

118TH CONGRESS
1ST SESSION

H. R. 1705

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2023

Mr. GRIJALVA (for himself, Ms. LEE of California, Ms. SCHAKOWSKY, Mr. ESPAILLAT, Ms. BARRAGÁN, Ms. TLAIB, Ms. MENG, Ms. JAYAPAL, Mr. KHANNA, Ms. DEGETTE, Mrs. BEATTY, Ms. BUSH, Mr. SCOTT of Virginia, Mr. NADLER, Ms. ESCOBAR, Ms. CASTOR of Florida, Mr. CONNOLLY, Ms. BROWNLEY, Ms. STANSBURY, Mrs. NAPOLITANO, Mr. HUFFMAN, Mr. NEGUSE, Ms. OCASIO-CORTEZ, Ms. VELÁZQUEZ, Ms. PORTER, Mr. GOMEZ, Mr. BOWMAN, Ms. TOKUDA, Ms. KAMLAGER-DOVE, Mr. CASAR, Mr. MCGOVERN, Mr. MFUME, Ms. KELLY of Illinois, Ms. MCCOLLUM, Mrs. MCCLELLAN, and Ms. JACKSON LEE) 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 the Workforce, 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,*

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the “A.
3 Donald McEachin Environmental Justice For All Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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. Strengthening Community Protections under the National Environmental Policy Act.
- Sec. 16. Training of employees of Federal agencies.
- Sec. 17. Environmental justice grant programs.
- Sec. 18. Environmental justice basic training program.
- Sec. 19. National Environmental Justice Advisory Council.
- Sec. 20. Environmental Justice Clearinghouse.
- Sec. 21. Public meetings.
- Sec. 22. Environmental projects for environmental justice communities.
- Sec. 23. Grants to further achievement of Tribal coastal zone objectives.
- Sec. 24. Cosmetic labeling.
- Sec. 25. Safer cosmetic alternatives for disproportionately impacted communities.
- Sec. 26. Safer child care centers, schools, and homes for disproportionately impacted communities.
- Sec. 27. Certain menstrual products misbranded if labeling does not include ingredients.
- Sec. 28. Support by National Institute of Environmental Health Sciences for research on health disparities impacting communities of color.
- Sec. 29. Revenues for just transition assistance.
- Sec. 30. Economic revitalization for fossil fuel-dependent communities.
- Sec. 31. Evaluation by Comptroller General of the United States.

6 SEC. 2. FINDINGS; STATEMENT OF POLICY.

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

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

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

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

20 (4) Environmental justice communities have
21 been made more vulnerable to the effects of climate
22 change due to a combination of factors, particularly
23 the legacy of segregation and historically racist zon-
24 ing codes, and often have the least resources to re-
25 spond, making it a necessity for environmental jus-

1 tice communities to be meaningfully engaged as
2 partners and stakeholders in government decision
3 making as the United States builds its climate resil-
4 ience.

5 (5) Potential environmental and climate threats
6 to environmental justice communities merit a higher
7 level of engagement, review, and consent to ensure
8 that communities are not forced to bear dispropor-
9 tionate environmental and health impacts.

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

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

24 (8) Government action to correct environmental
25 injustices is a moral imperative. Federal policy can

1 and should improve public health and improve the
2 overall well-being of all communities.

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

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

17 (11) It is the responsibility of the Federal Gov-
18 ernment to seek to achieve environmental justice,
19 health equity, and climate justice for all commu-
20 nities.

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

23 (1) seek to achieve environmental justice as
24 part of its mission by identifying and addressing, as
25 appropriate, disproportionately adverse human

1 health or environmental effects of its programs, poli-
2 cies, practices, and activities on communities of
3 color, low-income communities, and Tribal and In-
4 digenous communities in each State and territory of
5 the United States;

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

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

15 (4) cooperate with State governments, Indian
16 Tribes, and local governments to address pollution
17 and public health burdens in communities experi-
18 encing environmental injustice, and build healthy,
19 sustainable, and resilient communities; and

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

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

6 (2) ADVISORY COUNCIL.—The term “Advisory
7 Council” means the National Environmental Justice
8 Advisory Council established by the President under
9 section 19.

10 (3) CLEARINGHOUSE.—The term “Clearing-
11 house” means the Environmental Justice Clearing-
12 house established by the Administrator under section
13 20.

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

20 (A) Black.

21 (B) African American.

22 (C) Asian.

23 (D) Pacific Islander.

24 (E) Other non-White race.

25 (F) Hispanic.

26 (G) Latino.

1 (H) Linguistically isolated.

2 (I) Middle Eastern and North African.

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

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

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

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

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

3 (B) equal access and involvement with re-
4 spect to any Federal agency action on environ-
5 mental justice issues in order to have a healthy
6 environment in which to live, learn, work, and
7 recreate.

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

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

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

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

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

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

1 (E) the Pollution Prevention Act of 1990
2 (42 U.S.C. 13101 et seq.);

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

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

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

9 (I) the Toxic Substances Control Act (15
10 U.S.C. 2601 et seq.);

11 (J) the American Indian Religious Free-
12 dom Act (42 U.S.C. 1996 et seq.); and

13 (K) the National Historic Preservation Act
14 of 1966 (16 U.S.C. 470 et seq.).

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

1 by a program, policy, practice, or activity of a Fed-
2 eral agency.

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

7 (13) LOCAL GOVERNMENT.—The term “local
8 government” means—

9 (A) a county, municipality, city, town,
10 township, local public authority, school district,
11 special district, intrastate district, council of
12 governments (regardless of whether the council
13 of governments is incorporated as a nonprofit
14 corporation under State law), regional or inter-
15 state governmental entity, or agency or instru-
16 mentality of a local government; or

17 (B) an Indian Tribe or authorized Tribal
18 organization, or Alaska Native village or organi-
19 zation.

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

1 (A) an amount equal to 80 percent of the
2 median income of the area in which the house-
3 hold is located, as reported by the Department
4 of Housing and Urban Development; and

5 (B) 200 percent of the Federal poverty
6 line.

7 (15) POPULATION.—The term “population”
8 means a census block group or series of geographi-
9 cally contiguous blocks representing certain common
10 characteristics, such as race, ethnicity, national ori-
11 gin, income level, health disparities, or other public
12 health and socioeconomic attributes.

13 (16) STATE.—The term “State” means—

14 (A) any State of the United States;

15 (B) the District of Columbia;

16 (C) the Commonwealth of Puerto Rico;

17 (D) the United States Virgin Islands;

18 (E) Guam;

19 (F) American Samoa; and

20 (G) the Commonwealth of the Northern
21 Mariana Islands.

22 (17) TRIBAL AND INDIGENOUS COMMUNITY.—

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

25 (A) a federally recognized Indian Tribe;

1 (B) a State-recognized Indian Tribe;

2 (C) an Alaska Native community or orga-
3 nization;

4 (D) a Native Hawaiian community or or-
5 ganization; or

6 (E) any other Indigenous community lo-
7 cated in a State.

8 (18) WHITE HOUSE INTERAGENCY COUNCIL.—

9 The term “White House interagency council” means
10 the White House Environmental Justice Interagency
11 Council described in section 8.

12 (19) TRIBAL ORGANIZATIONS.—The term
13 “Tribal Organizations” means organizations that
14 are—

15 (A) defined in section 4 of the Indian Self-
16 Determination and Education Assistance Act
17 (25 U.S.C. 450b);

18 (B) Native Hawaiian Organizations or Na-
19 tive Hawaiian Non-Profit Organizations as de-
20 fined in section 2 of the Native American
21 Graves Protection and Repatriation Act (25
22 U.S.C. 3001); or

23 (C) Urban Indian Organizations as defined
24 in the Indian Health Care Improvement Act
25 (25 U.S.C. 1603(29)).

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

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

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

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

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

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

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

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

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

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

13 “(3) In this subsection—

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

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

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

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

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

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

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

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

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

15 (b) EFFECTIVE DATE.—

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

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

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

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

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

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

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

1 “(c) DEFINITIONS.—In this section:

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

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

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

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

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

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

21 “(a) PERMITS ISSUED BY ADMINISTRATOR.—

22 “(1) IN GENERAL.—Except as”;

23 (2) in subsection (a)—

24 (A) in paragraph (1)—

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

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

7 “(i) all”;

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

11 “(ii) prior”; and

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

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

16 “(i) based on an analysis by the Ad-
17 ministrator of existing water quality and
18 the potential cumulative impacts (as de-
19 fined in section 501 of the Clean Air Act
20 (42 U.S.C. 7661)) of the discharge, consid-
21 ered in conjunction with the designated
22 and actual uses of the impacted navigable
23 water, there exists a reasonable certainty
24 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

24 “(iii) such other requirements as the Ad-
25 ministrator determines to be appropriate; and

1 “(B) additional controls or pollution prevention
2 requirements.”; and

3 (3) in subsection (b)—

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

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

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

10 “(10) To ensure that no permit will be issued or re-
11 newed if, with respect to an application for the permit,
12 the State determines, based on an analysis by the State
13 of existing water quality and the potential cumulative im-
14 pacts (as defined in section 501 of the Clean Air Act (42
15 U.S.C. 7661)) of the discharge, considered in conjunction
16 with the designated and actual uses of the impacted navi-
17 gable water, that the terms and conditions of the permit
18 or renewal would not be sufficient to ensure a reasonable
19 certainty of no harm to the health of the general popu-
20 lation, or to any potentially exposed or susceptible sub-
21 population.”.

22 (b) CLEAN AIR ACT.—

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

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

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

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

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

15 “(A) including—

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

18 “(I)(aa) routinely;

19 “(bb) accidentally; or

20 “(cc) otherwise; and

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

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

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

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

8 (2) PERMIT PROGRAMS.—Section 502(b) of the
 9 Clean Air Act (42 U.S.C. 7661a(b)) is amended—
 10 (A) in paragraph (5)—

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

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

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

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

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

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

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

11 “(9) MAJOR SOURCES.—

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

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

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

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

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

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

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

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

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

23 “(aa) require the applicant
24 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 capacity building
7 and increasing community understanding of the
8 science, regulations, and policy related to Federal
9 agency actions on environmental 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, Indian Tribes, and local governments, the
15 White House interagency council shall develop and
16 publish in the Federal Register a guidance document
17 to assist Federal agencies in defining and applying
18 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;

(B) identifies and addresses any disproportionately high or adverse human health or environmental effects of its programs, policies, practices, and activities on—

(i) communities of color;

(ii) low-income communities; and

(iii) Tribal and Indigenous communities; and

(C) complies with each requirement described in paragraph (2).

(2) CONTENTS.—Each environmental justice strategy developed by a Federal agency under paragraph (1) shall contain—

(A) an assessment that identifies each program, policy, practice, and activity (including any public participation process) of the Federal agency, relating to human health or the environment that the Federal agency determines should be revised—

(i) to ensure that all persons have the same degree of protection from environmental and health hazards;

(ii) to ensure meaningful public involvement 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 awareness of environ-
10 mental justice issues relating to agency ac-
11 tivities, including awareness among im-
12 pacted parents and children in environ-
13 mental justice communities;

14 (v) to improve cooperation with State
15 governments, Indian Tribes, and local gov-
16 ernments to address pollution and public
17 health burdens in environmental justice
18 communities, and build healthy, sustain-
19 able, and resilient communities;

20 (vi) to improve Federal research and
21 data collection efforts related to—

22 (I) the health and environment of
23 communities of color, low-income com-
24 munities, and Tribal and Indigenous
25 communities;

1 (II) climate change; and

2 (III) the inequitable distribution
3 of burdens and benefits of the man-
4 agement and use of natural resources,
5 including water, minerals, and land;
6 and

7 (vii) to reduce or eliminate dispropor-
8 tionately adverse human health or environ-
9 mental effects on communities of color,
10 low-income communities, and Tribal and
11 Indigenous communities; and

12 (B) a timetable for the completion of—

13 (i) each revision identified under sub-
14 paragraph (A); and

15 (ii) an assessment of the economic
16 and social implications of each revision
17 identified under subparagraph (A).

18 (3) REPORTS.—

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

1 Federal agency in implementing the environ-
2 mental justice strategy of the Federal agency.

3 (B) PERIODIC REPORTS.—In addition to
4 the annual reports described in subparagraph
5 (A), upon receipt of a request from the White
6 House interagency council, a Federal agency
7 shall submit to the White House interagency
8 council a report that contains such information
9 as the White House interagency council may re-
10 quire.

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

16 (A) evaluate and revise the environmental
17 justice strategy of the Federal agency; and

18 (B) submit to the White House inter-
19 agency council a copy of the revised version of
20 the environmental justice strategy of the Fed-
21 eral agency.

22 (5) PETITION.—

23 (A) IN GENERAL.—The head of a Federal
24 agency may submit to the President a petition
25 for an exemption of any requirement described

1 in this section with respect to any program or
2 activity of the Federal agency if the head of the
3 Federal agency determines that complying with
4 such requirement would compromise the agen-
5 cy's ability to carry out its core missions.

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

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

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

1 (ii) exacerbate, or fail to ameliorate,
2 any disproportionately adverse human
3 health or environmental effect on any com-
4 munity of color, low-income community, or
5 Tribal and Indigenous community.

6 (D) APPEAL.—

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

12 (ii) WRITTEN APPEAL.—

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

17 (aa) the Council on Environ-
18 mental Quality;

19 (bb) the Deputy Assistant to
20 the President for Environmental
21 Policy; or

22 (cc) the Assistant to the
23 President for Domestic Policy.

24 (II) CONTENTS.—A written ap-
25 peal shall contain a description of

1 each reason why the exemption that is
2 the subject of the petition is unneces-
3 sary.

4 (iii) REQUIREMENT OF PRESIDENT.—

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

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

15 (1) RESEARCH.—Each Federal agency, to the
16 maximum extent practicable and permitted by appli-
17 cable law, shall—

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

1 (B) in conducting environmental or human
2 health analyses, identify multiple and cumu-
3 lative exposures, including potentially exacer-
4 bated risks due to current and future climate
5 impacts; and

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

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

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

24 (B) use that information to determine
25 whether the programs, policies, and activities of

1 the Federal agency have disproportionately ad-
2 verse human health or environmental effects on
3 communities of color, low-income communities,
4 and Tribal and Indigenous communities.

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

21 (4) IMPACT FROM FEDERAL FACILITIES.—Each
22 Federal agency, to the maximum extent practicable
23 and permitted by applicable law, shall collect, main-
24 tain, and analyze information relating to the race,
25 national origin, and income level, and other readily

1 accessible and appropriate information, for commu-
2 nities of color, low-income communities, and Tribal
3 and Indigenous communities in proximity to any fa-
4 cility of the Federal agency that is—

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

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

16 (d) CONSUMPTION OF FISH AND WILDLIFE.—

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

23 (2) REQUIREMENT.—The guidance described in
24 paragraph (1) shall—

1 (A) reflect the latest scientific information
2 available concerning methods for evaluating the
3 human health risks associated with the con-
4 sumption of pollutant-bearing fish or wildlife;
5 and

6 (B) publish the risks of such consumption
7 patterns.

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

13 (1) Nationally consistent data.

14 (2) Environmental data.

15 (3) Demographic data, including data relating
16 to race, ethnicity, and income.

17 (4) Capacity to produce maps and reports by
18 geographical area.

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

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

23 (1) to seek relief from, or to compel, an agency
24 action under this section (including regulations pro-
25 mulgated pursuant to this section); or

1 (2) otherwise to ensure compliance with this
2 section (including regulations promulgated pursuant
3 to this section).

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

11 (h) CODIFICATION OF GUIDANCE.—

12 (1) COUNCIL ON ENVIRONMENTAL QUALITY.—
13 Sections II and III of the guidance issued by the
14 Council on Environmental Quality entitled “Environ-
15 mental Justice Guidance Under the National Envi-
16 ronmental Policy Act” and dated December 10,
17 1997, are enacted into law.

18 (2) ENVIRONMENTAL PROTECTION AGENCY.—
19 The guidance issued by the Environmental Protec-
20 tion Agency entitled “EPA Policy on Consultation
21 and Coordination with Indian Tribes: Guidance for
22 Discussing Tribal Treaty Rights” and dated Feb-
23 ruary 2016 is enacted into law.

1 **SEC. 10. OMBUDS.**

2 (a) ESTABLISHMENT.—The Administrator shall es-
3 tablish within the Environmental Protection Agency a po-
4 sition of Environmental Justice Ombuds.

5 (b) REPORTING.—The Environmental Justice
6 Ombuds shall—

7 (1) report directly to the Administrator; and

8 (2) not be required to report to the Office of
9 Environmental Justice of the Environmental Protec-
10 tion Agency.

11 (c) FUNCTIONS.—The Environmental Justice
12 Ombuds shall—

13 (1) in coordination with the Inspector General
14 of the Environmental Protection Agency, establish
15 an independent, neutral, accessible, confidential, and
16 standardized process—

17 (A) to receive, review, and process com-
18 plaints and allegations with respect to environ-
19 mental justice programs and activities of the
20 Environmental Protection Agency; and

21 (B) to assist individuals in resolving com-
22 plaints and allegations described in subpara-
23 graph (A), including training on restorative jus-
24 tice and conflict resolution;

25 (2) identify and thereafter review, examine, and
26 make recommendations to the Administrator to ad-

1 dress recurring and chronic complaints regarding
2 specific environmental justice programs and activi-
3 ties of the Environmental Protection Agency identi-
4 fied by the Ombuds pursuant to paragraph (1);

5 (3) review the Environmental Protection Agen-
6 cy's compliance with policies and standards of the
7 Environmental Protection Agency with respect to its
8 environmental justice programs and activities; and

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

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

20 (e) REGIONAL STAFF.—

21 (1) AUTHORITY OF ENVIRONMENTAL JUSTICE
22 OMBUDS.—The Administrator shall allow the Envi-
23 ronmental Justice Ombuds to hire such staff as the
24 Environmental Justice Ombuds determines to be
25 necessary to carry out at each regional office of the

1 Environmental Protection Agency the functions of
2 the Environmental Justice Ombuds described in sub-
3 section (c).

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

6 (A) foster cooperation between the Envi-
7 ronmental Protection Agency and environ-
8 mental justice communities;

9 (B) consult with environmental justice
10 communities on the development of policies and
11 programs of the Environmental Protection
12 Agency;

13 (C) receive feedback from environmental
14 justice communities on the performance of the
15 Environmental Protection Agency; and

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

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

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

3 (a) DEFINITIONS.—In this section:

4 (1) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means an entity that represents or otherwise
6 serves a qualifying urban area.

7 (2) ELIGIBLE NONPROFIT ORGANIZATION.—The
8 term “eligible nonprofit organization” means an or-
9 ganization that is described in section 501(c)(3) of
10 the Internal Revenue Code of 1986 and is exempt
11 from taxation under section 501(a) of such Code.

12 (3) ENTITY.—The term “entity” means—

13 (A) a State;

14 (B) a political subdivision of a State, in-
15 cluding—

16 (i) a city;

17 (ii) a county; and

18 (iii) a special purpose district that
19 manages open space, including a park dis-
20 trict; and

21 (C) an Indian Tribe, urban Indian organi-
22 zation, or Alaska Native or Native Hawaiian
23 community or organization.

24 (4) INDIAN TRIBE.—The term “Indian Tribe”
25 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

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

8 (A) an amount equal to 80 percent of the
9 median income of the area in which the house-
10 hold is located, as reported by the Department
11 of Housing and Urban Development; and

12 (B) an amount equal to 200 percent of the
13 Federal poverty line.

14 (6) OUTDOOR RECREATION LEGACY PARTNER-
15 SHIP PROGRAM.—The term “Outdoor Recreation
16 Legacy Partnership Program” means the program
17 established under subsection (b)(1).

18 (7) QUALIFYING URBAN AREA.—The term
19 “qualifying urban area” means—

20 (A) an urbanized area or urban cluster
21 that has a population of 25,000 or more in the
22 most recent census;

23 (B) 2 or more adjacent urban clusters with
24 a combined population of 25,000 or more in the
25 most recent census; or

1 (C) an area administered by an Indian
2 Tribe or an Alaska Native or Native Hawaiian
3 community organization.

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

6 (9) STATE.—The term “State” means each of
7 the several States, the District of Columbia, and
8 each territory of the United States.

9 (b) GRANTS AUTHORIZED.—

10 (1) ESTABLISHMENT OF PROGRAM.—

11 (A) IN GENERAL.—The Secretary shall es-
12 tablish an outdoor recreation legacy partnership
13 program under which the Secretary may award
14 grants to eligible entities for projects—

15 (i) to acquire land and water for
16 parks and other outdoor recreation pur-
17 poses in qualifying urban areas; and

18 (ii) to develop new or renovate exist-
19 ing outdoor recreation facilities that pro-
20 vide outdoor recreation opportunities to the
21 public in qualifying urban areas.

22 (B) PRIORITY.—In awarding grants to eli-
23 gible entities under subparagraph (A), the Sec-
24 retary shall give priority to projects that—

- 1 (i) create or significantly enhance ac-
2 cess to park and recreational opportunities
3 in an urban neighborhood or community;
- 4 (ii) engage and empower underserved
5 communities and youth;
- 6 (iii) provide employment or job train-
7 ing opportunities for youth or underserved
8 communities;
- 9 (iv) establish or expand public-private
10 partnerships, with a focus on leveraging re-
11 sources; and
- 12 (v) take advantage of coordination
13 among various levels of government.

14 (2) MATCHING REQUIREMENT.—

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

21 (B) WAIVER.—The Secretary may waive
22 all or part of the matching requirement under
23 subparagraph (A) if the Secretary determines
24 that—

1 (i) no reasonable means are available
2 through which the eligible entity can meet
3 the matching requirement; and

4 (ii) the probable benefit of the project
5 outweighs the public interest in the match-
6 ing requirement.

7 (C) ADMINISTRATIVE EXPENSES.—Not
8 more than 10 percent of funds provided to an
9 eligible entity under a grant awarded under
10 paragraph (1) may be used for administrative
11 expenses.

12 (3) CONSIDERATIONS.—In awarding grants to
13 eligible entities under paragraph (1), the Secretary
14 shall consider the extent to which a project would—

15 (A) provide recreation opportunities in un-
16 derserved communities in which access to parks
17 is not adequate to meet local needs;

18 (B) provide opportunities for outdoor
19 recreation and public land volunteerism;

20 (C) support innovative or cost-effective
21 ways to enhance parks and other recreation—

22 (i) opportunities; or

23 (ii) delivery of services;

24 (D) support park and recreation program-
25 ming provided by cities, including cooperative

1 agreements with community-based eligible non-
2 profit organizations;

3 (E) develop Native American event sites
4 and cultural gathering spaces;

5 (F) expand access to parks and rec-
6 reational opportunities for Americans of all
7 abilities; and

8 (G) provide benefits such as community re-
9 silience, reduction of urban heat islands, en-
10 hanced water or air quality, or habitat for fish
11 or wildlife.

12 (4) ELIGIBLE USES.—

13 (A) IN GENERAL.—Subject to subpara-
14 graph (B), a grant recipient may use a grant
15 awarded under paragraph (1) for a project de-
16 scribed in subparagraph (A) or (B) of that
17 paragraph.

18 (B) LIMITATIONS ON USE.—A grant recipi-
19 ent may not use grant funds for—

20 (i) incidental costs related to land ac-
21 quisition, including appraisal and titling;

22 (ii) operation and maintenance activi-
23 ties;

24 (iii) facilities that support
25 semiprofessional or professional athletics;

1 (iv) indoor facilities, such as recre-
2 ation centers or facilities that support pri-
3 marily non-outdoor purposes; or

4 (v) acquisition of land or interests in
5 land that restrict access to specific per-
6 sons.

7 (c) REVIEW AND EVALUATION REQUIREMENTS.—In
8 carrying out the Outdoor Recreation Legacy Partnership
9 Program, the Secretary shall—

10 (1) conduct an initial screening and technical
11 review of applications received;

12 (2) evaluate and score all qualifying applica-
13 tions; and

14 (3) provide culturally and linguistically appro-
15 priate information to eligible entities (including low-
16 income communities and eligible entities serving low-
17 income communities) on—

18 (A) the opportunity to apply for grants
19 under this section;

20 (B) the application procedures by which el-
21 igible entities may apply for grants under this
22 section; and

23 (C) eligible uses for grants under this sec-
24 tion.

25 (d) REPORTING.—

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

6 (A) summarize project activities conducted
 7 during the report period; and

8 (B) provide the status of the project.

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

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

17 (a) DEFINITIONS.—In this section:

18 (1) CRITICALLY UNDERSERVED COMMUNITY.—

19 The term “critically underserved community”
 20 means—

21 (A) a community that can demonstrate to
 22 the Secretary that the community has inad-
 23 equately, insufficient, or no park space or recre-
 24 ation facilities, including by demonstrating—

1 (i) quality concerns relating to the
2 available park space or recreation facilities;

3 (ii) the presence of recreational facili-
4 ties that do not serve the needs of the com-
5 munity; or

6 (iii) the inequitable distribution of
7 park space for high-need populations,
8 based on income, age, or other measures of
9 vulnerability and need;

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

13 (C) a community that is designated as a
14 qualified opportunity zone under section
15 1400Z-1 of the Internal Revenue Code of 1986;
16 or

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

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

21 (A) a State;

22 (B) a political subdivision of a State (in-
23 cluding a city or a county) that represents or
24 otherwise serves an urban area or a rural area;

1 (C) a special purpose district (including a
2 park district);

3 (D) an Indian Tribe that represents or
4 otherwise serves an urban area or a rural area;
5 or

6 (E) a metropolitan planning organization
7 (as defined in section 134(b) of title 23, United
8 States Code).

9 (3) PROGRAM.—The term “program” means
10 the Transit to Trails Grant Program established
11 under subsection (b)(1).

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

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of Transportation.

16 (6) TRANSPORTATION CONNECTOR.—

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

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

22 (ii) offers rides available to the public.

23 (B) INCLUSIONS.—The term “transportation
24 connector” includes microtransits, bus

1 lines, bus rails, light rail, rapid transits, or per-
2 sonal rapid transits.

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

5 (A) is densely developed;

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

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

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

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

13 (II) not more than 50,000.

14 (b) GRANT PROGRAM.—

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

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

1 (B) projects that facilitate transportation
2 improvements to enhance access to Federal or
3 non-Federal public land and recreational oppor-
4 tunities in critically underserved communities.

5 (2) ADMINISTRATION.—

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

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

23 (C) ANNUAL GRANT PROJECT PROPOSAL
24 SOLICITATION, REVIEW, AND APPROVAL.—

1 (i) IN GENERAL.—The Secretary
2 shall—

3 (I) annually solicit the submis-
4 sion of project proposals for grants
5 from eligible entities under the pro-
6 gram; and

7 (II) review each project proposal
8 submitted under subclause (I) on a
9 timeline established by the Secretary.

10 (ii) REQUIRED ELEMENTS FOR
11 PROJECT PROPOSAL.—A project proposal
12 submitted under clause (i)(I) shall in-
13 clude—

14 (I) a statement of the purposes
15 of the project;

16 (II) the name of the entity or in-
17 dividual with overall responsibility for
18 the project;

19 (III) a description of the quali-
20 fications of the entity or individuals
21 identified under subclause (II);

22 (IV) a description of—

23 (aa) staffing and stake-
24 holder engagement for the
25 project;

1 (bb) the logistics of the
2 project; and

3 (cc) anticipated outcomes of
4 the project;

5 (V) a proposed budget for the
6 funds and time required to complete
7 the project;

8 (VI) information regarding the
9 source and amount of matching fund-
10 ing available for the project;

11 (VII) information that dem-
12 onstrates the clear potential of the
13 project to contribute to increased ac-
14 cess to parkland for critically under-
15 served communities; and

16 (VIII) any other information that
17 the Secretary considers to be nec-
18 essary for evaluating the eligibility of
19 the project for funding under the pro-
20 gram.

21 (iii) CONSULTATION; APPROVAL OR
22 DISAPPROVAL.—The Secretary shall, with
23 respect to each project proposal submitted
24 under this subparagraph, as appropriate—

1 (I) consult with the government
2 of each State in which the proposed
3 project is to be conducted;

4 (II) after taking into consider-
5 ation any comments resulting from
6 the consultation under subclause (I),
7 approve or disapprove the proposal;
8 and

9 (III) provide written notification
10 of the approval or disapproval to—

11 (aa) the individual or entity
12 that submitted the proposal; and

13 (bb) each State consulted
14 under subclause (I).

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

23 (3) TRANSPORTATION PLANNING PROCE-
24 DURES.—

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

8 (B) REQUIREMENTS.—All projects carried
9 out under the program shall be developed in co-
10 operation with States and metropolitan plan-
11 ning organizations.

12 (4) NON-FEDERAL CONTRIBUTIONS.—

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

19 (B) SOURCES.—The non-Federal contribu-
20 tion required under subparagraph (A) may in-
21 clude amounts made available from State, local,
22 nongovernmental, or private sources.

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

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

7 (B) to create or significantly enhance ac-
8 cess to Federal or non-Federal public land and
9 recreational opportunities in an urban area or
10 a rural area.

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

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

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

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

21 (8) PUBLIC INFORMATION.—The Secretary
22 shall ensure that current schedules and routes for
23 transportation systems developed after the receipt of
24 a grant under the program are available to the pub-

1 lic, including on a website maintained by the recipi-
2 ent of a grant.

3 (c) REPORTING REQUIREMENT.—

4 (1) REPORTS BY GRANT RECIPIENTS.—The
5 Secretary shall require a recipient of a grant under
6 the program to submit to the Secretary at least 1
7 performance and financial report that—

8 (A) includes—

9 (i) demographic data on communities
10 served by the project; and

11 (ii) a summary of project activities
12 conducted after receiving the grant; and

13 (B) describes the status of each project
14 funded by the grant as of the date of the re-
15 port.

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

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

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$10,000,000 for each fiscal year.

4 **SEC. 13. REPEAL OF SUNSET FOR THE EVERY KID OUT-**
5 **DOORS PROGRAM.**

6 Section 9001(b) of the John D. Dingell, Jr. Con-
7 servation, Management, and Recreation Act (16 U.S.C.
8 6804 note; Public Law 116–9) is amended by striking
9 paragraph (5).

10 **SEC. 14. PROTECTIONS FOR ENVIRONMENTAL JUSTICE**
11 **COMMUNITIES AGAINST HARMFUL FEDERAL**
12 **ACTIONS.**

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

18 (b) DEFINITIONS.—In this section:

19 (1) ENVIRONMENTAL IMPACT STATEMENT.—
20 The term “environmental impact statement” means
21 the detailed statement of environmental impacts of
22 a proposed action required to be prepared pursuant
23 to the National Environmental Policy Act of 1969
24 (42 U.S.C. 4321 et seq.).

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

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

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

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

21 (2) assess relevant public health data and in-
22 dustry data concerning the potential for multiple or
23 cumulative exposure to human health or environ-
24 mental hazards in the area of the environmental jus-
25 tice community and historical patterns of exposure

1 to environmental hazards and Federal agencies shall
2 assess these multiple, or cumulative effects, even if
3 certain effects are not within the control or subject
4 to the discretion of the Federal agency proposing the
5 Federal action;

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

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

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

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

22 (5) analyze any alternative developed by mem-
23 bers of an affected environmental justice community
24 that meets the purpose and need of the proposed ac-
25 tion;

1 (6) assess the impact on access to reliable en-
2 ergy sources and on electricity prices for low-income
3 communities, minority communities, Native Ameri-
4 cans, and senior citizens;

5 (7) assess the impact of the Federal action on
6 drought, domestic food availability, and domestic
7 food prices; and

8 (8) assess the impact on timely meeting net-
9 zero goals as outlined in Executive Order 14057.

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

13 (f) NATIONAL ENVIRONMENTAL POLICY ACT RE-
14 QUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMU-
15 NITIES.—When carrying out the requirements of the Na-
16 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
17 et seq.) for a proposed Federal action that may affect an
18 environmental justice community, a Federal agency
19 shall—

20 (1) consider all potential direct, indirect, and
21 cumulative impacts caused by the action, alter-
22 natives to such action, and mitigation measures on
23 the environmental justice community required by
24 that Act;

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

4 (3) provide early and meaningful community in-
5 volvement opportunities by—

6 (A) holding multiple hearings in such com-
7 munity regarding the proposed Federal action
8 in each prominent language within the environ-
9 mental justice community; and

10 (B) providing notice of any step or action
11 in the process under that Act that involves pub-
12 lic participation to any representative entities or
13 organizations present in the environmental jus-
14 tice community, including—

15 (i) local religious organizations;

16 (ii) civic associations and organiza-
17 tions;

18 (iii) business associations of people of
19 color;

20 (iv) environmental and environmental
21 justice organizations, including community-
22 based grassroots organizations led by peo-
23 ple of color;

24 (v) homeowners', tenants', and neigh-
25 borhood watch groups;

- 1 (vi) local governments and Indian
- 2 Tribes;
- 3 (vii) rural cooperatives;
- 4 (viii) business and trade organiza-
- 5 tions;
- 6 (ix) community and social service or-
- 7 ganizations;
- 8 (x) universities, colleges, and voca-
- 9 tional schools;
- 10 (xi) labor and other worker organiza-
- 11 tions;
- 12 (xii) civil rights organizations;
- 13 (xiii) senior citizens' groups; and
- 14 (xiv) public health agencies and clin-
- 15 ics; and

16 (4) provide translations of publicly available
17 documents made available pursuant to that Act in
18 any language spoken by more than 5 percent of the
19 population residing within the environmental justice
20 community.

21 (g) COMMUNICATION METHODS AND REQUIRE-
22 MENTS.—Any notice provided under subsection (f)(3)(B)
23 shall be provided—

- 24 (1) through communication methods that are
- 25 accessible in the environmental justice community,

1 which may include electronic media, newspapers,
2 radio, direct mailings, canvassing, and other out-
3 reach methods particularly targeted at communities
4 of color, low-income communities, and Tribal and In-
5 digenous communities; and

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

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

16 (1) A description of the proposed action.

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

21 (3) An initial list of alternatives and potential
22 impacts.

23 (4) An initial list of other existing or proposed
24 sources of multiple or cumulative exposure to envi-
25 ronmental hazards that contribute to higher rates of

1 serious illnesses within the environmental justice
2 community.

3 (5) An agency point of contact.

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

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

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

14 (1) seek Tribal representation in the process in
15 a manner that is consistent with the government-to-
16 government relationship between the United States
17 and Indian Tribes, the Federal Government’s trust
18 responsibility to federally recognized Indian Tribes,
19 and any treaty rights;

20 (2) ensure that an Indian Tribe is invited to
21 hold the status of a cooperating agency throughout
22 the process under that Act for any proposed action
23 that could impact an Indian Tribe, including actions
24 that could impact off reservation lands and sacred
25 sites; and

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

7 (j) AGENCY DETERMINATIONS.—Federal agency de-
8 terminations about the analysis of a community impact
9 report described in subsection (c) shall be subject to judi-
10 cial review to the same extent as any other analysis per-
11 formed under the National Environmental Policy Act of
12 1969 (42 U.S.C. 4321 et seq.).

13 (k) EFFECTIVE DATE.—This section shall take effect
14 1 year after the date of enactment of this Act.

15 (l) SAVINGS CLAUSE.—Nothing in this section dimin-
16 ishes—

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

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

1 **SEC. 15. STRENGTHENING COMMUNITY PROTECTIONS**
2 **UNDER THE NATIONAL ENVIRONMENTAL**
3 **POLICY ACT.**

4 Title I of the National Environmental Policy Act of
5 1969 (42 U.S.C. 4331 et seq.) is amended—

6 (1) in section 101(a)—

7 (A) by striking “man’s” and inserting
8 “human”; and

9 (B) by striking “man” each place it ap-
10 pears and inserting “humankind”;

11 (2) in section 102—

12 (A) by striking “The Congress authorizes
13 and directs that, to the fullest extent possible:”
14 and inserting “The Congress authorizes and di-
15 rects that, notwithstanding any other provision
16 of law and to the fullest extent possible.”;

17 (B) in paragraph (2)—

18 (i) by striking “insure” each place it
19 appears and inserting “ensure”;

20 (ii) in subparagraph (A), by striking
21 “man’s” and inserting “the human”; and

22 (iii) in subparagraph (C)—

23 (I) by striking clause (iii) and in-
24 serting the following:

25 “(iii) a reasonable range of alternatives
26 that—

1 “(I) are technically feasible,
2 “(II) are economically feasible, and
3 “(III) where applicable, do not cause
4 or contribute to adverse cumulative effects,
5 including effects caused by exposure to en-
6 vironmental pollution, on an overburdened
7 community that are higher than those
8 borne by other communities within the
9 State, county, or other geographic unit of
10 analysis as determined by the agency pre-
11 paring or having taken primary responsi-
12 bility for preparing the environmental doc-
13 ument pursuant to this Act, except that
14 where the agency determines that an alter-
15 native will serve a compelling public inter-
16 est in the affected overburdened commu-
17 nity with conditions to protect public
18 health,”; and

19 (II) in clause (iv), by striking
20 “man’s” and inserting “the human”;

21 (C) in subparagraph (E), by inserting
22 “that are consistent with subparagraph (C)(3)”
23 after “describe appropriate alternatives”; and

24 (D) in subparagraph (F), by striking
25 “mankind’s” and inserting “humankind’s”; and

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

2 **“SEC. 106. DEFINITIONS.**

3 “In this Act:

4 “(1) EFFECT; IMPACT.—The terms ‘effect’ and
5 ‘impact’ mean changes to the human environment
6 from the proposed action or alternatives that are
7 reasonably foreseeable and include the following:

8 “(A) Direct effects, which are caused by
9 the action and occur at the same time and
10 place.

11 “(B) Indirect effects, which are caused by
12 the action and are later in time or farther re-
13 moved in distance, but are still reasonably fore-
14 seeable. Indirect effects may include growth in-
15 ducing effects and other effects related to in-
16 duced changes in the pattern of land use, popu-
17 lation density or growth rate, and related ef-
18 fects on air and water and other natural sys-
19 tems, including ecosystems.

20 “(C) Cumulative effects, which are effects
21 on the environment that result from the incre-
22 mental effects of the action when added to the
23 effects of other past, present, and reasonably
24 foreseeable actions regardless of what agency
25 (Federal or non-Federal) or person undertakes

1 such other actions. Cumulative effects can re-
2 sult from individually minor but collectively sig-
3 nificant actions taking place over a period of
4 time.

5 “(D) Effects that are ecological (such as
6 the effects on natural resources and on the
7 components, structures, and functioning of af-
8 fected ecosystems), aesthetic, historic, cultural,
9 economic, social, health, whether direct, indi-
10 rect, or cumulative. Effects may also include
11 those resulting from actions which may have
12 both beneficial and detrimental effects, even if
13 on balance the agency believes that the effects
14 will be beneficial.

15 “(2) LIMITED ENGLISH PROFICIENCY.—The
16 term ‘limited English proficiency’ means that a
17 household does not have an adult that speaks
18 English very well according to the United States
19 Census Bureau.

20 “(3) LOW-INCOME HOUSEHOLD.—The term
21 ‘low-income household’ means a household that is at
22 or below twice the poverty threshold as that thresh-
23 old is determined annually by the United States
24 Census Bureau.

1 “(4) OVERBURDENED COMMUNITY.—The term
 2 ‘overburdened community’ means any census block
 3 group, as determined in accordance with the most
 4 recent United States Census, in which:

5 “(A) at least 35 percent of the households
 6 qualify as low-income households;

7 “(B) at least 40 percent of the residents
 8 identify as minority or as members of a Tribal
 9 and Indigenous community; or

10 “(C) at least 40 percent of the households
 11 have limited English proficiency.

12 “(5) TRIBAL AND INDIGENOUS COMMUNITY.—
 13 The term ‘Tribal and Indigenous community’ means
 14 a population of people who are members of—

15 “(A) a federally recognized Indian Tribe;

16 “(B) a State-recognized Indian Tribe;

17 “(C) an Alaska Native or Native Hawaiian
 18 community or organization; or

19 “(D) any other community of Indigenous
 20 people located in a State.”.

21 **SEC. 16. TRAINING OF EMPLOYEES OF FEDERAL AGENCIES.**

22 (a) INITIAL TRAINING.—Not later than 1 year after
 23 the date of enactment of this Act, each employee of the
 24 Department of Energy, the Environmental Protection
 25 Agency, the Department of the Interior, and the National

1 Oceanic and Atmospheric Administration shall complete
2 an environmental justice training program to ensure that
3 each such employee—

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

6 (2) is capable of—

7 (A) appropriately incorporating environ-
8 mental justice concepts into the daily activities
9 of the employee; and

10 (B) increasing the meaningful participation
11 of individuals from environmental justice com-
12 munities in the activities of the applicable agen-
13 cy.

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

21 (c) REQUIREMENT RELATING TO CERTAIN EMPLOY-
22 EES.—

23 (1) IN GENERAL.—With respect to each Fed-
24 eral agency that participates in the Working Group,
25 not later than 30 days after the date on which an

1 individual is appointed to the position of environ-
2 mental justice coordinator, Environmental Justice
3 Ombuds, or any other position the responsibility of
4 which involves the conduct of environmental justice
5 activities, the individual shall be required to possess
6 documentation of the completion by the individual of
7 environmental justice training.

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

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

1 **SEC. 17. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

2 (a) ENVIRONMENTAL JUSTICE COMMUNITY GRANT
3 PROGRAM.—

4 (1) ESTABLISHMENT.—The Administrator shall
5 establish a program under which the Administrator
6 shall provide grants to eligible entities to assist the
7 eligible entities in—

8 (A) building capacity to address issues re-
9 lating to environmental justice; and

10 (B) carrying out any activity described in
11 paragraph (4).

12 (2) ELIGIBILITY.—To be eligible to receive a
13 grant under paragraph (1), an eligible entity shall be
14 a nonprofit, community-based organization that con-
15 ducts activities, including providing medical and pre-
16 ventive health services, to reduce the dispropor-
17 tionate health impacts of environmental pollution in
18 the environmental justice community at which the
19 eligible entity proposes to conduct an activity that is
20 the subject of the application described in paragraph
21 (3).

22 (3) APPLICATION.—To be eligible to receive a
23 grant under paragraph (1), an eligible entity shall
24 submit to the Administrator an application at such
25 time, in such manner, and containing such informa-
26 tion as the Administrator may require, including—

1 (A) an outline describing the means by
2 which the project proposed by the eligible entity
3 will—

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

9 (ii) improve the ability of the environ-
10 mental justice community to address each
11 issue described in clause (i);

12 (iii) facilitate collaboration and co-
13 operation among various stakeholders (in-
14 cluding members of the environmental jus-
15 tice community); and

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

22 (B) a proposed budget for each activity of
23 the project that is the subject of the applica-
24 tion;

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

3 (D) a description of the ways by which the
4 eligible entity may leverage the funds of the eli-
5 gible entity, or the funds made available
6 through a grant under this subsection, to de-
7 velop a project that is capable of being sus-
8 tained beyond the period of the grant; and

9 (E) a description of the ways by which the
10 eligible entity is linked to, and representative
11 of, the environmental justice community at
12 which the eligible entity will conduct the
13 project.

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

24 (A) to create or develop collaborative part-
25 nerships;

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

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

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

9 (5) REPORT.—

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

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

1 website of the Environmental Protection Agen-
2 cy).

3 (6) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
5 this subsection \$25,000,000 for each of fiscal years
6 2024 through 2028.

7 (b) STATE GRANT PROGRAM.—

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

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

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

23 (2) ELIGIBILITY.—

24 (A) APPLICATION.—To be eligible to re-
25 ceive a grant under paragraph (1), a State shall

1 submit to the Administrator an application at
2 such time, in such manner, and containing such
3 information as the Administrator may require,
4 including—

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

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

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

23 (3) REPORT.—

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

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

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

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

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

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

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$15,000,000 for each of fiscal years
4 2024 through 2028.

5 (c) TRIBAL GRANT PROGRAM.—

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

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

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

22 (2) ELIGIBILITY.—

23 (A) APPLICATION.—To be eligible to re-
24 ceive a grant under paragraph (1), an Indian
25 Tribe shall submit to the Administrator an ap-

1 plication at such time, in such manner, and
2 containing such information as the Adminis-
3 trator may require, including—

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

10 (ii) assurances that the funds pro-
11 vided through a grant under paragraph (1)
12 will be used only to supplement the
13 amount of funds that the Indian Tribe al-
14 locates for initiatives relating to environ-
15 mental justice.

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

23 (3) REPORT.—

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

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

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

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

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

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

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$25,000,000 for each of fiscal years
4 2024 through 2028.

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

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

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

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

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

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

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

1 (B) a community-based organization.

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

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

14 (B) a description of—

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

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

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

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

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

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

13 (5) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this subsection \$10,000,000 for each of fiscal years
16 2024 through 2028.

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

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

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

3 (1) training and education relating to—

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

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

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

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

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

19 (i) environmental laws; and

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

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

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

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

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

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

12 (A) education relating to—

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

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

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

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

1 (b) GRANT PROGRAM.—

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

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

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

15 (B) a generator of hazardous waste;

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

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

21 (E) any State government, Indian Tribe,
22 or local government.

23 (c) PLAN.—

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

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

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

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

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

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

19 (d) REPORT.—

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

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

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

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

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

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$10,000,000 for each of fiscal years 2024 through 2028.

17 **SEC. 19. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY**
18 **COUNCIL.**

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

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

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

3 (1) representatives of—

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

8 (B) State governments, Indian Tribes, and
9 local governments;

10 (C) Tribal Organizations and other Indige-
11 nous communities;

12 (D) nongovernmental and environmental
13 organizations; and

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

17 (2) experts in the field of—

18 (A) socioeconomic analysis;

19 (B) health and environmental effects;

20 (C) exposure evaluation;

21 (D) environmental law and civil rights law;

22 or

23 (E) environmental health science research.

24 (c) SUBCOMMITTEES; WORKGROUPS.—

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

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

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

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

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

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

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

1 (A) within the Environmental Protection
2 Agency;

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

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

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

15 (4) on issues relating to—

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

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

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

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

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

19 (e) MEETINGS.—

20 (1) FREQUENCY.—

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

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

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

4 (2) PUBLIC PARTICIPATION.—

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

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

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

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

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

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

1 **SEC. 20. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **SEC. 21. PUBLIC MEETINGS.**

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

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

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

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

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

17 (A) local religious organizations;

18 (B) civic associations and organizations;

19 (C) business associations of people of color;

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

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

24 (F) local governments;

1 (G) Indian Tribes, Tribal Organizations,
2 and other Indigenous communities;

3 (H) rural cooperatives;

4 (I) business and trade organizations;

5 (J) community and social service organiza-
6 tions;

7 (K) universities, colleges, and vocational
8 schools;

9 (L) labor organizations;

10 (M) civil rights organizations;

11 (N) senior citizens' groups; and

12 (O) public health agencies and clinics;

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

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

20 (d) COMMUNICATION METHODS AND REQUIRE-
21 MENTS.—The Administrator shall—

22 (1) provide translations of any documents made
23 available to the public pursuant to this section in
24 any language spoken by more than 5 percent of the
25 population residing within the applicable environ-

(e) REQUIRED ATTENDANCE OF CERTAIN EMPLOYEES.—In holding a public meeting under subsection (a), the Administrator shall ensure that at least 1 employee of the Environmental Protection Agency at the level of Assistant Administrator is present at the meeting to serve as a representative of the Environmental Protection Agency.

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

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1 in the affected environmental justice community;
2 and

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

6 **SEC. 23. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
7 **COASTAL ZONE OBJECTIVES.**

8 (a) GRANTS AUTHORIZED.—The Coastal Zone Man-
9 agement Act of 1972 is amended by inserting after section
10 309 (16 U.S.C. 1456b) the following:

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

13 “(a) GRANTS AUTHORIZED.—The Secretary may
14 award competitive grants to Indian Tribes to further
15 achievement of the objectives of such a Tribe for such
16 Tribe’s Tribal coastal zone.

17 “(b) FEDERAL SHARE.—

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

21 “(A) in the case of a grant of less than
22 \$200,000, 100 percent of such cost; and

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

1 “(2) WAIVER.—The Secretary may waive the
2 application of paragraph (1)(B) with respect to a
3 grant to an Indian Tribe, or otherwise reduce the
4 portion of the share of the cost of an activity re-
5 quired to be paid by an Indian Tribe under such
6 paragraph, if the Secretary determines that the
7 Tribe does not have sufficient funds to pay such por-
8 tion.

9 “(c) COMPATIBILITY.—The Secretary may not award
10 a grant under this section unless the Secretary determines
11 that the activities to be carried out with the grant are
12 compatible with this title.

13 “(d) AUTHORIZED OBJECTIVES AND PURPOSES.—An
14 Indian Tribe that receives a grant under this section shall
15 use the grant funds for one or more of the objectives and
16 purposes authorized under subsections (b) and (c), respec-
17 tively, of section 306A.

18 “(e) FUNDING.—There is authorized to be appro-
19 priated to carry out this section \$5,000,000 for each of
20 fiscal years 2024 through 2028, of which not more than
21 3 percent shall be used for administrative costs to carry
22 out this section.

23 “(f) DEFINITIONS.—In this section:

1 “(1) INDIAN LAND.—The term ‘Indian land’
2 has the meaning given such term under section 2601
3 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

4 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
5 has the meaning given such term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 “(3) TRIBAL COASTAL ZONE.—The term ‘Tribal
9 coastal zone’ means any Indian land that is within
10 the coastal zone.

11 “(4) TRIBAL COASTAL ZONE OBJECTIVE.—The
12 term ‘Tribal coastal zone objective’ means, with re-
13 spect to an Indian Tribe, any of the following objec-
14 tives:

15 “(A) Protection, restoration, or preserva-
16 tion of areas in the Tribal coastal zone of such
17 Tribe that—

18 “(i) hold important ecological, cul-
19 tural, or sacred significance for such Tribe;
20 or

21 “(ii) reflect traditional, historic, and
22 aesthetic values essential to such Tribe.

23 “(B) Preparing and implementing a special
24 area management plan and technical planning
25 for important coastal areas.

1 “(C) Any coastal or shoreline stabilization
2 measure, including any mitigation measure, for
3 the purpose of public safety, public access, or
4 cultural or historical preservation.”.

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

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

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

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

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

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

23 (d) OTHER PROGRAMS NOT AFFECTED.—Nothing in
24 this section, including an amendment made by this sec-
25 tion, shall be construed to affect the ability of an Indian

1 Tribe to apply for assistance, receive assistance under, or
 2 participate in any program authorized by any section of
 3 the Coastal Zone Management Act of 1972 (16 U.S.C.
 4 1451 et seq.) or other related Federal laws.

5 **SEC. 24. COSMETIC LABELING.**

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

9 **“SEC. 604. LABELING.**

10 “(a) COSMETIC PRODUCTS FOR PROFESSIONAL
 11 USE.—

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

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

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

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

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

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

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

11 “(1) in the primary language used on the label;
12 and

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

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

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

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

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

23 (c) EFFECTIVE DATE.—Section 604 of the Federal
24 Food, Drug, and Cosmetic Act, as added by subsection

1 (a), shall take effect on the date that is 1 year after the
2 date of enactment of this Act.

3 **SEC. 25. SAFER COSMETIC ALTERNATIVES FOR DIS-**
4 **PROPORTIONATELY IMPACTED COMMU-**
5 **NITIES.**

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

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

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

17 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
18 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) PRIORITY.—In awarding grants under subsection
2 (a), the Secretary shall give priority to applicants pro-
3 posing to focus on—

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

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

11 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
12 out this section, there are authorized to be appropriated
13 such sums as may be necessary for fiscal years 2023
14 through 2027.

15 **SEC. 26. SAFER CHILD CARE CENTERS, SCHOOLS, AND**
16 **HOMES FOR DISPROPORTIONATELY IM-**
17 **PACTED COMMUNITIES.**

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, in consultation with the Administrator of the Envi-
22 ronmental Protection Agency, shall award grants to eligi-
23 ble entities to support research focused on the design of
24 safer alternatives to chemicals in consumer, cleaning, toy,

1 and baby products with inherent toxicity or that are asso-
2 ciated with chronic adverse health effects.

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

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

7 (2) not benefit from a financial relationship
8 with—

9 (A) a chemical manufacturer, supplier, or
10 trade association; or

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

13 (c) PRIORITY.—In awarding grants under subsection
14 (a), the Secretary shall give priority to applicants pro-
15 posing to focus on replacing chemicals in cleaning, toy,
16 or baby products used by childcare providers with safer
17 alternatives.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
19 out this section, there are authorized to be appropriated
20 such sums as may be necessary for fiscal years 2023
21 through 2027.

1 **SEC. 27. CERTAIN MENSTRUAL PRODUCTS MISBRANDED IF**
2 **LABELING DOES NOT INCLUDE INGREDI-**
3 **ENTS.**

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

7 “(gg) If it is a menstrual product, such as a men-
8 strual cup, a scented, scented deodorized, or unscented
9 menstrual pad or tampon, a therapeutic vaginal douche
10 apparatus, or an obstetrical and gynecological device de-
11 scribed in section 884.5400, 884.5425, 884.5435,
12 884.5460, 884.5470, or 884.5900 of title 21, Code of Fed-
13 eral Regulations (or any successor regulation), unless its
14 label or labeling lists the name of each ingredient or com-
15 ponent of the product in order of the most predominant
16 ingredient or component to the least predominant ingre-
17 dient or component.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) applies with respect to products introduced
20 or delivered for introduction into interstate commerce on
21 or after the date that is one year after the date of the
22 enactment of this Act.

1 **SEC. 28. SUPPORT BY NATIONAL INSTITUTE OF ENVIRON-**
2 **MENTAL HEALTH SCIENCES FOR RESEARCH**
3 **ON HEALTH DISPARITIES IMPACTING COM-**
4 **MUNITIES OF COLOR.**

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

8 **“SEC. 463C. RESEARCH ON HEALTH DISPARITIES RELATED**
9 **TO COSMETICS IMPACTING COMMUNITIES OF**
10 **COLOR.**

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

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

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

20 “(B) the marketing and sale of such cos-
21 metics containing chemicals linked to adverse
22 health effects to women and girls of color across
23 their lifespans;

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

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

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

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

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

15 “(1) be a public institution such as a university,
16 a nonprofit research institution, or a nonprofit
17 grassroots organization; and

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

21 “(c) REPORT.—Not later than the end 1 year after
22 awarding grants under this section, and each year there-
23 after, the Director of the Institute shall submit to the
24 Committee on Energy and Commerce of the House of
25 Representatives and the Committee on Health, Education,

1 Labor, and Pensions of the Senate, and make publicly
 2 available, a report on the results of the investigations
 3 funded under subsection (a), including—

4 “(1) summary findings on—

5 “(A) marketing strategies, product cat-
 6 egories, and specific cosmetics containing ingre-
 7 dients linked to adverse health effects; and

8 “(B) the demographics of the populations
 9 marketed to and using cosmetics containing
 10 such ingredients for personal and professional
 11 use; and

12 “(2) recommended public health information
 13 strategies to reduce potentially unsafe exposures to
 14 cosmetics.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
 16 carry out this section, there are authorized to be appro-
 17 priated such sums as may be necessary for fiscal years
 18 2023 through 2027.”.

19 **SEC. 29. REVENUES FOR JUST TRANSITION ASSISTANCE.**

20 (a) DEFINITIONS.—In this section:

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

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

3 (b) MINERAL LEASING REVENUE.—

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

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

11 (A) in subsection (b)—

12 (i) in paragraph (1)(A)—

13 (I) in the fourth sentence, by
14 striking “shall be held” and all that
15 follows through “are necessary” and
16 inserting “may be held in each State
17 not more than once each year”; and

18 (II) in the fifth sentence, by
19 striking “12.5 percent” and inserting
20 “18.75 percent”; and

21 (ii) in paragraph (2)(A)(ii), by strik-
22 ing “12½ per centum” and inserting
23 “18.75 percent”;

1 (B) in subsection (c)(1), in the second sen-
 2 tence, by striking “12.5 percent” and inserting
 3 “18.75 percent”;

4 (C) in subsection (l), by striking “12½ per
 5 centum” each place it appears and inserting
 6 “18.75 percent”; and

7 (D) in subsection (n)(1)(C), by striking
 8 “12½ per centum” and inserting “18.75 per-
 9 cent”.

10 (3) REINSTATEMENT OF LEASES.—Section
 11 31(e)(3) of the Mineral Leasing Act (30 U.S.C.
 12 188(e)(3)) is amended by striking “16⅔” each place
 13 it appears and inserting “25”.

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

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

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

20 “(e) DISTRIBUTION OF CERTAIN AMOUNTS.—Not-
 21 withstanding subsection (a), the amount of any increase
 22 in revenues collected as a result of the amendments made
 23 by subsection (b) of section 29 of the A. Donald McEachin
 24 Environmental Justice For All Act shall be deposited and

1 distributed in accordance with subsection (d) of that sec-
2 tion.”.

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

5 (1) CONSERVATION OF RESOURCES FEES.—

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

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

12 (d) DEPOSIT.—

13 (1) IN GENERAL.—All amounts collected under
14 paragraphs (1) and (2) of subsection (c) shall be de-
15 posited in the Federal Energy Transition Economic
16 Development Assistance Fund established by section
17 30(c).

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

22 (A) 50 percent shall be deposited in the
23 Federal Energy Transition Economic Develop-
24 ment Assistance Fund established by section
25 30(c); and

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

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

8 **SEC. 30. ECONOMIC REVITALIZATION FOR FOSSIL FUEL-DE-**
 9 **PENDENT COMMUNITIES.**

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

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

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

19 (b) DEFINITIONS.—In this section:

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

23 (2) DISPLACED WORKER.—The term “displaced
 24 worker” means an individual who, due to efforts to
 25 reduce net emissions from public land or as a result

1 of a downturn in fossil fuel mining, extraction, or
2 production, has suffered a reduction in employment
3 or economic opportunities.

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

8 (4) FOSSIL FUEL-DEPENDENT COMMUNITY.—
9 The term “fossil fuel-dependent community” means
10 a community—

11 (A) that depends on fossil fuel mining, and
12 extraction, or refining for a significant amount
13 of economic opportunities; or

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

18 (5) FOSSIL FUEL TRANSITION COMMUNITY.—
19 The term “fossil fuel transition community” means
20 a community—

21 (A) that has been adversely affected eco-
22 nomically by a recent reduction in fossil fuel
23 mining, extraction, or production-related activ-
24 ity, as demonstrated by employment data, per

1 capita income, or other indicators of economic
2 distress;

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

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

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

13 (7) PUBLIC LAND.—

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

21 (B) INCLUSION.—The term “public land”
22 includes land located on the outer Continental
23 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 29(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 government, State government, or Indian Tribe,
14 local development district (as defined in section
15 382E(a) of the Consolidated Farm and Rural Devel-
16 opment Act (7 U.S.C. 2009aa–4(a))), a nonprofit
17 organization, labor union, economic development
18 agency, or institution of higher education (including
19 a community college).

20 (3) ELIGIBLE USE OF FUNDS.—The Secretary
21 may award grants from amounts in the Fund made
22 available under subsection (d)(3) for—

23 (A) the purposes described in subsection
24 (e)(1);

1 (B)(i) existing job retraining and appren-
2 ticeship programs for displaced workers; or

3 (ii) programs designed to promote eco-
4 nomic development in communities affected by
5 a downturn in fossil fuel extraction and mining;

6 (C) developing projects that—

7 (i) diversify local and regional econo-
8 mies;

9 (ii) create jobs in new or existing non-
10 fossil fuel industries;

11 (iii) attract new sources of job-cre-
12 ating investment; or

13 (iv) provide a range of workforce serv-
14 ices and skills training;

15 (D) internship programs in a field related
16 to clean energy; and

17 (E) the development and support of—

18 (i) a clean energy certificate program
19 at a labor organization; or

20 (ii) a clean energy major or minor
21 program at an institution of higher edu-
22 cation (as defined in section 101 of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1001)).

25 (g) JUST TRANSITION ADVISORY COMMITTEE.—

1 (1) ESTABLISHMENT.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall establish an advisory committee, to be
4 known as the “Just Transition Advisory Com-
5 mittee”.

6 (2) CHAIR.—The President shall appoint a
7 Chair of the Advisory Committee.

8 (3) DUTIES.—The Advisory Committee shall—

9 (A) advise, assist, and support the Sec-
10 retary in—

11 (i) the management and allocation of
12 funds available under subsection (d); and

13 (ii) the establishment and administra-
14 tion of the competitive grant program
15 under subsection (f); and

16 (B) develop procedures to ensure that
17 States and applicants eligible to participate in
18 the competitive grant program established
19 under subsection (f) are notified of the avail-
20 ability of Federal funds pursuant to this sec-
21 tion.

22 (4) MEMBERSHIP.—

23 (A) IN GENERAL.—The total number of
24 members of the Advisory Committee shall not
25 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. 31. 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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