

117TH CONGRESS
1ST SESSION

H. R. 2021

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2021

Mr. GRIJALVA (for himself, Mr. MCEACHIN, Ms. BARRAGÁN, Ms. SCHAKOWSKY, Ms. NORTON, Mr. ESPALLAT, Ms. LEE of California, Mr. LOWENTHAL, Ms. TLAIB, Ms. CHU, Ms. MENG, Mr. GOMEZ, Ms. BLUNT ROCHESTER, Mr. GARCÍA of Illinois, Ms. JAYAPAL, Mr. KHANNA, Ms. DEGETTE, Mrs. BEATTY, Mr. KAHELE, Ms. BUSH, Mr. SCOTT of Virginia, Mr. NADLER, Ms. ESCOBAR, Ms. CASTOR of Florida, Mr. CONNOLLY, Ms. BROWNLEY, Ms. LEGER FERNANDEZ, and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, the Judiciary, Transportation and Infrastructure, Agriculture, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To 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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.

3 **SEC. 2. FINDINGS; STATEMENT OF POLICY.**

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

- 5 (1) Communities of color, low-income commu-
 6 nities, Tribal and Indigenous communities, fossil
 7 fuel-dependent communities, and other vulnerable
 8 populations, such as persons with disabilities, chil-

1 dren, and the elderly, are disproportionately bur-
2 dened by environmental hazards that include expo-
3 sure to polluted air, waterways, and landscapes.

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

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

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

1 (5) Potential environmental and climate threats
2 to environmental justice communities merit a higher
3 level of engagement, review, and consent to ensure
4 that communities are not forced to bear dispro-
5 portionate environmental and health impacts.

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

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

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

24 (9) All people have the right to breathe clean
25 air, drink clean water, live free of dangerous levels

1 of toxic pollution, and share the benefits of a prosper-
2 ous and vibrant pollution-free economy.

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

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

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

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

1 indigenous communities in each State and territory of
2 the United States;

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

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

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

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

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

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

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

8 (3) CLEARINGHOUSE.—The term “Clearing-
9 house” means the Environmental Justice Clearing-
10 house established by the Administrator under section
11 19.

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

18 (A) Black.

19 (B) African American.

20 (C) Asian.

21 (D) Pacific Islander.

22 (E) Other non-White race.

23 (F) Hispanic.

24 (G) Latino.

25 (H) Linguistically isolated.

1 (5) DIRECTOR.—The term “Director” means
2 the Director of the National Institute of Environ-
3 mental Health Sciences.

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

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

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

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

1 (B) equal access to any Federal agency ac-
2 tion on environmental justice issues in order to
3 have a healthy environment in which to live,
4 learn, work, and recreate.

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

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

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

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

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

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

22 (E) the Pollution Prevention Act of 1990
23 (42 U.S.C. 13101 et seq.);

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

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

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

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

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

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

23 (13) LOCAL GOVERNMENT.—The term “local
24 government” means—

1 (A) a county, municipality, city, town,
2 township, local public authority, school district,
3 special district, intrastate district, council of
4 governments (regardless of whether the council
5 of governments is incorporated as a nonprofit
6 corporation under State law), regional or inter-
7 state governmental entity, or agency or instru-
8 mentality of a local government; or

9 (B) an Indian Tribe or authorized Tribal
10 organization, or Alaska Native village or organi-
11 zation, that is not a Tribal Government.

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

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

21 (B) 200 percent of the Federal poverty
22 line.

23 (15) POPULATION.—The term “population”
24 means a census block group or series of geographi-
25 cally contiguous blocks representing certain common

1 characteristics, such as race, ethnicity, national ori-
2 gin, income-level, health disparities, or other public
3 health and socioeconomic attributes.

4 (16) STATE.—The term “State” means—

5 (A) any State of the United States;

6 (B) the District of Columbia;

7 (C) the Commonwealth of Puerto Rico;

8 (D) the United States Virgin Islands;

9 (E) Guam;

10 (F) American Samoa; and

11 (G) the Commonwealth of the Northern

12 Mariana Islands.

13 (17) TRIBAL AND INDIGENOUS COMMUNITY.—

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

16 (A) a federally recognized Indian Tribe;

17 (B) a State-recognized Indian Tribe;

18 (C) an Alaska Native or Native Hawaiian

19 community or organization; or

20 (D) any other community of Indigenous

21 people located in a State.

22 (18) TRIBAL GOVERNMENT.—The term “Tribal

23 Government” means the governing body of an In-
24 dian Tribe.

1 (19) WHITE HOUSE INTERAGENCY COUNCIL.—
2 The term “White House interagency council” means
3 the White House Environmental Justice Interagency
4 Council described in section 8.

5 **SEC. 4. PROHIBITED DISCRIMINATION.**

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

8 (1) by striking “No” and inserting “(a) No”;
9 and

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

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

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

24 “(ii) a less discriminatory alternative program,
25 policy, practice, or activity exists, and the covered

1 entity refuses to adopt such alternative program,
2 policy, practice, or activity.

3 “(B) With respect to demonstrating that a particular
4 program, policy, practice, or activity does not cause a dis-
5 parate impact, the covered entity shall demonstrate that
6 each particular challenged program, policy, practice, or ac-
7 tivity does not cause a disparate impact, except that if
8 the covered entity demonstrates to the courts that the ele-
9 ments of the covered entity’s decision-making process are
10 not capable of separation for analysis, the decision-making
11 process may be analyzed as 1 program, policy, practice,
12 or activity.

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

18 “(3) In this subsection—

19 “(A) the term ‘demonstrates’ means to meet
20 the burdens of going forward with the evidence and
21 of persuasion; and

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

1 “(c) No person in the United States shall be sub-
2 jected to discrimination, including retaliation or intima-
3 tion, because such person opposed any program, policy,
4 practice, or activity prohibited by this title, or because
5 such person made a charge, testified, assisted, or partici-
6 pated in any manner in an investigation, proceeding, or
7 hearing under this title.”.

8 **SEC. 5. RIGHT OF ACTION.**

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

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

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

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

20 (b) EFFECTIVE DATE.—

21 (1) IN GENERAL.—This section, including the
22 amendments made by this section, takes effect on
23 the date of enactment of this Act.

24 (2) APPLICATION.—This section, including the
25 amendments made by this section, applies to all ac-

1 tions or proceedings pending on or after the date of
2 enactment of this Act.

3 **SEC. 6. RIGHTS OF RECOVERY.**

4 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
5 2000d et seq.) is amended by inserting after section 602
6 the following:

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

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

21 “(b) CLAIMS BASED ON THE DISPARATE IMPACT
22 STANDARD OF PROOF.—In an action brought by an ag-
23 grieved person under this title against a covered entity
24 who has engaged in unlawful discrimination based on dis-
25 parate impact prohibited under this title (including imple-

1 menting regulations), the aggrieved person may recover
 2 attorney’s fees (including expert fees), and costs of the
 3 action.

4 “(c) DEFINITIONS.—In this section:

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

9 “(2) DISPARATE IMPACT.—The term ‘disparate
 10 impact’ has the meaning given the term in section
 11 3 of the Environmental Justice For All Act.”.

12 **SEC. 7. CONSIDERATION OF CUMULATIVE IMPACTS AND**
 13 **PERSISTENT VIOLATIONS IN CERTAIN PER-**
 14 **MITTING DECISIONS.**

15 (a) FEDERAL WATER POLLUTION CONTROL ACT.—
 16 Section 402 of the Federal Water Pollution Control Act
 17 (33 U.S.C. 1342) is amended—

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

21 **“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMI-**
 22 **NATION SYSTEM.**

23 “(a) PERMITS ISSUED BY ADMINISTRATOR.—

24 “(1) IN GENERAL.—Except as”;

25 (2) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) by striking “upon condition that
3 such discharge will meet either (A) all”
4 and inserting the following: “subject to the
5 conditions that—

6 “(A) the discharge will achieve compliance
7 with, as applicable—

8 “(i) all”;

9 (ii) by striking “403 of this Act, or
10 (B) prior” and inserting the following:
11 “403; or

12 “(ii) prior”; and

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

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

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

1 population, or to any potentially exposed or
2 susceptible subpopulation; or

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

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

21 “(A) conditions relating to—

22 “(i) data and information collection;

23 “(ii) reporting; and

1 “(iii) such other requirements as the
2 Administrator determines to be appro-
3 priate; and

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

6 (3) in subsection (b)—

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

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

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

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

1 (b) CLEAN AIR ACT.—

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

4 (A) in the matter preceding paragraph (1),
5 by striking “As used in this title—” and insert-
6 ing “In this title.”;

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

11 (C) by inserting after paragraph (1) the
12 following:

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

18 “(A) including—

19 “(i) environmental pollution re-
20 leased—

21 “(I)(aa) routinely;

22 “(bb) accidentally; or

23 “(cc) otherwise; and

24 “(II) from any source, whether
25 single or multiple; and

1 “(ii) as assessed based on the com-
2 bined past, present, and reasonably fore-
3 seeable emissions and discharges affecting
4 the geographical area; and

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

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

12 (A) in paragraph (5)—

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

16 (ii) by striking subparagraph (F) and
17 inserting the following:

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

20 “(i) with respect to an application for
21 a permit or renewal of a permit for a
22 major source, the permitting authority de-
23 termines under paragraph (9)(A)(i)(II)(bb)
24 that the terms and conditions of the per-
25 mit or renewal would not be sufficient to

1 ensure a reasonable certainty of no harm
2 to the health of the general population, or
3 to any potentially exposed or susceptible
4 subpopulation, of the applicable census
5 block groups or Tribal census block groups
6 (as those terms are defined by the Director
7 of the Bureau of the Census); or

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

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

13 “(9) MAJOR SOURCES.—

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

18 “(i) in determining whether to issue
19 or renew the permit—

20 “(I) evaluate the potential cumu-
21 lative impacts of the major source, as
22 described in the applicable cumulative
23 impacts analysis submitted under sec-
24 tion 503(b)(3), taking into consider-

1 ation other pollution sources and risk
2 factors within a community;

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

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

1 “(bb) if the permitting au-
2 thority determines that standards
3 and requirements described in
4 item (aa) would not be sufficient
5 to ensure a reasonable certainty
6 of no such harm, deny the
7 issuance or renewal of the per-
8 mit;

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

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

24 “(aa) require the applicant
25 to submit a plan that describes—

1 “(AA) if the applicant
2 is not in compliance with
3 this Act, measures the appli-
4 cant will carry out to
5 achieve that compliance, to-
6 gether with an approximate
7 deadline for that achieve-
8 ment;

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

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

24 “(bb) once such a plan is
25 submitted, determine whether the

1 plan is adequate to ensuring that
2 the applicant—

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

6 “(BB) will remain in
7 compliance with this Act;

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

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

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

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

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

1 “(BB) no indication exists
2 of extremely exigent cir-
3 cumstances excusing the per-
4 sistent violations; and

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

9 “(B) REVISION REQUIREMENTS.—

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

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

22 “(iii) TREATMENT AS RENEWAL.—A
23 permit revision under this paragraph shall
24 be treated as a permit renewal if it com-

1 plies with the requirements of this title re-
2 garding renewals.”.

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

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

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

22 “(B) air quality and the potential effect on
23 that air quality of emissions of air pollutants
24 (including pollutants listed under section 108 or

1 112) from the major source, including in com-
2 bination with existing sources of pollutants;

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

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

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

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

15 (b) PURPOSES.—The purposes of the White House
16 interagency council are—

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

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

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

10 (4) to address environmental health, pollution,
11 and public health burdens in environmental justice
12 communities, and build healthy, sustainable, and re-
13 silient communities; and

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

19 (A) clear performance metrics to ensure
20 accountability; and

21 (B) an annually published public perform-
22 ance scorecard on the implementation of the
23 White House interagency council.

1 (c) COMPOSITION.—The White House interagency
2 council shall be composed of members as follows (or their
3 designee):

4 (1) The Secretary of Agriculture.

5 (2) The Secretary of Commerce.

6 (3) The Secretary of Defense.

7 (4) The Secretary of Education.

8 (5) The Secretary of Energy.

9 (6) The Secretary of Health and Human Serv-
10 ices.

11 (7) The Secretary of Homeland Security.

12 (8) The Secretary of Housing and Urban Devel-
13 opment.

14 (9) The Secretary of the Interior.

15 (10) The Attorney General.

16 (11) The Secretary of Labor.

17 (12) The Secretary of Transportation.

18 (13) The Administrator of the Environmental
19 Protection Agency.

20 (14) The Director of the Office of Management
21 and Budget.

22 (15) The Director of the Office of Science and
23 Technology Policy.

24 (16) The Deputy Assistant to the President for
25 Environmental Policy.

1 (17) The Assistant to the President for Domes-
2 tic Policy.

3 (18) The Director of the National Economic
4 Council.

5 (19) The Chairperson of the Council on Envi-
6 ronmental Quality.

7 (20) The Chairperson of the Council of Eco-
8 nomic Advisers.

9 (21) The Director of the National Institutes of
10 Health.

11 (22) The Director of the Office of Environ-
12 mental Justice.

13 (23) The Chairperson of the Consumer Product
14 Safety Commission.

15 (24) The Chairperson of the Chemical Safety
16 Board.

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

18 (26) The Assistant Secretary of the Bureau of
19 Indian Affairs.

20 (27) The Chairperson of the National Environ-
21 mental Justice Advisory Council.

22 (28) The head of any other agency that the
23 President may designate.

1 (d) GOVERNANCE.—The Chairperson of the Council
2 on Environmental Quality shall serve as Chairperson of
3 the White House interagency council.

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

7 (f) UNIFORM CONSIDERATION GUIDANCE.—

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

19 (A) Health disparities.

20 (B) Environmental exposure disparities.

21 (C) Demographic characteristics, including
22 age, sex, and race or ethnicity.

23 (D) Social stressors, including poverty,
24 housing quality, access to health care, edu-
25 cation, immigration status, linguistic isolation,

1 historical trauma, and lack of community re-
2 sources.

3 (E) Cumulative impacts or risks.

4 (F) Community vulnerability or suscepti-
5 bility to adverse human health and environ-
6 mental effects (including climate change).

7 (G) Barriers to meaningful involvement in
8 the development, implementation, and enforce-
9 ment of environmental laws.

10 (H) Community capacity to address envi-
11 ronmental concerns, including the capacity to
12 obtain equitable access to environmental amen-
13 ities.

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

18 (3) DOCUMENTATION.—Not later than 90 days
19 after the date of publication of the guidance docu-
20 ment under paragraph (1), the head of each Federal
21 agency participating in the White House interagency
22 council shall document the ways in which the Fed-
23 eral agency will incorporate guidance from the docu-
24 ment into the environmental justice strategy of the

1 Federal agency developed and finalized under section
2 9(b).

3 (g) DEVELOPMENT OF INTERAGENCY FEDERAL EN-
4 VIRONMENTAL JUSTICE STRATEGY.—

5 (1) IN GENERAL.—Not less frequently than
6 once every 3 years, after notice and opportunity for
7 public comment, the White House interagency coun-
8 cil shall update a coordinated interagency Federal
9 environmental justice strategy to address current
10 and historical environmental injustice.

11 (2) DEVELOPMENT OF STRATEGY.—In carrying
12 out paragraph (1), the White House interagency
13 council shall—

14 (A) consider the most recent environmental
15 justice strategy of each Federal agency that
16 participates in the White House interagency
17 council that is developed and finalized under
18 section 9(b);

19 (B) consult with the National Environ-
20 mental Justice Advisory Council and local envi-
21 ronmental justice leaders; and

22 (C) include in the interagency Federal en-
23 vironmental justice strategy clear performance
24 metrics to ensure accountability.

1 (3) ANNUAL PERFORMANCE SCORECARD.—The
2 White House interagency council shall annually pub-
3 lish a public performance scorecard on the imple-
4 mentation of the interagency Federal environmental
5 justice strategy.

6 (h) SUBMISSION OF REPORT TO PRESIDENT.—

7 (1) IN GENERAL.—Not later than 180 days
8 after updating the interagency Federal environ-
9 mental justice strategy under subsection (g)(1), the
10 White House interagency council shall submit to the
11 President a report that contains—

12 (A) a description of the implementation of
13 the interagency Federal environmental justice
14 strategy; and

15 (B) a copy of the finalized environmental
16 justice strategy of each Federal agency that
17 participates in the White House interagency
18 council that is developed and finalized under
19 section 9(b).

20 (2) PUBLIC AVAILABILITY.—The head of each
21 Federal agency that participates in the White House
22 interagency council shall make the report described
23 in paragraph (1) available to the public (including
24 by posting a copy of the report on the website of
25 each Federal agency).

1 (i) ADMINISTRATION.—

2 (1) OFFICE OF ADMINISTRATION.—The Office
3 of Administration within the Executive Office of the
4 President shall provide funding and administrative
5 support for the White House interagency council, to
6 the extent permitted by law and within existing ap-
7 propriations.

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

17 (j) MEETINGS AND STAFF.—

18 (1) CHAIRPERSON.—The Chairperson of the
19 Council on Environmental Quality shall—

20 (A) convene regular meetings of the White
21 House interagency council;

22 (B) determine the agenda of the White
23 House interagency council in accordance with
24 this section; and

1 (C) direct the work of the White House
2 interagency council.

3 (2) EXECUTIVE DIRECTOR.—The Chairperson
4 of the Council on Environmental Quality shall des-
5 ignate an Executive Director of the White House
6 interagency council, who shall coordinate the work
7 of, and head any staff assigned to, the White House
8 interagency council.

9 (k) OFFICERS.—To facilitate the work of the White
10 House interagency council, the head of each agency de-
11 scribed in subsection (c) shall assign a designated official
12 within the agency to be an Environmental Justice Officer,
13 with the authority—

14 (1) to represent the agency on the White House
15 interagency council; and

16 (2) to perform such other duties relating to the
17 implementation of this section within the agency as
18 the head of the agency determines to be appropriate.

19 (l) ESTABLISHMENT OF SUBGROUPS.—At the direc-
20 tion of the Chairperson of the Council on Environmental
21 Quality, the White House interagency council may estab-
22 lish 1 or more subgroups consisting exclusively of White
23 House interagency council members or their designees
24 under this section, as appropriate.

1 **SEC. 9. FEDERAL AGENCY ACTIONS AND RESPONSIBIL-**
2 **ITIES.**

3 (a) CONDUCT OF PROGRAMS.—Each Federal agency
4 that participates in the White House interagency council
5 shall conduct each program, policy, practice, and activity
6 of the Federal agency that adversely affects, or has the
7 potential to adversely affect, human health or the environ-
8 ment in a manner that ensures that each such program,
9 policy, practice, or activity does not have an effect of ex-
10 cluding any individual from participating in, denying any
11 individual the benefits of, or subjecting any individual to
12 discrimination or disparate impact under, such program,
13 policy, practice, or activity of the Federal agency on the
14 basis of the race, color, national origin, or income level
15 of the individual.

16 (b) FEDERAL AGENCY ENVIRONMENTAL JUSTICE
17 STRATEGIES.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of enactment of this Act, and after notice
20 and opportunity for public comment, each Federal
21 agency that participates in the White House inter-
22 agency council shall develop and finalize an agency-
23 wide environmental justice strategy that—

24 (A) identifies staff to support implementa-
25 tion of the Federal agency’s environmental jus-
26 tice strategy;

1 (B) identifies and addresses any dispropor-
2 tionately high or adverse human health or envi-
3 ronmental effects of its programs, policies,
4 practices, and activities on—

5 (i) communities of color;

6 (ii) low-income communities; and

7 (iii) Tribal and Indigenous commu-
8 nities; and

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

11 (2) CONTENTS.—Each environmental justice
12 strategy developed by a Federal agency under para-
13 graph (1) shall contain—

14 (A) an assessment that identifies each pro-
15 gram, policy, practice, and activity (including
16 any public participation process) of the Federal
17 agency, relating to human health or the envi-
18 ronment that the Federal agency determines
19 should be revised—

20 (i) to ensure that all persons have the
21 same degree of protection from environ-
22 mental and health hazards;

23 (ii) to ensure meaningful public in-
24 volvement and due process in the develop-

1 ment, implementation, and enforcement of
2 all Federal laws;

3 (iii) to improve direct guidance and
4 technical assistance to environmental jus-
5 tice communities with respect to the under-
6 standing of the science, regulations, and
7 policy related to Federal agency action on
8 environmental justice issues;

9 (iv) to improve cooperation with State
10 governments, Tribal Governments, and
11 local governments to address pollution and
12 public health burdens in environmental jus-
13 tice communities, and build healthy, sus-
14 tainable, and resilient communities;

15 (v) to improve Federal research and
16 data collection efforts related to—

17 (I) the health and environment of
18 communities of color, low-income com-
19 munities, and Tribal and Indigenous
20 communities;

21 (II) climate change; and

22 (III) the inequitable distribution
23 of burdens and benefits of the man-
24 agement and use of natural resources,

1 including water, minerals, and land;
2 and

3 (vi) to reduce or eliminate dispro-
4 tionately adverse human health or environ-
5 mental effects on communities of color,
6 low-income communities, and Tribal and
7 Indigenous communities; and

8 (B) a timetable for the completion of—

9 (i) each revision identified under sub-
10 paragraph (A); and

11 (ii) an assessment of the economic
12 and social implications of each revision
13 identified under subparagraph (A).

14 (3) REPORTS.—

15 (A) ANNUAL REPORTS.—Not later than 2
16 years after the finalization of an environmental
17 justice strategy under this subsection, and an-
18 nually thereafter, a Federal agency that partici-
19 pates in the White House interagency council
20 shall submit to the White House interagency
21 council a report describing the progress of the
22 Federal agency in implementing the environ-
23 mental justice strategy of the Federal agency.

24 (B) PERIODIC REPORTS.—In addition to
25 the annual reports described in subparagraph

1 (A), upon receipt of a request from the White
2 House interagency council, a Federal agency
3 shall submit to the White House interagency
4 council a report that contains such information
5 as the White House interagency council may re-
6 quire.

7 (4) REVISION OF AGENCYWIDE ENVIRON-
8 MENTAL JUSTICE STRATEGY.—Not later than 5
9 years after the date of enactment of this Act, each
10 Federal agency that participates in the White House
11 interagency council shall—

12 (A) evaluate and revise the environmental
13 justice strategy of the Federal agency; and

14 (B) submit to the White House inter-
15 agency council a copy of the revised version of
16 the environmental justice strategy of the Fed-
17 eral agency.

18 (5) PETITION.—

19 (A) IN GENERAL.—The head of a Federal
20 agency may submit to the President a petition
21 for an exemption of any requirement described
22 in this section with respect to any program or
23 activity of the Federal agency if the head of the
24 Federal agency determines that complying with

1 such requirement would compromise the agen-
2 cy's ability to carry out its core missions.

3 (B) AVAILABILITY TO PUBLIC.—Each peti-
4 tion submitted by a Federal agency to the
5 President under subparagraph (A) shall be
6 made available to the public (including through
7 a description of the petition on the website of
8 the Federal agency).

9 (C) CONSIDERATION.—In determining
10 whether to grant a petition for an exemption
11 submitted by a Federal agency to the President
12 under subparagraph (A), the President shall
13 make a decision that reflects both the merits of
14 the specific case and the broader national inter-
15 est in breaking cycles of environmental injus-
16 tice, and shall consider whether the granting of
17 the petition would likely—

18 (i) result in disproportionately adverse
19 human health or environmental effects on
20 communities of color, low-income commu-
21 nities, and Tribal and Indigenous commu-
22 nities; or

23 (ii) exacerbate, or fail to ameliorate,
24 any disproportionately adverse human
25 health or environmental effect on any com-

1 munity of color, low-income community, or
2 Tribal and Indigenous community.

3 (D) APPEAL.—

4 (i) IN GENERAL.—Not later than 90
5 days after the date on which the President
6 approves a petition under this paragraph,
7 an individual may appeal the decision of
8 the President to approve the petition.

9 (ii) WRITTEN APPEAL.—

10 (I) IN GENERAL.—To appeal a
11 decision of the President under clause
12 (i), an individual shall submit a writ-
13 ten appeal to—

14 (aa) the Council on Environ-
15 mental Quality;

16 (bb) the Deputy Assistant to
17 the President for Environmental
18 Policy; or

19 (cc) the Assistant to the
20 President for Domestic Policy.

21 (II) CONTENTS.—A written ap-
22 peal shall contain a description of
23 each reason why the exemption that is
24 the subject of the petition is unneces-
25 sary.

1 (iii) REQUIREMENT OF PRESIDENT.—
2 Not later than 90 days after the date on
3 which an agency or officer described in
4 clause (ii)(I) receives a written appeal sub-
5 mitted by an individual under that clause,
6 the President shall provide to the indi-
7 vidual a written notification describing the
8 decision of the President with respect to
9 the appeal.

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

12 (1) RESEARCH.—Each Federal agency, to the
13 maximum extent practicable and permitted by appli-
14 cable law, shall—

15 (A) in conducting environmental, public ac-
16 cess, or human health research, include diverse
17 segments of the population in epidemiological
18 and clinical studies, including segments at high
19 risk from environmental hazards, such as com-
20 munities of color, low-income communities, and
21 Tribal and Indigenous communities;

22 (B) in conducting environmental or human
23 health analyses, identify multiple and cumu-
24 lative exposures, including potentially exacer-

1 bated risks due to current and future climate
2 impacts; and

3 (C) actively encourage and solicit commu-
4 nity-based science, and provide to communities
5 of color, low-income communities, and Tribal
6 and Indigenous communities the opportunity to
7 comment on and participate in the development
8 and design of research strategies carried out
9 pursuant to this Act.

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

15 (A) collect, maintain, and analyze informa-
16 tion assessing and comparing environmental
17 and human health risks borne by populations
18 identified by race, national origin, income, or
19 other readily available and appropriate informa-
20 tion; and

21 (B) use that information to determine
22 whether the programs, policies, and activities of
23 the Federal agency have disproportionately ad-
24 verse human health or environmental effects on

1 communities of color, low-income communities,
2 and Tribal and Indigenous communities.

3 (3) INFORMATION RELATING TO NON-FEDERAL
4 FACILITIES.—In connection with the implementation
5 of Federal agency environmental justice strategies
6 under subsection (b), each Federal agency, to the
7 maximum extent practicable and permitted by appli-
8 cable law, shall collect, maintain, and analyze infor-
9 mation relating to the race, national origin, and in-
10 come level, and other readily accessible and appro-
11 priate information, for communities of color, low-in-
12 come communities, and Tribal and Indigenous com-
13 munities in proximity to any facility or site expected
14 to have a substantial environmental, human health,
15 or economic effect on the surrounding populations, if
16 the facility or site becomes the subject of a substan-
17 tial Federal environmental administrative or judicial
18 action.

19 (4) IMPACT FROM FEDERAL FACILITIES.—Each
20 Federal agency, to the maximum extent practicable
21 and permitted by applicable law, shall collect, main-
22 tain, and analyze information relating to the race,
23 national origin, and income level, and other readily
24 accessible and appropriate information, for commu-
25 nities of color, low-income communities, and Tribal

1 and Indigenous communities in proximity to any fa-
2 cility of the Federal agency that is—

3 (A) subject to the reporting requirements
4 under the Emergency Planning and Community
5 Right-to-Know Act of 1986 (42 U.S.C. 11001
6 et seq.), as required by Executive Order 12898
7 (42 U.S.C. 4321 note; relating to Federal ac-
8 tions to address environmental justice in minor-
9 ity populations and low-income populations);
10 and

11 (B) expected to have a substantial environ-
12 mental, human health, or economic effect on
13 surrounding populations.

14 (d) CONSUMPTION OF FISH AND WILDLIFE.—

15 (1) IN GENERAL.—Each Federal agency shall
16 develop, publish (unless prohibited by law), and re-
17 vise, as practicable and appropriate, guidance on ac-
18 tions of the Federal agency that will impact fish and
19 wildlife consumed by populations that principally
20 rely on fish or wildlife for subsistence.

21 (2) REQUIREMENT.—The guidance described in
22 paragraph (1) shall—

23 (A) reflect the latest scientific information
24 available concerning methods for evaluating the
25 human health risks associated with the con-

1 sumption of pollutant-bearing fish or wildlife;
2 and

3 (B) publish the risks of such consumption
4 patterns.

5 (e) MAPPING AND SCREENING TOOL.—The Adminis-
6 trator shall make available to the public an environmental
7 justice mapping and screening tool (such as EJScreen or
8 an equivalent tool) that includes, at a minimum, the fol-
9 lowing features:

10 (1) Nationally consistent data.

11 (2) Environmental data.

12 (3) Demographic data, including data relating
13 to race, ethnicity, and income.

14 (4) Capacity to produce maps and reports by
15 geographical area.

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

18 (f) JUDICIAL REVIEW AND RIGHTS OF ACTION.—
19 Any person may commence a civil action—

20 (1) to seek relief from, or to compel, an agency
21 action under this section (including regulations pro-
22 mulgated pursuant to this section); or

23 (2) otherwise to ensure compliance with this
24 section (including regulations promulgated pursuant
25 to this section).

1 (g) INFORMATION SHARING.—In carrying out this
2 section, each Federal agency, to the maximum extent
3 practicable and permitted by applicable law, shall share
4 information and eliminate unnecessary duplication of ef-
5 forts through the use of existing data systems and cooper-
6 ative agreements among Federal agencies and with State,
7 local, and Tribal governments.

8 (h) CODIFICATION OF GUIDANCE.—

9 (1) COUNCIL ON ENVIRONMENTAL QUALITY.—

10 Sections II and III of the guidance issued by the
11 Council on Environmental Quality entitled “Environ-
12 mental Justice Guidance Under the National Envi-
13 ronmental Policy Act” and dated December 10,
14 1997, are enacted into law.

15 (2) ENVIRONMENTAL PROTECTION AGENCY.—

16 The guidance issued by the Environmental Protec-
17 tion Agency entitled “EPA Policy on Consultation
18 and Coordination with Indian Tribes: Guidance for
19 Discussing Tribal Treaty Rights” and dated Feb-
20 ruary 2016 is enacted into law.

21 **SEC. 10. OMBUDS.**

22 (a) ESTABLISHMENT.—The Administrator shall es-
23 tablish within the Environmental Protection Agency a po-
24 sition of Environmental Justice Ombuds.

1 (b) REPORTING.—The Environmental Justice
2 Ombuds shall—

3 (1) report directly to the Administrator; and

4 (2) not be required to report to the Office of
5 Environmental Justice of the Environmental Protec-
6 tion Agency.

7 (c) FUNCTIONS.—The Environmental Justice
8 Ombuds shall—

9 (1) in coordination with the Inspector General
10 of the Environmental Protection Agency, establish
11 an independent, neutral, accessible, confidential, and
12 standardized process—

13 (A) to receive, review, and process com-
14 plaints and allegations with respect to environ-
15 mental justice programs and activities of the
16 Environmental Protection Agency; and

17 (B) to assist individuals in resolving com-
18 plaints and allegations described in subpara-
19 graph (A);

20 (2) identify and thereafter review, examine, and
21 make recommendations to the Administrator to ad-
22 dress recurring and chronic complaints regarding
23 specific environmental justice programs and activi-
24 ties of the Environmental Protection Agency identi-
25 fied by the Ombuds pursuant to paragraph (1);

1 (3) review the Environmental Protection Agen-
2 cy's compliance with policies and standards of the
3 Environmental Protection Agency with respect to its
4 environmental justice programs and activities; and

5 (4) produce an annual report that details the
6 findings of the regional staff, feedback received from
7 environmental justice communities, and rec-
8 ommendations to increase cooperation between the
9 Environmental Protection Agency and environmental
10 justice communities.

11 (d) AVAILABILITY OF REPORT.—The Administrator
12 shall make each report produced pursuant to subsection
13 (c) available to the public (including by posting a copy of
14 the report on the website of the Environmental Protection
15 Agency).

16 (e) REGIONAL STAFF.—

17 (1) AUTHORITY OF ENVIRONMENTAL JUSTICE
18 OMBUDS.—The Administrator shall allow the Envi-
19 ronmental Justice Ombuds to hire such staff as the
20 Environmental Justice Ombuds determines to be
21 necessary to carry out at each regional office of the
22 Environmental Protection Agency the functions of
23 the Environmental Justice Ombuds described in sub-
24 section (c).

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

3 (A) foster cooperation between the Envi-
4 ronmental Protection Agency and environ-
5 mental justice communities;

6 (B) consult with environmental justice
7 communities on the development of policies and
8 programs of the Environmental Protection
9 Agency;

10 (C) receive feedback from environmental
11 justice communities on the performance of the
12 Environmental Protection Agency; and

13 (D) compile and submit to the Environ-
14 mental Justice Ombuds such information as
15 may be necessary for the Ombuds to produce
16 the annual report described in subsection (c).

17 (3) FULL-TIME POSITION.—Each individual
18 hired by the Environmental Justice Ombuds under
19 paragraph (1) shall be hired as a full-time employee
20 of the Environmental Protection Agency.

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

23 (a) DEFINITIONS.—In this section:

24 (1) ELIGIBLE ENTITY.—

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

3 (i) a State;

4 (ii) a political subdivision of a State,
5 including—

6 (I) a city; and

7 (II) a county;

8 (iii) a special purpose district, includ-
9 ing park districts; and

10 (iv) an Indian Tribe.

11 (B) POLITICAL SUBDIVISIONS AND INDIAN
12 TRIBES.—A political subdivision of a State or
13 an Indian Tribe shall be considered an eligible
14 entity only if the political subdivision or Indian
15 Tribe represents or otherwise serves a quali-
16 fying urban area.

17 (2) OUTDOOR RECREATION LEGACY PARTNER-
18 SHIP GRANT PROGRAM.—The term “Outdoor Recre-
19 ation Legacy Partnership Grant Program” means
20 the program established under subsection (b).

21 (3) QUALIFYING URBAN AREA.—The term
22 “qualifying urban area” means an area identified by
23 the Census Bureau as an “urban area” in the most
24 recent census.

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (b) ESTABLISHMENT.—The Secretary shall establish
4 an outdoor recreation legacy partnership grant program
5 under which the Secretary may award grants to eligible
6 entities for projects—

7 (1) to acquire land and water for parks and
8 other outdoor recreation purposes;

9 (2) to develop new or renovate existing outdoor
10 recreation facilities; and

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

14 (c) MATCHING REQUIREMENT.—

15 (1) IN GENERAL.—As a condition of receiving a
16 grant under subsection (b), an eligible entity shall
17 provide matching funds in the form of cash or an in-
18 kind contribution in an amount equal to not less
19 than 100 percent of the amounts made available
20 under the grant.

21 (2) SOURCES.—The matching amounts referred
22 to in paragraph (1) may include amounts made
23 available from State, local, nongovernmental, or pri-
24 vate sources.

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

4 (A) no reasonable means are available
5 through which an applicant can meet the
6 matching requirement; and

7 (B) the probable benefit of the project out-
8 weighs the public interest in the matching re-
9 quirement.

10 (d) ELIGIBLE USES.—

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

13 (A) to acquire land or water that provides
14 outdoor recreation opportunities to the public;
15 and

16 (B) to develop or renovate outdoor rec-
17 reational facilities that provide outdoor recre-
18 ation opportunities to the public, with priority
19 given to projects that—

20 (i) create or significantly enhance ac-
21 cess to park and recreational opportunities
22 in an urban or suburban area that lacks
23 access to such activities;

24 (ii) engage and empower underserved
25 communities and youth;

1 (iii) provide opportunities for youth
2 employment or job training;

3 (iv) establish or expand public-private
4 partnerships, with a focus on leveraging re-
5 sources; and

6 (v) take advantage of coordination
7 among various levels of government.

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

10 (A) grant administration costs;

11 (B) incidental costs related to land acqui-
12 sition, including appraisal and titling;

13 (C) operation and maintenance activities;

14 (D) facilities that support semiprofessional
15 or professional athletics;

16 (E) indoor facilities, such as recreation
17 centers or facilities that support primarily non-
18 outdoor purposes; or

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

21 (e) NATIONAL PARK SERVICE REQUIREMENTS.—In
22 carrying out the Outdoor Recreation Legacy Partnership
23 Grant Program, the Secretary shall—

24 (1) conduct an initial screening and technical
25 review of applications received; and

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

3 (f) REPORTING.—

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

9 (A) summarize project activities conducted
10 during the report period; and

11 (B) provide the status of the project, in-
12 cluding of description of how the project has
13 improved access to parkland, open space, or
14 recreational facilities from the community per-
15 spective.

16 (2) FINAL REPORTS.—Not later than 90 days
17 after the earlier of the date of expiration of a project
18 period or the completion of a project, each State
19 lead agency that receives a grant under this section
20 shall submit to the Secretary a final report con-
21 taining such information as the Secretary may re-
22 quire.

23 (g) REVENUE SHARING.—Section 105(a)(2) of the
24 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
25 1331 note) is amended—

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

2 (2) in subparagraph (B)—

3 (A) by striking “25 percent” and inserting
4 “20 percent”; and

5 (B) by striking the period at the end and
6 inserting “; and”; and

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

8 “(C) 5 percent to provide grants under the
9 Outdoor Recreation Legacy Partnership Grant
10 Program established under section 11(b) of the
11 Environmental Justice For All Act.”.

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

13 (a) DEFINITIONS.—In this section:

14 (1) CRITICALLY UNDERSERVED COMMUNITY.—

15 The term “critically underserved community”
16 means—

17 (A) a community that can demonstrate to
18 the Secretary that the community has inad-
19 equate, insufficient, or no park space or recre-
20 ation facilities, including by demonstrating—

21 (i) quality concerns relating to the
22 available park space or recreation facilities;

23 (ii) the presence of recreational facili-
24 ties that do not serve the needs of the com-
25 munity; or

1 (iii) the inequitable distribution of
2 park space for high-need populations,
3 based on income, age, or other measures of
4 vulnerability and need;

5 (B) a community in which at least 50 per-
6 cent of the population is not located within $\frac{1}{2}$
7 mile of park space;

8 (C) a community that is designated as a
9 qualified opportunity zone under section
10 1400Z-1 of the Internal Revenue Code of 1986;
11 or

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

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

16 (A) a State;

17 (B) a political subdivision of a State (in-
18 cluding a city or a county) that represents or
19 otherwise serves an urban area or a rural area;

20 (C) a special purpose district (including a
21 park district);

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

24 or

1 (E) a metropolitan planning organization
2 (as defined in section 134(b) of title 23, United
3 States Code).

4 (3) PROGRAM.—The term “program” means
5 the Transit to Trails Grant Program established
6 under subsection (b)(1).

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

9 (5) SECRETARY.—The term “Secretary” means
10 the Secretary of Transportation.

11 (6) TRANSPORTATION CONNECTOR.—

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

14 (i) connects 2 ZIP Codes or commu-
15 nities within a 175-mile radius of a des-
16 ignated service area; and

17 (ii) offers rides available to the public.

18 (B) INCLUSIONS.—The term “transportation
19 connector” includes microtransits, bus
20 lines, bus rails, light rail, rapid transits, or per-
21 sonal rapid transits.

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

24 (A) is densely developed;

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

3 (C)(i) is an urbanized area with a popu-
4 lation of 50,000 or more; or

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

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

8 (II) not more than 50,000.

9 (b) GRANT PROGRAM.—

10 (1) ESTABLISHMENT.—The Secretary shall es-
11 tablish a grant program, to be known as the “Tran-
12 sit to Trails Grant Program”, under which the Sec-
13 retary shall award grants to eligible entities for—

14 (A) projects that develop transportation
15 connectors or routes in or serving, and related
16 education materials for, critically underserved
17 communities to increase access and mobility to
18 Federal or non-Federal public land, waters,
19 parkland, or monuments; or

20 (B) projects that facilitate transportation
21 improvements to enhance access to Federal or
22 non-Federal public land and recreational oppor-
23 tunities in critically underserved communities.

24 (2) ADMINISTRATION.—

1 (A) IN GENERAL.—The Secretary shall ad-
2 minister the program to assist eligible entities
3 in the development of transportation connectors
4 or routes in or serving, and related education
5 materials for, critically underserved commu-
6 nities and Federal or non-Federal public land,
7 waters, parkland, and monuments.

8 (B) JOINT PARTNERSHIPS.—The Secretary
9 shall encourage joint partnership projects under
10 the program, if available, among multiple agen-
11 cies, including school districts, nonprofit organi-
12 zations, metropolitan planning organizations,
13 regional transportation authorities, transit
14 agencies, and State and local governmental
15 agencies (including park and recreation agen-
16 cies and authorities) to enhance investment of
17 public sources.

18 (C) ANNUAL GRANT PROJECT PROPOSAL
19 SOLICITATION, REVIEW, AND APPROVAL.—

20 (i) IN GENERAL.—The Secretary
21 shall—

22 (I) annually solicit the submis-
23 sion of project proposals for grants
24 from eligible entities under the pro-
25 gram; and

1 (II) review each project proposal
2 submitted under subclause (I) on a
3 timeline established by the Secretary.

4 (ii) REQUIRED ELEMENTS FOR
5 PROJECT PROPOSAL.—A project proposal
6 submitted under clause (i)(I) shall in-
7 clude—

8 (I) a statement of the purposes
9 of the project;

10 (II) the name of the entity or in-
11 dividual with overall responsibility for
12 the project;

13 (III) a description of the quali-
14 fications of the entity or individuals
15 identified under subclause (II);

16 (IV) a description of—

17 (aa) staffing and stake-
18 holder engagement for the
19 project;

20 (bb) the logistics of the
21 project; and

22 (cc) anticipated outcomes of
23 the project;

1 (V) a proposed budget for the
2 funds and time required to complete
3 the project;

4 (VI) information regarding the
5 source and amount of matching fund-
6 ing available for the project;

7 (VII) information that dem-
8 onstrates the clear potential of the
9 project to contribute to increased ac-
10 cess to parkland for critically under-
11 served communities; and

12 (VIII) any other information that
13 the Secretary considers to be nec-
14 essary for evaluating the eligibility of
15 the project for funding under the pro-
16 gram.

17 (iii) CONSULTATION; APPROVAL OR
18 DISAPPROVAL.—The Secretary shall, with
19 respect to each project proposal submitted
20 under this subparagraph, as appropriate—

21 (I) consult with the government
22 of each State in which the proposed
23 project is to be conducted;

24 (II) after taking into consider-
25 ation any comments resulting from

1 the consultation under subclause (I),
2 approve or disapprove the proposal;
3 and

4 (III) provide written notification
5 of the approval or disapproval to—

6 (aa) the individual or entity
7 that submitted the proposal; and

8 (bb) each State consulted
9 under subclause (I).

10 (D) PRIORITY.—To the extent practicable,
11 in determining whether to approve project pro-
12 posals under the program, the Secretary shall
13 prioritize projects that are designed to increase
14 access and mobility to local or neighborhood
15 Federal or non-Federal public land, waters,
16 parkland, monuments, or recreational opportu-
17 nities.

18 (3) TRANSPORTATION PLANNING PROCE-
19 DURES.—

20 (A) PROCEDURES.—In consultation with
21 the head of each appropriate Federal land man-
22 agement agency, the Secretary shall develop, by
23 rule, transportation planning procedures for
24 projects conducted under the program that are

1 consistent with metropolitan and statewide
2 planning processes.

3 (B) REQUIREMENTS.—All projects carried
4 out under the program shall be developed in co-
5 operation with States and metropolitan plan-
6 ning organizations.

7 (4) NON-FEDERAL CONTRIBUTIONS.—

8 (A) IN GENERAL.—As a condition of re-
9 ceiving a grant under the program, an eligible
10 entity shall provide funds in the form of cash
11 or an in-kind contribution in an amount equal
12 to not less than 100 percent of the amount of
13 the grant.

14 (B) SOURCES.—The non-Federal contribu-
15 tion required under subparagraph (A) may in-
16 clude amounts made available from State, local,
17 nongovernmental, or private sources.

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

20 (A) to develop transportation connectors or
21 routes in or serving, and related education ma-
22 terials for, critically underserved communities
23 to increase access and mobility to Federal and
24 non-Federal public land, waters, parkland, and
25 monuments; and

1 (B) to create or significantly enhance ac-
2 cess to Federal or non-Federal public land and
3 recreational opportunities in an urban area or
4 a rural area.

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

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

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

9 (7) TECHNICAL ASSISTANCE.—It is the intent
10 of Congress that grants provided under the program
11 deliver project funds to areas of greatest need while
12 offering technical assistance to all applicants and po-
13 tential applicants for grant preparation to encourage
14 full participation in the program.

15 (8) PUBLIC INFORMATION.—The Secretary
16 shall ensure that current schedules and routes for
17 transportation systems developed after the receipt of
18 a grant under the program are available to the pub-
19 lic, including on a website maintained by the recipi-
20 ent of a grant.

21 (c) REPORTING REQUIREMENT.—

22 (1) REPORTS BY GRANT RECIPIENTS.—The
23 Secretary shall require a recipient of a grant under
24 the program to submit to the Secretary at least 1
25 performance and financial report that—

1 (A) includes—

2 (i) demographic data on communities
3 served by the project; and

4 (ii) a summary of project activities
5 conducted after receiving the grant; and

6 (B) describes the status of each project
7 funded by the grant as of the date of the re-
8 port.

9 (2) **ADDITIONAL REPORTS.**—In addition to the
10 report required under paragraph (1), the Secretary
11 may require additional reports from a recipient, as
12 the Secretary determines to be appropriate, includ-
13 ing a final report.

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

17 (d) **AUTHORIZATION OF APPROPRIATIONS.**—There is
18 authorized to be appropriated to carry out this section
19 \$10,000,000 for each fiscal year.

20 **SEC. 13. REPEAL OF SUNSET FOR THE EVERY KID OUT-**
21 **DOORS PROGRAM.**

22 Section 9001(b) of the John D. Dingell, Jr. Con-
23 servation, Management, and Recreation Act (16 U.S.C.
24 6804 note; Public Law 116–9) is amended by striking
25 paragraph (5).

1 **SEC. 14. PROTECTIONS FOR ENVIRONMENTAL JUSTICE**
2 **COMMUNITIES AGAINST HARMFUL FEDERAL**
3 **ACTIONS.**

4 (a) **PURPOSE.**—The purpose of this section is to es-
5 tablish additional protections relating to Federal actions
6 affecting environmental justice communities in recognition
7 of the disproportionate burden of adverse human health
8 or environmental effects faced by such communities.

9 (b) **DEFINITIONS.**—In this section:

10 (1) **ENVIRONMENTAL IMPACT STATEMENT.**—
11 The term “environmental impact statement” means
12 the detailed statement of environmental impacts of
13 a proposed action required to be prepared pursuant
14 to the National Environmental Policy Act of 1969
15 (42 U.S.C. 4321 et seq.).

16 (2) **FEDERAL ACTION.**—The term “Federal ac-
17 tion” means a proposed action that requires the
18 preparation of an environmental impact statement,
19 environmental assessment, categorical exclusion, or
20 other document under the National Environmental
21 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

22 (c) **PREPARATION OF A COMMUNITY IMPACT RE-**
23 **PORT.**—A Federal agency proposing to take a Federal ac-
24 tion that has the potential to cause negative environmental
25 or public health impacts on an environmental justice com-

1 munity shall prepare a community impact report assessing
2 the potential impacts of the proposed action.

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

5 (1) assess the degree to which a proposed Fed-
6 eral action affecting an environmental justice com-
7 munity will cause multiple or cumulative exposure to
8 human health and environmental hazards that influ-
9 ence, exacerbate, or contribute to adverse health out-
10 comes;

11 (2) assess relevant public health data and in-
12 dustry data concerning the potential for multiple or
13 cumulative exposure to human health or environ-
14 mental hazards in the area of the environmental jus-
15 tice community and historical patterns of exposure
16 to environmental hazards and Federal agencies shall
17 assess these multiple, or cumulative effects, even if
18 certain effects are not within the control or subject
19 to the discretion of the Federal agency proposing the
20 Federal action;

21 (3) assess the impact of such proposed Federal
22 action on such environmental justice community's
23 ability to access public parks, outdoor spaces, and
24 public recreation opportunities;

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

3 (A) eliminate or reduce any identified ex-
4 posure to human health and environmental haz-
5 ards described in paragraph (1) to a level that
6 is reasonably expected to avoid human health
7 impacts in environmental justice communities;
8 and

9 (B) not negatively impact an environ-
10 mental justice community’s ability to access
11 public parks, outdoor spaces, and public recre-
12 ation opportunities; and

13 (5) analyze any alternative developed by mem-
14 bers of an affected environmental justice community
15 that meets the purpose and need of the proposed ac-
16 tion.

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

20 (f) NATIONAL ENVIRONMENTAL POLICY ACT RE-
21 QUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMU-
22 NITIES.—When carrying out the requirements of the Na-
23 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
24 et seq.) for a proposed Federal action that may affect an

1 environmental justice community, a Federal agency
2 shall—

3 (1) consider all potential direct, indirect, and
4 cumulative impacts caused by the action, alter-
5 natives to such action, and mitigation measures on
6 the environmental justice community required by
7 that Act;

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

11 (3) provide early and meaningful community in-
12 volvement opportunities by—

13 (A) holding multiple hearings in such com-
14 munity regarding the proposed Federal action
15 in each prominent language within the environ-
16 mental justice community; and

17 (B) providing notice of any step or action
18 in the process under that Act that involves pub-
19 lic participation to any representative entities or
20 organizations present in the environmental jus-
21 tice community, including—

22 (i) local religious organizations;

23 (ii) civic associations and organiza-
24 tions;

1 (iii) business associations of people of
2 color;

3 (iv) environmental and environmental
4 justice organizations, including community-
5 based grassroots organizations led by peo-
6 ple of color;

7 (v) homeowners', tenants', and neigh-
8 borhood watch groups;

9 (vi) local governments and Tribal
10 Governments;

11 (vii) rural cooperatives;

12 (viii) business and trade organiza-
13 tions;

14 (ix) community and social service or-
15 ganizations;

16 (x) universities, colleges, and voca-
17 tional schools;

18 (xi) labor and other worker organiza-
19 tions;

20 (xii) civil rights organizations;

21 (xiii) senior citizens' groups; and

22 (xiv) public health agencies and clin-
23 ics; and

24 (4) provide translations of publicly available
25 documents made available pursuant to that Act in

1 any language spoken by more than 5 percent of the
2 population residing within the environmental justice
3 community.

4 (g) COMMUNICATION METHODS AND REQUIRE-
5 MENTS.—Any notice provided under subsection (f)(3)(B)
6 shall be provided—

7 (1) through communication methods that are
8 accessible in the environmental justice community,
9 which may include electronic media, newspapers,
10 radio, direct mailings, canvassing, and other out-
11 reach methods particularly targeted at communities
12 of color, low-income communities, and Tribal and In-
13 digenous communities; and

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

17 (h) REQUIREMENTS FOR ACTIONS REQUIRING AN
18 ENVIRONMENTAL IMPACT STATEMENT.—For any pro-
19 posed Federal action affecting an environmental justice
20 community requiring the preparation of an environmental
21 impact statement, the Federal agency shall provide the fol-
22 lowing information when giving notice of the proposed ac-
23 tion:

24 (1) A description of the proposed action.

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

5 (3) An initial list of alternatives and potential
6 impacts.

7 (4) An initial list of other existing or proposed
8 sources of multiple or cumulative exposure to envi-
9 ronmental hazards that contribute to higher rates of
10 serious illnesses within the environmental justice
11 community.

12 (5) An agency point of contact.

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

15 (7) Any telephone number or locations where
16 further information can be obtained.

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

23 (1) seek Tribal representation in the process in
24 a manner that is consistent with the government-to-
25 government relationship between the United States

1 and Tribal Governments, the Federal Government's
2 trust responsibility to federally recognized Indian
3 Tribes, and any treaty rights;

4 (2) ensure that an Indian Tribe is invited to
5 hold the status of a cooperating agency throughout
6 the process under that Act for any proposed action
7 that could impact an Indian Tribe, including actions
8 that could impact off reservation lands and sacred
9 sites; and

10 (3) invite an Indian Tribe to hold the status of
11 a cooperating agency in accordance with paragraph
12 (2) not later than the date on which the scoping
13 process for a proposed action requiring the prepara-
14 tion of an environmental impact statement com-
15 mences.

16 (j) AGENCY DETERMINATIONS.—Federal agency de-
17 terminations about the analysis of a community impact
18 report described in subsection (c) shall be subject to judi-
19 cial review to the same extent as any other analysis per-
20 formed under the National Environmental Policy Act of
21 1969 (42 U.S.C. 4321 et seq.).

22 (k) EFFECTIVE DATE.—This section shall take effect
23 1 year after the date of enactment of this Act.

24 (l) SAVINGS CLAUSE.—Nothing in this section dimin-
25 ishes—

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

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

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

7 (a) INITIAL TRAINING.—Not later than 1 year after
8 the date of enactment of this Act, each employee of the
9 Department of Energy, the Environmental Protection
10 Agency, the Department of the Interior, and the National
11 Oceanic and Atmospheric Administration shall complete
12 an environmental justice training program to ensure that
13 each such employee—

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

16 (2) is capable of—

17 (A) appropriately incorporating environ-
18 mental justice concepts into the daily activities
19 of the employee; and

20 (B) increasing the meaningful participation
21 of individuals from environmental justice com-
22 munities in the activities of the applicable agen-
23 cy.

24 (b) MANDATORY PARTICIPATION.—Effective on the
25 date that is 1 year after the date of enactment of this

1 Act, each individual hired by the Department of Energy,
2 the Environmental Protection Agency, the Department of
3 the Interior, and the National Oceanic and Atmospheric
4 Administration after that date shall be required to partici-
5 pate in environmental justice training.

6 (c) REQUIREMENT RELATING TO CERTAIN EMPLOY-
7 EES.—

8 (1) IN GENERAL.—With respect to each Fed-
9 eral agency that participates in the Working Group,
10 not later than 30 days after the date on which an
11 individual is appointed to the position of environ-
12 mental justice coordinator, Environmental Justice
13 Ombuds, or any other position the responsibility of
14 which involves the conduct of environmental justice
15 activities, the individual shall be required to possess
16 documentation of the completion by the individual of
17 environmental justice training.

18 (2) EFFECT.—If an individual described in
19 paragraph (1) fails to meet the requirement de-
20 scribed in that paragraph, the Federal agency at
21 which the individual is employed shall transfer the
22 individual to a different position until the date on
23 which the individual completes environmental justice
24 training.

1 (3) EVALUATION.—Not later than 3 years after
2 the date of enactment of this Act, the Inspector
3 General of each Federal agency that participates in
4 the Working Group shall evaluate the training pro-
5 grams of such Federal agency to determine if such
6 Federal agency has improved the rate of training of
7 the employees of such Federal agency to ensure that
8 each employee has received environmental justice
9 training.

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

11 (a) ENVIRONMENTAL JUSTICE COMMUNITY GRANT
12 PROGRAM.—

13 (1) ESTABLISHMENT.—The Administrator shall
14 establish a program under which the Administrator
15 shall provide grants to eligible entities to assist the
16 eligible entities in—

17 (A) building capacity to address issues re-
18 lating to environmental justice; and

19 (B) carrying out any activity described in
20 paragraph (4).

21 (2) ELIGIBILITY.—To be eligible to receive a
22 grant under paragraph (1), an eligible entity shall be
23 a nonprofit, community-based organization that con-
24 ducts activities, including providing medical and pre-
25 ventive health services, to reduce the dispropor-

1 tionate health impacts of environmental pollution in
2 the environmental justice community at which the
3 eligible entity proposes to conduct an activity that is
4 the subject of the application described in paragraph
5 (3).

6 (3) APPLICATION.—To be eligible to receive a
7 grant under paragraph (1), an eligible entity shall
8 submit to the Administrator an application at such
9 time, in such manner, and containing such informa-
10 tion as the Administrator may require, including—

11 (A) an outline describing the means by
12 which the project proposed by the eligible entity
13 will—

14 (i) with respect to environmental and
15 public health issues at the local level, in-
16 crease the understanding of the environ-
17 mental justice community at which the eli-
18 gible entity will conduct the project;

19 (ii) improve the ability of the environ-
20 mental justice community to address each
21 issue described in clause (i);

22 (iii) facilitate collaboration and co-
23 operation among various stakeholders (in-
24 cluding members of the environmental jus-
25 tice community); and

1 (iv) support the ability of the environ-
2 mental justice community to proactively
3 plan and implement just sustainable com-
4 munity development and revitalization ini-
5 tiatives, including countering displacement
6 and gentrification;

7 (B) a proposed budget for each activity of
8 the project that is the subject of the applica-
9 tion;

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

12 (D) a description of the ways by which the
13 eligible entity may leverage the funds of the eli-
14 gible entity, or the funds made available
15 through a grant under this subsection, to de-
16 velop a project that is capable of being sus-
17 tained beyond the period of the grant; and

18 (E) a description of the ways by which the
19 eligible entity is linked to, and representative
20 of, the environmental justice community at
21 which the eligible entity will conduct the
22 project.

23 (4) USE OF FUNDS.—An eligible entity may
24 only use a grant under this subsection to carry out
25 culturally and linguistically appropriate projects and

1 activities that are driven by the needs, opportunities,
2 and priorities of the environmental justice commu-
3 nity at which the eligible entity proposes to conduct
4 the project or activity to address environmental jus-
5 tice concerns and improve the health or environment
6 of the environmental justice community, including
7 activities—

8 (A) to create or develop collaborative part-
9 nerships;

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

12 (C) to identify and implement projects to
13 address environmental or public health con-
14 cerns; or

15 (D) to develop a comprehensive under-
16 standing of environmental or public health
17 issues.

18 (5) REPORT.—

19 (A) IN GENERAL.—Not later than 1 year
20 after the date of enactment of this Act, and an-
21 nually thereafter, the Administrator shall sub-
22 mit to the Committees on Energy and Com-
23 merce and Natural Resources of the House of
24 Representatives and the Committees on Envi-
25 ronment and Public Works and Energy and

1 Natural Resources of the Senate a report de-
2 scribing the ways by which the grant program
3 under this subsection has helped community-
4 based nonprofit organizations address issues re-
5 lating to environmental justice.

6 (B) PUBLIC AVAILABILITY.—The Adminis-
7 trator shall make each report required under
8 subparagraph (A) available to the public (in-
9 cluding by posting a copy of the report on the
10 website of the Environmental Protection Agen-
11 cy).

12 (6) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to carry out
14 this subsection \$25,000,000 for each of fiscal years
15 2022 through 2026.

16 (b) STATE GRANT PROGRAM.—

17 (1) ESTABLISHMENT.—The Administrator shall
18 establish a program under which the Administrator
19 shall provide grants to States to enable the States—

20 (A) to establish culturally and linguistically
21 appropriate protocols, activities, and mecha-
22 nisms for addressing issues relating to environ-
23 mental justice; and

24 (B) to carry out culturally and linguis-
25 tically appropriate activities to reduce or elimi-

1 nate disproportionately adverse human health
2 or environmental effects on environmental jus-
3 tice communities in the State, including reduc-
4 ing economic vulnerabilities that result in the
5 environmental justice communities being dis-
6 proportionately affected.

7 (2) ELIGIBILITY.—

8 (A) APPLICATION.—To be eligible to re-
9 ceive a grant under paragraph (1), a State shall
10 submit to the Administrator an application at
11 such time, in such manner, and containing such
12 information as the Administrator may require,
13 including—

14 (i) a plan that contains a description
15 of the means by which the funds provided
16 through a grant under paragraph (1) will
17 be used to address issues relating to envi-
18 ronmental justice at the State level; and

19 (ii) assurances that the funds pro-
20 vided through a grant under paragraph (1)
21 will be used only to supplement the
22 amount of funds that the State allocates
23 for initiatives relating to environmental
24 justice.

1 (B) ABILITY TO CONTINUE PROGRAM.—To
2 be eligible to receive a grant under paragraph
3 (1), a State shall demonstrate to the Adminis-
4 trator that the State has the ability to continue
5 each program that is the subject of funds pro-
6 vided through a grant under paragraph (1)
7 after receipt of the funds.

8 (3) REPORT.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this Act, and an-
11 nually thereafter, the Administrator shall sub-
12 mit to the Committees on Energy and Com-
13 merce and Natural Resources of the House of
14 Representatives and the Committees on Envi-
15 ronment and Public Works and Energy and
16 Natural Resources of the Senate a report de-
17 scribing—

18 (i) the implementation of the grant
19 program established under paragraph (1);

20 (ii) the impact of the grant program
21 on improving the ability of each partici-
22 pating State to address environmental jus-
23 tice issues; and

24 (iii) the activities carried out by each
25 State to reduce or eliminate disproportion-

1 ately adverse human health or environ-
2 mental effects on environmental justice
3 communities in the State.

4 (B) PUBLIC AVAILABILITY.—The Adminis-
5 trator shall make each report required under
6 subparagraph (A) available to the public (in-
7 cluding by posting a copy of the report on the
8 website of the Environmental Protection Agen-
9 cy).

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

14 (c) TRIBAL GRANT PROGRAM.—

15 (1) ESTABLISHMENT.—The Administrator shall
16 establish a program under which the Administrator
17 shall provide grants to Tribal Governments to enable
18 the Indian Tribes—

19 (A) to establish culturally and linguistically
20 appropriate protocols, activities, and mecha-
21 nisms for addressing issues relating to environ-
22 mental justice; and

23 (B) to carry out culturally and linguis-
24 tically appropriate activities to reduce or elimi-
25 nate disproportionately adverse human health

1 or environmental effects on environmental jus-
2 tice communities in Tribal and Indigenous com-
3 munities, including reducing economic
4 vulnerabilities that result in the Tribal and In-
5 digenous communities being disproportionately
6 affected.

7 (2) ELIGIBILITY.—

8 (A) APPLICATION.—To be eligible to re-
9 ceive a grant under paragraph (1), a Tribal
10 Government shall submit to the Administrator
11 an application at such time, in such manner,
12 and containing such information as the Admin-
13 istrator may require, including—

14 (i) a plan that contains a description
15 of the means by which the funds provided
16 through a grant under paragraph (1) will
17 be used to address issues relating to envi-
18 ronmental justice in Tribal and Indigenous
19 communities; and

20 (ii) assurances that the funds pro-
21 vided through a grant under paragraph (1)
22 will be used only to supplement the
23 amount of funds that the Tribal Govern-
24 ment allocates for initiatives relating to en-
25 vironmental justice.

1 (B) ABILITY TO CONTINUE PROGRAM.—To
2 be eligible to receive a grant under paragraph
3 (1), a Tribal Government shall demonstrate to
4 the Administrator that the Tribal Government
5 has the ability to continue each program that is
6 the subject of funds provided through a grant
7 under paragraph (1) after receipt of the funds.

8 (3) REPORT.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this Act, and an-
11 nually thereafter, the Administrator shall sub-
12 mit to the Committees on Energy and Com-
13 merce and Natural Resources of the House of
14 Representatives and the Committees on Envi-
15 ronment and Public Works and Energy and
16 Natural Resources of the Senate a report de-
17 scribing—

18 (i) the implementation of the grant
19 program established under paragraph (1);

20 (ii) the impact of the grant program
21 on improving the ability of each partici-
22 pating Indian Tribe to address environ-
23 mental justice issues; and

24 (iii) the activities carried out by each
25 Tribal Government to reduce or eliminate

1 disproportionately adverse human health or
2 environmental effects on applicable envi-
3 ronmental justice communities in Tribal
4 and Indigenous communities.

5 (B) PUBLIC AVAILABILITY.—The Adminis-
6 trator shall make each report required under
7 subparagraph (A) available to the public (in-
8 cluding by posting a copy of the report on the
9 website of the Environmental Protection Agen-
10 cy).

11 (4) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to carry out
13 this subsection \$25,000,000 for each of fiscal years
14 2022 through 2026.

15 (d) COMMUNITY-BASED PARTICIPATORY RESEARCH
16 GRANT PROGRAM.—

17 (1) ESTABLISHMENT.—The Administrator, in
18 consultation with the Director, shall establish a pro-
19 gram under which the Administrator shall provide
20 not more than 25 multiyear grants to eligible enti-
21 ties to carry out community-based participatory re-
22 search—

23 (A) to address issues relating to environ-
24 mental justice;

1 (B) to improve the environment of resi-
2 dents and workers in environmental justice
3 communities; and

4 (C) to improve the health outcomes of resi-
5 dents and workers in environmental justice
6 communities.

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

10 (A) an accredited institution of higher edu-
11 cation; and

12 (B) a community-based organization.

13 (3) APPLICATION.—To be eligible to receive a
14 multiyear grant under paragraph (1), an eligible en-
15 tity shall submit to the Administrator an application
16 at such time, in such manner, and containing such
17 information as the Administrator may require, in-
18 cluding—

19 (A) a detailed description of the partner-
20 ship of the eligible entity that, as determined by
21 the Administrator, demonstrates the participa-
22 tion of members of the community at which the
23 eligible entity proposes to conduct the research;
24 and

25 (B) a description of—

1 (i) the project proposed by the eligible
2 entity; and

3 (ii) the ways by which the project
4 will—

5 (I) address issues relating to en-
6 vironmental justice;

7 (II) assist in the improvement of
8 health outcomes of residents and
9 workers in environmental justice com-
10 munities; and

11 (III) assist in the improvement of
12 the environment of residents and
13 workers in environmental justice com-
14 munities.

15 (4) PUBLIC AVAILABILITY.—The Administrator
16 shall make the results of the grants provided under
17 this subsection available to the public, including by
18 posting on the website of the Environmental Protec-
19 tion Agency a copy of the grant awards and an an-
20 nual report at the beginning of each fiscal year de-
21 scribing the research findings associated with each
22 grant provided under this subsection.

23 (5) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to carry out

1 this subsection \$10,000,000 for each of fiscal years
2 2022 through 2026.

3 **SEC. 17. ENVIRONMENTAL JUSTICE BASIC TRAINING PRO-**
4 **GRAM.**

5 (a) **ESTABLISHMENT.**—The Administrator shall es-
6 tablish a basic training program, in coordination and con-
7 sultation with nongovernmental environmental justice or-
8 ganizations, to increase the capacity of residents of envi-
9 ronmental justice communities to identify and address dis-
10 proportionately adverse human health or environmental ef-
11 fects by providing culturally and linguistically appro-
12 priate—

13 (1) training and education relating to—

14 (A) basic and advanced techniques for the
15 detection, assessment, and evaluation of the ef-
16 fects of hazardous substances on human health;

17 (B) methods to assess the risks to human
18 health presented by hazardous substances;

19 (C) methods and technologies to detect
20 hazardous substances in the environment;

21 (D) basic biological, chemical, and physical
22 methods to reduce the quantity and toxicity of
23 hazardous substances;

24 (E) the rights and safeguards currently af-
25 forded to individuals through policies and laws

1 intended to help environmental justice commu-
2 nities address disparate impacts and discrimi-
3 nation, including—

4 (i) environmental laws; and

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

7 (F) public engagement opportunities
8 through the policies and laws described in sub-
9 paragraph (E);

10 (G) materials available on the Clearing-
11 house;

12 (H) methods to expand access to parks
13 and other natural and recreational amenities;
14 and

15 (I) finding and applying for Federal grants
16 related to environmental justice; and

17 (2) short courses and continuation education
18 programs for residents of communities who are lo-
19 cated in close proximity to hazardous substances to
20 provide—

21 (A) education relating to—

22 (i) the proper manner to handle haz-
23 ardous substances;

24 (ii) the management of facilities at
25 which hazardous substances are located

1 (including facility compliance protocols);

2 and

3 (iii) the evaluation of the hazards that

4 facilities described in clause (ii) pose to

5 human health; and

6 (B) training on environmental and occupa-

7 tional health and safety with respect to the pub-

8 lic health and engineering aspects of hazardous

9 waste control.

10 (b) GRANT PROGRAM.—

11 (1) ESTABLISHMENT.—In carrying out the

12 basic training program established under subsection

13 (a), the Administrator may provide grants to, or

14 enter into any contract or cooperative agreement

15 with, an eligible entity to carry out any training or

16 educational activity described in subsection (a).

17 (2) ELIGIBLE ENTITY.—To be eligible to receive

18 assistance under paragraph (1), an eligible entity

19 shall be an accredited institution of education in

20 partnership with—

21 (A) a community-based organization that

22 carries out activities relating to environmental

23 justice;

24 (B) a generator of hazardous waste;

1 (C) any individual who is involved in the
2 detection, assessment, evaluation, or treatment
3 of hazardous waste;

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

6 (E) any State government, Tribal Govern-
7 ment, or local government.

8 (c) PLAN.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the date of enactment of this Act, the Administrator,
11 in consultation with the Director, shall develop and
12 publish in the Federal Register a plan to carry out
13 the basic training program established under sub-
14 section (a).

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

17 (A) a list that describes the relative pri-
18 ority of each activity described in subsection
19 (a); and

20 (B) a description of research and training
21 relevant to environmental justice issues of com-
22 munities adversely affected by pollution.

23 (3) COORDINATION WITH FEDERAL AGEN-
24 CIES.—The Administrator shall, to the maximum ex-
25 tent practicable, take appropriate steps to coordinate

1 the activities of the basic training program described
2 in the plan with the activities of other Federal agen-
3 cies to avoid any duplication of effort.

4 (d) REPORT.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of enactment of this Act, and every 2 years
7 thereafter, the Administrator shall submit to the
8 Committees on Energy and Commerce and Natural
9 Resources of the House of Representatives and the
10 Committees on Environment and Public Works and
11 Energy and Natural Resources of the Senate a re-
12 port describing—

13 (A) the implementation of the basic train-
14 ing program established under subsection (a);
15 and

16 (B) the impact of the basic training pro-
17 gram on improving training opportunities for
18 residents of environmental justice communities.

19 (2) PUBLIC AVAILABILITY.—The Administrator
20 shall make the report required under paragraph (1)
21 available to the public (including by posting a copy
22 of the report on the website of the Environmental
23 Protection Agency).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$10,000,000 for each of fiscal years 2022 through 2026.

4 **SEC. 18. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY**
5 **COUNCIL.**

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

9 (b) MEMBERSHIP.—The Advisory Council shall be
10 composed of 26 members who have knowledge of, or expe-
11 rience relating to, the effect of environmental conditions
12 on communities of color, low-income communities, and
13 Tribal and Indigenous communities, including—

14 (1) representatives of—

15 (A) community-based organizations that
16 carry out initiatives relating to environmental
17 justice, including grassroots organizations led
18 by people of color;

19 (B) State governments, Tribal Govern-
20 ments, and local governments;

21 (C) Indian Tribes and other Indigenous
22 groups;

23 (D) nongovernmental and environmental
24 organizations; and

1 (E) private sector organizations (including
2 representatives of industries and businesses);
3 and

4 (2) experts in the field of—

5 (A) socioeconomic analysis;

6 (B) health and environmental effects;

7 (C) exposure evaluation;

8 (D) environmental law and civil rights law;

9 or

10 (E) environmental health science research.

11 (c) SUBCOMMITTEES; WORKGROUPS.—

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

16 (2) REPORT.—Upon the request of the Advisory
17 Council, each subcommittee or workgroup estab-
18 lished by the Advisory Council under paragraph (1)
19 shall submit to the Advisory Council a report that
20 contains—

21 (A) a description of each recommendation
22 of the subcommittee or workgroup; and

23 (B) any advice requested by the Advisory
24 Council with respect to any duty of the Advi-
25 sory Council.

1 (d) DUTIES.—The Advisory Council shall provide
2 independent advice and recommendations to the Environ-
3 mental Protection Agency with respect to issues relating
4 to environmental justice, including advice—

5 (1) to help develop, facilitate, and conduct re-
6 views of the direction, criteria, scope, and adequacy
7 of the scientific research and demonstration projects
8 of the Environmental Protection Agency relating to
9 environmental justice;

10 (2) to improve participation, cooperation, and
11 communication with respect to such issues—

12 (A) within the Environmental Protection
13 Agency;

14 (B) between the Environmental Protection
15 Agency and other entities; and

16 (C) between, and among, the Environ-
17 mental Protection Agency and Federal agencies,
18 State and local governments, Indian Tribes, en-
19 vironmental justice leaders, interest groups, and
20 the public;

21 (3) requested by the Administrator to help im-
22 prove the response of the Environmental Protection
23 Agency in securing environmental justice for com-
24 munities of color, low-income communities, and
25 Tribal and Indigenous communities; and

1 (4) on issues relating to—

2 (A) the developmental framework of the
3 Environmental Protection Agency with respect
4 to the integration by the Environmental Protec-
5 tion Agency of socioeconomic programs into the
6 strategic planning, annual planning, and man-
7 agement accountability of the Environmental
8 Protection Agency to achieve environmental jus-
9 tice results throughout the Environmental Pro-
10 tection Agency;

11 (B) the measurement and evaluation of the
12 progress, quality, and adequacy of the Environ-
13 mental Protection Agency in planning, devel-
14 oping, and implementing environmental justice
15 strategies, projects, and programs;

16 (C) any existing and future information
17 management systems, technologies, and data
18 collection activities of the Environmental Pro-
19 tection Agency (including recommendations to
20 conduct analyses that support and strengthen
21 environmental justice programs in administra-
22 tive and scientific areas);

23 (D) the administration of grant programs
24 relating to environmental justice assistance; and

1 (E) education, training, and other outreach
2 activities conducted by the Environmental Pro-
3 tection Agency relating to environmental jus-
4 tice.

5 (e) MEETINGS.—

6 (1) FREQUENCY.—

7 (A) IN GENERAL.—Subject to subpara-
8 graph (B), the Advisory Council shall meet bi-
9 annually.

10 (B) AUTHORITY OF ADMINISTRATOR.—The
11 Administrator may require the Advisory Council
12 to conduct additional meetings if the Adminis-
13 trator determines that the conduct of any addi-
14 tional meetings is necessary.

15 (2) PUBLIC PARTICIPATION.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), each meeting of the Advisory Coun-
18 cil shall be open to the public to provide the
19 public an opportunity—

20 (i) to submit comments to the Advi-
21 sory Council; and

22 (ii) to appear before the Advisory
23 Council.

24 (B) AUTHORITY OF ADMINISTRATOR.—The
25 Administrator may close any meeting, or por-

1 tion of any meeting, of the Advisory Council to
2 the public.

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

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

12 **SEC. 19. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.**

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

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

20 (1) information describing the activities con-
21 ducted by the Environmental Protection Agency to
22 address issues relating to environmental justice;

23 (2) copies of training materials provided by the
24 Administrator to help individuals and employees un-

1 derstand and carry out environmental justice activi-
2 ties;

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

5 (4) a directory of individuals who possess tech-
6 nical expertise in issues relating to environmental
7 justice;

8 (5) a directory of nonprofit and community-
9 based organizations, including grassroots organiza-
10 tions led by people of color, that address issues re-
11 lating to environmental justice at the local, State,
12 and Federal levels (with particular emphasis given to
13 nonprofit and community-based organizations that
14 possess the capability to provide advice or technical
15 assistance to environmental justice communities);
16 and

17 (6) any other appropriate information as deter-
18 mined by the Administrator, including information
19 on any resources available to help address the dis-
20 proportionate burden of adverse human health or en-
21 vironmental effects on environmental justice commu-
22 nities.

23 (c) CONSULTATION.—In developing the Clearing-
24 house, the Administrator shall consult with individuals
25 representing academic and community-based organiza-

1 tions who have expertise in issues relating to environ-
2 mental justice.

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

4 (1) conduct a review of the Clearinghouse on an
5 annual basis; and

6 (2) recommend to the Administrator any up-
7 dates for the Clearinghouse that the Advisory Coun-
8 cil determines to be necessary for the effective oper-
9 ation of the Clearinghouse.

10 **SEC. 20. PUBLIC MEETINGS.**

11 (a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this Act, and biennially thereafter,
13 the Administrator shall hold public meetings on environ-
14 mental justice issues in each region of the Environmental
15 Protection Agency to gather public input with respect to
16 the implementation and updating of environmental justice
17 strategies and efforts of the Environmental Protection
18 Agency.

19 (b) OUTREACH TO ENVIRONMENTAL JUSTICE COM-
20 MUNITIES.—The Administrator, in advance of the meet-
21 ings described in subsection (a), shall to the extent prac-
22 ticable hold multiple meetings in environmental justice
23 communities in each region to provide meaningful commu-
24 nity involvement opportunities.

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

3 (1) to applicable representative entities or orga-
4 nizations present in the environmental justice com-
5 munity, including—

6 (A) local religious organizations;

7 (B) civic associations and organizations;

8 (C) business associations of people of color;

9 (D) environmental and environmental jus-
10 tice organizations;

11 (E) homeowners', tenants', and neighbor-
12 hood watch groups;

13 (F) local and Tribal Governments;

14 (G) rural cooperatives;

15 (H) business and trade organizations;

16 (I) community and social service organiza-
17 tions;

18 (J) universities, colleges, and vocational
19 schools;

20 (K) labor organizations;

21 (L) civil rights organizations;

22 (M) senior citizens' groups; and

23 (N) public health agencies and clinics;

24 (2) through communication methods that are
25 accessible in the applicable environmental justice

1 community, which may include electronic media,
2 newspapers, radio, and other media particularly tar-
3 geted at communities of color, low-income commu-
4 nities, and Tribal and Indigenous communities; and

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

6 (d) COMMUNICATION METHODS AND REQUIRE-
7 MENTS.—The Administrator shall—

8 (1) provide translations of any documents made
9 available to the public pursuant to this section in
10 any language spoken by more than 5 percent of the
11 population residing within the applicable environ-
12 mental justice community, and make available trans-
13 lation services for meetings upon request; and

14 (2) not require members of the public to
15 produce a form of identification or register their
16 names, provide other information, complete a ques-
17 tionnaire, or otherwise fulfill any condition precedent
18 to attending a meeting, but if an attendance list,
19 register, questionnaire, or other similar document is
20 utilized during meetings, it shall state clearly that
21 the signing, registering, or completion of the docu-
22 ment is voluntary.

23 (e) REQUIRED ATTENDANCE OF CERTAIN EMPLOY-
24 EES.—In holding a public meeting under subsection (a),
25 the Administrator shall ensure that at least 1 employee

1 of the Environmental Protection Agency at the level of As-
2 sistant Administrator is present at the meeting to serve
3 as a representative of the Environmental Protection Agen-
4 cy.

5 **SEC. 21. ENVIRONMENTAL PROJECTS FOR ENVIRON-**
6 **MENTAL JUSTICE COMMUNITIES.**

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

10 (1) are developed through consultation with,
11 and with the meaningful participation of, individuals
12 in the affected environmental justice community;
13 and

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

17 **SEC. 22. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
18 **COASTAL ZONE OBJECTIVES.**

19 (a) GRANTS AUTHORIZED.—The Coastal Zone Man-
20 agement Act of 1972 is amended by inserting after section
21 309 (16 U.S.C. 1456b) the following:

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

24 “(a) GRANTS AUTHORIZED.—The Secretary may
25 award grants, on a competitive basis, to Indian Tribes to

1 pay for the Federal share of the cost of furthering achieve-
2 ment of the Tribal coastal zone objectives of such a Tribe.

3 “(b) FEDERAL SHARE.—

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

7 “(A) in the case of a grant of less than
8 \$200,000, 100 percent of such cost; and

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

12 “(2) WAIVER.—The Secretary may waive the
13 application of paragraph (1)(B) with respect to a
14 grant to an Indian Tribe, or otherwise reduce the
15 portion of the share of the cost of an activity re-
16 quired to be paid by an Indian Tribe under such
17 paragraph, if the Secretary determines that the
18 Tribe does not have sufficient funds to pay such por-
19 tion.

20 “(c) COMPATIBILITY.—The Secretary may not award
21 a grant under this section to an Indian Tribe unless the
22 Secretary determines that the activities to be carried out
23 under the grant are compatible with this title and that
24 the Indian Tribe has consulted with the affected coastal
25 state regarding the grant objectives and purposes.

1 “(d) AUTHORIZED OBJECTIVES AND PURPOSES.—An
2 Indian Tribe that receives a grant under this section shall
3 use the grant funds for one or more of the objectives and
4 purposes authorized under subsections (b) and (c), respec-
5 tively, of section 306A, with respect to the Indian Tribe
6 and its Tribal coastal zone. In applying section 306A(b)
7 under this subsection, a reference in that section to a pro-
8 vision shall be considered to be a corresponding provision
9 or policy for an Indian Tribe.

10 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to carry out this section
12 \$5,000,000 for each fiscal year.

13 “(f) DEFINITIONS.—In this section:

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

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

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

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

3 “(i) hold important ecological, cul-
4 tural, or sacred significance for such Tribe;
5 or

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

8 “(B) Preparing and implementing a special
9 area management plan and technical planning
10 for important coastal areas.

11 “(C) Taking any coastal or shoreline sta-
12 bilization measure, including any mitigation
13 measure, for the purpose of public safety, public
14 access, or cultural or historical preservation.”.

15 (b) GUIDANCE.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary of Com-
17 merce shall issue guidance for the program established
18 under the amendment made by subsection (a), including
19 the criteria for awarding grants under such program based
20 on consultation with Indian Tribes (as that term is defined
21 in that amendment).

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

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

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

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

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

8 (d) **OTHER PROGRAMS NOT AFFECTED.**—Nothing in
9 this section, including an amendment made by this sec-
10 tion, shall be construed to affect the ability of an Indian
11 Tribe to apply for assistance, receive assistance under, or
12 participate in any program authorized by the Coastal Zone
13 Management Act of 1972 (16 U.S.C. 1451 et seq.) or
14 other related Federal laws.

15 **SEC. 23. COSMETIC LABELING.**

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

19 **“SEC. 604. LABELING.**

20 “(a) **COSMETIC PRODUCTS FOR PROFESSIONAL**
21 **USE.**—

22 “(1) **DEFINITION OF PROFESSIONAL.**—With re-
23 spect to cosmetics, the term ‘professional’ means an
24 individual who—

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

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

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

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

12 “(3) PROFESSIONAL USE LABELING.—In the
13 case of a cosmetic product intended to be used only
14 by a professional on account of a specific ingredient
15 or increased concentration of an ingredient that re-
16 quires safe handling by trained professionals, the
17 product shall bear a statement as follows: ‘To be Ad-
18 ministered Only by Licensed Professionals’.

19 “(b) DISPLAY REQUIREMENTS.—A listing required
20 under subsection (a)(2) and a statement required under
21 subsection (a)(3) shall be prominently displayed—

22 “(1) in the primary language used on the label;
23 and

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

4 “(c) INTERNET SALES.—In the case of internet sales
5 of cosmetics, each internet website offering a cosmetic
6 product for sale to consumers shall provide the same infor-
7 mation that is included on the packaging of the cosmetic
8 product as regularly available through in-person sales, ex-
9 cept information that is unique to a single cosmetic prod-
10 uct sold in a retail facility, such as a lot number or expira-
11 tion date, and the warnings and statements described in
12 subsection (b) shall be prominently and conspicuously dis-
13 played on the website.

14 “(d) CONTACT INFORMATION.—The label on each
15 cosmetic shall bear the domestic telephone number or elec-
16 tronic contact information, and it is encouraged that the
17 label include both the telephone number and electronic
18 contact information, that consumers may use to contact
19 the responsible person with respect to adverse events. The
20 contact number shall provide a means for consumers to
21 obtain additional information about ingredients in a cos-
22 metic, including the ability to ask if a specific ingredient
23 may be present that is not listed on the label, including
24 whether a specific ingredient may be contained in the fra-
25 grance or flavor used in the cosmetic. The manufacturer

1 of the cosmetic is responsible for providing such informa-
2 tion, including obtaining the information from suppliers
3 if it is not readily available. Suppliers are required to re-
4 lease such information upon request of the cosmetic manu-
5 facturer.”.

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

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

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

15 **SEC. 24. SAFER COSMETIC ALTERNATIVES FOR DIS-**
16 **PROPORTIONATELY IMPACTED COMMU-**
17 **NITIES.**

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

22 (1) to support research focused on the design of
23 safer alternatives to chemicals in cosmetics with in-
24 herent toxicity or associated with chronic adverse
25 health effects; or

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

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

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

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

12 (c) PRIORITY.—In awarding grants under subsection
13 (a), the Secretary shall give priority to applicants pro-
14 posing to focus on—

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

18 (2) replacing chemicals in cosmetic products
19 marketed to women and girls of color, including any
20 such beauty, personal hygiene, and intimate care
21 products, with safer alternatives.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
23 out this section, there are authorized to be appropriated
24 such sums as may be necessary for fiscal years 2022
25 through 2026.

1 **SEC. 25. SAFER CHILD CARE CENTERS, SCHOOLS, AND**
2 **HOMES FOR DISPROPORTIONATELY IM-**
3 **PACTED COMMUNITIES.**

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, in consultation with the Administrator of the Envi-
8 ronmental Protection Agency, shall award grants to eligi-
9 ble entities to support research focused on the design of
10 safer alternatives to chemicals in consumer, cleaning, toy,
11 and baby products with inherent toxicity or that are asso-
12 ciated with chronic adverse health effects.

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

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

17 (2) not benefit from a financial relationship
18 with—

19 (A) a chemical manufacturer, supplier, or
20 trade association; or

21 (B) a cleaning, toy, or baby product manu-
22 facturer, supplier, 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 replacing chemicals in cleaning, toy,

1 or baby products used by childcare providers with safer
2 alternatives.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
4 out this section, there are authorized to be appropriated
5 such sums as may be necessary for fiscal years 2022
6 through 2026.

7 **SEC. 26. CERTAIN MENSTRUAL PRODUCTS MISBRANDED IF**
8 **LABELING DOES NOT INCLUDE INGREDI-**
9 **ENTS.**

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

13 “(gg) If it is a menstrual product, such as a men-
14 strual cup, a scented, scented deodorized, or unscented
15 menstrual pad or tampon, a therapeutic vaginal douche
16 apparatus, or an obstetrical and gynecological device de-
17 scribed in section 884.5400, 884.5425, 884.5435,
18 884.5460, 884.5470, or 884.5900 of title 21, Code of Fed-
19 eral Regulations (or any successor regulation), unless its
20 label or labeling lists the name of each ingredient or com-
21 ponent of the product in order of the most predominant
22 ingredient or component to the least predominant ingre-
23 dient or component.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) applies with respect to products introduced

1 or delivered for introduction into interstate commerce on
2 or after the date that is one year after the date of the
3 enactment of this Act.

4 **SEC. 27. SUPPORT BY NATIONAL INSTITUTE OF ENVIRON-**
5 **MENTAL HEALTH SCIENCES FOR RESEARCH**
6 **ON HEALTH DISPARITIES IMPACTING COM-**
7 **MUNITIES OF COLOR.**

8 Subpart 12 of part C of title IV of the Public Health
9 Service Act (42 U.S.C. 2851 et seq.) is amended by adding
10 at the end the following new section:

11 **“SEC. 463C. RESEARCH ON HEALTH DISPARITIES RELATED**
12 **TO COSMETICS IMPACTING COMMUNITIES OF**
13 **COLOR.**

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

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

18 “(A) the chemicals linked (or with possible
19 links) to adverse health effects most commonly
20 found in cosmetics marketed to women and
21 girls of color, including beauty, personal hy-
22 giene, and intimate care products;

23 “(B) the marketing and sale of such cos-
24 metics containing chemicals linked to adverse

1 health effects to women and girls of color across
2 their lifespans;

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

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

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

11 “(3) to disseminate the results of any such re-
12 search described in subparagraph (A) or (B) of
13 paragraph (1) (conducted by the grantee pursuant
14 to this section or otherwise) to help communities
15 identify and address potentially unsafe chemical ex-
16 posures in the use of cosmetics.

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

19 “(1) be a public institution such as a university,
20 a nonprofit research institution, or a nonprofit
21 grassroots organization; and

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

1 “(c) REPORT.—Not later than the end 1 year after
2 awarding grants under this section, and each year there-
3 after, the Director of the Institute shall submit to the
4 Committee on Energy and Commerce of the House of
5 Representatives and the Committee on Health, Education,
6 Labor, and Pensions of the Senate, and make publicly
7 available, a report on the results of the investigations
8 funded under subsection (a), including—

9 “(1) summary findings on—

10 “(A) marketing strategies, product cat-
11 egories, and specific cosmetics containing ingre-
12 dients linked to adverse health effects; and

13 “(B) the demographics of the populations
14 marketed to and using cosmetics containing
15 such ingredients for personal and professional
16 use; and

17 “(2) recommended public health information
18 strategies to reduce potentially unsafe exposures to
19 cosmetics.

20 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
21 carry out this section, there are authorized to be appro-
22 priated such sums as may be necessary for fiscal years
23 2022 through 2026.”.

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

25 (a) DEFINITIONS.—In this section:

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

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (b) MINERAL LEASING REVENUE.—

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

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

16 (A) in subsection (b)—

17 (i) in paragraph (1)(A)—

18 (I) in the fourth sentence, by
19 striking “shall be held” and all that
20 follows through “are necessary” and
21 inserting “may be held in each State
22 not more than once each year”; and

23 (II) in the fifth sentence, by
24 striking “12.5 percent” and inserting
25 “18.75 percent”; and

1 (ii) in paragraph (2)(A)(ii), by strik-
2 ing “12½ per centum” and inserting
3 “18.75 percent”;

4 (B) in subsection (e)(1), in the second sen-
5 tence, by striking “12.5 percent” and inserting
6 “18.75 percent”;

7 (C) in subsection (l), by striking “12½ per
8 centum” each place it appears and inserting
9 “18.75 percent”; and

10 (D) in subsection (n)(1)(C), by striking
11 “12½ per centum” and inserting “18.75 per-
12 cent”.

13 (3) REINSTATEMENT OF LEASES.—Section
14 31(e)(3) of the Mineral Leasing Act (30 U.S.C.
15 188(e)(3)) is amended by striking “16⅔” each place
16 it appears and inserting “25”.

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

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

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

23 “(e) DISTRIBUTION OF CERTAIN AMOUNTS.—Not-
24 withstanding paragraph (1), the amount of any increase
25 in revenues collected as a result of the amendments made

1 by subsection (b) of section 28 of the Environmental Jus-
2 tice For All Act shall be deposited and distributed in ac-
3 cordance with subsection (d) of that section.”.

4 (c) FEES FOR PRODUCING LEASES AND NONPRO-
5 DUCING LEASES.—

6 (1) CONSERVATION OF RESOURCES FEES.—

7 There is established a fee of \$4 per acre per year
8 on producing Federal onshore and offshore oil and
9 gas leases.

10 (2) SPECULATIVE LEASING FEES.—There is es-
11 tablished a fee of \$6 per acre per year on nonpro-
12 ducing leases.

13 (d) DEPOSIT.—

14 (1) IN GENERAL.—All amounts collected under
15 paragraphs (1) and (2) of subsection (c) shall be de-
16 posited in the Federal Energy Transition Economic
17 Development Assistance Fund established by section
18 29(c).

19 (2) MINERAL LEASING REVENUE.—Notwith-
20 standing any other provision of law, of the amount
21 of any increase in revenue collected as a result of the
22 amendments made by subsection (b)—

23 (A) 50 percent shall be deposited in the
24 Federal Energy Transition Economic Develop-

1 ment Assistance Fund established by section
2 29(c); and

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

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

10 **SEC. 29. ECONOMIC REVITALIZATION FOR FOSSIL FUEL-DE-**
11 **PENDENT COMMUNITIES.**

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

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

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

21 (b) DEFINITIONS.—In this section:

22 (1) ADVISORY COMMITTEE.—The term “Advi-
23 sory Committee” means the Just Transition Advi-
24 sory Committee established by subsection (g)(1).

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

7 (3) FOSSIL FUEL.—The term “fossil fuel”
8 means coal, petroleum, natural gas, tar sands, oil
9 shale, or any derivative of coal, petroleum, or nat-
10 ural gas.

11 (4) FOSSIL FUEL-DEPENDENT COMMUNITY.—
12 The term “fossil fuel-dependent community” means
13 a community—

14 (A) that depends on fossil fuel mining, and
15 extraction, or refining for a significant amount
16 of economic opportunities; or

17 (B) in which a significant proportion of the
18 population is employed at electric generating
19 stations that use fossil fuels as the predominant
20 fuel supply.

21 (5) FOSSIL FUEL TRANSITION COMMUNITY.—
22 The term “fossil fuel transition community” means
23 a community—

24 (A) that has been adversely affected eco-
25 nomically by a recent reduction in fossil fuel

1 mining, extraction, or production-related activ-
2 ity, as demonstrated by employment data, per
3 capita income, or other indicators of economic
4 distress;

5 (B) that has historically relied on fossil
6 fuel mining, extraction, or production-related
7 activity for a substantial portion of its economy;
8 or

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

12 (6) FUND.—The term “Fund” means the Fed-
13 eral Energy Transition Economic Development As-
14 sistance Fund established by subsection (c).

15 (7) PUBLIC LAND.—

16 (A) IN GENERAL.—The term “public land”
17 means any land and interest in land owned by
18 the United States within the several States and
19 administered by the Secretary or the Secretary
20 of Agriculture (acting through the Chief of the
21 Forest Service) without regard to how the
22 United States acquired ownership.

23 (B) INCLUSION.—The term “public land”
24 includes land located on the outer Continental
25 Shelf.

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

4 (8) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (c) ESTABLISHMENT OF FEDERAL ENERGY TRANSI-
7 TION ECONOMIC DEVELOPMENT ASSISTANCE FUND.—
8 There is established in the Treasury of the United States
9 a fund, to be known as the “Federal Energy Transition
10 Economic Development Assistance Fund”, which shall
11 consist of amounts deposited in the Fund under section
12 28(d).

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

15 (1) 35 percent shall be distributed by the Sec-
16 retary to States in which extraction of fossil fuels
17 occurs on public land, based on a formula reflecting
18 existing production and extraction in the State;

19 (2) 35 percent shall be distributed by the Sec-
20 retary to States based on a formula reflecting the
21 quantity of fossil fuels historically produced and ex-
22 tracted in the State on public land before the date
23 of enactment of this Act; and

24 (3) 30 percent shall be allocated to a competi-
25 tive grant program under subsection (f).

1 (e) USE OF FUNDS.—

2 (1) IN GENERAL.—Funds distributed by the
3 Secretary to States under paragraphs (1) and (2) of
4 subsection (d) may be used for—

5 (A) environmental remediation of land and
6 waters impacted by the full lifecycle of fossil
7 fuel extraction and mining;

8 (B) building partnerships to attract and
9 invest in the economic future of historically fos-
10 sil fuel-dependent communities;

11 (C) increasing capacity and other technical
12 assistance fostering long-term economic growth
13 and opportunity in historically fossil fuel-de-
14 pendent communities;

15 (D) guaranteeing pensions, healthcare, and
16 retirement security and providing a bridge of
17 wage support until a displaced worker either
18 finds new employment or reaches retirement;

19 (E) severance payments for displaced
20 workers;

21 (F) carbon sequestration projects in nat-
22 ural systems on public land; or

23 (G) expanding broadband access and
24 broadband infrastructure.

1 (2) PRIORITY TO FOSSIL FUEL WORKERS.—In
2 distributing funds under paragraph (1), the Sec-
3 retary shall give priority to assisting displaced work-
4 ers dislocated from fossil fuel mining and extraction
5 industries.

6 (f) COMPETITIVE GRANT PROGRAM.—

7 (1) IN GENERAL.—The Secretary shall establish
8 a competitive grant program to provide funds to eli-
9 gible entities for the purposes described in para-
10 graph (3).

11 (2) DEFINITION OF ELIGIBLE ENTITY.—In this
12 subsection, the term “eligible entity” means a local,
13 State, or Tribal government, local development dis-
14 trict (as defined in section 382E(a) of the Consoli-
15 dated Farm and Rural Development Act (7 U.S.C.
16 2009aa–4(a))), a nonprofit organization, labor
17 union, economic development agency, or institution
18 of higher education (including a community college).

19 (3) ELIGIBLE USE OF FUNDS.—The Secretary
20 may award grants from amounts in the Fund made
21 available under subsection (d)(3) for—

22 (A) the purposes described in subsection
23 (e)(1);

24 (B)(i) existing job retraining and appren-
25 ticeship programs for displaced workers; or

- 1 (ii) programs designed to promote eco-
2 nomic development in communities affected by
3 a downturn in fossil fuel extraction and mining;
- 4 (C) developing projects that—
- 5 (i) diversify local and regional econo-
6 mies;
- 7 (ii) create jobs in new or existing non-
8 fossil fuel industries;
- 9 (iii) attract new sources of job-cre-
10 ating investment; or
- 11 (iv) provide a range of workforce serv-
12 ices and skills training;
- 13 (D) internship programs in a field related
14 to clean energy; and
- 15 (E) the development and support of—
- 16 (i) a clean energy certificate program
17 at a labor organization; or
- 18 (ii) a clean energy major or minor
19 program at an institution of higher edu-
20 cation (as defined in section 101 of the
21 Higher Education Act of 1965 (20 U.S.C.
22 1001)).
- 23 (g) JUST TRANSITION ADVISORY COMMITTEE.—
- 24 (1) ESTABLISHMENT.—Not later than 180 days
25 after the date of enactment of this Act, the Sec-

1 retary shall establish an advisory committee, to be
2 known as the “Just Transition Advisory Com-
3 mittee”.

4 (2) CHAIR.—The President shall appoint a
5 Chair of the Advisory Committee.

6 (3) DUTIES.—The Advisory Committee shall—

7 (A) advise, assist, and support the Sec-
8 retary in—

9 (i) the management and allocation of
10 funds available under subsection (d); and

11 (ii) the establishment and administra-
12 tion of the competitive grant program
13 under subsection (f); and

14 (B) develop procedures to ensure that
15 States and applicants eligible to participate in
16 the competitive grant program established
17 under subsection (f) are notified of the avail-
18 ability of Federal funds pursuant to this sec-
19 tion.

20 (4) MEMBERSHIP.—

21 (A) IN GENERAL.—The total number of
22 members of the Advisory Committee shall not
23 exceed 20 members.

1 (B) COMPOSITION.—The Advisory Com-
2 mittee shall be composed of the following mem-
3 bers appointed by the Chair:

4 (i) A representative of the Assistant
5 Secretary of Commerce for Economic De-
6 velopment.

7 (ii) A representative of the Secretary
8 of Labor.

9 (iii) A representative of the Under
10 Secretary for Rural Development.

11 (iv) 2 individuals with professional
12 economic development or workforce re-
13 training experience.

14 (v) An equal number of representa-
15 tives from each of the following:

16 (I) Labor unions.

17 (II) Nonprofit environmental or-
18 ganizations.

19 (III) Environmental justice orga-
20 nizations.

21 (IV) Fossil fuel transition com-
22 munities.

23 (V) Public interest groups.

24 (VI) Tribal and Indigenous com-
25 munities.

1 (5) TERMINATION.—The Advisory Committee
2 shall not terminate except by an Act of Congress.

3 (h) LIMIT ON USE OF FUNDS.—

4 (1) ADMINISTRATIVE COSTS.—Not more than 7
5 percent of the amounts in the Fund may be used for
6 administrative costs incurred in implementing this
7 section.

8 (2) LIMITATION ON FUNDS TO A SINGLE ENTI-
9 TY.—Not more than 5 percent of the amounts in the
10 Fund may be awarded to a single eligible entity.

11 (3) CALENDAR YEAR LIMITATION.—Not less
12 than 15 percent of the amounts in the Fund shall
13 be spent in each calendar year.

14 (i) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
15 TURED GOODS.—None of the funds appropriated or other-
16 wise made available by this section may be used for a
17 project for the construction, alteration, maintenance, or
18 repair of a public building or public work unless all of the
19 iron, steel, and manufactured goods used in the project
20 are produced in the United States, unless the manufac-
21 tured good is not produced in the United States.

22 (j) SUBMISSION TO CONGRESS.—The Secretary shall
23 submit to the Committees on Appropriations and Energy
24 and Natural Resources of the Senate and the Committees
25 on Appropriations and Natural Resources of the House

1 of Representatives, with the annual budget submission of
2 the President, a list of projects, including a description
3 of each project, that received funding under this section
4 in the previous calendar year.

5 **SEC. 30. EVALUATION BY COMPTROLLER GENERAL OF THE**
6 **UNITED STATES.**

7 Not later than 2 years after the date of enactment
8 of this Act, and biennially thereafter, the Comptroller
9 General of the United States shall submit to the Commit-
10 tees on Energy and Commerce and Natural Resources of
11 the House of Representatives, and the Committees on En-
12 vironment and Public Works and Energy and Natural Re-
13 sources of the Senate, a report that contains an evaluation
14 of the effectiveness of each activity carried out under this
15 Act and the amendments made by this Act.

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