

118TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the “A.

5 Donald McEachin Environmental Justice For All Act”.

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

7 this Act is as follows:

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

- Sec. 5. Right of action.
- Sec. 6. Rights of recovery.
- Sec. 7. Consideration of cumulative impacts and persistent violations in certain permitting decisions.
- Sec. 8. White House Environmental Justice Interagency Council.
- Sec. 9. Federal agency actions and responsibilities.
- Sec. 10. Ombuds.
- Sec. 11. Access to parks, outdoor spaces, and public recreation opportunities.
- Sec. 12. Transit to trails grant program.
- Sec. 13. Repeal of sunset for the Every Kid Outdoors program.
- Sec. 14. Protections for environmental justice communities against harmful Federal actions.
- Sec. 15. Strengthening Community Protections under the National Environmental Policy Act of 1969.
- Sec. 16. Training of employees of Federal agencies.
- Sec. 17. Environmental justice grant programs.
- Sec. 18. Environmental justice basic training program.
- Sec. 19. National Environmental Justice Advisory Council.
- Sec. 20. Environmental Justice Clearinghouse.
- Sec. 21. Public meetings.
- Sec. 22. Environmental projects for environmental justice communities.
- Sec. 23. Grants to further achievement of Tribal coastal zone objectives.
- Sec. 24. Cosmetic labeling.
- Sec. 25. Safer cosmetic alternatives for disproportionately impacted communities.
- Sec. 26. Safer child care centers, schools, and homes for disproportionately impacted communities.
- Sec. 27. Certain menstrual products misbranded if labeling does not include ingredients.
- Sec. 28. Support by National Institute of Environmental Health Sciences for research on health disparities impacting communities of color.
- Sec. 29. Revenues for just transition assistance.
- Sec. 30. Economic revitalization for fossil fuel-dependent communities.
- Sec. 31. Evaluation by Comptroller General of the United States.

1 SEC. 2. FINDINGS; STATEMENT OF POLICY.

2 (a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

1 (10) a fair and just transition to a pollution-
2 free economy is necessary to ensure that workers
3 and communities in deindustrialized areas have ac-
4 cess to the resources and benefits of a sustainable
5 future, and that transition must also address the
6 economic disparities experienced by residents living
7 in 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; and

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

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

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

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

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

10 (4) cooperate with State governments, Indian
11 Tribes, and local governments to address pollution
12 and public health burdens in communities experi-
13 encing environmental injustice, and build healthy,
14 sustainable, and resilient communities; and

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

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

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

1 (2) ADVISORY COUNCIL.—The term “Advisory
2 Council” means the National Environmental Justice
3 Advisory Council established by the President under
4 section 19.

5 (3) CLEARINGHOUSE.—The term “Clearing-
6 house” means the Environmental Justice Clearing-
7 house established by the Administrator under section
8 20.

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

15 (A) Black.

16 (B) African American.

17 (C) Asian.

18 (D) Pacific Islander.

19 (E) Other non-White race.

20 (F) Hispanic.

21 (G) Latino.

22 (H) Linguistically isolated.

23 (I) Middle Eastern and North African.

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

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

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

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

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

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

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

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

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

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

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

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

23 (E) the Pollution Prevention Act of 1990
24 (42 U.S.C. 13101 et seq.);

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

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

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

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

9 (J) Public Law 95–341 (commonly known
10 as the “American Indian Religious Freedom
11 Act”) (42 U.S.C. 1996 et seq.); and

12 (K) division A of subtitle III of title 54,
13 United States Code (formerly known as the
14 “National Historic Preservation Act”).

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

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

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

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

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

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

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

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

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

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

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

14 (A) any State of the United States;

15 (B) the District of Columbia;

16 (C) the Commonwealth of Puerto Rico;

17 (D) the United States Virgin Islands;

18 (E) Guam;

19 (F) American Samoa; and

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

22 (17) TRIBAL AND INDIGENOUS COMMUNITY.—

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

25 (A) a federally recognized Indian Tribe;

- 1 (B) a State-recognized Indian Tribe;
- 2 (C) an Alaska Native community or orga-
- 3 nization;
- 4 (D) a Native Hawaiian community or or-
- 5 ganization; or
- 6 (E) any other Indigenous community lo-
- 7 cated in a State.

8 (18) WHITE HOUSE INTERAGENCY COUNCIL.—

9 The term “White House interagency council” means

10 the White House Environmental Justice Interagency

11 Council described in section 8.

12 (19) TRIBAL ORGANIZATION.—The term “Trib-

13 al organization” means an organization that is—

14 (A) a Tribal organization (as defined in

15 section 4 of the Indian Self-Determination and

16 Education Assistance Act (25 U.S.C. 5304));

17 (B) a Native Hawaiian organization (as

18 defined in section 2 of the Native American

19 Graves Protection and Repatriation Act (25

20 U.S.C. 3001)); or

21 (C) an urban Indian Organization (as de-

22 fined in section 4 of the Indian Health Care

23 Improvement Act (25 U.S.C. 1603)).

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

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

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

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

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

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

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

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

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

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

13 “(3) In this subsection—

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

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

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

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

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

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

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

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

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

15 (b) EFFECTIVE DATE.—

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

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

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

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

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

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

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

1 “(c) DEFINITIONS.—In this section:

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

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

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

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

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

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

21 “(a) PERMITS ISSUED BY ADMINISTRATOR.—

22 “(1) IN GENERAL.—Except as”;

23 (2) in subsection (a)—

24 (A) in paragraph (1)—

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

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

7 “(i) all”;

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

11 “(ii) prior”; and

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

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

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

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

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

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

21 “(A) conditions relating to—

22 “(i) data and information collection;

23 “(ii) reporting; and

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

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

3 (3) in subsection (b)—

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

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

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

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

22 (b) CLEAN AIR ACT.—

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

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

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

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

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

15 “(A) including—

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

18 “(I)(aa) routinely;

19 “(bb) accidentally; or

20 “(cc) otherwise; and

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

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

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

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

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

10 (A) in paragraph (5)—

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

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

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

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

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

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

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

11 “(9) MAJOR SOURCES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 plan is adequate to ensuring that
2 the applicant—

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

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

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

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

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

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

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

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

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

9 “(B) REVISION REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (1) The Secretary of Agriculture.

25 (2) The Secretary of Commerce.

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

1 (19) The Chair of the Council on Environ-
2 mental Quality.

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

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

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

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

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

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

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

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

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

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

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

1 (f) UNIFORM CONSIDERATION GUIDANCE.—

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

13 (A) Health disparities.

14 (B) Environmental exposure disparities.

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

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

22 (E) Cumulative impacts or risks.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (h) SUBMISSION OF REPORT TO PRESIDENT.—

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

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

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

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

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

18 (i) ADMINISTRATION.—

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

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

10 (j) MEETINGS AND STAFF.—

11 (1) CHAIR.—The Chair of the Council on Envi-
12 ronmental Quality shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (i) communities of color;

23 (ii) low-income communities; and

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

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

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

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

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

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

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

1 (iv) to improve awareness of environ-
2 mental justice issues relating to agency ac-
3 tivities, including awareness among im-
4 pacted parents and children in environ-
5 mental justice communities;

6 (v) to improve cooperation with State
7 governments, Indian Tribes, and local gov-
8 ernments to address pollution and public
9 health burdens in environmental justice
10 communities, and build healthy, sustain-
11 able, and resilient communities;

12 (vi) to improve Federal research and
13 data collection efforts related to—

14 (I) the health and environment of
15 communities of color, low-income com-
16 munities, and Tribal and Indigenous
17 communities;

18 (II) climate change; and

19 (III) the inequitable distribution
20 of burdens and benefits of the man-
21 agement and use of natural resources,
22 including water, minerals, and land;
23 and

24 (vii) to reduce or eliminate dispropor-
25 tionately adverse human health or environ-

1 mental effects on communities of color,
2 low-income communities, and Tribal and
3 Indigenous communities; and

4 (B) a timetable for the completion of—

5 (i) each revision identified under sub-
6 paragraph (A); and

7 (ii) an assessment of the economic
8 and social implications of each revision
9 identified under subparagraph (A).

10 (3) REPORTS.—

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

20 (B) PERIODIC REPORTS.—In addition to
21 the annual reports described in subparagraph
22 (A), upon receipt of a request from the White
23 House interagency council, a Federal agency
24 shall submit to the White House interagency
25 council a report that contains such information

1 as the White House interagency council may re-
2 quire.

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

8 (A) evaluate and revise the environmental
9 justice strategy of the Federal agency; and

10 (B) submit to the White House inter-
11 agency council a copy of the revised version of
12 the environmental justice strategy of the Fed-
13 eral agency.

14 (5) PETITION.—

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

23 (B) AVAILABILITY TO PUBLIC.—Each peti-
24 tion submitted by a Federal agency to the
25 President under subparagraph (A) shall be

1 made available to the public (including through
2 a description of the petition on the website of
3 the Federal agency).

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

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

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

23 (D) APPEAL.—

24 (i) IN GENERAL.—Not later than 90
25 days after the date on which the President

1 approves a petition under this paragraph,
2 an individual may appeal the decision of
3 the President to approve the petition.

4 (ii) WRITTEN APPEAL.—

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

9 (aa) the Council on Environ-
10 mental Quality;

11 (bb) the Deputy Assistant to
12 the President for Environmental
13 Policy; or

14 (cc) the Assistant to the
15 President for Domestic Policy.

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

21 (iii) REQUIREMENT OF PRESIDENT.—

22 Not later than 90 days after the date on
23 which an agency or officer described in
24 clause (ii)(I) receives a written appeal sub-
25 mitted by an individual under that clause,

1 the President shall provide to the indi-
2 vidual a written notification describing the
3 decision of the President with respect to
4 the appeal.

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

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

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

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

22 (C) actively encourage and solicit commu-
23 nity-based science, and provide to communities
24 of color, low-income communities, and Tribal
25 and Indigenous communities the opportunity to

1 comment on and participate in the development
2 and design of research strategies carried out
3 pursuant to this Act.

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

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

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

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

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

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

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

1 tions to address environmental justice in minor-
2 ity populations and low-income populations);
3 and

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

7 (d) CONSUMPTION OF FISH AND WILDLIFE.—

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

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

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

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

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

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

3 (1) Nationally consistent data.

4 (2) Environmental data.

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

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

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

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

12 Any person may commence a civil action—

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

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

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

1 (h) CODIFICATION OF GUIDANCE.—

2 (1) COUNCIL ON ENVIRONMENTAL QUALITY.—

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

8 (2) ENVIRONMENTAL PROTECTION AGENCY.—

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

14 **SEC. 10. OMBUDS.**

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

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

20 (1) shall report directly to the Administrator;
21 and

22 (2) shall not be required to report to the Office
23 of Environmental Justice of the Environmental Pro-
24 tection Agency.

1 (c) FUNCTIONS.—The Environmental Justice
2 Ombuds shall—

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

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

11 (B) to assist individuals in resolving com-
12 plaints and allegations described in subpara-
13 graph (A), including training on restorative jus-
14 tice and conflict resolution;

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

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

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

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

12 (e) REGIONAL STAFF.—

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

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

23 (A) foster cooperation between the Envi-
24 ronmental Protection Agency and environ-
25 mental justice communities;

1 (B) consult with environmental justice
2 communities on the development of policies and
3 programs of the Environmental Protection
4 Agency;

5 (C) receive feedback from environmental
6 justice communities on the performance of the
7 Environmental Protection Agency; and

8 (D) compile and submit to the Environ-
9 mental Justice Ombuds such information as
10 may be necessary for the Ombuds to produce
11 the annual report described in subsection (c).

12 (3) FULL-TIME POSITION.—Each individual
13 hired by the Environmental Justice Ombuds under
14 paragraph (1) shall be hired as a full-time employee
15 of the Environmental Protection Agency.

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

18 (a) DEFINITIONS.—In this section:

19 (1) ELIGIBLE ENTITY.—

20 (A) IN GENERAL.—The term “eligible enti-
21 ty” means an entity described in subparagraph
22 (B) that represents or otherwise serves a quali-
23 fying urban area.

24 (B) ENTITY DESCRIBED.—An entity re-
25 ferred to in subparagraph (A) is—

- 1 (i) a State;
- 2 (ii) a political subdivision of a State,
- 3 including—
- 4 (I) a city;
- 5 (II) a county; and
- 6 (III) a special purpose district
- 7 that manages open space, including a
- 8 park district;
- 9 (iii) an Indian Tribe;
- 10 (iv) an urban Indian organization;
- 11 (v) an Alaska Native community;
- 12 (vi) an Alaska Native organization;
- 13 (vii) a Native Hawaiian community;
- 14 or
- 15 (viii) a Native Hawaiian organization.

16 (2) ELIGIBLE NONPROFIT ORGANIZATION.—The

17 term “eligible nonprofit organization” means an or-

18 ganization described in section 501(c)(3) of the In-

19 ternal Revenue Code of 1986 and exempt from tax-

20 ation under section 501(a) of that Code.

21 (3) OUTDOOR RECREATION LEGACY PARTNER-

22 SHIP PROGRAM.—The term “Outdoor Recreation

23 Legacy Partnership Program” means the program

24 established under subsection (b)(1).

1 (4) QUALIFYING URBAN AREA.—The term
2 “qualifying urban area” means—

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

6 (B) 2 or more adjacent urban clusters with
7 a combined population of 25,000 or more in the
8 most recent census; and

9 (C) an area administered by an entity de-
10 scribed in any of clauses (iii), (v), (vi), (vii), or
11 (viii) of paragraph (1)(B).

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

14 (6) STATE.—The term “State” means each of
15 the several States, the District of Columbia, and
16 each territory of the United States.

17 (b) GRANTS AUTHORIZED.—

18 (1) ESTABLISHMENT OF PROGRAM.—The Sec-
19 retary shall establish an outdoor recreation legacy
20 partnership program under which the Secretary may
21 award grants to eligible entities for projects—

22 (A) to acquire land and water for parks
23 and other outdoor recreation purposes in quali-
24 fying urban areas; and

1 (B) to develop new or renovate existing
2 outdoor recreation facilities that provide out-
3 door recreation opportunities to the public in
4 qualifying urban areas.

5 (2) CONSIDERATIONS AND PRIORITY.—

6 (A) CONSIDERATIONS.—In awarding
7 grants to eligible entities under paragraph (1),
8 the Secretary shall consider the extent to which
9 a project would—

10 (i) provide recreation opportunities in
11 underserved communities in which access
12 to parks is not adequate to meet local
13 needs;

14 (ii) provide opportunities for outdoor
15 recreation and public land volunteerism;

16 (iii) support innovative or cost-effec-
17 tive ways to enhance—

18 (I) parks; and

19 (II)(aa) other recreation opportu-
20 nities; or

21 (bb) the delivery of services relat-
22 ing to outdoor recreation;

23 (iv) support park and recreation pro-
24 gramming provided by cities, including co-

1 operative agreements with community-
2 based eligible nonprofit organizations;

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

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

8 (vii) provide benefits such as commu-
9 nity resilience, reduction of urban heat is-
10 lands, enhanced water or air quality, or
11 habitat for fish or wildlife.

12 (B) PRIORITY.—In awarding grants to eli-
13 gible entities under paragraph (1), the Sec-
14 retary shall give priority to projects that—

15 (i) create or significantly enhance ac-
16 cess to park and recreational opportunities
17 in an urban neighborhood or community;

18 (ii) engage and empower underserved
19 communities and youth;

20 (iii) provide employment or job train-
21 ing opportunities for youth or underserved
22 communities;

23 (iv) establish or expand public-private
24 partnerships, with a focus on leveraging re-
25 sources; and

1 (v) take advantage of coordination
2 among various levels of government.

3 (3) MATCHING REQUIREMENT.—

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

11 (B) WAIVER.—The Secretary may waive
12 all or part of the matching requirement under
13 subparagraph (A) if the Secretary determines
14 that—

15 (i) no reasonable means are available
16 through which the eligible entity can meet
17 the matching requirement; and

18 (ii) the probable benefit of the project
19 outweighs the public interest in the match-
20 ing requirement.

21 (C) ADMINISTRATIVE EXPENSES.—Not
22 more than 10 percent of funds provided to an
23 eligible entity under a grant awarded under
24 paragraph (1) may be used for administrative
25 expenses.

1 (4) ELIGIBLE USES.—

2 (A) IN GENERAL.—Subject to subpara-
3 graph (B), a grant recipient may use a grant
4 awarded under paragraph (1) for a project de-
5 scribed in subparagraph (A) or (B) of that
6 paragraph.

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

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

11 (ii) operation and maintenance activi-
12 ties;

13 (iii) facilities that support
14 semiprofessional or professional athletics;

15 (iv) indoor facilities, such as recre-
16 ation centers or facilities that support pri-
17 marily non-outdoor purposes; or

18 (v) acquisition of land or interests in
19 land that restrict access to specific per-
20 sons.

21 (c) REVIEW AND EVALUATION REQUIREMENTS.—In
22 carrying out the Outdoor Recreation Legacy Partnership
23 Program, the Secretary shall—

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

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

3 (3) provide culturally and linguistically appro-
4 priate information to eligible entities (including eligi-
5 ble entities that are low-income communities or that
6 serve low-income communities) on—

7 (A) the opportunity to apply for grants
8 under the Outdoor Recreation Legacy Partner-
9 ship Program;

10 (B) the application procedures by which el-
11 igible entities may apply for grants under the
12 Outdoor Recreation Legacy Partnership Pro-
13 gram; and

14 (C) eligible uses for grants under the Out-
15 door Recreation Legacy Partnership Program.

16 (d) REPORTING.—

17 (1) ANNUAL REPORTS.—

18 (A) IN GENERAL.—Each eligible entity
19 that receives a grant under the Outdoor Recre-
20 ation Legacy Partnership Program shall annu-
21 ally submit to the Secretary performance and
22 financial reports that—

23 (i) summarize project activities con-
24 ducted during the year covered by the re-
25 port; and

1 (ii) provide the status of the project.

2 (B) TIMING.—Each report under subpara-
3 graph (A) shall be submitted not later than 30
4 days after the last day of the applicable year
5 covered by the report.

6 (2) FINAL REPORTS.—Not later than 90 days
7 after the earlier of the date of expiration of a project
8 period or the completion of a project, each eligible
9 entity that receives a grant under the Outdoor
10 Recreation Legacy Partnership Program shall sub-
11 mit to the Secretary a final report containing such
12 information as the Secretary may require.

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

14 (a) DEFINITIONS.—In this section:

15 (1) CRITICALLY UNDERSERVED COMMUNITY.—
16 The term “critically underserved community”
17 means—

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

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

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

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

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

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

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

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

19 (A) a State;

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

23 (C) a special purpose district (including a
24 park district);

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

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

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

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

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of Transportation.

14 (6) TRANSPORTATION CONNECTOR.—

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

17 (i) connects 2 ZIP Codes or commu-
18 nities within a 175-mile radius of a des-
19 ignated service area; and

20 (ii) offers rides available to the public.

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

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

3 (A) is densely developed;

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

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

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

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

11 (II) not more than 50,000.

12 (b) GRANT PROGRAM.—

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

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

23 (B) projects that facilitate transportation
24 improvements to enhance access to Federal or

1 non-Federal public land and recreational oppor-
2 tunities in critically underserved communities.

3 (2) ADMINISTRATION.—

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

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

21 (C) ANNUAL GRANT PROJECT PROPOSAL
22 SOLICITATION, REVIEW, AND APPROVAL.—

23 (i) IN GENERAL.—The Secretary
24 shall—

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

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

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

12 (I) a statement of the purposes
13 of the project;

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

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

20 (IV) a description of—

21 (aa) staffing and stake-
22 holder engagement for the
23 project;

24 (bb) the logistics of the
25 project; and

1 (cc) anticipated outcomes of
2 the project;

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

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

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

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

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

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

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

6 (III) provide written notification
7 of the approval or disapproval to—

8 (aa) the individual or entity
9 that submitted the proposal; and

10 (bb) each State consulted
11 under subclause (I).

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

20 (3) TRANSPORTATION PLANNING PROCE-
21 DURES.—

22 (A) PROCEDURES.—In consultation with
23 the head of each appropriate Federal land man-
24 agement agency, the Secretary shall develop, by
25 rule, transportation planning procedures for

1 projects conducted under the program that are
2 consistent with metropolitan and statewide
3 planning processes.

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

8 (4) NON-FEDERAL CONTRIBUTIONS.—

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

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

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

21 (A) to develop transportation connectors or
22 routes in or serving, and related education ma-
23 terials for, critically underserved communities
24 to increase access and mobility to Federal and

1 non-Federal public land, waters, parkland, and
2 monuments; and

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

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

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

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

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

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

23 (c) REPORTING REQUIREMENT.—

24 (1) REPORTS BY GRANT RECIPIENTS.—The
25 Secretary shall require a recipient of a grant under

1 the program to submit to the Secretary at least 1
2 performance and financial report that—

3 (A) includes—

4 (i) demographic data on communities
5 served by the project; and

6 (ii) a summary of project activities
7 conducted after receiving the grant; and

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

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

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

19 (d) **AUTHORIZATION OF APPROPRIATIONS.**—There is
20 authorized to be appropriated to carry out this section
21 \$10,000,000 for each fiscal year.

22 **SEC. 13. REPEAL OF SUNSET FOR THE EVERY KID OUT-**
23 **DOORS PROGRAM.**

24 Section 9001(b) of the John D. Dingell, Jr. Con-
25 servation, Management, and Recreation Act (16 U.S.C.

1 6804 note; Public Law 116–9) is amended by striking
2 paragraph (5).

3 **SEC. 14. PROTECTIONS FOR ENVIRONMENTAL JUSTICE**
4 **COMMUNITIES AGAINST HARMFUL FEDERAL**
5 **ACTIONS.**

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

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

12 (1) **ENVIRONMENTAL IMPACT STATEMENT.**—
13 The term “environmental impact statement” means
14 the detailed statement of environmental impacts of
15 a proposed action required to be prepared pursuant
16 to the National Environmental Policy Act of 1969
17 (42 U.S.C. 4321 et seq.).

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

24 (c) **PREPARATION OF A COMMUNITY IMPACT RE-**
25 **PORT.**—A Federal agency proposing to take a Federal ac-

1 tion that has the potential to cause negative environmental
2 or public health impacts on an environmental justice com-
3 munity shall prepare a community impact report assessing
4 the potential impacts of the proposed action.

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

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

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

23 (3) assess the impact of such proposed Federal
24 action on such environmental justice community's

1 ability to access public parks, outdoor spaces, and
2 public recreation opportunities;

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

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

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

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

19 (6) assess the impact on access to reliable en-
20 ergy sources and on electricity prices for low-income
21 communities, minority communities, Native Ameri-
22 cans, and senior citizens;

23 (7) assess the impact of the Federal action on
24 drought, domestic food availability, and domestic
25 food prices; and

1 (8) assess the impact on timely meeting net-
2 zero goals as outlined in Executive Order 14057 (86
3 Fed. Reg. 70935; relating to catalyzing clean energy
4 industries and jobs through Federal sustainability).

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

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

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

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

23 (3) provide early and meaningful community in-
24 volvement opportunities by—

1 (A) holding multiple hearings in such com-
2 munity regarding the proposed Federal action
3 in each prominent language within the environ-
4 mental justice community; and

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

10 (i) local religious organizations;

11 (ii) civic associations and organiza-
12 tions;

13 (iii) business associations of people of
14 color;

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

19 (v) homeowners', tenants', and neigh-
20 borhood watch groups;

21 (vi) local governments and Indian
22 Tribes;

23 (vii) rural cooperatives;

24 (viii) business and trade organiza-
25 tions;

1 (ix) community and social service or-
2 ganizations;

3 (x) universities, colleges, and voca-
4 tional schools;

5 (xi) labor and other worker organiza-
6 tions;

7 (xii) civil rights organizations;

8 (xiii) senior citizens' groups; and

9 (xiv) public health agencies and clin-
10 ics; and

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

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

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

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

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

11 (1) A description of the proposed action.

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

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

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

23 (5) An agency point of contact.

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

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

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

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

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

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

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

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

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

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

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

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

18 **SEC. 15. STRENGTHENING COMMUNITY PROTECTIONS**
19 **UNDER THE NATIONAL ENVIRONMENTAL**
20 **POLICY ACT OF 1969.**

21 (a) DEFINITIONS.—The National Environmental Pol-
22 icy Act of 1969 is amended by inserting after section 2
23 (42 U.S.C. 4321) the following:

24 **“SEC. 3. DEFINITIONS.**

25 “In this Act:

1 “(1) EFFECT; IMPACT.—The terms ‘effect’ and
2 ‘impact’ mean changes to the human environment
3 from a proposed action or alternatives that are rea-
4 sonably foreseeable, including the following:

5 “(A) Direct effects, which are caused by
6 the action and occur at the same time and
7 place.

8 “(B) Indirect effects, which are caused by
9 the action and occur later in time or farther re-
10 moved in distance, but are still reasonably fore-
11 seeable, and include growth-inducing effects
12 and other effects related to induced changes in
13 the pattern of land use, population density, or
14 growth rate, and related effects on air and
15 water and other natural systems, including eco-
16 systems.

17 “(C) Cumulative effects, which are effects
18 on the environment that result from the incre-
19 mental effects of the action when added to the
20 effects of other past, present, and reasonably
21 foreseeable actions regardless of what agency or
22 person undertakes those other actions, and can
23 result from individually minor but collectively
24 significant actions taking place over a period of
25 time.

1 “(D) Effects that are ecological (such as
2 the effects on natural resources and on the
3 components, structures, and functioning of af-
4 fected ecosystems), aesthetic, historical, cul-
5 tural, economic, social, or health effects, wheth-
6 er direct, indirect, or cumulative, including ef-
7 fects resulting from actions that may have both
8 beneficial and detrimental effects, even if on
9 balance the agency believes that the effects will
10 be beneficial.

11 “(2) LIMITED ENGLISH PROFICIENCY.—The
12 term ‘limited English proficiency’, with respect to a
13 household, means that the household does not have
14 an adult that speaks English very well according to
15 the United States Census Bureau.

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

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

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

3 “(B) at least 40 percent of the residents
4 identify as minority or as members of a Tribal
5 and Indigenous community; or

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

8 “(5) TRIBAL AND INDIGENOUS COMMUNITY.—
9 The term ‘Tribal and Indigenous community’ means
10 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; or

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

17 (b) DECLARATION OF NATIONAL ENVIRONMENTAL
18 POLICY.—Section 101(a) of the National Environmental
19 Policy Act of 1969 (42 U.S.C. 4331(a)) is amended—

20 (1) by striking “man’s” and inserting
21 “human”; and

22 (2) by striking “man” each place it appears and
23 inserting “humankind”.

1 (c) ENVIRONMENTAL ANALYSES REQUIREMENTS.—
2 Section 102 of the National Environmental Policy Act of
3 1969 (42 U.S.C. 4332) is amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “The Congress authorizes and directs that,
6 to the fullest extent possible:” and inserting “Con-
7 gress authorizes and directs that, notwithstanding
8 any other provision of law and to the fullest extent
9 possible:”;

10 (2) in paragraph (2)—

11 (A) in subparagraph (A)—

12 (i) by striking “insure” and inserting
13 “ensure”; and

14 (ii) by striking “man’s” and inserting
15 “the human”;

16 (B) in subparagraph (B), by striking “in-
17 sure” and inserting “ensure”; and

18 (C) in subparagraph (C)—

19 (i) by striking clause (iii) and insert-
20 ing the following:

21 “(iii) a reasonable range of alternatives
22 that—

23 “(I) are technically feasible,

24 “(II) are economically feasible, and

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

16 (ii) in clause (iv), by striking “man’s”
17 and inserting “the human”;

18 (3) in subparagraph (E), by inserting “that are
19 consistent with subparagraph (C)(3)” after “de-
20 scribe appropriate alternatives”; and

21 (4) in subparagraph (F), by striking “man-
22 kind’s” and inserting “humankind’s”.

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

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

1 Department of Energy, the Environmental Protection
2 Agency, the Department of the Interior, and the National
3 Oceanic and Atmospheric Administration shall complete
4 an environmental justice training program to ensure that
5 each such employee—

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

8 (2) is capable of—

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

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

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

23 (c) REQUIREMENT RELATING TO CERTAIN EMPLOY-
24 EES.—

1 (1) IN GENERAL.—With respect to each Fed-
2 eral agency that participates in the Working Group,
3 not later than 30 days after the date on which an
4 individual is appointed to the position of environ-
5 mental justice coordinator, Environmental Justice
6 Ombuds, or any other position the responsibility of
7 which involves the conducting of environmental jus-
8 tice activities, the individual shall be required to pos-
9 sess documentation of the completion by the indi-
10 vidual of environmental justice training.

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

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

1 each employee has received environmental justice
2 training.

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

4 (a) ENVIRONMENTAL JUSTICE COMMUNITY GRANT
5 PROGRAM.—

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

10 (A) building capacity to address issues re-
11 lating to environmental justice; and

12 (B) carrying out any activity described in
13 paragraph (4).

14 (2) ELIGIBILITY.—To be eligible to receive a
15 grant under paragraph (1), an eligible entity shall be
16 a nonprofit, community-based organization that con-
17 ducts activities, including providing medical and pre-
18 ventive health services, to reduce the dispropor-
19 tionate health impacts of environmental pollution in
20 the environmental justice community at which the
21 eligible entity proposes to conduct an activity that is
22 the subject of the application described in paragraph
23 (3).

24 (3) APPLICATION.—To be eligible to receive a
25 grant under paragraph (1), an eligible entity shall

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

4 (A) an outline describing the means by
5 which the project proposed by the eligible entity
6 will—

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

12 (ii) improve the ability of the environ-
13 mental justice community to address each
14 issue described in clause (i);

15 (iii) facilitate collaboration and co-
16 operation among various stakeholders (in-
17 cluding members of the environmental jus-
18 tice community); and

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

1 (B) a proposed budget for each activity of
2 the project that is the subject of the applica-
3 tion;

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

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

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

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

1 of the environmental justice community, including
2 activities—

3 (A) to create or develop collaborative part-
4 nerships;

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

7 (C) to identify and implement projects to
8 address environmental or public health con-
9 cerns; or

10 (D) to develop a comprehensive under-
11 standing of environmental or public health
12 issues.

13 (5) REPORT.—

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

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

7 (6) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to carry out
9 this subsection \$25,000,000 for each of fiscal years
10 2024 through 2028.

11 (b) STATE GRANT PROGRAM.—

12 (1) ESTABLISHMENT.—The Administrator shall
13 establish a program under which the Administrator
14 shall provide grants to States to enable the States—

15 (A) to establish culturally and linguistically
16 appropriate protocols, activities, and mecha-
17 nisms for addressing issues relating to environ-
18 mental justice; and

19 (B) to carry out culturally and linguis-
20 tically appropriate activities to reduce or elimi-
21 nate disproportionately adverse human health
22 or environmental effects on environmental jus-
23 tice communities in the State, including reduc-
24 ing economic vulnerabilities that result in the

1 environmental justice communities being dis-
2 proportionately affected.

3 (2) ELIGIBILITY.—

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

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

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

21 (B) ABILITY TO CONTINUE PROGRAM.—To
22 be eligible to receive a grant under paragraph
23 (1), a State shall demonstrate to the Adminis-
24 trator that the State has the ability to continue
25 each program that is the subject of funds pro-

1 vided through a grant under paragraph (1)
2 after receipt of the funds.

3 (3) REPORT.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this Act, and an-
6 nually thereafter, the Administrator shall sub-
7 mit to the Committees on Environment and
8 Public Works and Energy and Natural Re-
9 sources of the Senate and the Committees on
10 Energy and Commerce and Natural Resources
11 of the House of Representatives a report de-
12 scribing—

13 (i) the implementation of the grant
14 program established under paragraph (1);

15 (ii) the impact of the grant program
16 on improving the ability of each partici-
17 pating State to address environmental jus-
18 tice issues; and

19 (iii) the activities carried out by each
20 State to reduce or eliminate disproportion-
21 ately adverse human health or environ-
22 mental effects on environmental justice
23 communities in the State.

24 (B) PUBLIC AVAILABILITY.—The Adminis-
25 trator shall make each report required under

1 subparagraph (A) available to the public (in-
2 cluding by posting a copy of the report on the
3 website of the Environmental Protection Agen-
4 cy).

5 (4) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to carry out
7 this subsection \$15,000,000 for each of fiscal years
8 2024 through 2028.

9 (c) TRIBAL GRANT PROGRAM.—

10 (1) ESTABLISHMENT.—The Administrator shall
11 establish a program under which the Administrator
12 shall provide grants to Indian Tribes—

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

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

1 (2) ELIGIBILITY.—

2 (A) APPLICATION.—To be eligible to re-
3 ceive a grant under paragraph (1), an Indian
4 Tribe shall submit to the Administrator an ap-
5 plication at such time, in such manner, and
6 containing such information as the Adminis-
7 trator may require, including—

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

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

20 (B) ABILITY TO CONTINUE PROGRAM.—To
21 be eligible to receive a grant under paragraph
22 (1), an Indian Tribe shall demonstrate to the
23 Administrator that the Indian Tribe has the
24 ability to continue each program that is the

1 subject of funds provided through a grant
2 under paragraph (1) after receipt of the funds.

3 (3) REPORT.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this Act, and an-
6 nually thereafter, the Administrator shall sub-
7 mit to the Committees on Environment and
8 Public Works and Energy and Natural Re-
9 sources of the Senate and the Committees on
10 Energy and Commerce and Natural Resources
11 of the House of Representatives a report de-
12 scribing—

13 (i) the implementation of the grant
14 program established under paragraph (1);

15 (ii) the impact of the grant program
16 on improving the ability of each partici-
17 pating Indian Tribe to address environ-
18 mental justice issues; and

19 (iii) the activities carried out by each
20 Indian Tribe to reduce or eliminate dis-
21 proportionately adverse human health or
22 environmental effects on applicable envi-
23 ronmental justice communities in Tribal
24 and Indigenous communities.

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

7 (4) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to carry out
9 this subsection \$25,000,000 for each of fiscal years
10 2024 through 2028.

11 (d) COMMUNITY-BASED PARTICIPATORY RESEARCH
12 GRANT PROGRAM.—

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

19 (A) to address issues relating to environ-
20 mental justice;

21 (B) to improve the environment of resi-
22 dents and workers in environmental justice
23 communities; and

1 (C) to improve the health outcomes of resi-
2 dents and workers in environmental justice
3 communities.

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

7 (A) an accredited institution of higher edu-
8 cation; and

9 (B) a community-based organization.

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

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

22 (B) a description of—

23 (i) the project proposed by the eligible
24 entity; and

1 (ii) the ways by which the project
2 will—

3 (I) address issues relating to en-
4 vironmental justice;

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

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

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

21 (5) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to carry out
23 this subsection \$10,000,000 for each of fiscal years
24 2024 through 2028.

1 **SEC. 18. ENVIRONMENTAL JUSTICE BASIC TRAINING PRO-**
2 **GRAM.**

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

11 (1) training and education relating to—

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

15 (B) methods to assess the risks to human
16 health presented by hazardous substances;

17 (C) methods and technologies to detect
18 hazardous substances in the environment;

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

22 (E) the rights and safeguards currently af-
23 farded to individuals through policies and laws
24 intended to help environmental justice commu-
25 nities address disparate impacts and discrimi-
26 nation, including—

- 1 (i) environmental laws; and
- 2 (ii) section 602 of the Civil Rights Act
- 3 of 1964 (42 U.S.C. 2000d-1);
- 4 (F) public engagement opportunities
- 5 through the policies and laws described in sub-
- 6 paragraph (E);
- 7 (G) materials available on the Clearing-
- 8 house;
- 9 (H) methods to expand access to parks
- 10 and other natural and recreational amenities;
- 11 and
- 12 (I) finding and applying for Federal grants
- 13 related to environmental justice; and
- 14 (2) short courses and continuation education
- 15 programs for residents of communities who are lo-
- 16 cated in close proximity to hazardous substances to
- 17 provide—
- 18 (A) education relating to—
- 19 (i) the proper manner to handle haz-
- 20 ardous substances;
- 21 (ii) the management of facilities at
- 22 which hazardous substances are located
- 23 (including facility compliance protocols);
- 24 and

1 (iii) the evaluation of the hazards that
2 facilities described in clause (ii) pose to
3 human health; and

4 (B) training on environmental and occupa-
5 tional health and safety with respect to the pub-
6 lic health and engineering aspects of hazardous
7 waste control.

8 (b) GRANT PROGRAM.—

9 (1) ESTABLISHMENT.—In carrying out the
10 basic training program established under subsection
11 (a), the Administrator may provide grants to, or
12 enter into any contract or cooperative agreement
13 with, an eligible entity to carry out any training or
14 educational activity described in subsection (a).

15 (2) ELIGIBLE ENTITY.—To be eligible to receive
16 assistance under paragraph (1), an eligible entity
17 shall be an accredited institution of education in
18 partnership with—

19 (A) a community-based organization that
20 carries out activities relating to environmental
21 justice;

22 (B) a generator of hazardous waste;

23 (C) any individual who is involved in the
24 detection, assessment, evaluation, or treatment
25 of hazardous waste;

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

3 (E) any State government, Indian Tribe,
4 or local government.

5 (c) PLAN.—

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

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

14 (A) a list that describes the relative pri-
15 ority of each activity described in subsection
16 (a); and

17 (B) a description of research and training
18 relevant to environmental justice issues of com-
19 munities adversely affected by pollution.

20 (3) COORDINATION WITH FEDERAL AGEN-
21 CIES.—The Administrator shall, to the maximum ex-
22 tent practicable, take appropriate steps to coordinate
23 the activities of the basic training program described
24 in the plan with the activities of other Federal agen-
25 cies to avoid any duplication of effort.

1 (d) REPORT.—

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

10 (A) the implementation of the basic train-
11 ing program established under subsection (a);
12 and

13 (B) the impact of the basic training pro-
14 gram on improving training opportunities for
15 residents of environmental justice communities.

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

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$10,000,000 for each of fiscal years 2024 through 2028.

1 **SEC. 19. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY**
2 **COUNCIL.**

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

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

11 (1) representatives of—

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

16 (B) State governments, Indian Tribes, and
17 local governments;

18 (C) Tribal organizations and other Tribal
19 and Indigenous communities;

20 (D) nongovernmental and environmental
21 organizations; and

22 (E) private sector organizations (including
23 representatives of industries and businesses);
24 and

25 (2) experts in the field of—

26 (A) socioeconomic analysis;

- 1 (B) health and environmental effects;
2 (C) exposure evaluation;
3 (D) environmental law and civil rights law;
4 or
5 (E) environmental health science research.

6 (c) SUBCOMMITTEES; WORKGROUPS.—

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

11 (2) REPORT.—Upon the request of the Advisory
12 Council, each subcommittee or workgroup estab-
13 lished by the Advisory Council under paragraph (1)
14 shall submit to the Advisory Council a report that
15 contains—

16 (A) a description of each recommendation
17 of the subcommittee or workgroup; and

18 (B) any advice requested by the Advisory
19 Council with respect to any duty of the Advi-
20 sory Council.

21 (d) DUTIES.—The Advisory Council shall provide
22 independent advice and recommendations to the Environ-
23 mental Protection Agency with respect to issues relating
24 to environmental justice, including advice—

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

6 (2) to improve participation, cooperation, and
7 communication with respect to such issues—

8 (A) within the Environmental Protection
9 Agency;

10 (B) between the Environmental Protection
11 Agency and other entities; and

12 (C) between, and among, the Environ-
13 mental Protection Agency and Federal agencies,
14 State and local governments, Indian Tribes, en-
15 vironmental justice leaders, interest groups, and
16 the public;

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

22 (4) on issues relating to—

23 (A) the developmental framework of the
24 Environmental Protection Agency with respect
25 to the integration by the Environmental Protec-

1 tion Agency of socioeconomic programs into the
2 strategic planning, annual planning, and man-
3 agement accountability of the Environmental
4 Protection Agency to achieve environmental jus-
5 tice results throughout the Environmental Pro-
6 tection Agency;

7 (B) the measurement and evaluation of the
8 progress, quality, and adequacy of the Environ-
9 mental Protection Agency in planning, devel-
10 oping, and implementing environmental justice
11 strategies, projects, and programs;

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

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

21 (E) education, training, and other outreach
22 activities conducted by the Environmental Pro-
23 tection Agency relating to environmental jus-
24 tice.

25 (e) MEETINGS.—

1 (1) FREQUENCY.—

2 (A) IN GENERAL.—Subject to subpara-
3 graph (B), the Advisory Council shall meet bi-
4 annually.

5 (B) AUTHORITY OF ADMINISTRATOR.—The
6 Administrator may require the Advisory Council
7 to conduct additional meetings if the Adminis-
8 trator determines that the conduct of any addi-
9 tional meetings is necessary.

10 (2) PUBLIC PARTICIPATION.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (B), each meeting of the Advisory Coun-
13 cil shall be open to the public to provide the
14 public an opportunity—

15 (i) to submit comments to the Advi-
16 sory Council; and

17 (ii) to appear before the Advisory
18 Council.

19 (B) AUTHORITY OF ADMINISTRATOR.—The
20 Administrator may close any meeting, or por-
21 tion of any meeting, of the Advisory Council to
22 the public.

23 (f) FACA APPLICABILITY.—Chapter 10 of title 5,
24 United States Code, shall apply to the Advisory Council.

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

8 **SEC. 20. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.**

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

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

16 (1) information describing the activities con-
17 ducted by the Environmental Protection Agency to
18 address issues relating to environmental justice;

19 (2) copies of training materials provided by the
20 Administrator to help individuals and employees un-
21 derstand and carry out environmental justice activi-
22 ties;

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

1 (4) a directory of individuals who possess tech-
2 nical expertise in issues relating to environmental
3 justice;

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

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

19 (c) CONSULTATION.—In developing the Clearing-
20 house, the Administrator shall consult with individuals
21 representing academic and community-based organiza-
22 tions who have expertise in issues relating to environ-
23 mental justice.

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

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

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

7 **SEC. 21. PUBLIC MEETINGS.**

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

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

22 (c) **NOTICE.**—Notice for the meetings described in
23 subsections (a) and (b) shall be provided—

- 1 (1) to applicable representative entities or orga-
2 nizations present in the environmental justice com-
3 munity, including—
- 4 (A) local religious organizations;
 - 5 (B) civic associations and organizations;
 - 6 (C) business associations of people of color;
 - 7 (D) environmental and environmental jus-
8 tice organizations;
 - 9 (E) homeowners', tenants', and neighbor-
10 hood watch groups;
 - 11 (F) local governments;
 - 12 (G) Indian Tribes, Tribal organizations,
13 and other Tribal and Indigenous communities;
 - 14 (H) rural cooperatives;
 - 15 (I) business and trade organizations;
 - 16 (J) community and social service organiza-
17 tions;
 - 18 (K) universities, colleges, and vocational
19 schools;
 - 20 (L) labor organizations;
 - 21 (M) civil rights organizations;
 - 22 (N) senior citizens' groups; and
 - 23 (O) public health agencies and clinics;
- 24 (2) through communication methods that are
25 accessible in the applicable environmental justice

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

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

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

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

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

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

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

5 **SEC. 22. ENVIRONMENTAL PROJECTS FOR ENVIRON-**
6 **MENTAL JUSTICE COMMUNITIES.**

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

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

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

17 **SEC. 23. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
18 **COASTAL ZONE OBJECTIVES.**

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

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

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

1 achievement of the objectives of the Indian Tribe for the
2 Tribal coastal zone of the Indian Tribe.

3 “(b) FEDERAL SHARE.—

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

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

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

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

20 “(c) COMPATIBILITY.—The Secretary may not award
21 a grant under this section unless the Secretary determines
22 that the activities to be carried out with the grant are
23 compatible with this title.

24 “(d) AUTHORIZED OBJECTIVES AND PURPOSES.—An
25 Indian Tribe that receives a grant under this section shall

1 use the grant funds for 1 or more of the objectives and
2 purposes authorized under subsections (b) and (c), respec-
3 tively, of section 306A.

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 \$5,000,000 for each of fiscal years 2024 through 2028,
7 of which not more than 3 percent shall be used for admin-
8 istrative costs to carry out this section.

9 “(f) DEFINITIONS.—In this section:

10 “(1) INDIAN LAND.—The term ‘Indian land’
11 has the meaning given the term in section 2601 of
12 the Energy Policy Act of 1992 (25 U.S.C. 3501).

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

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

20 “(4) TRIBAL COASTAL ZONE OBJECTIVE.—The
21 term ‘Tribal coastal zone objective’, with respect to
22 an Indian Tribe, means any of the following objec-
23 tives:

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

4 “(i) hold important ecological, cul-
5 tural, or sacred significance for the Indian
6 Tribe; or

7 “(ii) reflect traditional, historical, and
8 aesthetic values essential to the Indian
9 Tribe.

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

13 “(C) Any coastal or shoreline stabilization
14 measure, including any mitigation measure, for
15 the purpose of public safety, public access, or
16 cultural or historical preservation.”.

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

23 (c) USE OF STATE GRANTS TO FULFILL TRIBAL OB-
24 JECTIVES.—Section 306A(c)(2) of the Coastal Zone Man-

1 agement Act of 1972 (16 U.S.C. 1455a(c)(2)) is amend-
2 ed—

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

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

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

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

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

17 **SEC. 24. COSMETIC LABELING.**

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

21 **“SEC. 604. LABELING.**

22 “(a) COSMETIC PRODUCTS FOR PROFESSIONAL
23 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. 25. 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 and 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 nonprofit research institution, or a nonprofit
10 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 2024
2 through 2028.

3 **SEC. 26. 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 nonprofit 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 child care 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 2024
9 through 2028.

10 **SEC. 27. 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 “(gg) 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. 28. 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. 2851 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 and 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 nonprofit research institution, or a nonprofit
25 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 submit to the
7 Committee on Health, Education, Labor, and Pensions of
8 the Senate and the Committee on Energy and Commerce
9 of the House of Representatives, and make publicly avail-
10 able, a report on the results of the investigations funded
11 under 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 cosmetics containing
18 such ingredients for personal and professional
19 use; and

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

23 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
24 carry out this section, there are authorized to be appro-

1 priated such sums as may be necessary for fiscal years
2 2024 through 2028.”.

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

4 (a) DEFINITIONS.—In this section:

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

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

12 (b) MINERAL LEASING REVENUE.—

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

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

20 (A) in subsection (b)—

21 (i) in paragraph (1)(A)—

22 (I) in the fourth sentence, by
23 striking “shall be held” and all that
24 follows through “are necessary” and

1 inserting “may be held in each State
2 not more than once each year”; and

3 (II) in the fifth sentence, by
4 striking “12.5 percent” and inserting
5 “18.75 percent”; and

6 (ii) in paragraph (2)(A)(ii), by strik-
7 ing “12½ per centum” and inserting
8 “18.75 percent”;

9 (B) in subsection (c)(1), in the second sen-
10 tence, by striking “12.5 percent” and inserting
11 “18.75 percent”;

12 (C) in subsection (l), by striking “12½ per
13 centum” each place it appears and inserting
14 “18.75 percent”; and

15 (D) in subsection (n)(1)(C), by striking
16 “12½ per centum” and inserting “18.75 per-
17 cent”.

18 (3) REINSTATEMENT OF LEASES.—Section
19 31(e)(3) of the Mineral Leasing Act (30 U.S.C.
20 188(e)(3)) is amended by striking “16⅔” each place
21 it appears and inserting “25”.

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

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

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

5 “(e) DISTRIBUTION OF CERTAIN AMOUNTS.—Not-
6 withstanding subsection (a), the amount of any increase
7 in revenues collected as a result of the amendments made
8 by subsection (b) of section 29 of the A. Donald McEachin
9 Environmental Justice For All Act shall be deposited and
10 distributed in accordance with subsection (d) of that sec-
11 tion.”.

12 (c) FEES FOR PRODUCING LEASES AND NONPRO-
13 DUCING LEASES.—

14 (1) CONSERVATION OF RESOURCES FEES.—

15 There is established a fee of \$4 per acre per year
16 on producing Federal onshore and offshore oil and
17 gas leases.

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

21 (d) DEPOSIT.—

22 (1) IN GENERAL.—All amounts collected under
23 paragraphs (1) and (2) of subsection (c) shall be de-
24 posited in the Federal Energy Transition Economic

1 Development Assistance Fund established by section
2 30(c).

3 (2) MINERAL LEASING REVENUE.—Notwith-
4 standing any other provision of law, of the amount
5 of any increase in revenue collected as a result of the
6 amendments made by subsection (b)—

7 (A) 50 percent shall be deposited in the
8 Federal Energy Transition Economic Develop-
9 ment Assistance Fund established by section
10 30(c); and

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

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

18 **SEC. 30. ECONOMIC REVITALIZATION FOR FOSSIL FUEL-DE-**
19 **PENDENT COMMUNITIES.**

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

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

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

4 (b) DEFINITIONS.—In this section:

5 (1) ADVISORY COMMITTEE.—The term “Advi-
6 sory Committee” means the Just Transition Advi-
7 sory Committee established by subsection (g)(1).

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

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

18 (4) FOSSIL FUEL-DEPENDENT COMMUNITY.—
19 The term “fossil fuel-dependent community” means
20 a community—

21 (A) that depends on fossil fuel mining, and
22 extraction, or refining for a significant amount
23 of economic opportunities; or

24 (B) in which a significant proportion of the
25 population is employed at electric generating

1 stations that use fossil fuels as the predominant
2 fuel supply.

3 (5) FOSSIL FUEL TRANSITION COMMUNITY.—

4 The term “fossil fuel transition community” means
5 a community—

6 (A) that has been adversely affected eco-
7 nomically by a recent reduction in fossil fuel
8 mining, extraction, or production-related activ-
9 ity, as demonstrated by employment data, per
10 capita income, or other indicators of economic
11 distress;

12 (B) that has historically relied on fossil
13 fuel mining, extraction, or production-related
14 activity for a substantial portion of its economy;
15 or

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

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

22 (7) PUBLIC LAND.—

23 (A) IN GENERAL.—The term “public land”
24 means any land and interest in land owned by
25 the United States within the several States and

1 administered by the Secretary or the Secretary
2 of Agriculture (acting through the Chief of the
3 Forest Service) without regard to how the
4 United States acquired ownership.

5 (B) INCLUSION.—The term “public land”
6 includes land located on the outer Continental
7 Shelf.

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

11 (8) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (c) ESTABLISHMENT OF FEDERAL ENERGY TRANSI-
14 TION ECONOMIC DEVELOPMENT ASSISTANCE FUND.—
15 There is established in the Treasury of the United States
16 a fund, to be known as the “Federal Energy Transition
17 Economic Development Assistance Fund”, which shall
18 consist of amounts deposited in the Fund under section
19 29(d).

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

22 (1) 35 percent shall be distributed by the Sec-
23 retary to States in which extraction of fossil fuels
24 occurs on public land, based on a formula reflecting
25 existing production and extraction in the State;

1 (2) 35 percent shall be distributed by the Sec-
2 retary to States based on a formula reflecting the
3 quantity of fossil fuels historically produced and ex-
4 tracted in the State on public land before the date
5 of enactment of this Act; and

6 (3) 30 percent shall be allocated to a competi-
7 tive grant program under subsection (f).

8 (e) USE OF FUNDS.—

9 (1) IN GENERAL.—Funds distributed by the
10 Secretary to States under paragraphs (1) and (2) of
11 subsection (d) may be used for—

12 (A) environmental remediation of land and
13 waters impacted by the full lifecycle of fossil
14 fuel extraction and mining;

15 (B) building partnerships to attract and
16 invest in the economic future of historically fos-
17 sil fuel-dependent communities;

18 (C) increasing capacity and other technical
19 assistance fostering long-term economic growth
20 and opportunity in historically fossil fuel-de-
21 pendent communities;

22 (D) guaranteeing pensions, healthcare, and
23 retirement security and providing a bridge of
24 wage support until a displaced worker either
25 finds new employment or reaches retirement;

1 (E) severance payments for displaced
2 workers;

3 (F) carbon sequestration projects in nat-
4 ural systems on public land; or

5 (G) expanding broadband access and
6 broadband infrastructure.

7 (2) PRIORITY TO FOSSIL FUEL WORKERS.—In
8 distributing funds under paragraph (1), the Sec-
9 retary shall give priority to assisting displaced work-
10 ers dislocated from fossil fuel mining and extraction
11 industries.

12 (f) COMPETITIVE GRANT PROGRAM.—

13 (1) IN GENERAL.—The Secretary shall establish
14 a competitive grant program to provide funds to eli-
15 gible entities for the purposes described in para-
16 graph (3).

17 (2) DEFINITION OF ELIGIBLE ENTITY.—In this
18 subsection, the term “eligible entity” means a local
19 government, a State government, an Indian Tribe, a
20 local development district (as defined in section
21 382E(a) of the Consolidated Farm and Rural Devel-
22 opment Act (7 U.S.C. 2009aa–4(a))), a nonprofit
23 organization, a labor union, an economic develop-
24 ment agency, or an institution of higher education
25 (including a community college).

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

4 (A) the purposes described in subsection
5 (e)(1);

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

8 (ii) programs designed to promote eco-
9 nomic development in communities affected by
10 a downturn in fossil fuel extraction and mining;

11 (C) developing projects that—

12 (i) diversify local and regional econo-
13 mies;

14 (ii) create jobs in new or existing non-
15 fossil fuel industries;

16 (iii) attract new sources of job-cre-
17 ating investment; or

18 (iv) provide a range of workforce serv-
19 ices and skills training;

20 (D) internship programs in a field related
21 to clean energy; and

22 (E) the development and support of—

23 (i) a clean energy certificate program
24 at a labor organization; or

1 (ii) a clean energy major or minor
2 program at an institution of higher edu-
3 cation (as defined in section 101 of the
4 Higher Education Act of 1965 (20 U.S.C.
5 1001)).

6 (g) JUST TRANSITION ADVISORY COMMITTEE.—

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

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

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

15 (A) advise, assist, and support the Sec-
16 retary in—

17 (i) the management and allocation of
18 funds available under subsection (d); and

19 (ii) the establishment and administra-
20 tion of the competitive grant program
21 under subsection (f); and

22 (B) develop procedures to ensure that
23 States and applicants eligible to participate in
24 the competitive grant program established
25 under subsection (f) are notified of the avail-

1 ability of Federal funds pursuant to this sec-
2 tion.

3 (4) MEMBERSHIP.—

4 (A) IN GENERAL.—The total number of
5 members of the Advisory Committee shall not
6 exceed 20 members.

7 (B) COMPOSITION.—The Advisory Com-
8 mittee shall be composed of the following mem-
9 bers appointed by the Chair:

10 (i) A representative of the Assistant
11 Secretary of Commerce for Economic De-
12 velopment.

13 (ii) A representative of the Secretary
14 of Labor.

15 (iii) A representative of the Under
16 Secretary for Rural Development.

17 (iv) 2 individuals with professional
18 economic development or workforce re-
19 training experience.

20 (v) An equal number of representa-
21 tives from each of the following:

22 (I) Labor unions.

23 (II) Nonprofit environmental or-
24 ganizations.

1 (III) Environmental justice orga-
2 nizations.

3 (IV) Fossil fuel transition com-
4 munities.

5 (V) Public interest groups.

6 (VI) Tribal and Indigenous com-
7 munities.

8 (5) TERMINATION.—The Advisory Committee
9 shall not terminate except by an Act of Congress.

10 (h) LIMIT ON USE OF FUNDS.—

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

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

18 (3) CALENDAR YEAR LIMITATION.—Not less
19 than 15 percent of the amounts in the Fund shall
20 be spent in each calendar year.

21 (i) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
22 TURED GOODS.—None of the funds appropriated or other-
23 wise made available by this section may be used for a
24 project for the construction, alteration, maintenance, or
25 repair of a public building or public work unless all of the

1 iron, steel, and manufactured goods used in the project
2 are produced in the United States, unless the manufac-
3 tured good is not produced in the United States.

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

12 **SEC. 31. EVALUATION BY COMPTROLLER GENERAL OF THE**
13 **UNITED STATES.**

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