

116TH CONGRESS
2D SESSION

S. 4401

To restore, reaffirm, and reconcile environmental justice and civil rights, provide for the establishment of the Interagency Working Group on Environmental Justice Compliance and Enforcement, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2020

Ms. HARRIS (for herself, Ms. DUCKWORTH, Mr. BOOKER, Ms. WARREN, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Ms. SMITH, Mr. BLUMENTHAL, Mr. MARKEY, Mr. SCHATZ, Mr. MERKLEY, Mrs. GILLIBRAND, and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To restore, reaffirm, and reconcile environmental justice and civil rights, provide for the establishment of the Interagency Working Group on Environmental Justice Compliance and Enforcement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.**

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

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents; findings.
- Sec. 2. 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. Interagency Working Group on Environmental Justice Compliance and Enforcement.
- Sec. 9. Federal agency actions and responsibilities.
- Sec. 10. Ombudsman.
- Sec. 11. Access to parks, outdoor spaces, and public recreation opportunities.
- Sec. 12. Transit to Trails Grant Program.
- Sec. 13. Every Kid Outdoors.
- Sec. 14. Protections for environmental justice communities against harmful Federal actions.
- Sec. 15. Training of employees of Federal agencies.
- Sec. 16. Environmental justice grant programs.
- Sec. 17. Environmental justice basic training program.
- Sec. 18. National Environmental Justice Advisory Council.
- Sec. 19. Environmental Justice Clearinghouse.
- Sec. 20. Public meetings.
- Sec. 21. Environmental projects for environmental justice communities.
- Sec. 22. Grants to further achievement of Tribal coastal zone objectives.
- Sec. 23. Cosmetic labeling.
- Sec. 24. Safer cosmetic alternatives for disproportionately impacted communities.
- Sec. 25. Safer child care centers, schools, and homes for disproportionately impacted communities.
- Sec. 26. Certain menstrual products misbranded if labeling does not include ingredients.
- Sec. 27. Support by National Institute of Environmental Health Sciences for research on health disparities impacting communities of color.
- Sec. 28. Revenues for just transition assistance.
- Sec. 29. Economic revitalization for fossil fuel dependent communities.
- Sec. 30. Evaluation by Comptroller General of the United States.

3 (c) FINDINGS.—Congress finds the following:

- 4 (1) Communities of color, low-income commu-
 5 nities, Tribal and indigenous communities, fossil
 6 fuel-dependent communities, and other vulnerable
 7 populations, such as persons with disabilities, chil-
 8 dren, and the elderly, are disproportionately bur-

1 dened by environmental hazards that include expo-
2 sure to polluted air, waterways, and landscapes.

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

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

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

24 (5) Potential environmental and climate threats
25 to environmental justice communities merit a higher

1 level of engagement, review, and consent to ensure
2 that communities are not forced to bear disproportion-
3 ate environmental and health impacts.

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

9 (7) Executive Order 12898 (59 Fed. Reg. 32,
10 relating to Federal Actions To Address Environ-
11 mental Justice in Minority Populations and Low-In-
12 come Populations) directs Federal agencies to ad-
13 dress disproportionately high and adverse human
14 health or environmental effects of its programs, but
15 Federal agencies have been inconsistent in updating
16 their strategic plans for environmental justice and
17 reporting on their progress in enacting these plans.

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

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

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

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

15 **SEC. 2. STATEMENT OF POLICY.**

16 It is the policy of Congress that each Federal agency
17 should—

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

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

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

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

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

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

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

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

5 (3) AGGRIEVED PERSON.—The term “aggrieved
6 person” means a person aggrieved by discrimination
7 on the basis of race, color, or national origin.

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

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

18 (A) Black.

19 (B) African American.

20 (C) Asian.

21 (D) Pacific Islander.

22 (E) Other non-White race.

23 (F) Hispanic.

24 (G) Latino.

25 (H) Linguistically isolated.

1 (6) COVERED AGENCY.—The term “covered
2 agency” means an agency described in section 8(c).

3 (7) DEMONSTRATES.—The term “dem-
4 onstrates” means meets the burdens of going for-
5 ward with the evidence and of persuasion.

6 (8) DIRECTOR.—The term “Director” means
7 the Director of the National Institute of Environ-
8 mental Health Sciences.

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

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

22 (11) ENVIRONMENTAL JUSTICE.—The term
23 “environmental justice” means the fair treatment
24 and meaningful involvement of all people regardless
25 of race, color, culture, national origin, or income,

1 with respect to the development, implementation,
 2 and enforcement of environmental laws, regulations,
 3 and policies to ensure that each person enjoys—

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

6 (B) equal access to any Federal agency ac-
 7 tion on environmental justice issues in order to
 8 have a healthy environment in which to live,
 9 learn, work, and recreate.

10 (12) ENVIRONMENTAL JUSTICE COMMUNITY.—

11 The term “environmental justice community” means
 12 a community with significant representation of com-
 13 munities of color, low-income communities, or Tribal
 14 and indigenous communities, that experiences, or is
 15 at risk of experiencing higher or more adverse
 16 human health or environmental effects.

17 (13) ENVIRONMENTAL LAW.—The term “envi-

18 ronmental law” includes laws such as the Clean Air
 19 Act (42 U.S.C. 7401 et seq.), the Federal Water
 20 Pollution Control Act (33 U.S.C. 1251 et seq.), the
 21 Energy Policy Act of 2005, the National Environ-
 22 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
 23 the Pollution Prevention Act of 1990 (42 U.S.C.
 24 13101 et seq.), the Safe Drinking Water Act (42
 25 U.S.C. 300f et seq.), the Solid Waste Disposal Act

(42 U.S.C. 6901 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), and the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

(14) FAIR TREATMENT.—The term “fair treatment” means the conduct of a program, policy, practice or activity by a Federal agency in a manner that ensures that no group of individuals (including racial, ethnic, or socioeconomic groups) experience a disproportionate burden of adverse human health or environmental effects resulting from such program, policy, practice, or activity, as determined through consultation with, and with the meaningful participation of, individuals from the communities affected by a program, policy, practice or activity of a Federal agency.

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

(16) LOCAL GOVERNMENT.—The term “local government” means—

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

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

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

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

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

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

20 (18) POPULATION.—The term “population”
 21 means a census block group or series of geographi-
 22 cally contiguous blocks representing certain common
 23 characteristics, such as (but not limited to) race,
 24 ethnicity, national origin, income-level, health dis-

1 parities, or other public health and socioeconomic at-
2 tributes.

3 (19) STATE.—The term “State” means any
4 State of the United States, the District of Columbia,
5 the Commonwealth of Puerto Rico, the Virgin Is-
6 lands, Guam, American Samoa, and the Common-
7 wealth of the Northern Mariana Islands.

8 (20) TRIBAL AND INDIGENOUS COMMUNITY.—
9 The term “Tribal and indigenous community” refers
10 to a population of people who are members of—

11 (A) a federally recognized Indian Tribe;

12 (B) a State-recognized Indian Tribe;

13 (C) an Alaska Native or Native Hawaiian
14 community or organization; and

15 (D) any other community of indigenous
16 people located in a State.

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

20 (22) WORKING GROUP.—The term “Working
21 Group” means the Interagency Working Group on
22 Environmental Justice Compliance and Enforcement
23 established by the President under section 8.

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

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

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

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

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

10 “(i) a covered agency has a program, policy,
11 practice, or activity that causes a disparate impact
12 on the basis of race, color, or national origin and the
13 covered agency fails to demonstrate that the chal-
14 lenged program, policy, practice, or activity is re-
15 lated to and necessary to achieve the nondiscrim-
16 inatory goal of the program, policy, practice, or ac-
17 tivity alleged to have been operated in a discrimina-
18 tory manner; or

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

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

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

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

12 “(c) No person in the United States shall be sub-
 13 jected to discrimination, including retaliation or intimidat-
 14 ion, because such person opposed any program, policy,
 15 practice, or activity prohibited by this title, or because
 16 such person made a charge, testified, assisted, or partici-
 17 pated in any manner in an investigation, proceeding, or
 18 hearing under this title.”.

19 **SEC. 5. RIGHT OF ACTION.**

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

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

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

1 “(b) Any person aggrieved by the failure to comply
 2 with this title, including any regulation promulgated pur-
 3 suant to this title, may file suit in any district court of
 4 the United States having jurisdiction of the parties, with-
 5 out respect to the amount in controversy and without re-
 6 gard to the citizenship of the parties.”.

7 (b) EFFECTIVE DATE.—

8 (1) IN GENERAL.—This section, including the
 9 amendments made by this section, takes effect on
 10 the date of enactment of this Act.

11 (2) APPLICATION.—This section, including the
 12 amendments made by this section, applies to all ac-
 13 tions or proceedings pending on or after the date of
 14 enactment of this Act.

15 **SEC. 6. RIGHTS OF RECOVERY.**

16 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
 17 2000d et seq.) is amended by inserting after section 602
 18 the following:

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

20 “(a) CLAIMS BASED ON PROOF OF INTENTIONAL
 21 DISCRIMINATION.—In an action brought by an aggrieved
 22 person under this title against a covered agency who has
 23 engaged in unlawful intentional discrimination (not a
 24 practice that is unlawful because of its disparate impact)
 25 prohibited under this title (including its implementing reg-

ulations), the aggrieved person may recover equitable and legal relief (including compensatory and punitive damages), attorney’s fees (including expert fees), and costs of the action, except that punitive damages are not available against a government, government agency, or political subdivision.

“(b) CLAIMS BASED ON THE DISPARATE IMPACT STANDARD OF PROOF.—In an action brought by an aggrieved person under this title against a covered agency who has engaged in unlawful discrimination based on disparate impact prohibited under this title (including implementing regulations), the aggrieved person may recover attorney’s fees (including expert fees), and costs of the action.”.

SEC. 7. CONSIDERATION OF CUMULATIVE IMPACTS AND PERSISTENT VIOLATIONS IN CERTAIN PERMITTING DECISIONS.

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

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

1 **“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMI-**
 2 **NATION SYSTEM.**

3 “(a) PERMITS ISSUED BY ADMINISTRATOR.—

4 “(1) IN GENERAL.—Except as”;

5 (2) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by striking “upon condition that

8 such discharge will meet either (A) all”

9 and inserting the following: “subject to the

10 conditions that—

11 “(A) the discharge will achieve compliance with, as

12 applicable—

13 “(i) all”;

14 (ii) by striking “403 of this Act, or

15 (B) prior” and inserting the following:

16 “403; or

17 “(ii) prior”; and

18 (iii) by striking “this Act.” and insert-

19 ing the following: “this Act; and

20 “(B) with respect to the issuance or renewal of the

21 permit—

22 “(i) based on an analysis by the Administrator

23 of existing water quality and the potential cumu-

24 lative impacts (as defined in section 501 of the

25 Clean Air Act (42 U.S.C. 7661)) of the discharge,

26 considered in conjunction with the designated and

1 actual uses of the impacted navigable water, there
 2 exists a reasonable certainty of no harm to the
 3 health of the general population, or to any poten-
 4 tially exposed or susceptible subpopulation; or

5 “(ii) if the Administrator determines that, due
 6 to those potential cumulative impacts, there does not
 7 exist a reasonable certainty of no harm to the health
 8 of the general population, or to any potentially ex-
 9 posed or susceptible subpopulation, the permit or re-
 10 newal includes such terms and conditions as the Ad-
 11 ministrator determines to be necessary to ensure a
 12 reasonable certainty 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 amending paragraph (9) to read as
10 follows:

11 “(9) MAJOR SOURCES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 cumstances excusing the per-
2 sistent violations; and

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

7 “(B) REVISION REQUIREMENTS.—

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

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

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

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

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

14 “(A) community demographics and locations of
 15 community exposure points, such as schools, day
 16 care centers, nursing homes, hospitals, health clinics,
 17 places of religious worship, parks, playgrounds, and
 18 community centers;

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

24 “(C) the potential effects on soil quality and
 25 water quality of emissions of lead and other air pol-

1 lutants that could contaminate soil or water from
2 the major source, including in combination with ex-
3 isting sources of pollutants; and

4 “(D) public health and any potential effects on
5 public health from the major source.”.

6 **SEC. 8. INTERAGENCY WORKING GROUP ON ENVIRON-**
7 **MENTAL JUSTICE COMPLIANCE AND EN-**
8 **FORCEMENT.**

9 (a) ESTABLISHMENT.—Not later than 30 days after
10 the date of enactment of this Act, the President shall es-
11 tablish a working group, to be known as the Interagency
12 Working Group on Environmental Justice Compliance and
13 Enforcement.

14 (b) PURPOSES.—The purposes of the Working Group
15 are—

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

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

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

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.

14 (c) COMPOSITION.—The Working Group shall be
15 composed of members as follows (or their designee):

16 (1) The Secretary of Agriculture.

17 (2) The Secretary of Commerce.

18 (3) The Secretary of Defense.

19 (4) The Secretary of Education.

20 (5) The Secretary of Energy.

21 (6) The Secretary of Health and Human Serv-
22 ices.

23 (7) The Secretary of Homeland Security.

24 (8) The Secretary of Housing and Urban Devel-
25 opment.

1 (9) The Secretary of the Interior.

2 (10) The Attorney General.

3 (11) The Secretary of Labor.

4 (12) The Secretary of Transportation.

5 (13) The Administrator of the Environmental
6 Protection Agency.

7 (14) The Director of the Office of Management
8 and Budget.

9 (15) The Director of the Office of Science and
10 Technology Policy.

11 (16) The Deputy Assistant to the President for
12 Environmental Policy.

13 (17) The Assistant to the President for Domes-
14 tic Policy.

15 (18) The Director of the National Economic
16 Council.

17 (19) The Chairperson of the Council on Envi-
18 ronmental Quality.

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

21 (21) The Director of the National Institutes of
22 Health.

23 (22) The Director of the Office of Environ-
24 mental Justice.

1 (23) The Chairperson of the Consumer Product
2 Safety Commission.

3 (24) The Chairperson of the Chemical Safety
4 Board.

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

6 (26) The Assistant Secretary of the Bureau of
7 Indian Affairs.

8 (27) The Chairperson of the National Environ-
9 mental Justice Advisory Council.

10 (28) The head of any other agency that the
11 President may designate.

12 (d) GOVERNANCE.—The Chairperson of the Council
13 on Environmental Quality shall serve as Chairperson of
14 the Working Group.

15 (e) REPORT TO PRESIDENT.—The Working Group
16 shall report to the President through the Chairperson of
17 the Council on Environmental Quality.

18 (f) UNIFORM CONSIDERATION GUIDANCE.—

19 (1) IN GENERAL.—To ensure that there is a
20 common level of understanding of terminology used
21 in dealing with environmental justice issues, not
22 later than 1 year after the date of enactment of this
23 Act, after coordinating with and conducting outreach
24 to environmental justice communities, State govern-
25 ments, Tribal Governments, and local governments,

1 the Working Group shall develop and publish in the
2 Federal Register a guidance document to assist Fed-
3 eral agencies in defining and applying the following
4 terms:

5 (A) Health disparities.

6 (B) Environmental exposure disparities.

7 (C) Demographic characteristics, including
8 age, sex, and race or ethnicity.

9 (D) Social stressors, including poverty,
10 housing quality, access to health care, edu-
11 cation, immigration status, linguistic isolation,
12 historical trauma, and lack of community re-
13 sources.

14 (E) Cumulative impacts or risks.

15 (F) Community vulnerability or suscepti-
16 bility to adverse human health and environ-
17 mental effects (including climate change).

18 (G) Barriers to meaningful involvement in
19 the development, implementation, and enforce-
20 ment of environmental laws.

21 (H) Community capacity to address envi-
22 ronmental concerns, including the capacity to
23 obtain equitable access to environmental amen-
24 ities.

1 (2) PUBLIC COMMENT.—For a period of not
2 less than 30 days, the Working Group shall seek
3 public comment on the guidance document developed
4 under paragraph (1).

5 (3) DOCUMENTATION.—Not later than 90 days
6 after the date of publication of the guidance docu-
7 ment under paragraph (1), the head of each Federal
8 agency participating in the Working Group shall
9 document the ways in which the Federal agency will
10 incorporate guidance from the document into the en-
11 vironmental justice strategy of the Federal agency
12 developed and finalized under section 9(b).

13 (g) DEVELOPMENT OF INTERAGENCY FEDERAL EN-
14 VIRONMENTAL JUSTICE STRATEGY.—

15 (1) IN GENERAL.—Not later than 3 years after
16 the date of enactment of this Act, after notice and
17 opportunity for public comment, the Working Group
18 shall develop and issue a coordinated interagency
19 Federal environmental justice strategy.

20 (2) CONSIDERATION.—In carrying out para-
21 graph (1), the Working Group shall consider each
22 environmental justice strategy developed and final-
23 ized by each Federal agency that participates in the
24 Working Group under section 9(b).

25 (h) REPORT TO PRESIDENT.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date described in subsection (g)(1), the
3 Working Group shall submit to the President a re-
4 port that contains—

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

8 (B) a copy of the finalized environmental
9 justice strategy of each Federal agency that
10 participates in the Working Group that is devel-
11 oped and finalized under section 9(b).

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

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

20 (a) CONDUCT OF PROGRAMS.—Each Federal agency
21 that participates in the Working Group shall conduct each
22 program, policy, practice, and activity of the Federal agen-
23 cy that adversely affects, or has the potential to adversely
24 affect, human health or the environment in a manner that
25 ensures that each such program, policy, practice, or activ-

1 ity does not have an effect of excluding any individual
 2 from participating in, denying any individual the benefits
 3 of, or subjecting any individual to discrimination or dis-
 4 parate impact under, such program, policy, practice, or ac-
 5 tivity of the Federal agency because of the race, color, na-
 6 tional origin, or income level of the individual.

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

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

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

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

22 (i) communities of color;

23 (ii) low-income communities; and

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

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

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

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

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

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

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

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

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

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

13 (II) climate change; and

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

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

24 (B) a timetable for the completion of—

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

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

6 (3) REPORTS.—

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

16 (B) PERIODIC REPORTS.—In addition to
17 the annual reports described in subparagraph
18 (A), upon receipt of a request from the Work-
19 ing Group, a Federal agency shall submit to the
20 Working Group a report that contains such in-
21 formation as the Working Group may require.

22 (4) REVISION OF AGENCYWIDE ENVIRON-
23 MENTAL JUSTICE STRATEGY.—Not later than 5
24 years after the date of enactment of this Act, each

1 Federal agency that participates in the Working
2 Group shall—

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

5 (B) submit to the Working Group a copy
6 of the revised version of the environmental jus-
7 tice strategy of the Federal agency.

8 (5) PETITION.—

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

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

23 (C) CONSIDERATION.—In determining
24 whether to grant a petition for an exemption
25 submitted by a Federal agency to the President

1 under subparagraph (A), the President shall
 2 make a decision that reflects both the merits of
 3 the specific case and the broader national inter-
 4 est in breaking cycles of environmental injus-
 5 tice, and shall consider whether the granting of
 6 the petition would likely—

7 (i) result in disproportionately adverse
 8 human health or environmental effects on
 9 communities of color, low-income commu-
 10 nities, and Tribal and indigenous commu-
 11 nities; or

12 (ii) exacerbate, or fail to ameliorate,
 13 any disproportionately adverse human
 14 health or environmental effect on any com-
 15 munity of color, low-income community, or
 16 Tribal and indigenous community.

17 (D) APPEAL.—

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

23 (ii) WRITTEN APPEAL.—

24 (I) IN GENERAL.—To appeal a
 25 decision of the President under sub-

1 paragraph (A), an individual shall
 2 submit a written appeal to—

3 (aa) the Council on Environ-
 4 mental Quality;

5 (bb) the Deputy Assistant to
 6 the President for Environmental
 7 Policy; or

8 (cc) the Assistant to the
 9 President for Domestic Policy.

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

15 (iii) REQUIREMENT OF PRESIDENT.—
 16 Not later than 90 days after the date on
 17 which an official described in clause (ii)(I)
 18 receives a written appeal submitted by an
 19 individual under that clause, the President
 20 shall provide to the individual a written no-
 21 tification describing the decision of the
 22 President with respect to the appeal.

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

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

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

11 (B) in conducting environmental or human
12 health analyses, identify multiple and cumu-
13 lative exposures, including potentially exacer-
14 bated risks due to current and future climate
15 impacts; and

16 (C) actively encourage and solicit commu-
17 nity-based science, and provide to communities
18 of color, low-income communities, and Tribal
19 and indigenous communities the opportunity to
20 comment on and participate in the development
21 and design of research strategies carried out
22 pursuant to this Act.

23 (2) DISPROPORTIONATE IMPACT.—To the max-
24 imum extent practicable and permitted by applicable
25 law (including section 552a of title 5, United States

1 Code (commonly known as the “Privacy Act”)), each
2 Federal agency shall—

3 (A) collect, maintain, and analyze informa-
4 tion assessing and comparing environmental
5 and human health risks borne by populations
6 identified by race, national origin, income, or
7 other readily available and appropriate informa-
8 tion; and

9 (B) use that information to determine
10 whether the programs, policies, and activities of
11 the Federal agency have disproportionally ad-
12 verse human health or environmental effects on
13 communities of color, low-income communities,
14 and Tribal and indigenous communities.

15 (3) INFORMATION RELATING TO NON-FEDERAL
16 FACILITIES.—In connection with the implementation
17 of Federal agency environmental justice strategies
18 under subsection (b), each Federal agency, to the
19 maximum extent practicable and permitted by appli-
20 cable law, shall collect, maintain, and analyze infor-
21 mation relating to the race, national origin, and in-
22 come level, and other readily accessible and appro-
23 priate information, for communities of color, low-in-
24 come communities, and Tribal and indigenous com-
25 munities in proximity to any facility or site expected

1 to have a substantial environmental, human health,
2 or economic effect on the surrounding populations, if
3 the facility or site becomes the subject of a substan-
4 tial Federal environmental administrative or judicial
5 action.

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

15 (A) subject to the reporting requirements
16 under the Emergency Planning and Community
17 Right-to-Know Act of 1986 (42 U.S.C. 11001
18 et seq.), as required by Executive Order 12856
19 (42 U.S.C. 4321 note); and

20 (B) expected to have a substantial environ-
21 mental, human health, or economic effect on
22 surrounding populations.

23 (d) CONSUMPTION OF FISH AND WILDLIFE.—

24 (1) IN GENERAL.—Each Federal agency shall
25 develop, publish (unless prohibited by law), and re-

1 vise, as practicable and appropriate, guidance on ac-
2 tions of the Federal agency that will impact fish and
3 wildlife consumed by populations that principally
4 rely on fish or wildlife for subsistence.

5 (2) REQUIREMENT.—The guidance described in
6 paragraph (1) shall—

7 (A) reflect the latest scientific information
8 available concerning methods for evaluating the
9 human health risks associated with the con-
10 sumption of pollutant-bearing fish or wildlife;
11 and

12 (B) publish the risks of such consumption
13 patterns.

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

19 (1) Nationally consistent data.

20 (2) Environmental data.

21 (3) Demographic data, including data relating
22 to race, ethnicity, and income.

23 (4) Capacity to produce maps and reports by
24 geographical area.

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

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

4 Any person may commence a civil action—

5 (1) to seek relief from, or to compel, an agency
6 action under this section (including regulations pro-
7 mulgated pursuant to this section); or

8 (2) otherwise to ensure compliance with this
9 section (including regulations promulgated pursuant
10 to this section).

11 (g) INFORMATION SHARING.—In carrying out this
12 section, each Federal agency, to the maximum extent
13 practicable and permitted by applicable law, shall share
14 information and eliminate unnecessary duplication of ef-
15 forts through the use of existing data systems and cooper-
16 ative agreements among Federal agencies and with State,
17 local, and Tribal Governments.

18 (h) CODIFICATION OF GUIDANCE.—

19 (1) COUNCIL ON ENVIRONMENTAL QUALITY.—

20 Sections II and III of the guidance issued by the
21 Council on Environmental Quality entitled “Environ-
22 mental Justice Guidance Under the National Envi-
23 ronmental Policy Act” and dated December 10,
24 1997, are enacted into law.

1 (2) ENVIRONMENTAL PROTECTION AGENCY.—

2 The guidance issued by the Environmental Protec-
3 tion Agency entitled “EPA Policy on Consultation
4 and Coordination with Indian Tribes: Guidance for
5 Discussing Tribal Treaty Rights” and dated Feb-
6 ruary 2016 is enacted into law.

7 **SEC. 10. OMBUDSMEN.**

8 (a) ESTABLISHMENT.—The Administrator shall es-
9 tablish within the Environmental Protection Agency a po-
10 sition of Environmental Justice Ombudsman.

11 (b) REPORTING.—The Environmental Justice Om-
12 budsman shall—

13 (1) report directly to the Administrator; and

14 (2) not be required to report to the Office of
15 Environmental Justice of the Environmental Protec-
16 tion Agency.

17 (c) FUNCTIONS.—The Ombudsman shall—

18 (1) in coordination with the Inspector General
19 of the Environmental Protection Agency, establish
20 an independent, neutral, accessible, confidential, and
21 standardized process—

22 (A) to receive, review, and process com-
23 plaints and allegations with respect to environ-
24 mental justice programs and activities of the
25 Environmental Protection Agency; and

1 (B) to assist individuals in resolving com-
2 plaints and allegations described in subpara-
3 graph (A);

4 (2) identify and thereafter review, examine, and
5 make recommendations to the Administrator to ad-
6 dress recurring and chronic complaints regarding
7 specific environmental justice programs and activi-
8 ties of the Environmental Protection Agency identi-
9 fied by the Ombudsman pursuant to paragraph (1);

10 (3) review the Environmental Protection Agen-
11 cy's compliance with policies and standards of the
12 Environmental Protection Agency with respect to its
13 environmental justice programs and activities; and

14 (4) produce an annual report that details the
15 findings of the regional staff, feedback received from
16 environmental justice communities, and rec-
17 ommendations to increase cooperation between the
18 Environmental Protection Agency and environmental
19 justice communities.

20 (d) AVAILABILITY OF REPORT.—The Administrator
21 shall make each report produced pursuant to subsection
22 (c) available to the public (including by posting a copy of
23 the report on the website of the Environmental Protection
24 Agency).

25 (e) REGIONAL STAFF.—

1 (1) AUTHORITY OF ENVIRONMENTAL JUSTICE
2 OMBUDSMAN.—The Administrator shall allow the
3 Environmental Justice Ombudsman to hire such
4 staff as the Environmental Justice Ombudsman de-
5 termines to be necessary to carry out at each re-
6 gional office of the Environmental Protection Agency
7 the functions of the Environmental Justice Ombuds-
8 man described in subsection (c).

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

11 (A) foster cooperation between the Envi-
12 ronmental Protection Agency and environ-
13 mental justice communities;

14 (B) consult with environmental justice
15 communities on the development of policies and
16 programs of the Environmental Protection
17 Agency;

18 (C) receive feedback from environmental
19 justice communities on the performance of the
20 Environmental Protection Agency; and

21 (D) compile and submit to the Environ-
22 mental Justice Ombudsman such information
23 as may be necessary for the Ombudsman to
24 produce the annual report described in sub-
25 section (c).

1 (3) FULL-TIME POSITION.—Each individual
 2 hired by the Environmental Justice Ombudsman
 3 under paragraph (1) shall be hired as a full-time
 4 employee of the Environmental Protection Agency.

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

7 (a) DEFINITIONS.—In this section:

8 (1) ELIGIBLE ENTITY.—

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

11 (i) a State;

12 (ii) a political subdivision of a State,
 13 including—

14 (I) a city; and

15 (II) a county;

16 (iii) a special purpose district, includ-
 17 ing park districts; and

18 (iv) an Indian Tribe.

19 (B) POLITICAL SUBDIVISIONS AND INDIAN
 20 TRIBES.—A political subdivision of a State or
 21 an Indian Tribe shall be considered an eligible
 22 entity only if the political subdivision or Indian
 23 Tribe represents or otherwise serves a quali-
 24 fying urban area.

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

5 (3) QUALIFYING URBAN AREA.—The term
 6 “qualifying urban area” means an area identified by
 7 the Census Bureau as an “urban area” in the most
 8 recent census.

9 (4) SECRETARY.—The term “Secretary” means
 10 the Secretary of the Interior.

11 (b) ESTABLISHMENT.—The Secretary shall establish
 12 an outdoor recreation legacy partnership grant program
 13 under which the Secretary may award grants to eligible
 14 entities for projects—

15 (1) to acquire land and water for parks and
 16 other outdoor recreation purposes;

17 (2) to develop new or renovate existing outdoor
 18 recreation facilities; and

19 (3) to develop projects that provide opportuni-
 20 ties for outdoor education and public lands vol-
 21 unteerism.

22 (c) MATCHING REQUIREMENT.—

23 (1) IN GENERAL.—As a condition of receiving a
 24 grant under subsection (b), an eligible entity shall
 25 provide matching funds in the form of cash or an in-

1 kind contribution in an amount equal to not less
 2 than 100 percent of the amounts made available
 3 under the grant.

4 (2) SOURCES.—The matching amounts referred
 5 to in paragraph (1) may include amounts made
 6 available from State, local, nongovernmental, or pri-
 7 vate sources.

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

11 (A) no reasonable means are available
 12 through which an applicant can meet the
 13 matching requirement; and

14 (B) the probable benefit of such project
 15 outweighs the public interest in such matching
 16 requirement.

17 (d) ELIGIBLE USES.—

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

20 (A) to acquire land or water that provides
 21 outdoor recreation opportunities to the public;
 22 and

23 (B) to develop or renovate outdoor rec-
 24 reational facilities that provide outdoor recre-

1 ation opportunities to the public, with priority
2 given to projects that—

3 (i) create or significantly enhance ac-
4 cess to park and recreational opportunities
5 in an urban or suburban area that lacks
6 access to such activities;

7 (ii) engage and empower underserved
8 communities and youth;

9 (iii) provide opportunities for youth
10 employment or job training;

11 (iv) establish or expand public-private
12 partnerships, with a focus on leveraging re-
13 sources; and

14 (v) take advantage of coordination
15 among various levels of government.

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

18 (A) grant administration costs;

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

21 (C) operation and maintenance activities;

22 (D) facilities that support semiprofessional
23 or professional athletics;

1 (E) indoor facilities such as recreation cen-
2 ters or facilities that support primarily non-out-
3 door purposes; or

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

6 (e) NATIONAL PARK SERVICE REQUIREMENTS.—In
7 carrying out the Outdoor Recreation Legacy Partnership
8 Grant Program, the Secretary shall—

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

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

13 (f) REPORTING.—

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

19 (A) summarize project activities conducted
20 during the report period; and

21 (B) provide the status of the project, in-
22 cluding of description of how the project has
23 improved access to parkland, open space, or
24 recreational facilities from the community per-
25 spective.

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

8 (g) REVENUE SHARING.—Section 105(a)(2) of the
 9 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
 10 1331 note) is amended—

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

12 (2) in subparagraph (B)—

13 (A) by striking “25 percent” and inserting
 14 “20 percent”; and

15 (B) by striking the period at the end and
 16 inserting “; and”; and

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

18 “(C) 5 percent to provide grants under the
 19 Outdoor Recreation Legacy Partnership Grant
 20 Program established under section 11 of the
 21 Environmental Justice For All Act.”.

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

23 (a) DEFINITIONS.—In this section:

1 (1) CRITICALLY UNDERSERVED COMMUNITY.—

2 The term “critically underserved community”
3 means—

4 (A) a community that can demonstrate to
5 the Secretary that the community has inad-
6 equate, insufficient, or no park space or recre-
7 ation facilities, including by demonstrating—

8 (i) quality concerns relating to the
9 available park space or recreation facilities;

10 (ii) the presence of recreational facili-
11 ties that do not serve the needs of the com-
12 munity; or

13 (iii) the inequitable distribution of
14 park space for high-need populations,
15 based on income, age, or other measures of
16 vulnerability and need;

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

20 (C) a community that is designated as a
21 qualified opportunity zone under section
22 1400Z–1 of the Internal Revenue Code of 1986;
23 or

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

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

3 (A) a State;

4 (B) a political subdivision of a State (in-
5 cluding a city or a county) that represents or
6 otherwise serves an urban area or a rural area;

7 (C) a special purpose district (including a
8 park district);

9 (D) an Indian tribe (as defined in section
10 4 of the Indian Self-Determination and Edu-
11 cation Assistance Act (25 U.S.C. 5304)) that
12 represents or otherwise serves an urban area or
13 a rural area; or

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

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

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

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of Transportation.

24 (6) TRANSPORTATION CONNECTOR.—

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

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

6 (ii) offers rides available to the public.

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

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

13 (A) is densely developed;

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

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

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

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

21 (II) not more than 50,000.

22 (b) GRANT PROGRAM.—

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

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

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

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

13 (2) ADMINISTRATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (4) NON-FEDERAL CONTRIBUTIONS.—

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

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

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

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

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

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

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

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

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

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

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

7 (c) REPORTING REQUIREMENT.—

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

12 (A) includes—

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

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

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

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

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

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

7 **SEC. 13. EVERY KID OUTDOORS.**

8 Section 9001(b)(5) of the John D. Dingell, Jr. Con-
9 servation, Management, and Recreation Act (Public Law
10 116–9; 133 Stat. 830) is repealed.

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

14 (a) PURPOSE; DEFINITIONS.—

15 (1) PURPOSE.—The purpose of this section is
16 to establish additional protections relating to Fed-
17 eral actions affecting environmental justice commu-
18 nities in recognition of the disproportionate burden
19 of adverse human health or environmental effects
20 faced by such communities.

21 (2) DEFINITIONS.—In this section:

22 (A) FEDERAL ACTION.—The term “Fed-
23 eral action” means a proposed action that re-
24 quires the preparation of an environmental im-
25 pact statement, environmental assessment, cat-

1 egorical exclusion, or other document under the
 2 National Environmental Policy Act of 1969 (42
 3 U.S.C. 4321 et seq.).

4 (B) ENVIRONMENTAL IMPACT STATE-
 5 MENT.—The term “environmental impact state-
 6 ment” means the detailed statement of environ-
 7 mental impacts of a proposed action required to
 8 be prepared pursuant to the National Environ-
 9 mental Policy Act of 1969 (42 U.S.C. 4321 et
 10 seq.).

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

17 (c) CONTENTS.—The community impact report de-
 18 scribed in subsection (b) shall—

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

1 (2) assess relevant public health data and in-
2 dustry data concerning the potential for multiple or
3 cumulative exposure to human health or environ-
4 mental hazards in the area of the environmental jus-
5 tice community and historical patterns of exposure
6 to environmental hazards and agencies shall assess
7 these multiple, or cumulative effects, even if certain
8 effects are not within the control or subject to the
9 discretion of the Federal agency proposing the Fed-
10 eral action;

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

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

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

23 (B) not negatively impact an environ-
24 mental justice community's ability to access

1 public parks, outdoor spaces, and public recre-
2 ation opportunities; and

3 (5) analyze any alternative developed by mem-
4 bers of an affected environmental justice community
5 that meets the purpose and need of the proposed ac-
6 tion.

7 (d) DELEGATION.—Federal agencies shall not dele-
8 gate responsibility for the preparation of a community im-
9 pact report prepared under this section to any other enti-
10 ty.

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

18 (1) consider all potential direct, indirect, and
19 cumulative impacts caused by the action, alter-
20 natives to such action, and mitigation measures on
21 the environmental justice community required by the
22 National Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.);

1 (2) require any public comment period carried
2 out during the scoping phase of the environmental
3 review process to be no 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 National Environmental Policy Act proc-
12 ess that involves public participation to any rep-
13 resentative entities or organizations present in
14 the environmental justice community includ-
15 ing—

16 (i) local religious organizations;

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

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

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

- 1 (v) homeowners', tenants', and neigh-
- 2 borhood watch groups;
- 3 (vi) local and Tribal Governments;
- 4 (vii) rural cooperatives;
- 5 (viii) business and trade organiza-
- 6 tions;
- 7 (ix) community and social service or-
- 8 ganizations;
- 9 (x) universities, colleges, and voca-
- 10 tional schools;
- 11 (xi) labor and other worker organiza-
- 12 tions;
- 13 (xii) civil rights organizations;
- 14 (xiii) senior citizens' groups; and
- 15 (xiv) public health agencies and clin-
- 16 ics; and
- 17 (4) provide translations of publicly available
- 18 documents made available pursuant to the National
- 19 Environmental Policy Act in any language spoken by
- 20 more than 5 percent of the population residing with-
- 21 in the environmental justice community.
- 22 (f) COMMUNICATION METHODS AND REQUIRE-
- 23 MENTS.—Any notice provided under subsection (e)(3)(B)
- 24 shall be provided—

1 (1) through communication methods that are
2 accessible in the environmental justice community.
3 Such methods may include electronic media, news-
4 papers, radio, direct mailings, canvassing, and other
5 outreach methods particularly targeted at commu-
6 nities of color, low-income communities, and Tribal
7 and indigenous communities; and

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

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

18 (1) A description of the proposed action.

19 (2) An outline of the anticipated schedule for
20 completing the process under the National Environ-
21 mental Policy Act, with a description of key mile-
22 stones.

23 (3) An initial list of alternatives and potential
24 impacts.

1 (4) An initial list of other existing or proposed
2 sources of multiple or cumulative exposure to envi-
3 ronmental hazards that contribute to higher rates of
4 serious illnesses within the environmental justice
5 community.

6 (5) An agency point of contact.

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

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

11 (h) NATIONAL ENVIRONMENTAL POLICY ACT RE-
12 QUIREMENTS FOR INDIAN TRIBES.—When carrying out
13 the requirements of the National Environmental Policy
14 Act for a proposed Federal action that may affect an In-
15 dian Tribe, a Federal agency shall—

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

22 (2) ensure that an Indian Tribe is invited to
23 hold the status of a cooperating agency throughout
24 the National Environmental Policy Act process for
25 any proposed action that could impact an Indian

1 Tribe including actions that could impact off res-
 2 ervation lands and sacred sites; and

3 (3) invite an Indian Tribe to hold the status of
 4 a cooperating agency in accordance with paragraph
 5 (2) no later than the commencement of the scoping
 6 process for a proposed action requiring the prepara-
 7 tion of an environmental impact statement.

8 (i) AGENCY DETERMINATIONS.—Federal agency de-
 9 terminations about the analysis of a community impact
 10 report described in this section shall be subject to judicial
 11 review to the same extent as any other analysis performed
 12 under the National Environmental Policy Act.

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

15 (k) SAVINGS CLAUSE.—Nothing in this section di-
 16 minishes—

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.

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

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

1 Interior, and the National Oceanic and Atmospheric Ad-
2 ministration shall complete an environmental justice train-
3 ing program to ensure that 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 Environmental Protec-
17 tion Agency, the Department of the Interior, and the Na-
18 tional Oceanic and Atmospheric Administration after that
19 date shall be required to participate in environmental jus-
20 tice 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 ombudsman, or any other position the responsibility
4 of which involves the conduct of environmental jus-
5 tice activities, the individual shall be required to pos-
6 sess documentation of the completion by the indi-
7 vidual of 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. 16. 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 2021 through 2025.

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 2021 through 2025.

5 (c) TRIBAL GRANT PROGRAM.—

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

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

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

22 (2) ELIGIBILITY.—

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

1 an application at such time, in such manner,
2 and containing such information as the Admin-
3 istrator 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 Tribal Govern-
14 ment allocates for initiatives relating to en-
15 vironmental justice.

16 (B) ABILITY TO CONTINUE PROGRAM.—To
17 be eligible to receive a grant under paragraph
18 (1), a Tribal Government shall demonstrate to
19 the Administrator that the Tribal Government
20 has the ability to continue each program that is
21 the 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 Tribal Government to reduce or eliminate
16 disproportionately 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 2021 through 2025.

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 comprised 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 available pro-
7 vided under this subsection to the public, including
8 by posting on the website of the Environmental Pro-
9 tection Agency a copy of the grant awards and an
10 annual report at the beginning of each fiscal year
11 describing 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 2021 through 2025.

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

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

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

3 (1) training and education relating to—

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

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

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

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

14 (E) the rights and safeguards currently af-
15 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 related to expanding access
4 to parks and other natural and recreational
5 amenities; and

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

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

12 (A) education relating to—

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

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

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

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

1 (b) GRANT PROGRAM.—

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

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

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

15 (B) a generator of hazardous waste;

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

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

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

23 (c) PLAN.—

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

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

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

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

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

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

19 (d) REPORT.—

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

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

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

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

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

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 15 authorized to be appropriated to carry out this section
 16 \$10,000,000 for each of fiscal years 2021 through 2025.

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

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

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

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

3 (1) representatives of—

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

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

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

12 (D) nongovernmental and environmental
13 organizations; and

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

17 (2) experts in the fields of—

18 (A) socioeconomic analysis;

19 (B) health and environmental effects;

20 (C) exposure evaluation;

21 (D) environmental law and civil rights law;

22 and

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;

(B) the measurement and evaluation of the progress, quality, and adequacy of the Environmental Protection Agency in planning, developing, and implementing environmental justice strategies, projects, and programs;

(C) any existing and future information management systems, technologies, and data collection activities of the Environmental Protection Agency (including recommendations to conduct analyses that support and strengthen environmental justice programs in administrative and scientific areas);

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

(E) education, training, and other outreach activities conducted by the Environmental Protection Agency relating to environmental justice.

(e) MEETINGS.—

(1) FREQUENCY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Advisory Council shall meet biannually.

(B) AUTHORITY OF ADMINISTRATOR.—The 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 are 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, to the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 17 (A) local religious organizations;
- 18 (B) civic associations and organizations;
- 19 (C) business associations of people of color;
- 20 (D) environmental and environmental jus-
 21 tice organizations;
- 22 (E) homeowners', tenants', and neighbor-
 23 hood watch groups;
- 24 (F) local and Tribal Governments;
- 25 (G) rural cooperatives;

- 1 (H) business and trade organizations;
- 2 (I) community and social service organiza-
- 3 tions;
- 4 (J) universities, colleges, and vocational
- 5 schools;
- 6 (K) labor organizations;
- 7 (L) civil rights organizations;
- 8 (M) senior citizens' groups; and
- 9 (N) public health agencies and clinics;

10 (2) through communication methods that are
 11 accessible in the applicable environmental justice
 12 community, which may include electronic media,
 13 newspapers, radio, and other media particularly tar-
 14 geted at communities of color, low-income commu-
 15 nities, and Tribal and indigenous communities; and
 16 (3) at least 30 days before any such meeting.

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

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

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

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

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

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

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

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

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

6 (a) GRANTS AUTHORIZED.—The Coastal Zone Man-
 7 agement Act of 1972 (16 U.S.C. 1451 et seq.) is amended
 8 by adding at the end the following:

9 **“SEC. 320. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
 10 **COASTAL ZONE OBJECTIVES.**

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

15 “(b) COST SHARE.—

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

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

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

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

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

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

13 “(d) AUTHORIZED OBJECTIVES AND PURPOSES.—
14 Amounts awarded as a grant under this section shall be
15 used for one or more of the objectives and purposes au-
16 thorized under subsections (b) and (c), respectively, of sec-
17 tion 306A.

18 “(e) FUNDING.—Of amounts appropriated to carry
19 out this Act, \$5,000,000 is authorized to carry out this
20 section for each fiscal year.

21 “(f) DEFINITIONS.—In this section:

22 “(1) INDIAN LAND.—The term ‘Indian land’
23 has the meaning that term has under section 2601
24 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

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

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

8 “(A) Protection, restoration, or preserva-
9 tion of areas in the Tribal coastal zone of such
10 Tribe that hold—

11 “(i) important ecological, cultural, or
12 sacred significance for such Tribe; or

13 “(ii) traditional, historic, and esthetic
14 values essential to such Tribe.

15 “(B) Preparing and implementing a special
16 area management plan and technical planning
17 for important coastal areas.

18 “(C) Any coastal or shoreline stabilization
19 measure, including any mitigation measure, for
20 the purpose of public safety, public access, or
21 cultural or historical preservation.”.

22 (b) GUIDANCE.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of Com-
24 merce shall issue guidance for the program established
25 under the amendment made by subsection (a), including

1 the criteria for awarding grants under such program based
 2 on consultation with Indian Tribes (as that term is defined
 3 in that amendment).

4 (c) USE OF STATE GRANTS TO FULFILL TRIBAL OB-
 5 JECTIVES.—Section 306A(c)(2) of the Coastal Zone Man-
 6 agement Act of 1972 (16 U.S.C. 1455a(c)(2)) is amended
 7 by striking “and” after the semicolon at the end of sub-
 8 paragraph (D), by striking the period at the end of sub-
 9 paragraph (E) and inserting “; and”, and by adding at
 10 the end the following:

11 “(F) fulfilling any Tribal coastal zone objective
 12 (as that term is defined in section 320).”.

13 (d) OTHER PROGRAMS NOT AFFECTED.—Nothing in
 14 this section shall be construed to affect the ability of an
 15 Indian Tribe to apply for, receive assistance under, or par-
 16 ticipate in any program authorized by the Coastal Zone
 17 Management Act of 1972 (16 U.S.C. 1451 et seq.) or
 18 other related Federal laws.

19 **SEC. 23. COSMETIC LABELING.**

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

23 **“SEC. 604. LABELING.**

24 “(a) COSMETIC PRODUCTS FOR PROFESSIONAL
 25 USE.—

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

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

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

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

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

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

22 “(b) DISPLAY REQUIREMENTS.—A listing required
23 under subsection (a)(2) and a statement required under
24 subsection (a)(3) shall be prominently displayed—

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

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

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

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

1 whether a specific ingredient may be contained in the fra-
 2 grance or flavor used in the cosmetic. The manufacturer
 3 of the cosmetic is responsible for providing such informa-
 4 tion, including obtaining the information from suppliers
 5 if it is not readily available. Suppliers are required to re-
 6 lease such information upon request of the cosmetic manu-
 7 facturer.”.

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

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

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

17 **SEC. 24. SAFER COSMETIC ALTERNATIVES FOR DIS-**
 18 **PROPORTIONATELY IMPACTED COMMU-**
 19 **NITIES.**

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

24 (1) to support research focused on the design of
 25 safer alternatives to chemicals in cosmetics with in-

1 herent toxicity or associated with chronic adverse
2 health effects; or

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

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

8 (1) be a public institution such as a university,
9 a not-for-profit research institution, or a not-for-
10 profit grassroots organization; and

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

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

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

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

24 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
25 out this section, there are authorized to be appropriated

1 such sums as may be necessary for fiscal years 2020
2 through 2025.

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

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

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

17 (1) be a public institution such as a university
18 or a not-for-profit research institution; and

19 (2) not benefit from a financial relationship
20 with—

21 (A) a chemical manufacturer, supplier, or
22 trade association; or

23 (B) a cleaning, toy, or baby product manu-
24 facturer, supplier, 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 replacing chemicals in cleaning, toy,
 4 or baby products used by childcare providers with safer
 5 alternatives.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
 7 out this section, there are authorized to be appropriated
 8 such sums as may be necessary for fiscal years 2020
 9 through 2025.

10 **SEC. 26. CERTAIN MENSTRUAL PRODUCTS MISBRANDED IF**
 11 **LABELING DOES NOT INCLUDE INGREDI-**
 12 **ENTS.**

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

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

1 ingredient or component to the least predominant ingre-
 2 dient or component.”.

3 (b) EFFECTIVE DATE.—The amendment made by
 4 subsection (a) applies with respect to products introduced
 5 or delivered for introduction into interstate commerce on
 6 or after the date that is one year after the date of the
 7 enactment of this Act.

8 **SEC. 27. SUPPORT BY NATIONAL INSTITUTE OF ENVIRON-**
 9 **MENTAL HEALTH SCIENCES FOR RESEARCH**
 10 **ON HEALTH DISPARITIES IMPACTING COM-**
 11 **MUNITIES OF COLOR.**

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

15 **“SEC. 463C. RESEARCH ON HEALTH DISPARITIES RELATED**
 16 **TO COSMETICS IMPACTING COMMUNITIES OF**
 17 **COLOR.**

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

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

22 “(A) the chemicals linked (or with possible
 23 links) to adverse health effects most commonly
 24 found in cosmetics marketed to women and

1 girls of color, including beauty, personal hy-
 2 giene, and intimate care products;

3 “(B) the marketing and sale of such cos-
 4 metics containing chemicals linked to adverse
 5 health effects to women and girls of color across
 6 their lifespans;

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

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

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

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

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

23 “(1) be a public institution such as a university,
 24 a not-for-profit research institution, or a not-for-
 25 profit grassroots organization; and

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

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

12 “(1) summary findings on—

13 “(A) marketing strategies, product cat-
14 egories, and specific cosmetics containing ingre-
15 dients linked to adverse health effects; and

16 “(B) the demographics of the populations
17 marketed to and using these cosmetics for per-
18 sonal and professional use; and

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

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
23 carry out this section, there are authorized to be appro-
24 priated such sums as may be necessary for fiscal years
25 2020 through 2025.”.

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

2 (a) MINERAL LEASING REVENUE.—The Mineral
3 Leasing Act (30 U.S.C. 181 et seq.) is amended—

4 (1) in section 7, by striking “12½” and insert-
5 ing “18.75”;

6 (2) in section 17—

7 (A) by striking “12.5” each place such
8 term appears and inserting “18.75”; and

9 (B) by striking “12½” each place such
10 term appears and inserting “18.75”;

11 (3) in section 31(e), by striking “16⅔” each
12 place such term appears and inserting “25”;

13 (4) in section 17, by striking “Lease sales shall
14 be held for each State where eligible lands are avail-
15 able at least quarterly and more frequently if the
16 Secretary of the Interior determines such sales are
17 necessary.” and inserting “Lease sales may be held
18 in each State no more than once each year.”; and

19 (5) in section 35—

20 (A) by striking “All” and inserting “(1)
21 All”; and

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

23 “(2) Notwithstanding paragraph (1), any funds
24 collected as a result of the amendments made by
25 section 28(a) of the Environmental Justice For All

1 Act shall be distributed consistent with the manner
2 provided in section 28(d) of such Act.”.

3 (b) CONSERVATION OF RESOURCES FEES.—There is
4 established a Conservation of Resources Fee of \$4 per
5 acre per year on producing Federal onshore and offshore
6 oil and gas leases.

7 (c) SPECULATIVE LEASING FEES.—The fee for spec-
8 ulative leasing for Federal oil and gas nonproducing leases
9 on- and off-shore shall be \$6 per acre per year.

10 (d) DEPOSIT.—

11 (1) All funds collected pursuant to subsections
12 (b) and (c) shall be deposited in the Federal Energy
13 Transition Economic Development Assistance Fund
14 established in section 29;

15 (2) 50 percent of funds collected as a result of
16 the amendments made by this section shall be depos-
17 ited in the Federal Energy Transition Economic De-
18 velopment Assistance Fund established in section
19 29; and

20 (3) 50 percent of funds collected as a result of
21 the amendments made by this section shall be re-
22 turned to the States where production occurred.

23 (e) ADJUSTMENT FOR INFLATION.—The Secretary
24 shall, by regulation at least once every four years, adjust
25 each fee created by this section to reflect any change in

1 the Consumer Price Index (all items, United States city
2 average) as prepared by the Department of Labor.

3 (f) DEFINITIONS.—For the purposes of this section:

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

6 (2) NONPRODUCING LEASE.—The term “non-
7 producing lease” means any lease where oil or nat-
8 ural gas is produced for less than 90 days in a cal-
9 endar year.

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

12 (a) PURPOSE.—The purpose of this section is to pro-
13 mote economic revitalization, diversification, and develop-
14 ment in communities that depend on fossil fuel mining,
15 extraction, or refining for a significant amount of eco-
16 nomic opportunities, or where a significant proportion of
17 the population is employed at electric generating stations
18 that use fossil fuels as the predominant fuel supply.

19 (b) ESTABLISHMENT OF FEDERAL ENERGY TRANSI-
20 TION ECONOMIC DEVELOPMENT ASSISTANCE FUND.—
21 There is established in the Treasury of the United States
22 a fund, to be known as the “Federal Energy Transition
23 Economic Development Assistance Fund”. Such fund con-
24 sists of amounts deposited under section 28.

1 (c) DISTRIBUTION OF FUNDS.—Of the amounts de-
2 posited into the Fund—

3 (1) 35 percent shall be distributed by the Sec-
4 retary to States in which extraction of fossil fuels
5 occurs on public lands, based on a formula reflecting
6 existing production and extraction in each such
7 State;

8 (2) 35 percent shall be distributed by the Sec-
9 retary to States based on a formula reflecting the
10 quantity of fossil fuels historically produced and ex-
11 tracted in each such State on public lands before the
12 date of enactment of this Act; and

13 (3) 30 percent shall be allocated to a competi-
14 tive grant program pursuant to subsection (e).

15 (d) USE OF FUNDS.—

16 (1) IN GENERAL.—Funds distributed by the
17 Secretary to States under paragraphs (1) and (2) of
18 subsection (c) may be used for—

19 (A) environmental remediation of lands
20 and waters impacted by the full life-cycle of fos-
21 sil fuel extraction and mining;

22 (B) building partnerships to attract and
23 invest in the economic future of historically fos-
24 sil-fuel dependent communities;

1 (C) increasing capacity and other technical
 2 assistance fostering long-term economic growth
 3 and opportunity in historically fossil-fuel de-
 4 pendent communities;

5 (D) guaranteeing pensions, healthcare, and
 6 retirement security and providing a bridge of
 7 wage support until a displaced worker either
 8 finds new employment or reaches retirement;

9 (E) severance payments for displaced
 10 workers;

11 (F) carbon sequestration projects in nat-
 12 ural systems on public lands; or

13 (G) expanding broadband access and
 14 broadband infrastructure.

15 (2) PRIORITY TO FOSSIL FUEL WORKERS.—In
 16 distributing funds under paragraph (1), the Sec-
 17 retary shall place a priority on displaced assisting
 18 workers dislocated from fossil fuel mining and ex-
 19 traction industries.

20 (e) COMPETITIVE GRANT PROGRAM.—

21 (1) IN GENERAL.—The Secretary shall establish
 22 a competitive grant program to provide funds to eli-
 23 gible entities for the purposes described in para-
 24 graph (3).

1 (2) ELIGIBLE ENTITIES.—For the purposes of
2 this subsection, the term “eligible entities” means
3 local, State, and Tribal Governments, development
4 districts (as such term is defined in section 382E of
5 the Consolidated Farm and Rural Development Act
6 (7 U.S.C. 2009aa–4)), nonprofits, labor unions, eco-
7 nomic development agencies, and institutions of
8 higher education, including community colleges.

9 (3) ELIGIBLE USE OF FUNDS.—The Secretary
10 may award grants from amounts in the Fund for the
11 purposes listed in subsection (d) and for—

12 (A) existing job retraining and apprentice-
13 ship programs for displaced workers or for pro-
14 grams designed to promote economic develop-
15 ment in communities affected by a downturn in
16 fossil fuel extraction and mining;

17 (B) developing projects that diversify local
18 and regional economies, create jobs in new or
19 existing non-fossil fuel industries, attract new
20 sources of job-creating investment, and provide
21 a range of workforce services and skills train-
22 ing;

23 (C) internship programs in a field related
24 to clean energy; and

1 (D) the development and support of a
2 clean energy—

3 (i) certificate program at a labor or-
4 ganization; or

5 (ii) a major or minor program at an
6 institution of higher education, as such
7 term is defined in section 101 of the High-
8 er Education Act of 1965 (20 U.S.C.
9 1001).

10 (f) JUST TRANSITION ADVISORY COMMITTEE.—

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

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

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

19 (A) advise, assist, and support the Sec-
20 retary in the management and allocation of
21 funds available under subsection (c) and in the
22 establishment and administration of the Com-
23 petitive Grant Program under subsection (e);
24 and

1 (B) develop procedures to ensure that
 2 States and applicants eligible to participate in
 3 the Competitive Grant Program established
 4 pursuant to subsection (e) are notified of avail-
 5 ability of Federal funds pursuant to this Act.

6 (4) MEMBERSHIP.—The total membership of
 7 the Advisory Committee shall not exceed 20 mem-
 8 bers and the Advisory Committee shall be composed
 9 of the following members appointed by the Chair:

10 (A) A representative of the Assistant Sec-
 11 retary of Commerce for Economic Development.

12 (B) A representative of the Secretary of
 13 Labor.

14 (C) A representative of the Under Sec-
 15 retary for Rural Development.

16 (D) Two individuals with professional eco-
 17 nomic development or workforce retraining ex-
 18 perience.

19 (E) An equal number of representatives
 20 from each of the following:

21 (i) Labor unions.

22 (ii) Nonprofit environmental organiza-
 23 tions.

24 (iii) Environmental justice organiza-
 25 tions.

1 (iv) Fossil fuel transition commu-
2 nities.

3 (v) Public interest groups.

4 (vi) Tribal and indigenous commu-
5 nities.

6 (5) TERMINATION.—The Just Transition Advi-
7 sory Committee shall not terminate except by an Act
8 of Congress.

9 (g) LIMIT ON USE OF FUNDS.—

10 (1) ADMINISTRATIVE COSTS.—Not more than 7
11 percent of the amounts in the Fund may be used for
12 administrative costs incurred in implementing this
13 Act.

14 (2) LIMITATION ON FUNDS TO A SINGLE ENTI-
15 TY.—Not more than 5 percent of the amounts in the
16 Fund may be awarded to a single eligible entity.

17 (3) CALENDAR YEAR LIMITATION.—At least 15
18 percent of the amount in the Fund must be spent
19 in each calendar year.

20 (h) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
21 TURED GOODS.—None of the funds appropriated or other-
22 wise made available by this Act may be used for a project
23 for the construction, alteration, maintenance, or repair of
24 a public building or public work unless all of the iron,
25 steel, and manufactured goods used in the project are pro-

1 duced in the United States unless such manufactured good
 2 is not produced in the United States.

3 (i) SUBMISSION TO CONGRESS.—The Secretary shall
 4 submit to the Committees on Appropriations and Energy
 5 and Natural Resources of the Senate and to the Commit-
 6 tees on Appropriations and Natural Resources in the
 7 House of Representatives, with the annual budget submis-
 8 sion of the President, a list of projects, including a de-
 9 scription of each project, that received funding under this
 10 section in the previous calendar year.

11 (j) DEFINITIONS.—For the purposes of this section:

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

14 (2) ADVISORY COMMITTEE.—The term “Advi-
 15 sory Committee” means the Just Transition Advi-
 16 sory Committee established by this section.

17 (3) PUBLIC LAND.—The term “public land”
 18 means any land and interest in land owned by the
 19 United States within the several States and adminis-
 20 tered by the Secretary of the Interior or the Chief
 21 of the United States Forest Service, without regard
 22 to how the United States acquired ownership, in-
 23 cluding lands located on the Outer Continental Shelf
 24 but excluding lands held in trust for an Indian or
 25 Indian Tribe.

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

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

11 (6) FOSSIL FUEL TRANSITION COMMUNITIES.—
12 The term “fossil fuel transition communities” means
13 a community—

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

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

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

4 (7) FOSSIL FUEL DEPENDENT COMMUNITIES.—
 5 The term “fossil fuel dependent communities”
 6 means a community—

7 (A) that depends on fossil fuel mining, and
 8 extraction, or refining for a significant amount
 9 of economic opportunities; or

10 (B) where a significant proportion of the
 11 population is employed at electric generating
 12 stations that use fossil fuels as the predominant
 13 fuel supply.

14 **SEC. 30. EVALUATION BY COMPTROLLER GENERAL OF THE**
 15 **UNITED STATES.**

16 Not later than 2 years after the date of enactment
 17 of this Act, and biennially thereafter, the Comptroller
 18 General of the United States shall submit to the Commit-
 19 tees on Energy and Commerce and Natural Resources of
 20 the House of Representatives, and the Committees on En-
 21 vironment and Public Works and Energy and Natural Re-
 22 sources of the Senate, a report that contains an evaluation
 23 of the effectiveness of each activity carried out under this
 24 Act and the amendments made by this Act.

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