.—

19 (1) CONSERVATION OF RESOURCES FEES.—

20 There is established a fee of \$4 per acre per year
21 on producing Federal onshore and offshore oil and
22 gas leases.

23 (2) SPECULATIVE LEASING FEES.—There is es-

24 tablished a fee of \$6 per acre per year on nonpro-
25 ducing leases.

1 (d) DEPOSIT.—

2 (1) IN GENERAL.—All amounts collected under
3 paragraphs (1) and (2) of subsection (c) shall be de-
4 posited in the Federal Energy Transition Economic
5 Development Assistance Fund established by section
6 29(c).

7 (2) MINERAL LEASING REVENUE.—Notwith-
8 standing any other provision of law, of the amount
9 of any increase in revenue collected as a result of the
10 amendments made by subsection (b)—

11 (A) 50 percent shall be deposited in the
12 Federal Energy Transition Economic Develop-
13 ment Assistance Fund established by section
14 29(c); and

15 (B) 50 percent shall be distributed to the
16 State in which the production occurred.

17 (e) ADJUSTMENT FOR INFLATION.—The Secretary
18 shall, by regulation at least once every 4 years, adjust each
19 fee established by subsection (c) to reflect any change in
20 the Consumer Price Index (all items, United States city
21 average) as prepared by the Department of Labor.

1 **SEC. 29. ECONOMIC REVITALIZATION FOR FOSSIL FUEL-DE-**
2 **PENDENT COMMUNITIES.**

3 (a) PURPOSE.—The purpose of this section is to pro-
4 mote economic revitalization, diversification, and develop-
5 ment in communities—

6 (1) that depend on fossil fuel mining, extrac-
7 tion, or refining for a significant amount of eco-
8 nomic opportunities; or

9 (2) in which a significant proportion of the pop-
10 ulation is employed at electric generating stations
11 that use fossil fuels as the predominant fuel supply.

12 (b) DEFINITIONS.—In this section:

13 (1) ADVISORY COMMITTEE.—The term “Advi-
14 sory Committee” means the Just Transition Advi-
15 sory Committee established by subsection (g)(1).

16 (2) DISPLACED WORKER.—The term “displaced
17 worker” means an individual who, due to efforts to
18 reduce net emissions from public land or as a result
19 of a downturn in fossil fuel mining, extraction, or
20 production, has suffered a reduction in employment
21 or economic opportunities.

22 (3) FOSSIL FUEL.—The term “fossil fuel”
23 means coal, petroleum, natural gas, tar sands, oil
24 shale, or any derivative of coal, petroleum, or nat-
25 ural gas.

1 (4) FOSSIL FUEL-DEPENDENT COMMUNITY.—

2 The term “fossil fuel-dependent community” means
3 a community—

4 (A) that depends on fossil fuel mining, and
5 extraction, or refining for a significant amount
6 of economic opportunities; or

7 (B) in which a significant proportion of the
8 population is employed at electric generating
9 stations that use fossil fuels as the predominant
10 fuel supply.

11 (5) FOSSIL FUEL TRANSITION COMMUNITY.—

12 The term “fossil fuel transition community” means
13 a community—

14 (A) that has been adversely affected eco-
15 nomically by a recent reduction in fossil fuel
16 mining, extraction, or production-related activ-
17 ity, as demonstrated by employment data, per
18 capita income, or other indicators of economic
19 distress;

20 (B) that has historically relied on fossil
21 fuel mining, extraction, or production-related
22 activity for a substantial portion of its economy;
23 or

1 (C) in which the economic contribution of
2 fossil fuel mining, extraction, or production-re-
3 lated activity has significantly declined.

4 (6) FUND.—The term “Fund” means the Fed-
5 eral Energy Transition Economic Development As-
6 sistance Fund established by subsection (e).

7 (7) PUBLIC LAND.—

8 (A) IN GENERAL.—The term “public land”
9 means any land and interest in land owned by
10 the United States within the several States and
11 administered by the Secretary or the Secretary
12 of Agriculture (acting through the Chief of the
13 Forest Service) without regard to how the
14 United States acquired ownership.

15 (B) INCLUSION.—The term “public land”
16 includes land located on the outer Continental
17 Shelf.

18 (C) EXCLUSION.—The term “public land”
19 does not include land held in trust for an In-
20 dian Tribe or member of an Indian Tribe.

21 (8) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (e) ESTABLISHMENT OF FEDERAL ENERGY TRANSI-
24 TION ECONOMIC DEVELOPMENT ASSISTANCE FUND.—
25 There is established in the Treasury of the United States

1 a fund, to be known as the “Federal Energy Transition
2 Economic Development Assistance Fund”, which shall
3 consist of amounts deposited in the Fund under section
4 28(d).

5 (d) DISTRIBUTION OF FUNDS.—Of the amounts de-
6 posited in the Fund—

7 (1) 35 percent shall be distributed by the Sec-
8 retary to States in which extraction of fossil fuels
9 occurs on public land, based on a formula reflecting
10 existing production and extraction in the State;

11 (2) 35 percent shall be distributed by the Sec-
12 retary to States based on a formula reflecting the
13 quantity of fossil fuels historically produced and ex-
14 tracted in the State on public land before the date
15 of enactment of this Act; and

16 (3) 30 percent shall be allocated to a competi-
17 tive grant program under subsection (f).

18 (e) USE OF FUNDS.—

19 (1) IN GENERAL.—Funds distributed by the
20 Secretary to States under paragraphs (1) and (2) of
21 subsection (d) may be used for—

22 (A) environmental remediation of land and
23 waters impacted by the full lifecycle of fossil
24 fuel extraction and mining;

1 (B) building partnerships to attract and
2 invest in the economic future of historically fos-
3 sil fuel-dependent communities;

4 (C) increasing capacity and other technical
5 assistance fostering long-term economic growth
6 and opportunity in historically fossil fuel-de-
7 pendent communities;

8 (D) guaranteeing pensions, healthcare, and
9 retirement security and providing a bridge of
10 wage support until a displaced worker either
11 finds new employment or reaches retirement;

12 (E) severance payments for displaced
13 workers;

14 (F) carbon sequestration projects in nat-
15 ural systems on public land; or

16 (G) expanding broadband access and
17 broadband infrastructure.

18 (2) PRIORITY TO FOSSIL FUEL WORKERS.—In
19 distributing funds under paragraph (1), the Sec-
20 retary shall give priority to assisting displaced work-
21 ers dislocated from fossil fuel mining and extraction
22 industries.

23 (f) COMPETITIVE GRANT PROGRAM.—

24 (1) IN GENERAL.—The Secretary shall establish
25 a competitive grant program to provide funds to eli-

1 gible entities for the purposes described in para-
2 graph (3).

3 (2) DEFINITION OF ELIGIBLE ENTITY.—In this
4 subsection, the term “eligible entity” means a local,
5 State, or Tribal government, local development dis-
6 trict (as defined in section 382E(a) of the Consoli-
7 dated Farm and Rural Development Act (7 U.S.C.
8 2009aa–4(a))), a nonprofit organization, labor
9 union, economic development agency, or institution
10 of higher education (including a community college).

11 (3) ELIGIBLE USE OF FUNDS.—The Secretary
12 may award grants from amounts in the Fund made
13 available under subsection (d)(3) for—

14 (A) the purposes described in subsection

15 (e)(1);

16 (B)(i) existing job retraining and appren-
17 ticeship programs for displaced workers; or

18 (ii) programs designed to promote eco-
19 nomic development in communities affected by
20 a downturn in fossil fuel extraction and mining;

21 (C) developing projects that—

22 (i) diversify local and regional econo-
23 mies;

24 (ii) create jobs in new or existing non-
25 fossil fuel industries;

1 (iii) attract new sources of job-cre-
2 ating investment; or

3 (iv) provide a range of workforce serv-
4 ices and skills training;

5 (D) internship programs in a field related
6 to clean energy; and

7 (E) the development and support of—

8 (i) a clean energy certificate program
9 at a labor organization; or

10 (ii) a clean energy major or minor
11 program at an institution of higher edu-
12 cation (as defined in section 101 of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1001)).

15 (g) JUST TRANSITION ADVISORY COMMITTEE.—

16 (1) ESTABLISHMENT.—Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary shall establish an advisory committee, to be
19 known as the “Just Transition Advisory Com-
20 mittee”.

21 (2) CHAIR.—The President shall appoint a
22 Chair of the Advisory Committee.

23 (3) DUTIES.—The Advisory Committee shall—

24 (A) advise, assist, and support the Sec-
25 retary in—

1 (i) the management and allocation of
2 funds available under subsection (d); and

3 (ii) the establishment and administra-
4 tion of the competitive grant program
5 under subsection (f); and

6 (B) develop procedures to ensure that
7 States and applicants eligible to participate in
8 the competitive grant program established
9 under subsection (f) are notified of the avail-
10 ability of Federal funds pursuant to this sec-
11 tion.

12 (4) MEMBERSHIP.—

13 (A) IN GENERAL.—The total number of
14 members of the Advisory Committee shall not
15 exceed 20 members.

16 (B) COMPOSITION.—The Advisory Com-
17 mittee shall be composed of the following mem-
18 bers appointed by the Chair:

19 (i) A representative of the Assistant
20 Secretary of Commerce for Economic De-
21 velopment.

22 (ii) A representative of the Secretary
23 of Labor.

24 (iii) A representative of the Under
25 Secretary for Rural Development.

1 (iv) Two individuals with professional
2 economic development or workforce re-
3 training experience.

4 (v) An equal number of representa-
5 tives from each of the following:

6 (I) Labor unions.

7 (II) Nonprofit environmental or-
8 ganizations.

9 (III) Environmental justice orga-
10 nizations.

11 (IV) Fossil fuel transition com-
12 munities.

13 (V) Public interest groups.

14 (VI) Tribal and Indigenous com-
15 munities.

16 (5) TERMINATION.—The Advisory Committee
17 shall not terminate except by an Act of Congress.

18 (h) LIMIT ON USE OF FUNDS.—

19 (1) ADMINISTRATIVE COSTS.—Not more than 7
20 percent of the amounts in the Fund may be used for
21 administrative costs incurred in implementing this
22 section.

23 (2) LIMITATION ON FUNDS TO A SINGLE ENTI-
24 TY.—Not more than 5 percent of the amounts in the
25 Fund may be awarded to a single eligible entity.

1 the House of Representatives, and the Committees on En-
2 vironment and Public Works and Energy and Natural Re-
3 sources of the Senate, a report that contains an evaluation
4 of the effectiveness of each activity carried out under this
5 Act and the amendments made by this Act.

○