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REPT. 117–687
Part 1

ENVIRONMENTAL JUSTICE FOR ALL ACT

DECEMBER 30, 2022.—Ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2021]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2021) to restore, reaffirm, and reconcile environmental justice and civil rights, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Environmental Justice For All Act".

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

39–006

SEC. 2. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Communities of color, low-income communities, Tribal and Indigenous communities, fossil fuel-dependent communities, and other vulnerable populations, such as persons with disabilities, children, and the elderly, are disproportionately burdened by environmental hazards that include exposure to polluted air, waterways, and landscapes.

(2) Environmental justice disparities are also exhibited through a lack of equitable access to green spaces, public recreation opportunities, and information and data on potential exposure to environmental hazards.

(3) Communities experiencing environmental injustice have been subjected to systemic racial, social, and economic injustices and face a disproportionate burden of adverse human health or environmental effects, a higher risk of intentional, unconscious, and structural discrimination, and disproportionate energy burdens.

(4) Environmental justice communities have been made more vulnerable to the effects of climate change due to a combination of factors, particularly the legacy of segregation and historically racist zoning codes, and often have the least resources to respond, making it a necessity for environmental justice communities to be meaningfully engaged as partners and stakeholders in government decision making as the United States builds its climate resilience.

(5) Potential environmental and climate threats to environmental justice communities merit a higher level of engagement, review, and consent to ensure that communities are not forced to bear disproportionate environmental and health impacts.

(6) The burden of proof that a proposed action will not harm communities, including through cumulative exposure effects, should fall on polluting industries and on the Federal Government in its regulatory role, not the communities themselves.

(7) Executive Order 12898 (42 U.S.C. 4321 note; relating to Federal actions to address environmental justice in minority populations and low-income populations) directs Federal agencies to address disproportionately high and adverse human health or environmental effects of its programs, but Federal agencies have been inconsistent in updating their strategic plans for environmental justice and reporting on their progress in enacting those plans.

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

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

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

(11) It is the responsibility of the Federal Government to seek to achieve environmental justice, health equity, and climate justice for all communities.

(b) STATEMENT OF POLICY.—It is the policy of Congress that each Federal agency should—

(1) seek to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately adverse human health or environmental effects of its programs, policies, practices, and activities on communities of color, low-income communities, and Tribal and Indigenous communities in each State and territory of the United States;

(2) promote meaningful involvement by communities and due process in the development, implementation, and enforcement of environmental laws;

(3) provide direct guidance and technical assistance to communities experiencing environmental injustice focused on increasing shared understanding of

the science, laws, regulations, and policy related to Federal agency action on environmental justice issues;

(4) cooperate with State governments, Indian Tribes, and local governments to address pollution and public health burdens in communities experiencing environmental injustice, and build healthy, sustainable, and resilient communities; and

(5) recognize the right of all people to clean air, safe and affordable drinking water, protection from climate hazards, and the sustainable preservation of the ecological integrity and aesthetic, scientific, cultural, and historical values of the natural environment.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ADVISORY COUNCIL.—The term "Advisory Council" means the National Environmental Justice Advisory Council established by the President under section 19.

(3) CLEARINGHOUSE.—The term "Clearinghouse" means the Environmental Justice Clearinghouse established by the Administrator under section 20.

(4) COMMUNITY OF COLOR.—The term "community of color" means a geographically distinct area in which the population of any of the following categories of individuals is higher than the average population of that category for the State in which the community is located:

(A) Black.
(B) African American.
(C) Asian.
(D) Pacific Islander.
(E) Other non-White race.
(F) Hispanic.
(G) Latino.
(H) Linguistically isolated.
(I) Middle Eastern and North African.

(5) DIRECTOR.—The term "Director" means the Director of the National Institute of Environmental Health Sciences.

(6) DISPARATE IMPACT.—The term "disparate impact" means an action or practice that, even if appearing neutral, actually has the effect of subjecting persons to discrimination on the basis of race, color, or national origin.

(7) DISPROPORTIONATE BURDEN OF ADVERSE HUMAN HEALTH OR ENVIRONMENTAL EFFECTS.—The term "disproportionate burden of adverse human health or environmental effects" means a situation where there exists higher or more adverse human health or environmental effects on communities of color, low-income communities, and Tribal and Indigenous communities.

(8) ENVIRONMENTAL JUSTICE.—The term "environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, culture, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies to ensure that each person enjoys—

(A) the same degree of protection from environmental and health hazards; and

(B) equal access and involvement with respect to any Federal agency action on environmental justice issues in order to have a healthy environment in which to live, learn, work, and recreate.

(9) ENVIRONMENTAL JUSTICE COMMUNITY.—The term "environmental justice community" means a community with significant representation of communities of color, low-income communities, or Tribal and Indigenous communities, that experiences, or is at risk of experiencing higher or more adverse human health or environmental effects.

(10) ENVIRONMENTAL LAW.—The term "environmental law" includes—

(A) the Clean Air Act (42 U.S.C. 7401 et seq.);
(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
(C) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.);
(D) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(E) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.);
(F) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);
(G) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);
(H) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

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

(J) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.); and

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

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

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

(13) LOCAL GOVERNMENT.—The term "local government" means—

(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate governmental entity, or agency or instrumentality of a local government; or

(B) an Indian Tribe or authorized Tribal organization, or Alaska Native village or organization.

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

(A) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development; and

(B) 200 percent of the Federal poverty line.

(15) POPULATION.—The term "population" means a census block group or series of geographically contiguous blocks representing certain common characteristics, such as race, ethnicity, national origin, income-level, health disparities, or other public health and socioeconomic attributes.

(16) STATE.—The term "State" means—

(A) any State of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) the United States Virgin Islands;

(E) Guam;

(F) American Samoa; and

(G) the Commonwealth of the Northern Mariana Islands.

(17) TRIBAL AND INDIGENOUS COMMUNITY.—The term "Tribal and Indigenous community" means a population of people who are members of—

(A) a federally recognized Indian Tribe;

(B) a State-recognized Indian Tribe;

(C) an Alaska Native community or organization;

(D) a Native Hawaiian community or organization; or

(E) any other Indigenous community located in a State.

(18) WHITE HOUSE INTERAGENCY COUNCIL.—The term "White House interagency council" means the White House Environmental Justice Interagency Council described in section 8.

(19) TRIBAL ORGANIZATIONS.—The term "Tribal Organizations" means organizations that are—

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

(B) Native Hawaiian Organizations or Native Hawaiian Non-Profit Organizations as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001); or

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

SEC. 4. PROHIBITED DISCRIMINATION.

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

(1) by striking "No" and inserting "(a) No"; and

(2) by adding at the end the following:

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

"(i) an entity subject to this title (referred to in this subsection as a 'covered entity') has a program, policy, practice, or activity that causes a disparate impact on the basis of race, color, or national origin and the covered entity fails to demonstrate that the challenged program, policy, practice, or activity is related to and necessary to achieve the nondiscriminatory goal of the program, policy, practice, or activity alleged to have been operated in a discriminatory manner; or

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

"(B) With respect to demonstrating that a particular program, policy, practice, or activity does not cause a disparate impact, the covered entity shall demonstrate that each particular challenged program, policy, practice, or activity does not cause a disparate impact, except that if the covered entity demonstrates to the courts that the elements of the covered entity's decision-making process are not capable of separation for analysis, the decision-making process may be analyzed as 1 program, policy, practice, or activity.

"(2) A demonstration that a program, policy, practice, or activity is necessary to achieve the goals of a program, policy, practice, or activity may not be used as a defense against a claim of intentional discrimination under this title.

"(3) In this subsection—

"(A) the term 'demonstrates' means to meet the burdens of going forward with the evidence and of persuasion; and

"(B) the term 'disparate impact' has the meaning given the term in section 3 of the Environmental Justice For All Act.

"(c) No person in the United States shall be subjected to discrimination, including retaliation or intimidation, because such person opposed any program, policy, practice, or activity prohibited by this title, or because such person made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.".

SEC. 5. RIGHT OF ACTION.

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

(1) by inserting "(a)" before "Each Federal department and agency which is empowered"; and

(2) by adding at the end the following:

"(b) Any person aggrieved by the failure to comply with this title, including any regulation promulgated pursuant to this title, may file suit in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy and without regard to the citizenship of the parties.".

(b) EFFECTIVE DATE.—

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

(2) APPLICATION.—This section, including the amendments made by this section, applies to all actions or proceedings pending on or after the date of enactment of this Act.

SEC. 6. RIGHTS OF RECOVERY.

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

"SEC. 602A. ACTIONS BROUGHT BY AGGRIEVED PERSONS.

"(a) CLAIMS BASED ON PROOF OF INTENTIONAL DISCRIMINATION.—In an action brought by an aggrieved person under this title against an entity subject to this title (referred to in this section as a 'covered entity') who has engaged in unlawful intentional discrimination (not a practice that is unlawful because of its disparate impact) prohibited under this title (including its implementing regulations), the aggrieved person may recover equitable and legal relief (including compensatory and punitive damages), attorney's fees (including expert fees), and costs of the action, except that punitive damages are not available against a government, government agency, or political subdivision.

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

"(c) DEFINITIONS.—In this section:

"(1) AGGRIEVED PERSON.—The term 'aggrieved person' means a person aggrieved by discrimination on the basis of race, color, or national origin.

"(2) DISPARATE IMPACT.—The term 'disparate impact' has the meaning given the term in section 3 of the Environmental Justice For All Act.".

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

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

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

"SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

"(a) PERMITS ISSUED BY ADMINISTRATOR.—

"(1) IN GENERAL.—Except as";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "upon condition that such discharge will meet either (A) all" and inserting the following: "subject to the conditions that—

"(A) the discharge will achieve compliance with, as applicable—

"(i) all";

(ii) by striking "403 of this Act, or (B) prior" and inserting the following: "403; or

"(ii) prior"; and

(iii) by striking "this Act." and inserting the following: "this Act; and

"(B) with respect to the issuance or renewal of the permit—

"(i) based on an analysis by the Administrator of existing water quality and the potential cumulative impacts (as defined in section 501 of the Clean Air Act (42 U.S.C. 7661)) of the discharge, considered in conjunction with the designated and actual uses of the impacted navigable water, there exists a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation; or

"(ii) if the Administrator determines that, due to those potential cumulative impacts, there does not exist a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation, the permit or renewal includes such terms and conditions as the Administrator determines to be necessary to ensure a reasonable certainty of no harm."; and

(B) in paragraph (2), by striking "assure compliance with the requirements of paragraph (1) of this subsection, including conditions on data and information collection, reporting, and such other requirements as he deems appropriate." and inserting the following: "ensure compliance with the requirements of paragraph (1), including—

"(A) conditions relating to—

"(i) data and information collection;

"(ii) reporting; and

"(iii) such other requirements as the Administrator determines to be appropriate; and

"(B) additional controls or pollution prevention requirements."; and

(3) in subsection (b)—

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

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

(C) by adding at the end the following:

"(10) To ensure that no permit will be issued or renewed if, with respect to an application for the permit, the State determines, based on an analysis by the State of existing water quality and the potential cumulative impacts (as defined in section 501 of the Clean Air Act (42 U.S.C. 7661)) of the discharge, considered in conjunction with the designated and actual uses of the impacted navigable water, that the terms and conditions of the permit or renewal would not be sufficient to ensure a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation.".

(b) CLEAN AIR ACT.—

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

(A) in the matter preceding paragraph (1), by striking "As used in this title—" and inserting "In this title:";

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (5), and (4), respectively, and moving the paragraphs so as to appear in numerical order; and

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

"(2) CUMULATIVE IMPACTS.—The term 'cumulative impacts' means any exposure to a public health or environmental risk, or other effect occurring in a specific geographical area, including from an emission, discharge, or release—

"(A) including—

"(i) environmental pollution released—

"(I)(aa) routinely;

"(bb) accidentally; or

"(cc) otherwise; and

"(II) from any source, whether single or multiple; and

"(ii) as assessed based on the combined past, present, and reasonably foreseeable emissions and discharges affecting the geographical area; and

"(B) evaluated taking into account sensitive populations and other factors that may heighten vulnerability to environmental pollution and associated health risks, including socioeconomic characteristics.".

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

(A) in paragraph (5)—

(i) in subparagraphs (A) and (C), by striking "assure" each place it appears and inserting "ensure"; and

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

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

"(i) with respect to an application for a permit or renewal of a permit for a major source, the permitting authority determines under paragraph (9)(A)(i)(II)(bb) that the terms and conditions of the permit or renewal would not be sufficient to ensure a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation, of the applicable census block groups or Tribal census block groups (as those terms are defined by the Director of the Bureau of the Census); or

"(ii) the Administrator objects to the issuance of the permit in a timely manner under this title."; and

(B) by striking paragraph (9) and inserting the following:

"(9) MAJOR SOURCES.—

"(A) IN GENERAL.—With respect to any permit or renewal of a permit, as applicable, for a major source, a requirement that the permitting authority shall—

"(i) in determining whether to issue or renew the permit—

"(I) evaluate the potential cumulative impacts of the major source, as described in the applicable cumulative impacts analysis submitted under section 503(b)(3), taking into consideration other pollution sources and risk factors within a community;

"(II) if, due to those potential cumulative impacts, the permitting authority cannot determine that there exists a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation, of any census block groups or Tribal census block groups (as those terms are defined by the Director of the Bureau of the Census) located in, or immediately adjacent to, the area in which the major source is, or is proposed to be, located—

"(aa) include in the permit or renewal such standards and requirements (including additional controls or pollution prevention requirements) as the permitting authority determines to be necessary to ensure a reasonable certainty of no such harm; or

"(bb) if the permitting authority determines that standards and requirements described in item (aa) would not be sufficient to ensure a reasonable certainty of no such harm, deny the issuance or renewal of the permit;

"(III) determine whether the applicant is a persistent violator, based on such criteria relating to the history of compliance by an applicant with this Act as the Administrator shall establish by not later than 180 days after the date of enactment of the Environmental Justice for All Act;

"(IV) if the permitting authority determines under subclause (III) that the applicant is a persistent violator and the permitting authority does not deny the issuance or renewal of the permit pursuant to subclause (II)(bb)—

"(aa) require the applicant to submit a plan that describes—

"(AA) if the applicant is not in compliance with this Act, measures the applicant will carry out to achieve that compliance, together with an approximate deadline for that achievement;

"(BB) measures the applicant will carry out, or has carried out to ensure the applicant will remain in compliance with this Act, and to mitigate the environmental and health effects of noncompliance; and

"(CC) the measures the applicant has carried out in preparing the plan to consult or negotiate with the communities affected by each persistent violation addressed in the plan; and

"(bb) once such a plan is submitted, determine whether the plan is adequate to ensuring that the applicant—

"(AA) will achieve compliance with this Act expeditiously;

"(BB) will remain in compliance with this Act;

"(CC) will mitigate the environmental and health effects of noncompliance; and

"(DD) has solicited and responded to community input regarding the plan; and

"(V) deny the issuance or renewal of the permit if the permitting authority determines that—

"(aa) the plan submitted under subclause (IV)(aa) is inadequate; or

"(bb)(AA) the applicant has submitted a plan on a prior occasion, but continues to be a persistent violator; and

"(BB) no indication exists of extremely exigent circumstances excusing the persistent violations; and

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

"(B) REVISION REQUIREMENTS.—

"(i) DEADLINE.—A revision described in subparagraph (A)(ii) shall occur as expeditiously as practicable and consistent with the procedures established under paragraph (6) but not later than 18 months after the promulgation of such standards and regulations.

"(ii) EXCEPTION.—A revision under this paragraph shall not be required if the effective date of the standards or regulations is a date after the expiration of the permit term.

"(iii) TREATMENT AS RENEWAL.—A permit revision under this paragraph shall be treated as a permit renewal if it complies with the requirements of this title regarding renewals.".

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

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

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

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

"(C) the potential effects on soil quality and water quality of emissions of lead and other air pollutants that could contaminate soil or water from the major source, including in combination with existing sources of pollutants; and

"(D) public health and any potential effects on public health from the major source.".

SEC. 8. WHITE HOUSE ENVIRONMENTAL JUSTICE INTERAGENCY COUNCIL.

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

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

(1) to improve coordination and collaboration among Federal agencies and to help advise and assist Federal agencies in identifying and addressing, as appropriate, the disproportionate human health and environmental effects of Federal programs, policies, practices, and activities on communities of color, low-income communities, and Tribal and Indigenous communities;

(2) to promote meaningful involvement and due process in the development, implementation, and enforcement of environmental laws;

(3) to coordinate with, and provide direct guidance and technical assistance to, environmental justice communities, with a focus on capacity building and increasing community understanding of the science, regulations, and policy related to Federal agency actions on environmental justice issues;

(4) to address environmental health, pollution, and public health burdens in environmental justice communities, and build healthy, sustainable, and resilient communities; and

(5) to develop and update a strategy to address current and historical environmental injustice, in consultation with the National Environmental Justice Advisory Council and local environmental justice leaders, that includes—

(A) clear performance metrics to ensure accountability; and

(B) an annually published public performance scorecard on the implementation of the White House interagency council.

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

(1) The Secretary of Agriculture.
(2) The Secretary of Commerce.
(3) The Secretary of Defense.
(4) The Secretary of Education.
(5) The Secretary of Energy.
(6) The Secretary of Health and Human Services.
(7) The Secretary of Homeland Security.
(8) The Secretary of Housing and Urban Development.
(9) The Secretary of the Interior.
(10) The Attorney General.
(11) The Secretary of Labor.
(12) The Secretary of Transportation.
(13) The Administrator of the Environmental Protection Agency.
(14) The Director of the Office of Management and Budget.
(15) The Director of the Office of Science and Technology Policy.
(16) The Deputy Assistant to the President for Environmental Policy.
(17) The Assistant to the President for Domestic Policy.
(18) The Director of the National Economic Council.
(19) The Chairperson of the Council on Environmental Quality.
(20) The Chairperson of the Council of Economic Advisers.
(21) The Director of the National Institutes of Health.
(22) The Director of the Office of Environmental Justice.
(23) The Chairperson of the Consumer Product Safety Commission.
(24) The Chairperson of the Chemical Safety Board.
(25) The Director of the National Park Service.
(26) The Assistant Secretary of the Bureau of Indian Affairs.
(27) The Chairperson of the National Environmental Justice Advisory Council.
(28) The head of any other agency that the President may designate.

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

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

(f) UNIFORM CONSIDERATION GUIDANCE.—

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

(A) Health disparities.

(B) Environmental exposure disparities.

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

(D) Social stressors, including poverty, housing quality, access to health care, education, immigration status, linguistic isolation, historical trauma, and lack of community resources.

(E) Cumulative impacts or risks.

(F) Community vulnerability or susceptibility to adverse human health and environmental effects (including climate change).

(G) Barriers to meaningful involvement in the development, implementation, and enforcement of environmental laws.

(H) Community capacity to address environmental concerns, including the capacity to obtain equitable access to environmental amenities.

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

(3) DOCUMENTATION.—Not later than 90 days after the date of publication of the guidance document under paragraph (1), the head of each Federal agency participating in the White House interagency council shall document the ways in which the Federal agency will incorporate guidance from the document into the environmental justice strategy of the Federal agency developed and finalized under section 9(b).

(g) DEVELOPMENT OF INTERAGENCY FEDERAL ENVIRONMENTAL JUSTICE STRATEGY.—

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

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

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

(B) consult with the National Environmental Justice Advisory Council and local environmental justice leaders; and

(C) include in the interagency Federal environmental justice strategy clear performance metrics to ensure accountability.

(3) ANNUAL PERFORMANCE SCORECARD.—The White House interagency council shall annually publish a public performance scorecard on the implementation of the interagency Federal environmental justice strategy.

(h) SUBMISSION OF REPORT TO PRESIDENT.—

(1) IN GENERAL.—Not later than 180 days after updating the interagency Federal environmental justice strategy under subsection (g)(1), the White House interagency council shall submit to the President a report that contains—

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

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

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

(i) ADMINISTRATION.—

(1) OFFICE OF ADMINISTRATION.—The Office of Administration within the Executive Office of the President shall provide funding and administrative support for the White House interagency council, to the extent permitted by law and within existing appropriations.

(2) OTHER AGENCIES.—To the extent permitted by law, including section 1535 of title 31, United States Code (commonly known as the "Economy Act"), and subject to the availability of appropriations, the Secretary of Labor, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency shall provide administrative support for the White House interagency council, as necessary.

(j) MEETINGS AND STAFF.—

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

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

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

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

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

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

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

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

(l) ESTABLISHMENT OF SUBGROUPS.—At the direction of the Chairperson of the Council on Environmental Quality, the White House interagency council may establish 1 or more subgroups consisting exclusively of White House interagency council members or their designees under this section, as appropriate.

SEC. 9. FEDERAL AGENCY ACTIONS AND RESPONSIBILITIES.

(a) CONDUCT OF PROGRAMS.—Each Federal agency that participates in the White House interagency council shall conduct each program, policy, practice, and activity of the Federal agency that adversely affects, or has the potential to adversely affect, human health or the environment in a manner that ensures that each such program, policy, practice, or activity does not have an effect of excluding any individual from participating in, denying any individual the benefits of, or subjecting any individual to discrimination or disparate impact under, such program, policy, practice, or activity of the Federal agency on the basis of the race, color, national origin, or income level of the individual.

(b) FEDERAL AGENCY ENVIRONMENTAL JUSTICE STRATEGIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and after notice and opportunity for public comment, each Federal agency that participates in the White House interagency council shall develop and finalize an agencywide environmental justice strategy that—

(A) identifies staff to support implementation of the Federal agency's environmental justice strategy;

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

(i) communities of color;

(ii) low-income communities; and

(iii) Tribal and Indigenous communities; and

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

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

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

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

(ii) to ensure meaningful public involvement and due process in the development, implementation, and enforcement of all Federal laws;

(iii) to improve direct guidance and technical assistance to environmental justice communities with respect to the understanding of the science, regulations, and policy related to Federal agency action on environmental justice issues;

(iv) to improve awareness of environmental justice issues relating to agency activities, including awareness among impacted parents and children in environmental justice communities;

(v) to improve cooperation with State governments, Indian Tribes, and local governments to address pollution and public health burdens in environmental justice communities, and build healthy, sustainable, and resilient communities;

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

(I) the health and environment of communities of color, low-income communities, and Tribal and Indigenous communities;

(II) climate change; and

(III) the inequitable distribution of burdens and benefits of the management and use of natural resources, including water, minerals, and land; and

(vii) to reduce or eliminate disproportionately adverse human health or environmental effects on communities of color, low-income communities, and Tribal and Indigenous communities; and

(B) a timetable for the completion of—

(i) each revision identified under subparagraph (A); and

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

(3) REPORTS.—

(A) ANNUAL REPORTS.—Not later than 2 years after the finalization of an environmental justice strategy under this subsection, and annually thereafter, a Federal agency that participates in the White House interagency council shall submit to the White House interagency council a report describing the progress of the Federal agency in implementing the environmental justice strategy of the Federal agency.

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

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

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

(B) submit to the White House interagency council a copy of the revised version of the environmental justice strategy of the Federal agency.

(5) PETITION.—

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

(B) AVAILABILITY TO PUBLIC.—Each petition submitted by a Federal agency to the President under subparagraph (A) shall be made available to the public (including through a description of the petition on the website of the Federal agency).

(C) CONSIDERATION.—In determining whether to grant a petition for an exemption submitted by a Federal agency to the President under subparagraph (A), the President shall make a decision that reflects both the merits of the specific case and the broader national interest in breaking cycles of environmental injustice, and shall consider whether the granting of the petition would likely—

(i) result in disproportionately adverse human health or environmental effects on communities of color, low-income communities, and Tribal and Indigenous communities; or

(ii) exacerbate, or fail to ameliorate, any disproportionately adverse human health or environmental effect on any community of color, low-income community, or Tribal and Indigenous community.

(D) APPEAL.—

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

(ii) WRITTEN APPEAL.—

(I) IN GENERAL.—To appeal a decision of the President under clause (i), an individual shall submit a written appeal to—

(aa) the Council on Environmental Quality;

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

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

(II) CONTENTS.—A written appeal shall contain a description of each reason why the exemption that is the subject of the petition is unnecessary.

(iii) REQUIREMENT OF PRESIDENT.—Not later than 90 days after the date on which an agency or officer described in clause (ii)(I) receives a written appeal submitted by an individual under that clause, the President shall provide to the individual a written notification describing the decision of the President with respect to the appeal.

(c) HUMAN HEALTH AND ENVIRONMENTAL RESEARCH, DATA COLLECTION, AND ANALYSIS.—

(1) RESEARCH.—Each Federal agency, to the maximum extent practicable and permitted by applicable law, shall—

(A) in conducting environmental, public access, or human health research, include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as communities of color, low-income communities, and Tribal and Indigenous communities;

(B) in conducting environmental or human health analyses, identify multiple and cumulative exposures, including potentially exacerbated risks due to current and future climate impacts; and

(C) actively encourage and solicit community-based science, and provide to communities of color, low-income communities, and Tribal and Indigenous communities the opportunity to comment on and participate in the development and design of research strategies carried out pursuant to this Act.

(2) DISPROPORTIONATE IMPACT.—To the maximum extent practicable and permitted by applicable law (including section 552a of title 5, United States Code (commonly known as the "Privacy Act")), each Federal agency shall—

(A) collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, income, or other readily available and appropriate information; and

(B) use that information to determine whether the programs, policies, and activities of the Federal agency have disproportionally adverse human health or environmental effects on communities of color, low-income communities, and Tribal and Indigenous communities.

(3) INFORMATION RELATING TO NON-FEDERAL FACILITIES.—In connection with the implementation of Federal agency environmental justice strategies under subsection (b), each Federal agency, to the maximum extent practicable and permitted by applicable law, shall collect, maintain, and analyze information relating to the race, national origin, and income level, and other readily accessible and appropriate information, for communities of color, low-income communities, and Tribal and Indigenous communities in proximity to any facility or site expected to have a substantial environmental, human health, or economic effect on the surrounding populations, if the facility or site becomes the subject of a substantial Federal environmental administrative or judicial action.

(4) IMPACT FROM FEDERAL FACILITIES.—Each Federal agency, to the maximum extent practicable and permitted by applicable law, shall collect, maintain, and analyze information relating to the race, national origin, and income level, and other readily accessible and appropriate information, for communities of color, low-income communities, and Tribal and Indigenous communities in proximity to any facility of the Federal agency that is—

(A) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.), as required by Executive Order 12898 (42 U.S.C. 4321 note; relating to Federal actions to address environmental justice in minority populations and low-income populations); and

(B) expected to have a substantial environmental, human health, or economic effect on surrounding populations.

(d) CONSUMPTION OF FISH AND WILDLIFE.—

(1) IN GENERAL.—Each Federal agency shall develop, publish (unless prohibited by law), and revise, as practicable and appropriate, guidance on actions of the Federal agency that will impact fish and wildlife consumed by populations that principally rely on fish or wildlife for subsistence.

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

(A) reflect the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife; and

(B) publish the risks of such consumption patterns.

(e) MAPPING AND SCREENING TOOL.—The Administrator shall make available to the public an environmental justice mapping and screening tool (such as EJScreen or an equivalent tool) that includes, at a minimum, the following features:

(1) Nationally consistent data.

(2) Environmental data.

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

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

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

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

(1) to seek relief from, or to compel, an agency action under this section (including regulations promulgated pursuant to this section); or

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

(g) INFORMATION SHARING.—In carrying out this section, each Federal agency, to the maximum extent practicable and permitted by applicable law, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State governments, local governments, and Indian Tribes.

(h) CODIFICATION OF GUIDANCE.—

(1) COUNCIL ON ENVIRONMENTAL QUALITY.—Sections II and III of the guidance issued by the Council on Environmental Quality entitled "Environmental Justice Guidance Under the National Environmental Policy Act" and dated December 10, 1997, are enacted into law.

(2) ENVIRONMENTAL PROTECTION AGENCY.—The guidance issued by the Environmental Protection Agency entitled "EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights" and dated February 2016 is enacted into law.

SEC. 10. OMBUDS.

(a) ESTABLISHMENT.—The Administrator shall establish within the Environmental Protection Agency a position of Environmental Justice Ombuds.

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

(1) report directly to the Administrator; and

(2) not be required to report to the Office of Environmental Justice of the Environmental Protection Agency.

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

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

(A) to receive, review, and process complaints and allegations with respect to environmental justice programs and activities of the Environmental Protection Agency; and

(B) to assist individuals in resolving complaints and allegations described in subparagraph (A), including training on restorative justice and conflict resolution;

(2) identify and thereafter review, examine, and make recommendations to the Administrator to address recurring and chronic complaints regarding specific environmental justice programs and activities of the Environmental Protection Agency identified by the Ombuds pursuant to paragraph (1);

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

(4) produce an annual report that details the findings of the regional staff, feedback received from environmental justice communities, and recommendations to increase cooperation between the Environmental Protection Agency and environmental justice communities.

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

(e) REGIONAL STAFF.—

(1) AUTHORITY OF ENVIRONMENTAL JUSTICE OMBUDS.—The Administrator shall allow the Environmental Justice Ombuds to hire such staff as the Environmental Justice Ombuds determines to be necessary to carry out at each regional office of the Environmental Protection Agency the functions of the Environmental Justice Ombuds described in subsection (c).

(2) PURPOSES.—Staff hired pursuant to paragraph (1) shall—

(A) foster cooperation between the Environmental Protection Agency and environmental justice communities;

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

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

(D) compile and submit to the Environmental Justice Ombuds such information as may be necessary for the Ombuds to produce the annual report described in subsection (c).

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

SEC. 11. ACCESS TO PARKS, OUTDOOR SPACES, AND PUBLIC RECREATION OPPORTUNITIES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that represents or otherwise serves a qualifying urban area.

(2) ELIGIBLE NONPROFIT ORGANIZATION.—The term "eligible nonprofit organization" means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(3) ENTITY.—The term "entity" means—

(A) a State;

(B) a political subdivision of a State, including—

(i) a city;

(ii) a county; and

(iii) a special purpose district that manages open space, including a park district; and

(C) an Indian Tribe, urban Indian organization, or Alaska Native or Native Hawaiian community or organization.

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

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

(A) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development; and

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

(6) OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM.—The term "Outdoor Recreation Legacy Partnership Program" means the program established under subsection (b)(1).

(7) QUALIFYING URBAN AREA.—The term "qualifying urban area" means—

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

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

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

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STATE.—The term "State" means each of the several States, the District of Columbia, and each territory of the United States.

(b) GRANTS AUTHORIZED.—

(1) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish an outdoor recreation legacy partnership program under which the Secretary may award grants to eligible entities for projects—

(i) to acquire land and water for parks and other outdoor recreation purposes in qualifying urban areas; and

(ii) to develop new or renovate existing outdoor recreation facilities that provide outdoor recreation opportunities to the public in qualifying urban areas.

(B) PRIORITY.—In awarding grants to eligible entities under subparagraph (A), the Secretary shall give priority to projects that—

(i) create or significantly enhance access to park and recreational opportunities in an urban neighborhood or community;

(ii) engage and empower underserved communities and youth;

(iii) provide employment or job training opportunities for youth or underserved communities;

(iv) establish or expand public-private partnerships, with a focus on leveraging resources; and

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

(2) MATCHING REQUIREMENT.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), an eligible entity shall provide matching funds in the form of cash or an

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

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

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

(ii) the probable benefit of the project outweighs the public interest in the matching requirement.

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

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

(A) provide recreation opportunities in underserved communities in which access to parks is not adequate to meet local needs;

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

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

(i) opportunities; or

(ii) delivery of services;

(D) support park and recreation programming provided by cities, including cooperative agreements with community-based eligible nonprofit organizations;

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

(F) expand access to parks and recreational opportunities for Americans of all abilities; and

(G) provide benefits such as community resilience, reduction of urban heat islands, enhanced water or air quality, or habitat for fish or wildlife.

(4) ELIGIBLE USES.—

(A) IN GENERAL.—Subject to subparagraph (B), a grant recipient may use a grant awarded under paragraph (1) for a project described in subparagraph (A) or (B) of that paragraph.

(B) LIMITATIONS ON USE.—A grant recipient may not use grant funds for—

(i) incidental costs related to land acquisition, including appraisal and titling;

(ii) operation and maintenance activities;

(iii) facilities that support semiprofessional or professional athletics;

(iv) indoor facilities, such as recreation centers or facilities that support primarily non-outdoor purposes; or

(v) acquisition of land or interests in land that restrict access to specific persons.

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

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

(2) evaluate and score all qualifying applications; and

(3) provide culturally and linguistically appropriate information to eligible entities (including low-income communities and eligible entities serving low-income communities) on—

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

(B) the application procedures by which eligible entities may apply for grants under this section; and

(C) eligible uses for grants under this section.

(d) REPORTING.—

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

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

(B) provide the status of the project.

(2) FINAL REPORTS.—Not later than 90 days after the earlier of the date of expiration of a project period or the completion of a project, each State lead agency that receives a grant under this section shall submit to the Secretary a final report containing such information as the Secretary may require.

SEC. 12. TRANSIT TO TRAILS GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CRITICALLY UNDERSERVED COMMUNITY.—The term "critically underserved community" means—

(A) a community that can demonstrate to the Secretary that the community has inadequate, insufficient, or no park space or recreation facilities, including by demonstrating—

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

(ii) the presence of recreational facilities that do not serve the needs of the community; or

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

(B) a community in which at least 50 percent of the population is not located within ½ mile of park space;

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

(D) any other community that the Secretary determines to be appropriate.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State;

(B) a political subdivision of a State (including a city or a county) that represents or otherwise serves an urban area or a rural area;

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

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

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

(3) PROGRAM.—The term "program" means the Transit to Trails Grant Program established under subsection (b)(1).

(4) RURAL AREA.—The term "rural area" means a community that is not an urban area.

(5) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(6) TRANSPORTATION CONNECTOR.—

(A) IN GENERAL.—The term "transportation connector" means a system that—

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

(ii) offers rides available to the public.

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

(7) URBAN AREA.—The term "urban area" means a community that—

(A) is densely developed;

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

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

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

(I) not less than 2,500; and

(II) not more than 50,000.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program, to be known as the "Transit to Trails Grant Program", under which the Secretary shall award grants to eligible entities for—

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

(B) projects that facilitate transportation improvements to enhance access to Federal or non-Federal public land and recreational opportunities in critically underserved communities.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall administer the program to assist eligible entities in the development of transportation connectors or routes in or serving, and related education materials for, critically underserved communities and Federal or non-Federal public land, waters, parkland, and monuments.

(B) JOINT PARTNERSHIPS.—The Secretary shall encourage joint partnership projects under the program, if available, among multiple agencies, including school districts, nonprofit organizations, metropolitan planning organizations, regional transportation authorities, transit agencies, and State and local governmental agencies (including park and recreation agencies and authorities) to enhance investment of public sources.

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

(i) IN GENERAL.—The Secretary shall—

(I) annually solicit the submission of project proposals for grants from eligible entities under the program; and

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

(ii) REQUIRED ELEMENTS FOR PROJECT PROPOSAL.—A project proposal submitted under clause (i)(I) shall include—

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

(II) the name of the entity or individual with overall responsibility for the project;

(III) a description of the qualifications of the entity or individuals identified under subclause (II);

(IV) a description of—

(aa) staffing and stakeholder engagement for the project;

(bb) the logistics of the project; and

(cc) anticipated outcomes of the project;

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

(VI) information regarding the source and amount of matching funding available for the project;

(VII) information that demonstrates the clear potential of the project to contribute to increased access to parkland for critically underserved communities; and

(VIII) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under the program.

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

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

(II) after taking into consideration any comments resulting from the consultation under subclause (I), approve or disapprove the proposal; and

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

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

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

(D) PRIORITY.—To the extent practicable, in determining whether to approve project proposals under the program, the Secretary shall prioritize projects that are designed to increase access and mobility to local or neighborhood Federal or non-Federal public land, waters, parkland, monuments, or recreational opportunities.

(3) TRANSPORTATION PLANNING PROCEDURES.—

(A) PROCEDURES.—In consultation with the head of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures for projects conducted under the program that are consistent with metropolitan and statewide planning processes.

(B) REQUIREMENTS.—All projects carried out under the program shall be developed in cooperation with States and metropolitan planning organizations.

(4) NON-FEDERAL CONTRIBUTIONS.—

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

(B) SOURCES.—The non-Federal contribution required under subparagraph (A) may include amounts made available from State, local, nongovernmental, or private sources.

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

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

(B) to create or significantly enhance access to Federal or non-Federal public land and recreational opportunities in an urban area or a rural area.

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

(A) not less than $25,000; and
(B) not more than $500,000.

(7) TECHNICAL ASSISTANCE.—It is the intent of Congress that grants provided under the program deliver project funds to areas of greatest need while offering technical assistance to all applicants and potential applicants for grant preparation to encourage full participation in the program.

(8) PUBLIC INFORMATION.—The Secretary shall ensure that current schedules and routes for transportation systems developed after the receipt of a grant under the program are available to the public, including on a website maintained by the recipient of a grant.

(c) REPORTING REQUIREMENT.—

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

(A) includes—

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

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

(B) describes the status of each project funded by the grant as of the date of the report.

(2) ADDITIONAL REPORTS.—In addition to the report required under paragraph (1), the Secretary may require additional reports from a recipient, as the Secretary determines to be appropriate, including a final report.

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

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

SEC. 13. REPEAL OF SUNSET FOR THE EVERY KID OUTDOORS PROGRAM.

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

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

(a) PURPOSE.—The purpose of this section is to establish additional protections relating to Federal actions affecting environmental justice communities in recognition of the disproportionate burden of adverse human health or environmental effects faced by such communities.

(b) DEFINITIONS.—In this section:

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

(2) FEDERAL ACTION.—The term "Federal action" means a proposed action that requires the preparation of an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) PREPARATION OF A COMMUNITY IMPACT REPORT.—A Federal agency proposing to take a Federal action that has the potential to cause negative environmental or public health impacts on an environmental justice community shall prepare a community impact report assessing the potential impacts of the proposed action.

(d) CONTENTS.—A community impact report described in subsection (c) shall—

(1) assess the degree to which a proposed Federal action affecting an environmental justice community will cause multiple or cumulative exposure to human health and environmental hazards that influence, exacerbate, or contribute to adverse health outcomes;

(2) assess relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the area of the environmental justice community and historical patterns of exposure to environmental hazards and Federal agencies shall assess these multiple, or cumulative effects, even if certain effects are not within the control or subject to the discretion of the Federal agency proposing the Federal action;

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

(4) evaluate alternatives to or mitigation measures for the proposed Federal action that will—

(A) eliminate or reduce any identified exposure to human health and environmental hazards described in paragraph (1) to a level that is reasonably

expected to avoid human health impacts in environmental justice communities; and

(B) not negatively impact an environmental justice community's ability to access public parks, outdoor spaces, and public recreation opportunities;

(5) analyze any alternative developed by members of an affected environmental justice community that meets the purpose and need of the proposed action;

(6) assess the impact on access to reliable energy sources and on electricity prices for low-income communities, minority communities, Native Americans, and senior citizens;

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

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

(e) DELEGATION.—Federal agencies shall not delegate responsibility for the preparation of a community impact report described in subsection (c) to any other entity.

(f) NATIONAL ENVIRONMENTAL POLICY ACT REQUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMUNITIES.—When carrying out the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed Federal action that may affect an environmental justice community, a Federal agency shall—

(1) consider all potential direct, indirect, and cumulative impacts caused by the action, alternatives to such action, and mitigation measures on the environmental justice community required by that Act;

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

(3) provide early and meaningful community involvement opportunities by—

(A) holding multiple hearings in such community regarding the proposed Federal action in each prominent language within the environmental justice community; and

(B) providing notice of any step or action in the process under that Act that involves public participation to any representative entities or organizations present in the environmental justice community, including—

(i) local religious organizations;

(ii) civic associations and organizations;

(iii) business associations of people of color;

(iv) environmental and environmental justice organizations, including community-based grassroots organizations led by people of color;

(v) homeowners', tenants', and neighborhood watch groups;

(vi) local governments and Indian Tribes;

(vii) rural cooperatives;

(viii) business and trade organizations;

(ix) community and social service organizations;

(x) universities, colleges, and vocational schools;

(xi) labor and other worker organizations;

(xii) civil rights organizations;

(xiii) senior citizens' groups; and

(xiv) public health agencies and clinics; and

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

(g) COMMUNICATION METHODS AND REQUIREMENTS.—Any notice provided under subsection (f)(3)(B) shall be provided—

(1) through communication methods that are accessible in the environmental justice community, which may include electronic media, newspapers, radio, direct mailings, canvassing, and other outreach methods particularly targeted at communities of color, low-income communities, and Tribal and Indigenous communities; and

(2) at least 30 days before any hearing in such community or the start of any public comment period.

(h) REQUIREMENTS FOR ACTIONS REQUIRING AN ENVIRONMENTAL IMPACT STATEMENT.—For any proposed Federal action affecting an environmental justice community requiring the preparation of an environmental impact statement, the Federal agency shall provide the following information when giving notice of the proposed action:

(1) A description of the proposed action.

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

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

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

(5) An agency point of contact.

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

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

(i) NATIONAL ENVIRONMENTAL POLICY ACT REQUIREMENTS FOR INDIAN TRIBES.—When carrying out the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed Federal action that may affect an Indian Tribe, a Federal agency shall—

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

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

(3) invite an Indian Tribe to hold the status of a cooperating agency in accordance with paragraph (2) not later than the date on which the scoping process for a proposed action requiring the preparation of an environmental impact statement commences.

(j) AGENCY DETERMINATIONS.—Federal agency determinations about the analysis of a community impact report described in subsection (c) shall be subject to judicial review to the same extent as any other analysis performed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

(l) SAVINGS CLAUSE.—Nothing in this section diminishes—

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

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

SEC. 15. STRENGTHENING COMMUNITY PROTECTIONS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT.

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

(1) in section 101(a)—

(A) by striking "man's" and inserting "human"; and

(B) by striking "man" each place it appears and inserting "humankind";

(2) in section 102—

(A) by striking "The Congress authorizes and directs that, to the fullest extent possible:" and inserting "The Congress authorizes and directs that, notwithstanding any other provision of law and to the fullest extent possible:";

(B) in paragraph (2)—

(i) by striking "insure" each place it appears and inserting "ensure";

(ii) in subparagraph (A), by striking "man's" and inserting "the human"; and

(iii) in subparagraph (C)—

(I) by striking clause (iii) and inserting the following:

"(iii) a reasonable range of alternatives that—

"(I) are technically feasible,

"(II) are economically feasible, and

"(III) where applicable, do not cause or contribute to adverse cumulative effects, including effects caused by exposure to environmental pollution, on an overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis as determined by the agency preparing or having taken primary responsibility for preparing the environmental document pursuant to this Act, except that where the agency determines that an alternative will serve a compelling public interest in the affected overburdened community with conditions to protect public health,"; and

(II) in clause (iv), by striking "man's" and inserting "the human";

(C) in subparagraph (E), by inserting "that are consistent with subparagraph (C)(3)" after "describe appropriate alternatives"; and

(D) in subparagraph (F), by striking "mankind's" and inserting "humankind's"; and

(3) by adding at the end the following:

"SEC. 106. DEFINITIONS.

"In this Act:

"(1) EFFECT; IMPACT.—The terms 'effect' and 'impact' mean changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and include the following:

"(A) Direct effects, which are caused by the action and occur at the same time and place.

"(B) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

"(C) Cumulative effects, which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

"(D) Effects that are ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.

"(2) LIMITED ENGLISH PROFICIENCY.—The term 'limited English proficiency' means that a household does not have an adult that speaks English very well according to the United States Census Bureau.

"(3) LOW-INCOME HOUSEHOLD.—The term 'low-income household' means a household that is at or below twice the poverty threshold as that threshold is determined annually by the United States Census Bureau.

"(4) OVERBURDENED COMMUNITY.—The term 'overburdened community' means any census block group, as determined in accordance with the most recent United States Census, in which:

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

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

"(C) at least 40 percent of the households have limited English proficiency.

"(5) TRIBAL AND INDIGENOUS COMMUNITY.—The term 'Tribal and Indigenous community' means a population of people who are members of—

"(A) a federally recognized Indian Tribe;

"(B) a State-recognized Indian Tribe;

"(C) an Alaska Native or Native Hawaiian community or organization; or

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

SEC. 16. TRAINING OF EMPLOYEES OF FEDERAL AGENCIES.

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

(1) has received training in environmental justice; and

(2) is capable of—

(A) appropriately incorporating environmental justice concepts into the daily activities of the employee; and

(B) increasing the meaningful participation of individuals from environmental justice communities in the activities of the applicable agency.

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

(c) REQUIREMENT RELATING TO CERTAIN EMPLOYEES.—

(1) IN GENERAL.—With respect to each Federal agency that participates in the Working Group, not later than 30 days after the date on which an individual is appointed to the position of environmental justice coordinator, Environmental Justice Ombuds, or any other position the responsibility of which involves the conduct of environmental justice activities, the individual shall be required to possess documentation of the completion by the individual of environmental justice training.

(2) EFFECT.—If an individual described in paragraph (1) fails to meet the requirement described in that paragraph, the Federal agency at which the individual is employed shall transfer the individual to a different position until the date on which the individual completes environmental justice training.

(3) EVALUATION.—Not later than 3 years after the date of enactment of this Act, the Inspector General of each Federal agency that participates in the Working Group shall evaluate the training programs of such Federal agency to determine if such Federal agency has improved the rate of training of the employees of such Federal agency to ensure that each employee has received environmental justice training.

SEC. 17. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.

(a) ENVIRONMENTAL JUSTICE COMMUNITY GRANT PROGRAM.—

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

(A) building capacity to address issues relating to environmental justice; and

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

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an eligible entity shall be a nonprofit, community-based organization that conducts activities, including providing medical and preventive health services, to reduce the disproportionate health impacts of environmental pollution in the environmental justice community at which the eligible entity proposes to conduct an activity that is the subject of the application described in paragraph (3).

(3) APPLICATION.—To be eligible to receive a grant under paragraph (1), an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

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

(i) with respect to environmental and public health issues at the local level, increase the understanding of the environmental justice community at which the eligible entity will conduct the project;

(ii) improve the ability of the environmental justice community to address each issue described in clause (i);

(iii) facilitate collaboration and cooperation among various stakeholders (including members of the environmental justice community); and

(iv) support the ability of the environmental justice community to proactively plan and implement just sustainable community development and revitalization initiatives, including countering displacement and gentrification;

(B) a proposed budget for each activity of the project that is the subject of the application;

(C) a list of proposed outcomes with respect to the proposed project;

(D) a description of the ways by which the eligible entity may leverage the funds of the eligible entity, or the funds made available through a grant under this subsection, to develop a project that is capable of being sustained beyond the period of the grant; and

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

(4) USE OF FUNDS.—An eligible entity may only use a grant under this subsection to carry out culturally and linguistically appropriate projects and activities that are driven by the needs, opportunities, and priorities of the environmental justice community at which the eligible entity proposes to conduct the project or activity to address environmental justice concerns and improve the health or environment of the environmental justice community, including activities—

(A) to create or develop collaborative partnerships;

(B) to educate and provide outreach services to the environmental justice community;

(C) to identify and implement projects to address environmental or public health concerns; or

(D) to develop a comprehensive understanding of environmental or public health issues.

(5) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representatives and the Committees on Environment and Public Works and Energy and Natural Resources of the Senate a report describing the ways by which the grant program under this subsection has helped community-based nonprofit organizations address issues relating to environmental justice.

(B) PUBLIC AVAILABILITY.—The Administrator shall make each report required under subparagraph (A) available to the public (including by posting a copy of the report on the website of the Environmental Protection Agency).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2023 through 2027.

(b) STATE GRANT PROGRAM.—

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

(A) to establish culturally and linguistically appropriate protocols, activities, and mechanisms for addressing issues relating to environmental justice; and

(B) to carry out culturally and linguistically appropriate activities to reduce or eliminate disproportionately adverse human health or environmental effects on environmental justice communities in the State, including reducing economic vulnerabilities that result in the environmental justice communities being disproportionately affected.

(2) ELIGIBILITY.—

(A) APPLICATION.—To be eligible to receive a grant under paragraph (1), a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

(i) a plan that contains a description of the means by which the funds provided through a grant under paragraph (1) will be used to address issues relating to environmental justice at the State level; and

(ii) assurances that the funds provided through a grant under paragraph (1) will be used only to supplement the amount of funds that the State allocates for initiatives relating to environmental justice.

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

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representatives and the Committees on Environment and Public Works and Energy and Natural Resources of the Senate a report describing—

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

(ii) the impact of the grant program on improving the ability of each participating State to address environmental justice issues; and

(iii) the activities carried out by each State to reduce or eliminate disproportionately adverse human health or environmental effects on environmental justice communities in the State.

(B) PUBLIC AVAILABILITY.—The Administrator shall make each report required under subparagraph (A) available to the public (including by posting a copy of the report on the website of the Environmental Protection Agency).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2023 through 2027.

(c) TRIBAL GRANT PROGRAM.—

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

(A) to establish culturally and linguistically appropriate protocols, activities, and mechanisms for addressing issues relating to environmental justice; and

(B) to carry out culturally and linguistically appropriate activities to reduce or eliminate disproportionately adverse human health or environmental effects on environmental justice communities in Tribal and Indigenous communities, including reducing economic vulnerabilities that result in the Tribal and Indigenous communities being disproportionately affected.

(2) ELIGIBILITY.—

(A) APPLICATION.—To be eligible to receive a grant under paragraph (1), an Indian Tribe shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

(i) a plan that contains a description of the means by which the funds provided through a grant under paragraph (1) will be used to address issues relating to environmental justice in Tribal and Indigenous communities; and

(ii) assurances that the funds provided through a grant under paragraph (1) will be used only to supplement the amount of funds that the Indian Tribe allocates for initiatives relating to environmental justice.

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

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representatives and the Committees on Environment and Public Works and Energy and Natural Resources of the Senate a report describing—

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

(ii) the impact of the grant program on improving the ability of each participating Indian Tribe to address environmental justice issues; and

(iii) the activities carried out by each Indian Tribe to reduce or eliminate disproportionately adverse human health or environmental effects on applicable environmental justice communities in Tribal and Indigenous communities.

(B) PUBLIC AVAILABILITY.—The Administrator shall make each report required under subparagraph (A) available to the public (including by posting a copy of the report on the website of the Environmental Protection Agency).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2023 through 2027.

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

(1) ESTABLISHMENT.—The Administrator, in consultation with the Director, shall establish a program under which the Administrator shall provide not more than 25 multiyear grants to eligible entities to carry out community-based participatory research—

(A) to address issues relating to environmental justice;

(B) to improve the environment of residents and workers in environmental justice communities; and

(C) to improve the health outcomes of residents and workers in environmental justice communities.

(2) ELIGIBILITY.—To be eligible to receive a multiyear grant under paragraph (1), an eligible entity shall be a partnership composed of—

(A) an accredited institution of higher education; and

(B) a community-based organization.

(3) APPLICATION.—To be eligible to receive a multiyear grant under paragraph (1), an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

(A) a detailed description of the partnership of the eligible entity that, as determined by the Administrator, demonstrates the participation of mem-

bers of the community at which the eligible entity proposes to conduct the research; and

(B) a description of—

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

(ii) the ways by which the project will—

(I) address issues relating to environmental justice;

(II) assist in the improvement of health outcomes of residents and workers in environmental justice communities; and

(III) assist in the improvement of the environment of residents and workers in environmental justice communities.

(4) PUBLIC AVAILABILITY.—The Administrator shall make the results of the grants provided under this subsection available to the public, including by posting on the website of the Environmental Protection Agency a copy of the grant awards and an annual report at the beginning of each fiscal year describing the research findings associated with each grant provided under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2023 through 2027.

SEC. 18. ENVIRONMENTAL JUSTICE BASIC TRAINING PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish a basic training program, in coordination and consultation with nongovernmental environmental justice organizations, to increase the capacity of residents of environmental justice communities to identify and address disproportionately adverse human health or environmental effects by providing culturally and linguistically appropriate—

(1) training and education relating to—

(A) basic and advanced techniques for the detection, assessment, and evaluation of the effects of hazardous substances on human health;

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

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

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

(E) the rights and safeguards currently afforded to individuals through policies and laws intended to help environmental justice communities address disparate impacts and discrimination, including—

(i) environmental laws; and

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

(F) public engagement opportunities through the policies and laws described in subparagraph (E);

(G) materials available on the Clearinghouse;

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

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

(2) short courses and continuation education programs for residents of communities who are located in close proximity to hazardous substances to provide—

(A) education relating to—

(i) the proper manner to handle hazardous substances;

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

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

(B) training on environmental and occupational health and safety with respect to the public health and engineering aspects of hazardous waste control.

(b) GRANT PROGRAM.—

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

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

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

(B) a generator of hazardous waste;

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

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

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

(c) PLAN.—

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

(2) CONTENTS.—The plan described in paragraph (1) shall contain—

(A) a list that describes the relative priority of each activity described in subsection (a); and

(B) a description of research and training relevant to environmental justice issues of communities adversely affected by pollution.

(3) COORDINATION WITH FEDERAL AGENCIES.—The Administrator shall, to the maximum extent practicable, take appropriate steps to coordinate the activities of the basic training program described in the plan with the activities of other Federal agencies to avoid any duplication of effort.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representatives and the Committees on Environment and Public Works and Energy and Natural Resources of the Senate a report describing—

(A) the implementation of the basic training program established under subsection (a); and

(B) the impact of the basic training program on improving training opportunities for residents of environmental justice communities.

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

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2023 through 2027.

SEC. 19. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The President shall establish an advisory council, to be known as the "National Environmental Justice Advisory Council".

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

(1) representatives of—

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

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

(C) Tribal Organizations and other Indigenous communities;

(D) nongovernmental and environmental organizations; and

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

(2) experts in the field of—

(A) socioeconomic analysis;

(B) health and environmental effects;

(C) exposure evaluation;

(D) environmental law and civil rights law; or

(E) environmental health science research.

(c) SUBCOMMITTEES; WORKGROUPS.—

(1) ESTABLISHMENT.—The Advisory Council may establish any subcommittee or workgroup to assist the Advisory Council in carrying out any duty of the Advisory Council described in subsection (d).

(2) REPORT.—Upon the request of the Advisory Council, each subcommittee or workgroup established by the Advisory Council under paragraph (1) shall submit to the Advisory Council a report that contains—

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

(B) any advice requested by the Advisory Council with respect to any duty of the Advisory Council.

(d) DUTIES.—The Advisory Council shall provide independent advice and recommendations to the Environmental Protection Agency with respect to issues relating to environmental justice, including advice—

(1) to help develop, facilitate, and conduct reviews of the direction, criteria, scope, and adequacy of the scientific research and demonstration projects of the Environmental Protection Agency relating to environmental justice;

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

(A) within the Environmental Protection Agency;

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

(C) between, and among, the Environmental Protection Agency and Federal agencies, State and local governments, Indian Tribes, environmental justice leaders, interest groups, and the public;

(3) requested by the Administrator to help improve the response of the Environmental Protection Agency in securing environmental justice for communities of color, low-income communities, and Tribal and Indigenous communities; and

(4) on issues relating to—

(A) the developmental framework of the Environmental Protection Agency with respect to the integration by the Environmental Protection Agency of socioeconomic programs into the strategic planning, annual planning, and management accountability of the Environmental Protection Agency to achieve environmental justice results throughout the Environmental Protection Agency;

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

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

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

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

(e) MEETINGS.—

(1) FREQUENCY.—

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

(B) AUTHORITY OF ADMINISTRATOR.—The Administrator may require the Advisory Council to conduct additional meetings if the Administrator determines that the conduct of any additional meetings is necessary.

(2) PUBLIC PARTICIPATION.—

(A) IN GENERAL.—Subject to subparagraph (B), each meeting of the Advisory Council shall be open to the public to provide the public an opportunity—

(i) to submit comments to the Advisory Council; and

(ii) to appear before the Advisory Council.

(B) AUTHORITY OF ADMINISTRATOR.—The Administrator may close any meeting, or portion of any meeting, of the Advisory Council to the public.

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

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

SEC. 20. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.

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

(b) CONTENTS.—The Clearinghouse shall be composed of culturally and linguistically appropriate materials related to environmental justice, including—

(1) information describing the activities conducted by the Environmental Protection Agency to address issues relating to environmental justice;

(2) copies of training materials provided by the Administrator to help individuals and employees understand and carry out environmental justice activities;

(3) links to web pages that describe environmental justice activities of other Federal agencies;

(4) a directory of individuals who possess technical expertise in issues relating to environmental justice;

(5) a directory of nonprofit and community-based organizations, including grassroots organizations led by people of color, that address issues relating to environmental justice at the local, State, and Federal levels (with particular emphasis given to nonprofit and community-based organizations that possess the capability to provide advice or technical assistance to environmental justice communities); and

(6) any other appropriate information as determined by the Administrator, including information on any resources available to help address the disproportionate burden of adverse human health or environmental effects on environmental justice communities.

(c) CONSULTATION.—In developing the Clearinghouse, the Administrator shall consult with individuals representing academic and community-based organizations who have expertise in issues relating to environmental justice.

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

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

(2) recommend to the Administrator any updates for the Clearinghouse that the Advisory Council determines to be necessary for the effective operation of the Clearinghouse.

SEC. 21. PUBLIC MEETINGS.

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

(b) OUTREACH TO ENVIRONMENTAL JUSTICE COMMUNITIES.—The Administrator, in advance of the meetings described in subsection (a), shall to the extent practicable hold multiple meetings in environmental justice communities in each region to provide meaningful community involvement opportunities.

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

(1) to applicable representative entities or organizations present in the environmental justice community, including—

(A) local religious organizations;

(B) civic associations and organizations;

(C) business associations of people of color;

(D) environmental and environmental justice organizations;

(E) homeowners', tenants', and neighborhood watch groups;

(F) local governments;

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

(H) rural cooperatives;

(I) business and trade organizations;

(J) community and social service organizations;

(K) universities, colleges, and vocational schools;

(L) labor organizations;

(M) civil rights organizations;

(N) senior citizens' groups; and

(O) public health agencies and clinics;

(2) through communication methods that are accessible in the applicable environmental justice community, which may include electronic media, newspapers, radio, and other media particularly targeted at communities of color, low-income communities, and Tribal and Indigenous communities; and

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

(d) COMMUNICATION METHODS AND REQUIREMENTS.—The Administrator shall—

(1) provide translations of any documents made available to the public pursuant to this section in any language spoken by more than 5 percent of the population residing within the applicable environmental justice community, and make available translation services for meetings upon request; and

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

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

SEC. 22. ENVIRONMENTAL PROJECTS FOR ENVIRONMENTAL JUSTICE COMMUNITIES.

The Administrator shall ensure that all environmental projects developed as part of a settlement relating to violations in an environmental justice community—

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

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

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

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

"SEC. 309A. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL COASTAL ZONE OBJECTIVES.

"(a) GRANTS AUTHORIZED.—The Secretary may award competitive grants to Indian Tribes to further achievement of the objectives of such a Tribe for such Tribe's Tribal coastal zone.

"(b) FEDERAL SHARE.—

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

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

"(B) in the case of a grant of $200,000 or more, 95 percent of such cost, except as provided in paragraph (2).

"(2) WAIVER.—The Secretary may waive the application of paragraph (1)(B) with respect to a grant to an Indian Tribe, or otherwise reduce the portion of the share of the cost of an activity required to be paid by an Indian Tribe under such paragraph, if the Secretary determines that the Tribe does not have sufficient funds to pay such portion.

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

"(d) AUTHORIZED OBJECTIVES AND PURPOSES.—An Indian Tribe that receives a grant under this section shall use the grant funds for one or more of the objectives and purposes authorized under subsections (b) and (c), respectively, of section 306A.

"(e) FUNDING.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2027, of which not more than 3 percent shall be used for administrative costs to carry out this section.

"(f) DEFINITIONS.—In this section:

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

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

"(3) TRIBAL COASTAL ZONE.—The term 'Tribal coastal zone' means any Indian land that is within the coastal zone.

"(4) TRIBAL COASTAL ZONE OBJECTIVE.—The term 'Tribal coastal zone objective' means, with respect to an Indian Tribe, any of the following objectives:

"(A) Protection, restoration, or preservation of areas in the Tribal coastal zone of such Tribe that—

"(i) hold important ecological, cultural, or sacred significance for such Tribe; or

"(ii) reflect traditional, historic, and aesthetic values essential to such Tribe.

"(B) Preparing and implementing a special area management plan and technical planning for important coastal areas.

"(C) Any coastal or shoreline stabilization measure, including any mitigation measure, for the purpose of public safety, public access, or cultural or historical preservation.".

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

(c) USE OF STATE GRANTS TO FULFILL TRIBAL OBJECTIVES.—Section 306A(c)(2) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455a(c)(2)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) fulfilling any Tribal coastal zone objective (as that term is defined in section 309A).".

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

SEC. 24. COSMETIC LABELING.

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

"SEC. 604. LABELING.

"(a) COSMETIC PRODUCTS FOR PROFESSIONAL USE.—

"(1) DEFINITION OF PROFESSIONAL.—With respect to cosmetics, the term 'professional' means an individual who—

"(A) is licensed by an official State authority to practice in the field of cosmetology, nail care, barbering, or esthetics;

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

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

"(2) LISTING OF INGREDIENTS.—Cosmetic products used and sold by professionals shall list all ingredients and warnings, as required for other cosmetic products under this chapter.

"(3) PROFESSIONAL USE LABELING.—In the case of a cosmetic product intended to be used only by a professional on account of a specific ingredient or increased concentration of an ingredient that requires safe handling by trained professionals, the product shall bear a statement as follows: 'To be Administered Only by Licensed Professionals'.

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

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

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

"(c) INTERNET SALES.—In the case of internet sales of cosmetics, each internet website offering a cosmetic product for sale to consumers shall provide the same information that is included on the packaging of the cosmetic product as regularly available through in-person sales, except information that is unique to a single cosmetic product sold in a retail facility, such as a lot number or expiration date, and the warnings and statements described in subsection (b) shall be prominently and conspicuously displayed on the website.

"(d) CONTACT INFORMATION.—The label on each cosmetic shall bear the domestic telephone number or electronic contact information, and it is encouraged that the label include both the telephone number and electronic contact information, that consumers may use to contact the responsible person with respect to adverse events. The contact number shall provide a means for consumers to obtain additional information about ingredients in a cosmetic, including the ability to ask if a specific ingredient may be present that is not listed on the label, including whether a specific ingredient may be contained in the fragrance or flavor used in the cosmetic. The manufacturer of the cosmetic is responsible for providing such information, including obtaining the information from suppliers if it is not readily available. Suppliers are required to release such information upon request of the cosmetic manufacturer.".

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

"(g) If its labeling does not conform with a requirement under section 604.".

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

SEC. 25. SAFER COSMETIC ALTERNATIVES FOR DISPROPORTIONATELY IMPACTED COMMUNITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Commissioner of Food and Drugs, shall award grants to eligible entities—

(1) to support research focused on the design of safer alternatives to chemicals in cosmetics with inherent toxicity or associated with chronic adverse health effects; or

(2) to provide educational awareness and community outreach efforts to educate the promote the use of safer alternatives in cosmetics.

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

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

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

(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applicants proposing to focus on—

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

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

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

SEC. 26. SAFER CHILD CARE CENTERS, SCHOOLS, AND HOMES FOR DISPROPORTIONATELY IMPACTED COMMUNITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Commissioner of Food and Drugs, in consultation with the Administrator of the Environmental Protection Agency, shall award grants to eligible entities to support research focused on the design of safer alternatives to chemicals in consumer, cleaning, toy, and baby products with inherent toxicity or that are associated with chronic adverse health effects.

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

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

(2) not benefit from a financial relationship with—

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

(B) a cleaning, toy, or baby product manufacturer, supplier, or trade association.

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

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

SEC. 27. CERTAIN MENSTRUAL PRODUCTS MISBRANDED IF LABELING DOES NOT INCLUDE INGREDIENTS.

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

"(gg) If it is a menstrual product, such as a menstrual cup, a scented, scented deodorized, or unscented menstrual pad or tampon, a therapeutic vaginal douche apparatus, or an obstetrical and gynecological device described in section 884.5400, 884.5425, 884.5435, 884.5460, 884.5470, or 884.5900 of title 21, Code of Federal Regulations (or any successor regulation), unless its label or labeling lists the name of each ingredient or component of the product in order of the most predominant ingredient or component to the least predominant ingredient or component.".

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

SEC. 28. SUPPORT BY NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES FOR RESEARCH ON HEALTH DISPARITIES IMPACTING COMMUNITIES OF COLOR.

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

"SEC. 463C. RESEARCH ON HEALTH DISPARITIES RELATED TO COSMETICS IMPACTING COMMUNITIES OF COLOR.

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

"(1) to expand support for basic, epidemiological, and social scientific investigations into—

"(A) the chemicals linked (or with possible links) to adverse health effects most commonly found in cosmetics marketed to women and girls of color, including beauty, personal hygiene, and intimate care products;

"(B) the marketing and sale of such cosmetics containing chemicals linked to adverse health effects to women and girls of color across their lifespans;

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

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

"(2) to provide educational awareness and community outreach efforts to educate the promote the use of safer alternatives in cosmetics; and

"(3) to disseminate the results of any such research described in subparagraph (A) or (B) of paragraph (1) (conducted by the grantee pursuant to this section or otherwise) to help communities identify and address potentially unsafe chemical exposures in the use of cosmetics.

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

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

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

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

"(1) summary findings on—

"(A) marketing strategies, product categories, and specific cosmetics containing ingredients linked to adverse health effects; and

"(B) the demographics of the populations marketed to and using cosmetics containing such ingredients for personal and professional use; and

"(2) recommended public health information strategies to reduce potentially unsafe exposures to cosmetics.

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

SEC. 29. REVENUES FOR JUST TRANSITION ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) NONPRODUCING LEASE.—The term "nonproducing lease" means any Federal onshore or offshore oil or natural gas lease under which oil or natural gas is produced for fewer than 90 days in an applicable calendar year.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) MINERAL LEASING REVENUE.—

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

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

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the fourth sentence, by striking "shall be held" and all that follows through "are necessary" and inserting "may be held in each State not more than once each year"; and

(II) in the fifth sentence, by striking "12.5 percent" and inserting "18.75 percent"; and

(ii) in paragraph (2)(A)(ii), by striking "12½ per centum" and inserting "18.75 percent";

(B) in subsection (c)(1), in the second sentence, by striking "12.5 percent" and inserting "18.75 percent";

(C) in subsection (l), by striking "12½ per centum" each place it appears and inserting "18.75 percent"; and

(D) in subsection (n)(1)(C), by striking "12½ per centum" and inserting "18.75 percent".

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

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

(A) in subsection (a), in the first sentence, by striking "All" and inserting "Except as provided in subsection (e), all"; and

(B) by adding at the end the following:

"(e) DISTRIBUTION OF CERTAIN AMOUNTS.—Notwithstanding subsection (a), the amount of any increase in revenues collected as a result of the amendments made by subsection (b) of section 29 of the Environmental Justice For All Act shall be deposited and distributed in accordance with subsection (d) of that section.".

(c) FEES FOR PRODUCING LEASES AND NONPRODUCING LEASES.—

(1) CONSERVATION OF RESOURCES FEES.—There is established a fee of $4 per acre per year on producing Federal onshore and offshore oil and gas leases.

(2) SPECULATIVE LEASING FEES.—There is established a fee of $6 per acre per year on nonproducing leases.

(d) DEPOSIT.—

(1) IN GENERAL.—All amounts collected under paragraphs (1) and (2) of subsection (c) shall be deposited in the Federal Energy Transition Economic Development Assistance Fund established by section 30(c).

(2) MINERAL LEASING REVENUE.—Notwithstanding any other provision of law, of the amount of any increase in revenue collected as a result of the amendments made by subsection (b)—

(A) 50 percent shall be deposited in the Federal Energy Transition Economic Development Assistance Fund established by section 30(c); and

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

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

SEC. 30. ECONOMIC REVITALIZATION FOR FOSSIL FUEL-DEPENDENT COMMUNITIES.

(a) PURPOSE.—The purpose of this section is to promote economic revitalization, diversification, and development in communities—

(1) that depend on fossil fuel mining, extraction, or refining for a significant amount of economic opportunities; or

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

(b) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Just Transition Advisory Committee established by subsection (g)(1).

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

(3) FOSSIL FUEL.—The term "fossil fuel" means coal, petroleum, natural gas, tar sands, oil shale, or any derivative of coal, petroleum, or natural gas.

(4) FOSSIL FUEL-DEPENDENT COMMUNITY.—The term "fossil fuel-dependent community" means a community—

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

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

(5) FOSSIL FUEL TRANSITION COMMUNITY.—The term "fossil fuel transition community" means a community—

(A) that has been adversely affected economically by a recent reduction in fossil fuel mining, extraction, or production-related activity, as demonstrated by employment data, per capita income, or other indicators of economic distress;

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

(C) in which the economic contribution of fossil fuel mining, extraction, or production-related activity has significantly declined.

(6) FUND.—The term "Fund" means the Federal Energy Transition Economic Development Assistance Fund established by subsection (c).

(7) PUBLIC LAND.—

(A) IN GENERAL.—The term "public land" means any land and interest in land owned by the United States within the several States and administered by the Secretary or the Secretary of Agriculture (acting through the

Chief of the Forest Service) without regard to how the United States acquired ownership.

(B) INCLUSION.—The term "public land" includes land located on the outer Continental Shelf.

(C) EXCLUSION.—The term "public land" does not include land held in trust for an Indian Tribe or member of an Indian Tribe.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) ESTABLISHMENT OF FEDERAL ENERGY TRANSITION ECONOMIC DEVELOPMENT ASSISTANCE FUND.—There is established in the Treasury of the United States a fund, to be known as the "Federal Energy Transition Economic Development Assistance Fund", which shall consist of amounts deposited in the Fund under section 29(d).

(d) DISTRIBUTION OF FUNDS.—Of the amounts deposited in the Fund—

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

(2) 35 percent shall be distributed by the Secretary to States based on a formula reflecting the quantity of fossil fuels historically produced and extracted in the State on public land before the date of enactment of this Act; and

(3) 30 percent shall be allocated to a competitive grant program under subsection (f).

(e) USE OF FUNDS.—

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

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

(B) building partnerships to attract and invest in the economic future of historically fossil fuel-dependent communities;

(C) increasing capacity and other technical assistance fostering long-term economic growth and opportunity in historically fossil fuel-dependent communities;

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

(E) severance payments for displaced workers;

(F) carbon sequestration projects in natural systems on public land; or

(G) expanding broadband access and broadband infrastructure.

(2) PRIORITY TO FOSSIL FUEL WORKERS.—In distributing funds under paragraph (1), the Secretary shall give priority to assisting displaced workers dislocated from fossil fuel mining and extraction industries.

(f) COMPETITIVE GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a competitive grant program to provide funds to eligible entities for the purposes described in paragraph (3).

(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term "eligible entity" means a local government, State government, or Indian Tribe, local development district (as defined in section 382E(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–4(a))), a nonprofit organization, labor union, economic development agency, or institution of higher education (including a community college).

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

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

(B)(i) existing job retraining and apprenticeship programs for displaced workers; or

(ii) programs designed to promote economic development in communities affected by a downturn in fossil fuel extraction and mining;

(C) developing projects that—

(i) diversify local and regional economies;

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

(iii) attract new sources of job-creating investment; or

(iv) provide a range of workforce services and skills training;

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

(E) the development and support of—

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

(ii) a clean energy major or minor program at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(g) JUST TRANSITION ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory committee, to be known as the "Just Transition Advisory Committee".

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

(3) DUTIES.—The Advisory Committee shall—

(A) advise, assist, and support the Secretary in—

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

(ii) the establishment and administration of the competitive grant program under subsection (f); and

(B) develop procedures to ensure that States and applicants eligible to participate in the competitive grant program established under subsection (f) are notified of the availability of Federal funds pursuant to this section.

(4) MEMBERSHIP.—

(A) IN GENERAL.—The total number of members of the Advisory Committee shall not exceed 20 members.

(B) COMPOSITION.—The Advisory Committee shall be composed of the following members appointed by the Chair:

(i) A representative of the Assistant Secretary of Commerce for Economic Development.

(ii) A representative of the Secretary of Labor.

(iii) A representative of the Under Secretary for Rural Development.

(iv) 2 individuals with professional economic development or workforce retraining experience.

(v) An equal number of representatives from each of the following:

(I) Labor unions.

(II) Nonprofit environmental organizations.

(III) Environmental justice organizations.

(IV) Fossil fuel transition communities.

(V) Public interest groups.

(VI) Tribal and Indigenous communities.

(5) TERMINATION.—The Advisory Committee shall not terminate except by an Act of Congress.

(h) LIMIT ON USE OF FUNDS.—

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

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

(3) CALENDAR YEAR LIMITATION.—Not less than 15 percent of the amounts in the Fund shall be spent in each calendar year.

(i) USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.—None of the funds appropriated or otherwise made available by this section may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, unless the manufactured good is not produced in the United States.

(j) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives, with the annual budget submission of the President, a list of projects, including a description of each project, that received funding under this section in the previous calendar year.

SEC. 31. EVALUATION BY COMPTROLLER GENERAL OF THE UNITED STATES.

Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Comptroller General of the United States shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representatives, and the Committees on Environment and Public Works and Energy and Natural Resources of the Senate, a report that contains an evaluation of the effectiveness of each activity carried out under this Act and the amendments made by this Act.

PURPOSE OF THE BILL

The purpose of H.R. 2021 is to restore, reaffirm, and reconcile environmental justice and civil rights; address environmental health

disparities; and to promote a cleaner, more just environmental future for everyone.

BACKGROUND AND NEED FOR LEGISLATION

Environmental justice is rooted in a core belief that all people have the right to clean air, clean water, and a healthy local environment. For environmental justice communities—including communities of color, Tribal and Indigenous communities, and low-income communities—these rights are still unrealized after decades of inadequate public investment and policies that disproportionately burden environmental justice communities with the harmful impacts of pollution and climate change, even though environmental justice communities contribute the least to environmental pollution and climate change.[1] Environmental justice communities are disproportionately burdened by greater exposure to air pollution, water pollution, and harmful climate impacts, including coastal and inland flooding, extreme temperatures, climate-induced drought, and clean drinking water supply shortages.[2] These environmental impacts are worsened by an inequitable distribution of federal funding to support climate resilient infrastructure and healthy environments in environmental justice communities.[3]

To help address these environmental injustices, House Natural Resources Committee Chair Raúl M. Grijalva and Representative A. Donald McEachin initiated an inclusive, transparent, community-led process to create comprehensive environmental justice legislation. After convening hundreds of environmental leaders in the U.S. Capitol and integrating extensive community feedback, including hundreds of written comments from members of the public and leaders in the environmental justice movement, Chair Grijalva and Rep. McEachin first introduced the Environmental Justice for All Act in 2020, with now—Vice President Kamala Harris leading the Senate companion. Chair Grijalva and Rep. McEachin reintroduced the legislation on March 18, 2021.

Broadly speaking, the Environmental Justice for All Act includes numerous bill provisions that can be grouped into five categories of action.

SPOTLIGHTING ENVIRONMENTAL IMPACTS AND IMPROVING PUBLIC INPUT OPPORTUNITIES FOR ENVIRONMENTAL JUSTICE COMMUNITIES

Section 14 of H.R. 2021 requires federal agencies to provide early and more robust public disclosure and engagement opportunities

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[1] *See, e.g.*, Seth Borenstein, *Rich Americans Spew More Carbon Pollution at Home than Poor*, ASSOCIATED PRESS (July 20, 2020), https://apnews.com/article/science-be099434a414a0cb647640ce45f8e6fc; EPA, CLIMATE CHANGE AND SOCIAL VULNERABILITY IN THE UNITED STATES (2021), https://www.epa.gov/system/files/documents/2021-09/climate-vulnerability_september-2021_508.pdf.

[2] *See, e.g.*, Sarah Kaplan, *Climate Change is Also a Racial Justice Problem*, WASH. POST (June 29, 2020), https://www.washingtonpost.com/climate-solutions/2020/06/29/climate-change-racism/; EPA, CLIMATE CHANGE AND SOCIAL VULNERABILITY IN THE UNITED STATES, *supra* note 1; ROBERT D. BULLARD, PAUL MOHAI, ROBIN SAHA & BEVERLY WRIGHT, UNITED CHURCH OF CHRIST, TOXIC WASTE AND RACE AT TWENTY (2007), http://www.ejnet.org/ej/twart.pdf; Linda Villarosa, *Pollution Is Killing Black Americans. This Community Fought Back.*, N.Y. TIMES (July 28, 2020), https://www.nytimes.com/2020/07/28/magazine/pollution-philadelphia-black-americans.html; Amy Vanderwarker, *Water and Environmental Justice, in* JULIET CHRISTIAN-SMITH ET AL., A TWENTY-FIRST CENTURY U.S. WATER POLICY ch. 3 (2013), available at https://pacinst.org/wp-content/uploads/2013/02/water_and_environmental_justice_ch3.pdf.

[3] *See, e.g.*, Christopher Flavelle, *Billions for Climate Protection Fuel New Debate: Who Deserves It Most*, N.Y. TIMES (Dec. 3, 2021), https://www.nytimes.com/2021/12/03/climate/climate-change-infrastructure-bill.html.

under the National Environmental Policy Act (NEPA) when proposing an action that can affect a defined environmental justice community. NEPA requires federal agencies to consider the environmental impacts of proposed federal actions, evaluate project alternatives, and consider public input. H.R. 2021 also ensures greater Tribal representation throughout the NEPA process when a proposed action could impact an Indian Tribe, including activities impacting off-reservation lands and sacred sites. Additionally, section 14 of H.R. 2021 requires federal agencies proposing an action that could harm a defined environmental justice community to assess and disclose the potential harmful environmental impacts more fully. Section 9 of H.R. 2021 requires an environmental justice mapping and screening tool to be maintained and made publicly available, such as the Environmental Protection Agency's EJScreen, to provide demographic and environmental information for geographic areas of the United States.

STRENGTHENING ENVIRONMENTAL COMPLIANCE AND POLLUTION STANDARDS IN ENVIRONMENTAL JUSTICE COMMUNITIES

Section 7 of H.R. 2021 requires the consideration of cumulative environmental impacts in permitting decisions under the Clean Air Act and the Clean Water Act and requires permitted projects to demonstrate a reasonable certainty of no harm to human health after consideration of cumulative impacts. Generally, federal clean air and clean water standards attempt to regulate pollutant by pollutant through individual standards, but in communities with numerous polluting facilities concentrated in close proximity, there are harmful cumulative health and environmental effects despite no individual standard being violated. Cumulative impacts can be defined as the impacts caused by multiple pollutants, usually emitted by multiple sources of pollution in an area, in isolation and by their interaction with each other.[4]

PROVIDING NEW ENFORCEMENT TOOLS TO COUNTER PROHIBITED ENVIRONMENTAL DISCRIMINATION

Sections 4, 5, and 6 of H.R. 2021 enable individuals to legally challenge discrimination—including environmental discrimination—prohibited under Title VI of the Civil Rights Act of 1964 (Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin by federal funding recipients, such as states, localities, or private entities. Title VI requirements apply to all programs and activities that receive federal funds, including programs administered by the federal agencies under the jurisdiction of the Natural Resources Committee.

The basis for Title VI is simple and was described by President John F. Kennedy as follows:

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.[5]

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[4] Nicky Sheats, Environmental Justice, Cumulative Impacts and Ports, New Jersey Clean Air Council Annual Hearing—Past, Present and Future: Air Quality Around Our Ports and Airports, (July 30, 2020), https://www.nj.gov/dep/cleanair/PPP/2020/4-nicky-sheats.pdf.

[5] CIVIL RIGHTS AND JOB OPPORTUNITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, H.R. DOC. NO. 88–124 (1963), 88 Cong. Rec. 11,174, 11,178 (1963), https://www.govinfo.gov/content/pkg/GPO-CRECB-1963-pt8/pdf/GPO-CRECB-1963-pt8-13-2.pdf; *see also, e.g., Civil*

The 2001 *Alexander v. Sandoval* Supreme Court decision[6] eliminated the prive right of individuals to legally challenge a major form of discrimination under Title VI known as "disparate impact discrimination," such as actions that cause disproportionate environmental harm to communities of color without substantial, legitimate justification.[7] While disparate impact discrimination remains prohibited under the Civil Rights Act, individuals lack the right to enforce this prohibition in federal court due to the *Sandoval* decision. H.R. 2021 amends Title VI of the Civil Rights Act to affirm the prohibition against disparate impact discrimination and restore its most effective enforcement tool. For environmental justice communities, Title VI provides a basis to seek remedy when federal funding is put toward discriminatory ends; for example, to contest a permit for a polluting facility in an overburdened environmental justice community, or to protest discriminatory treatment in the disbursement of relief funding following a major climate disaster.[8] Federal agencies are still required to enforce the prohibition against disparate impact discrimination in all programs and activities that receive federal funds, but federal agencies lack oversight systems to properly track Title VI compliance and underenforcement is widespread.[9]

PROMOTING EQUITABLE ACCESS TO ENVIRONMENTAL AMENITIES

Sections 17, 18, and 20 of H.R. 2021 support various capacity-building measures for environmental justice communities to improve local environmental conditions. These measures include technical application assistance for federal grants; dedicated environmental justice community grants to support research, education, outreach, development, and implementation of projects to improve environmental conditions in environmental justice communities; and the creation of an online clearinghouse for environmental justice information, including training materials and a directory of experts and organizations with the capability to provide advice or technical assistance to environmental justice communities.

Sections 11, 12, and 13 of H.R. 2021 also support more equitable access to parks and recreational opportunities by prioritizing projects and recreational opportunities that benefit underserved communities, improving transportation availability to public lands and recreational opportunities for critically underserved communities, and permanently authorizing the Every Kid Outdoors Act to provide fourth graders free access to federal lands and waters, including national parks.

Rights: Hearing Before Subcomm. No. 5 of the H. Comm. on the Judiciary, 88th Cong. 1531 (1963) (response of Anthony J. Celebrezze, Sec'y of Health, Educ. & Welfare) (quoting the same in endorsing the enactment of Title VI).

[6] 532 U.S. 275.

[7] Courts and federal agencies have articulated several different formulations to describe what constitutes a justification that is legally sufficient to permit an adverse disparate impact under Title VI based on a highly fact-specific assessment on a case-by-case basis. Permitted disparate impacts also must demonstrate evidence that it is unfeasible to implement a less discriminatory alternative.

[8] Hannah Perls, *EPA Undermines Its Own Environmental Justice Programs*, HARV. ENV'T & ENERGY L. PROGRAM (Nov. 12, 2020), https://eelp.law.harvard.edu/2020/11/epa-undermines-its-own-environmental-justice-programs/.

[9] See, for example, EPA, OFFICE OF INSPECTOR GENERAL, REPORT NO. 20–E–0333, IMPROVED EPA OVERSIGHT OF FUNDING RECIPIENTS' TITLE VI PROGRAMS COULD PREVENT DISCRIMINATION, (2020), https://www.epa.gov/sites/default/files/2020-09/documents/_epaoig_20200928-20-e-0333.pdf.

Sections 29 and 30 of H.R. 2021 raise coal, oil, and gas royalty rates to create a dedicated funding source to support communities and workers as they transition away from greenhouse gas-intensive industries and establishes a Federal Energy Transition Economic Development Assistance Fund to support environmental remediation of impacted lands and waters; guarantee pension, healthcare, retirement, and wage security for impacted workers; expand broadband access; and support a range of workforce services for impacted workers and communities.

CENTERING ENVIRONMENTAL JUSTICE CONSIDERATIONS AT EXECUTIVE BRANCH AGENCIES

Sections 8, 9, 10, 16, 19, and 21 of H.R. 2021 create a federal Interagency Working Group on Environmental Justice, establish the position of Environmental Justice Ombuds, provide environmental justice training to federal agency staff, and codify Executive Order 12898, which requires all federal agencies to make achieving environmental justice part of their mission.[10]

Some members of the Committee's minority have spoken against H.R. 2021; virtually every argument presented against H.R. 2021 rests on the false presumption that affordable energy development cannot be achieved without further burdening environmental justice communities with a disproportionate share of our nation's pollution, including air pollution from fossil fuel projects. Currently, Black Americans are exposed to one-and-a-half times as much air pollution brought on from burning fossil fuels than the population at large.[11] This has direct health impacts in the form of asthma, heart disease, and premature death. H.R. 2021 works to correct and address these and other unfair pollution burdens.

COMMITTEE ACTION

H.R. 2021 was introduced on March 18, 2021, by House Committee on Natural Resources Chair Raúl M. Grijalva (D–AZ). The bill was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, the Judiciary, Transportation and Infrastructure, Agriculture, and Education and Labor. Within the Natural Resources Committee, the bill was kept at the full Committee level. On February 15, 2022, the Committee held a hearing on the bill.

On July 27, 2022, the Natural Resources Committee met to consider the bill. Chair Grijalva offered an amendment in the nature of a substitute.

Rep. Garret Graves (R–LA) offered an amendment designated Graves #1 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote.

Rep. Cliff Bentz (R–OR) offered an amendment designated Bentz #3 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote.

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[10] Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Exec. Order No. 12898, 59 Fed. Reg. 7629 (Feb. 11, 1994), available at https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf.

[11] Villarosa, *Pollution Is Killing Black Americans. This Community Fought Back., supra* note 1.

Rep. Debbie Dingell (D–MI) offered an amendment designated Dingell-Tlaib #226 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote.

Rep. Blake D. Moore (R–UT) offered an amendment designated Moore #2 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote.

Rep. Jerry L. Carl (R–AL) offered an amendment designated Carl #7 to the amendment in the nature of a substitute. A recorded vote was requested.

Rep. Yvette Herrell (R–NM) offered an amendment designated Herrell #8 to the amendment in the nature of a substitute. A recorded vote was requested.

Rep. Graves offered an amendment designated Graves #5 to the amendment in the nature of a substitute. A recorded vote was requested.

Rep. Moore offered an amendment designated Moore #10 to the amendment in the nature of a substitute. A recorded vote was requested.

Rep. Carl offered an amendment designated Carl #11 to the amendment in the nature of a substitute. A recorded vote was requested.

By unanimous consent, the Committee held a recorded vote on the amendments designated Carl #7, Herrell #8, Graves #5, Moore #10, and Carl #11 to the amendment in the nature of a substitute *en bloc*. The *en bloc* amendments were not agreed to by a roll call vote of 20 yeas and 25 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: By unanimous consent, amendments designated Carl #7, Herrell #8, Graves #5, Moore #10, and Carl #11 to the amendment in the nature of a substitute were considered en bloc.

Disposition: Not agreed to by a roll call vote of 20 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*			
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	20	25	
	Total: 47 / Quorum: 16 / Report: 24	**YEAS**	**NAYS**	**PRESENT**

Rep. Graves offered an amendment designated Graves #2 to the amendment in the nature of a substitute. A recorded vote was requested.

Rep. Graves offered an amendment designated Graves #4 to the amendment in the nature of the substitute. A recorded vote was requested.

By unanimous consent, the Committee held a recorded vote on the amendments designated Graves #2 and Graves #4 *en bloc*. The *en bloc* amendments were not agreed to by a roll call vote of 21 yeas and 24 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: By unanimous consent, amendments designated Graves #2 and Graves #4 to the amendment in the nature of a substitute were considered en bloc.

Disposition: Not agreed to by a roll call vote of 21 yeas and 24 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI	X		
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*			
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	21	24	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Ranking Member Bruce Westerman (R–AR) offered an amendment designated Westerman #4 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 20 yeas and 26 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Ranking Member Westerman amendment #4 to the ANS

Disposition: Was not agreed to by a roll call vote of 20 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*			
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	20	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. Pete Stauber (R–MN) offered an amendment designated Stauber #6 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 21 yeas and 25 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. Stauber amendment #6 to the ANS

Disposition: Was not agreed to by a roll call vote of 21 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	21	25	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. Jay Obernolte (R–CA) offered an amendment designated Obernolte #12 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 21 yeas and 25 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. Obernolte amendment #12 to the ANS

Disposition: Was not agreed to by a roll call vote of 21 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ *(Chair)*		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM			
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	21	25	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. A. Donald McEachin (D–VA) offered an amendment designated McEachin #051 to the amendment in the nature of a substitute. The amendment was agreed to by a roll call vote of 24 yeas and 22 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. McEachin amendment #051 to ANS

Disposition: Was agreed to by a roll call vote of 24 yeas and 22 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI		X	
3	Mr. Cohen, TN	X		
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. García, IL	X		
9	Mr. Grijalva, AZ (*Chair*)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. McCollum, MN	X		
15	Mr. McEachin, VA	X		
16	Mrs. Napolitano, CA	X		
17	Mr. Neguse, CO	X		
18	Ms. Porter, CA	X		
19	Mr. Sablan, MP	X		
20	Mr. San Nicolas, GU	X		
21	Mr. Soto, FL	X		
22	Ms. Stansbury, NM	X		
23	Ms. Tlaib, MI	X		
24	Mr. Tonko, NY	X		
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY			
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*		X	
2	*Mrs. Boebert, CO*		X	
3	*Mr. Carl, AL*		X	
4	*Ms. Conway, CA*		X	
5	*Mr. Fulcher, ID*		X	
6	*Mr. Gohmert, TX*		X	
7	*Miss González-Colón, PR*		X	
8	*Mr. Graves, LA*		X	
9	*Ms. Herrell, NM*		X	
10	*Mr. Hice, GA*		X	
11	*Mr. Lamborn, CO*		X	
12	*Mr. McClintock, CA*		X	
13	*Mr. Moore, UT*		X	
14	*Mr. Obernolte, CA*		X	
15	*Mrs. Radewagen, AS*		X	
16	*Mr. Rosendale, MT*		X	
17	*Mr. Stauber, MN*		X	
18	*Mr. Tiffany, WI*		X	
19	*Mr. Webster, FL*		X	
20	*Mr. Westerman, AR (RM)*		X	
21	*Mr. Wittman, VA*		X	
	TOTALS	24	22	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. Carl offered an amendment designated Carl #15 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 21 yeas and 24 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. Carl amendment #15 to the ANS

Disposition: Was not agreed to by a roll call vote of 21 yeas and 24 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	21	24	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. Herrell offered an amendment designated Herrell #21 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 21 yeas and 25 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. Herrell amendment #21 to the ANS

Disposition: Was not agreed to by a roll call vote of 21 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ *(Chair)*		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	21	25	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Ranking Member Westerman offered an amendment designated Westerman #22 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 20 yeas and 25 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Ranking Member Westerman amendment #22 to the ANS

Disposition: Was not agreed to by a roll call vote of 20 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*			
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	20	25	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. Stauber offered an amendment designated Stauber #25 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 21 yeas and 25 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. Stauber amendment #25 to the ANS

Disposition: Was not agreed to by a roll call vote of 21 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	21	25	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. Thomas P. Tiffany (R–WI) offered an amendment designated Tiffany #18 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 20 yeas and 26 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. Tiffany amendment #18 to the ANS

Disposition: Was not agreed to by a roll call vote of 20 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*			
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	20	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Ranking Member Westerman offered an amendment designated Westerman #20 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 21 yeas and 26 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Ranking Member Westerman amendment #20 to the ANS

Disposition: Was not agreed to by a roll call vote of 21 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ *(Chair)*		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	21	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. Stauber offered an amendment designated Stauber #16 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 21 yeas and 26 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. Stauber amendment #16 to the ANS

Disposition: Was not agreed to by a roll call vote of 21 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	21	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. Matthew M. Rosendale (R–MT) offered an amendment designated Rosendale #13 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 21 yeas and 26 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. Rosendale amendment #13 to the ANS

Disposition: Was not agreed to by a roll call vote of 21 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	21	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. Obernolte offered an amendment designated Obernolte #17 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 20 yeas and 25 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. Obernolte amendment #17 to the ANS

Disposition: Was not agreed to by a roll call vote of 20 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI			
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*			
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	20	25	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

Rep. Graves offered an amendment designated Graves #6 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 22 yeas and 25 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment: Rep. Graves amendment #6 to the ANS

Disposition: Was not agreed to by a roll call vote of 22 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI	X		
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*	X		
4	*Ms. Conway, CA*	X		
5	*Mr. Fulcher, ID*	X		
6	*Mr. Gohmert, TX*	X		
7	*Miss González-Colón, PR*	X		
8	*Mr. Graves, LA*	X		
9	*Ms. Herrell, NM*	X		
10	*Mr. Hice, GA*	X		
11	*Mr. Lamborn, CO*	X		
12	*Mr. McClintock, CA*	X		
13	*Mr. Moore, UT*	X		
14	*Mr. Obernolte, CA*	X		
15	*Mrs. Radewagen, AS*	X		
16	*Mr. Rosendale, MT*	X		
17	*Mr. Stauber, MN*	X		
18	*Mr. Tiffany, WI*	X		
19	*Mr. Webster, FL*	X		
20	*Mr. Westerman, AR (RM)*	X		
21	*Mr. Wittman, VA*	X		
	TOTALS	22	25	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

The amendment in the nature of a substitute, as amended, was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 26 yeas and 21 nays, as follows:

Date: July 27, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2021

Amendment:

Disposition: Final Passage: H.R. 2021, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 26 yeas and 21 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN	X		
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. García, IL	X		
9	Mr. Grijalva, AZ (*Chair*)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. McCollum, MN	X		
15	Mr. McEachin, VA	X		
16	Mrs. Napolitano, CA	X		
17	Mr. Neguse, CO	X		
18	Ms. Porter, CA	X		
19	Mr. Sablan, MP	X		
20	Mr. San Nicolas, GU	X		
21	Mr. Soto, FL	X		
22	Ms. Stansbury, NM	X		
23	Ms. Tlaib, MI	X		
24	Mr. Tonko, NY	X		
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY	X		
	REP. MEMBERS (21)	Y	N	P
1	*Mr. Bentz, OR*		X	
2	*Mrs. Boebert, CO*		X	
3	*Mr. Carl, AL*		X	
4	*Ms. Conway, CA*		X	
5	*Mr. Fulcher, ID*		X	
6	*Mr. Gohmert, TX*		X	
7	*Miss González-Colón, PR*		X	
8	*Mr. Graves, LA*		X	
9	*Ms. Herrell, NM*		X	
10	*Mr. Hice, GA*		X	
11	*Mr. Lamborn, CO*		X	
12	*Mr. McClintock, CA*		X	
13	*Mr. Moore, UT*		X	
14	*Mr. Obernolte, CA*		X	
15	*Mrs. Radewagen, AS*		X	
16	*Mr. Rosendale, MT*		X	
17	*Mr. Stauber, MN*		X	
18	*Mr. Tiffany, WI*		X	
19	*Mr. Webster, FL*		X	
20	*Mr. Westerman, AR (RM)*		X	
21	*Mr. Wittman, VA*		X	
	TOTALS	26	21	
	Total: 47 / Quorum: 16 / Report: 24	**YEAS**	**NAYS**	**PRESENT**

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the House Committee on Natural Resources held on February 15, 2022.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause(3)(c)(3) and clause 3(d) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to restore, reaffirm, and reconcile environmental justice and civil rights; address environmental health disparities; and to promote a cleaner, more just environmental future for everyone.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

CIVIL RIGHTS ACT OF 1964

* * * * * * *

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. [No] *(a) No* person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving Federal financial assistance.

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

(i) an entity subject to this title (referred to in this subsection as a "covered entity") has a program, policy, practice, or activity that causes a disparate impact on the basis of race, color, or national origin and the covered entity fails to demonstrate that the challenged program, policy, practice, or activity is related to and necessary to achieve the nondiscriminatory goal of the program, policy, practice, or activity alleged to have been operated in a discriminatory manner; or

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

(B) With respect to demonstrating that a particular program, policy, practice, or activity does not cause a disparate impact, the covered entity shall demonstrate that each particular challenged program, policy, practice, or activity does not cause a disparate impact, except that if the covered entity demonstrates to the courts that the elements of the covered entity's decision-making process are not capable of separation for analysis, the decision-making process may be analyzed as 1 program, policy, practice, or activity.

(2) A demonstration that a program, policy, practice, or activity is necessary to achieve the goals of a program, policy, practice, or

activity may not be used as a defense against a claim of intentional discrimination under this title.

(3) In this subsection—

(A) the term "demonstrates" means to meet the burdens of going forward with the evidence and of persuasion; and

(B) the term "disparate impact" has the meaning given the term in section 3 of the Environmental Justice For All Act.

(c) No person in the United States shall be subjected to discrimination, including retaliation or intimidation, because such person opposed any program, policy, practice, or activity prohibited by this title, or because such person made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

SEC. 602. *(a)* Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

(b) Any person aggrieved by the failure to comply with this title, including any regulation promulgated pursuant to this title, may file suit in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy and without regard to the citizenship of the parties.

SEC. 602A. ACTIONS BROUGHT BY AGGRIEVED PERSONS.

(a) CLAIMS BASED ON PROOF OF INTENTIONAL DISCRIMINATION.—In an action brought by an aggrieved person under this title against an entity subject to this title (referred to in this section as a "covered entity") who has engaged in unlawful intentional discrimination

(not a practice that is unlawful because of its disparate impact) prohibited under this title (including its implementing regulations), the aggrieved person may recover equitable and legal relief (including compensatory and punitive damages), attorney's fees (including expert fees), and costs of the action, except that punitive damages are not available against a government, government agency, or political subdivision.

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

(c) DEFINITIONS.—In this section:

(1) AGGRIEVED PERSON.—The term "aggrieved person" means a person aggrieved by discrimination on the basis of race, color, or national origin.

(2) DISPARATE IMPACT.—The term "disparate impact" has the meaning given the term in section 3 of the Environmental Justice For All Act.

* * * * * * *

FEDERAL WATER POLLUTION CONTROL ACT

* * * * * * *

TITLE IV—PERMITS AND LICENSES

[NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

[SEC. 402. (a)(1) Except as]

SEC. *402. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.*

(a) PERMITS ISSUED BY ADMINISTRATOR.—

(1) IN GENERAL.—Except as provided in sections 318 and 404 of this Act, the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 301(a), [upon condition that such discharge will meet either (A) all] *subject to the conditions that—*

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

(i) all applicable requirements under sections 301, 302, 306, 307, 308, and [403 of this Act, or (B) prior] *403; or*

(ii) prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of [this Act.] *this Act; and*

(B) with respect to the issuance or renewal of the permit—

(i) based on an analysis by the Administrator of existing water quality and the potential cumulative impacts (as defined in section 501 of the Clean Air Act (42 U.S.C. 7661)) of the discharge, considered in con-

junction with the designated and actual uses of the impacted navigable water, there exists a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation; or

impacts(ii) if the Administrator determines that, due to those potential cumulative, there does not exist a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation, the permit or renewal includes such terms and conditions as the Administrator determines to be necessary to ensure a reasonable certainty of no harm.

(2) The Administrator shall prescribe conditions for such permits to [assure compliance with the requirements of paragraph (1) of this subsection, including conditions on data and information collection, reporting, and such other requirements as he deems appropriate.] *ensure compliance with the requirements of paragraph (1), including—*

(A) conditions relating to—

(i) data and information collection;

(ii) reporting; and

(iii) such other requirements as the Administrator determines to be appropriate; and

(B) additional controls or pollution prevention requirements.

(3) The permit program of the Administrator under paragraph (1) of this subsection, and permits issued thereunder, shall be subject to the same terms, conditions, and requirements as apply to a State permit program and permits issued thereunder under subsection (b) of this section.

(4) All permits for discharges into the navigable waters issued pursuant to section 13 of the Act of March 3, 1899, shall be deemed to be permits issued under this title, and permits issued under this title shall be deemed to be permits issued under section 13 of the Act of March 3, 1899, and shall continue in force and effect for their term unless revoked, modified, or suspended in accordance with the provisions of this Act.

(5) No permit for a discharge into the navigable waters shall be issued under section 13 of the Act of March 3, 1899, after the date of enactment of this title. Each application for a permit under section 13 of the Act of March 3, 1899, pending on the date of enactment of this Act shall be deemed to be an application for a permit under this section. The Administrator shall authorize a State, which he determines has the capability of administering a permit program which will carry out the objective of this Act, to issue permits for discharges into the navigable waters within the jurisdiction of such State. The Administrator may exercise the authority granted him by the preceding sentence only during the period which begins on the date of enactment of this Act and ends either on the ninetieth day after the date of the first promulgation of guidelines required by section 304(i)(2) of this Act, or the date of approval by the Administrator of a permit program for such State under subsection (b) of this section, whichever date first occurs, and no such authorization to a State shall extend beyond the last day of such period. Each such permit shall be subject to such condi-

tions as the Administrator determines are necessary to carry out the provisions of this Act. No such permit shall issue if the Administrator objects to such issuance.

(b) At any time after the promulgation of the guidelines required by subsection (i)(2) of section 304 of this Act, the Governor of each State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law or under an interstate compact. In addition, such State shall submit a statement from the attorney general (or the attorney for those State water pollution control agencies which have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of such State, or the interstate compact, as the case may be, provide adequate authority to carry out the described program. The Administrator shall approve each such submitted program unless he determines that adequate authority does not exist:

(1) To issue permits which—

(A) apply, and insure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

(B) are for fixed terms not exceeding five years; and

(C) can be terminated or modified for cause including, but not limited to, the following:

(i) violation of any condition of the permit;

(ii) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

(iii) change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(D) control the disposal of pollutants into wells**[**;**]**.

(2)(A) To issue permits which apply, and insure compliance with, all applicable requirements of section 308 of this Act, or

(B) To inspect, monitor, enter, and require reports to at least the same extent as required in section 308 of this Act**[**;**]**.

(3) To insure that the public, and any other State the waters of which may be affected, receive notice of each application for a permit and to provide an opportunity for public hearing before a ruling on each such application**[**;**]**.

(4) To insure that the Administrator receives notice of each application (including a copy thereof) for a permit**[**;**]**.

(5) To insure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State (and the Administrator) with respect to any permit application and, if any part of such written recommendations are not accepted by the permitting State, that the permitting State will notify such affected State (and the Administrator) in writing of its failure to so accept such recommendations together with its reasons for so doing**[**;**]**.

(6) To insure that no permit will be issued if, in the judgment of the Secretary of the Army acting through the Chief of Engineers, after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired thereby**[**;**]**.

(7) To abate violations of the permit or the permit program, including civil and criminal penalties and other ways and means of enforcement[;].

(8) To insure that any permit for a discharge from a publicly owned treatment works includes conditions to require the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) of this Act into such works and a program to assure compliance with such pretreatment standards by each such source, in addition to adequate notice to the permitting agency of (A) new introductions into such works of pollutants from any source which would be a new source as defined in section 306 if such source were discharging pollutants, (B) new introductions of pollutants into such works from a source which would be subject to section 301 if it were discharging such pollutants, or (C) a substantial change in volume or character of pollutants being introduced into such works by a source introducing pollutants into such works at the time of issuance of the permit. Such notice shall include information on the quality and quantity of effluent to be introduced into such treatment works and any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works[; and].

(9) To insure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

(10) To ensure that no permit will be issued or renewed if, with respect to an application for the permit, the State determines, based on an analysis by the State of existing water quality and the potential cumulative impacts (as defined in section 501 of the Clean Air Act (42 U.S.C. 7661)) of the discharge, considered in conjunction with the designated and actual uses of the impacted navigable water, that the terms and conditions of the permit or renewal would not be sufficient to ensure a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation.

(c)(1) Not later than ninety days after the date on which a State has submitted a program (or revision thereof) pursuant to subsection (b) of this section, the Administrator shall suspend the issuance of permits under subsection (a) of this section as to those discharges subject to such program unless he determines that the State permit program does not meet the requirements of subsection (b) of this section or does not conform to the guidelines issued under section 304(i)(2) of this Act. If the Administrator so determines, he shall notify the State of any revisions or modifications necessary to conform to such requirements or guidelines.

(2) Any State permit program under this section shall at all times be in accordance with this section and guidelines promulgated pursuant to section 304(i)(2) of this Act.

(3) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall

first have notified the State, and made public, in writing, the reasons for such withdrawal.

(4) LIMITATIONS ON PARTIAL PERMIT PROGRAM RETURNS AND WITHDRAWALS.—A State may return to the Administrator administration, and the Administrator may withdraw under paragraph (3) of this subsection approval, of—

(A) a State partial permit program approved under subsection (n)(3) only if the entire permit program being administered by the State department or agency at the time is returned or withdrawn; and

(B) a State partial permit program approved under subsection (n)(4) only if an entire phased component of the permit program being administered by the State at the time is returned or withdrawn.

(d)(1) Each State shall transmit to the Administrator a copy of each permit application received by such State and provide notice to the Administrator of every action related to the consideration of such permit application, including each permit proposed to be issued by such State.

(2) No permit shall issue (A) if the Administrator within ninety days of the date of his notification under subsection (b)(5) of this section objects in writing to the issuance of such permit, or (B) if the Administrator within ninety days of the date of transmittal of the proposed permit by the State objects in writing to the issuance of such permit as being outside the guidelines and requirements of this Act. Whenever the Administrator objects to the issuance of a permit under this paragraph such written objection shall contain a statement of the reasons for such objection and the effluent limitations and conditions which such permit would include if it were issued by the Administrator.

(3) The Administrator may, as to any permit application, waive paragraph (2) of this subsection.

(4) In any case where, after the date of enactment of this paragraph, the Administrator, pursuant to paragraph (2) of this subsection, objects to the issuance of a permit, on request of the State, a public hearing shall be held by the Administrator on such objection. If the State does not resubmit such permit revised to meet such objection within 30 days after completion of the hearing, or, if no hearing is requested within 90 days after the date of such objection, the Administrator may issue the permit pursuant to subsection (a) of this section for such source in accordance with the guidelines and requirements of this Act.

(e) In accordance with guidelines promulgated pursuant to subsection (i)(2) of section 304 of this Act, the Administrator is authorized to waive the requirements of subsection (d) of this section at the time he approves a program pursuant to subsection (b) of this section for any category (including any class, type, or size within such category) of point sources within the State submitting such program.

(f) The Administrator shall promulgate regulations establishing categories of point sources which he determines shall not be subject to the requirements of subsection (d) of this section in any State with a program approved pursuant to subsection (b) of this section. The Administrator may distinguish among classes, types, and sizes within any category of point sources.

(g) Any permit issued under this section for the discharge of pollutants into the navigable waters from a vessel or other floating craft shall be subject to any applicable regulations promulgated by the Secretary of the Department in which the Coast Guard is operating, establishing specifications for safe transportation, handling, carriage, storage, and stowage of pollutants.

(h) In the event any condition of a permit for discharges from a treatment works (as defined in section 212 of this Act) which is publicly owned is violated, a State with a program approved under subsection (b) of this section or the Administrator, where no State program is approved or where the Administrator determines pursuant to section 309(a) of this Act that a State with an approved program has not commenced appropriate enforcement action with respect to such permit, may proceed in a court of competent jurisdiction to restrict or prohibit the introduction of any pollutant into such treatment works by a source not utilizing such treatment works prior to the finding that such condition was violated.

(i) Nothing in this section shall be construed to limit the authority of the Administrator to take action pursuant to section 309 of this Act.

(j) A copy of each permit application and each permit issued under this section shall be available to the public. Such permit application or permit, or portion thereof, shall further be available on request for the purpose of reproduction.

(k) Compliance with a permit issued pursuant to this section shall be deemed compliance, for purposes of sections 309 and 505, with sections 301, 302, 306, 307, and 403, except any standard imposed under section 307 for a toxic pollutant injurious to human health. Until December 31, 1974, in any case where a permit for discharge has been applied for pursuant to this section, but final administrative disposition of such application has not been made, such discharge shall not be a violation of (1) section 301, 306, or 402 of this Act, or (2) section 13 of the Act of March 3, 1899, unless the Administrator or other plaintiff proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. For the 180-day period beginning on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, in the case of any point source discharging any pollutant or combination of pollutants immediately prior to such date of enactment which source is not subject to section 13 of the Act of March 3, 1899, the discharge by such source shall not be a violation of this Act if such a source applies for a permit for discharge pursuant to this section within such 180-day period.

(l) LIMITATION ON PERMIT REQUIREMENT.—

(1) AGRICULTURAL RETURN FLOWS.—The Administrator shall not require a permit under this section for discharges composed entirely of return flows from irrigated agriculture, nor shall the Administrator directly or indirectly, require any State to require such a permit.

(2) STORMWATER RUNOFF FROM OIL, GAS, AND MINING OPERATIONS.—The Administrator shall not require a permit under this section, nor shall the Administrator directly or indirectly require any State to require a permit, for discharges of

stormwater runoff from mining operations or oil and gas exploration, production, processing, or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with, or do not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct, or waste products located on the site of such operations.

(3) SILVICULTURAL ACTIVITIES.—

(A) NPDES PERMIT REQUIREMENTS FOR SILVICULTURAL ACTIVITIES.—The Administrator shall not require a permit under this section nor directly or indirectly require any State to require a permit under this section for a discharge from runoff resulting from the conduct of the following silviculture activities conducted in accordance with standard industry practice: nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance.

(B) OTHER REQUIREMENTS.—Nothing in this paragraph exempts a discharge from silvicultural activity from any permitting requirement under section 404, existing permitting requirements under section 402, or from any other federal law.

(C) The authorization provided in Section 505(a) does not apply to any non-permitting program established under 402(p)(6) for the silviculture activities listed in 402(l)(3)(A), or to any other limitations that might be deemed to apply to the silviculture activities listed in 402(l)(3)(A).

(m) ADDITIONAL PRETREATMENT OF CONVENTIONAL POLLUTANTS NOT REQUIRED.—To the extent a treatment works (as defined in section 212 of this Act) which is publicly owned is not meeting the requirements of a permit issued under this section for such treatment works as a result of inadequate design or operation of such treatment works, the Administrator, in issuing a permit under this section, shall not require pretreatment by a person introducing conventional pollutants identified pursuant to a section 304(a)(4) of this Act into such treatment works other than pretreatment required to assure compliance with pretreatment standards under subsection (b)(8) of this section and section 307(b)(1) of this Act. Nothing in this subsection shall affect the Administrator's authority under sections 307 and 309 of this Act, affect State and local authority under sections 307(b)(4) and 510 of this Act, relieve such treatment works of its obligations to meet requirements established under this Act, or otherwise preclude such works from pursuing whatever feasible options are available to meet its responsibility to comply with its permit under this section.

(n) PARTIAL PERMIT PROGRAM.—

(1) STATE SUBMISSION.—The Governor of a State may submit under subsection (b) of this section a permit program for a portion of the discharges into the navigable waters in such State.

(2) MINIMUM COVERAGE.—A partial permit program under this subsection shall cover, at a minimum, administration of a major category of the discharges into the navigable waters of the State or a major component of the permit program required by subsection (b).

(3) APPROVAL OF MAJOR CATEGORY PARTIAL PERMIT PROGRAMS.—The Administrator may approve a partial permit program covering administration of a major category of discharges under this subsection if—

(A) such program represents a complete permit program and covers all of the discharges under the jurisdiction of a department or agency of the State; and

(B) the Administrator determines that the partial program represents a significant and identifiable part of the State program required by subsection (b).

(4) APPROVAL OF MAJOR COMPONENT PARTIAL PERMIT PROGRAMS.—The Administrator may approve under this subsection a partial and phased permit program covering administration of a major component (including discharge categories) of a State permit program required by subsection (b) if—

(A) the Administrator determines that the partial program represents a significant and identifiable part of the State program required by subsection (b); and

(B) the State submits, and the Administrator approves, a plan for the State to assume administration by phases of the remainder of the State program required by subsection (b) by a specified date not more than 5 years after submission of the partial program under this subsection and agrees to make all reasonable efforts to assume such administration by such date.

(o) ANTI-BACKSLIDING.—

(1) GENERAL PROHIBITION.—In the case of effluent limitations established on the basis of subsection (a)(1)(B) of this section, a permit may not be renewed, reissued, or modified on the basis of effluent guidelines promulgated under section 304(b) subsequent to the original issuance of such permit, to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit. In the case of effluent limitations established on the basis of section 301(b)(1)(C) or section 303(d) or (e), a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit except in compliance with section 303(d)(4).

(2) EXCEPTIONS.—A permit with respect to which paragraph (1) applies may be renewed, reissued, or modified to contain a less stringent effluent limitation applicable to a pollutant if—

(A) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation;

(B)(i) information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have

justified the application of a less stringent effluent limitation at the time of permit issuance; or

(ii) the Administrator determines that technical mistakes or mistaken interpretations of law were made in issuing the permit under subsection (a)(1)(B);

(C) a less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is no reasonably available remedy;

(D) the permittee has received a permit modification under section 301(c), 301(g), 301(h), 301(i), 301(k), 301(n), or 316(a); or

(E) the permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case the limitations in the reviewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

Subparagraph (B) shall not apply to any revised waste load allocations or any alternative grounds for translating water quality standards into effluent limitations, except where the cumulative effect of such revised allocations results in a decrease in the amount of pollutants discharged into the concerned waters, and such revised allocations are not the result of a discharger eliminating or substantially reducing its discharge of pollutants due to complying with the requirements of this Act or for reasons otherwise unrelated to water quality.

(3) LIMITATIONS.—In no event may a permit with respect to which paragraph (1) applies be renewed, reissued, or modified to contain an effluent limitation which is less stringent than required by effluent guidelines in effect at the time the permit is renewed, reissued, or modified. In no event may such a permit to discharge into waters be renewed, reissued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of a water quality standard under section 303 applicable to such waters.

(p) MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.—

(1) GENERAL RULE.—Prior to October 1, 1994, the Administrator or the State (in the case of a permit program approved under section 402 of this Act) shall not require a permit under this section for discharges composed entirely of stormwater.

(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to the following stormwater discharges:

(A) A discharge with respect to which a permit has been issued under this section before the date of the enactment of this subsection.

(B) A discharge associated with industrial activity.

(C) A discharge from a municipal separate storm sewer system serving a population of 250,000 or more.

(D) A discharge from a municipal separate storm sewer system serving a population of 100,000 or more but less than 250,000.

(E) A discharge for which the Administrator or the State, as the case may be, determines that the stormwater discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.

(3) PERMIT REQUIREMENTS.—

(A) INDUSTRIAL DISCHARGES.—Permits for discharges associated with industrial activity shall meet all applicable provisions of this section and section 301.

(B) MUNICIPAL DISCHARGE.—Permits for discharges from municipal storm sewers—

(i) may be issued on a system- or jurisdiction-wide basis;

(ii) shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers; and

(iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.

(4) PERMIT APPLICATION REQUIREMENTS.—

(A) INDUSTRIAL AND LARGE MUNICIPAL DISCHARGES.—Not later than 2 years after the date of the enactment of this subsection, the Administrator shall establish regulations setting forth the permit application requirements for stormwater discharges described in paragraphs (2)(B) and (2)(C). Applications for permits for such discharges shall be filed no later than 3 years after such date of enactment. Not later than 4 years after such date of enactment the Administrator or the State, as the case may be, shall issue or deny each such permit. Any such permit shall provide for compliance as expeditiously as practicable, but in no event later than 3 years after the date of issuance of such permit.

(B) OTHER MUNICIPAL DISCHARGES.—Not later than 4 years after the date of the enactment of this subsection, the Administrator shall establish regulations setting forth the permit application requirements for stormwater discharges described in paragraph (2)(D). Applications for permits for such discharges shall be filed no later than 5 years after such date of enactment. Not later than 6 years after such date of enactment, the Administrator or the State, as the case may be, shall issue or deny each such permit. Any such permit shall provide for compliance as expeditiously as practicable, but in no event later than 3 years after the date of issuance of such permit.

(5) STUDIES.—The Administrator, in consultation with the States, shall conduct a study for the purposes of—

(A) identifying those stormwater discharges or classes of stormwater discharges for which permits are not required pursuant to paragraphs (1) and (2) of this subsection;

(B) determining, to the maximum extent practicable, the nature and extent of pollutants in such discharges; and

(C) establishing procedures and methods to control stormwater discharges to the extent necessary to mitigate impacts on water quality.

Not later than October 1, 1988, the Administrator shall submit to Congress a report on the results of the study described in subparagraphs (A) and (B). Not later than October 1, 1989, the Administrator shall submit to Congress a report on the results of the study described in subparagraph (C).

(6) REGULATIONS.—Not later than October 1, 1993, the Administrator, in consultation with State and local officials, shall issue regulations (based on the results of the studies conducted under paragraph (5)) which designate stormwater discharges, other than those discharges described in paragraph (2), to be regulated to protect water quality and shall establish a comprehensive program to regulate such designated sources. The program shall, at a minimum, (A) establish priorities, (B) establish requirements for State stormwater management programs, and (C) establish expeditious deadlines. The program may include performance standards, guidelines, guidance, and management practices and treatment requirements, as appropriate.

(q) COMBINED SEWER OVERFLOWS.—

(1) REQUIREMENT FOR PERMITS, ORDERS, AND DECREES.—Each permit, order, or decree issued pursuant to this Act after the date of enactment of this subsection for a discharge from a municipal combined storm and sanitary sewer shall conform to the Combined Sewer Overflow Control Policy signed by the Administrator on April 11, 1994 (in this subsection referred to as the "CSO control policy").

(2) WATER QUALITY AND DESIGNATED USE REVIEW GUIDANCE.—Not later than July 31, 2001, and after providing notice and opportunity for public comment, the Administrator shall issue guidance to facilitate the conduct of water quality and designated use reviews for municipal combined sewer overflow receiving waters.

(3) REPORT.—Not later than September 1, 2001, the Administrator shall transmit to Congress a report on the progress made by the Environmental Protection Agency, States, and municipalities in implementing and enforcing the CSO control policy.

(r) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.—No permit shall be required under this Act by the Administrator (or a State, in the case of a permit program approved under subsection (b)) for the discharge of any graywater, bilge water, cooling water, weather deck runoff, oil water separator effluent, or effluent from properly functioning marine engines, or any other discharge that is incidental to the normal operation of a vessel, if the discharge is from a recreational vessel.

(s) INTEGRATED PLANS.—

(1) DEFINITION OF INTEGRATED PLAN.—In this subsection, the term "integrated plan" means a plan developed in accordance with the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency and dated June 5, 2012.

(2) IN GENERAL.—The Administrator (or a State, in the case of a permit program approved by the Administrator) shall inform municipalities of the opportunity to develop an integrated plan that may be incorporated into a permit under this section.

(3) SCOPE.—

(A) SCOPE OF PERMIT INCORPORATING INTEGRATED PLAN.—A permit issued under this section that incorporates an integrated plan may integrate all requirements under this Act addressed in the integrated plan, including requirements relating to—

(i) a combined sewer overflow;

(ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems;

(iii) a municipal stormwater discharge;

(iv) a municipal wastewater discharge; and

(v) a water quality-based effluent limitation to implement an applicable wasteload allocation in a total maximum daily load.

(B) INCLUSIONS IN INTEGRATED PLAN.—An integrated plan incorporated into a permit issued under this section may include the implementation of—

(i) projects, including innovative projects, to reclaim, recycle, or reuse water; and

(ii) green infrastructure.

(4) COMPLIANCE SCHEDULES.—

(A) IN GENERAL.—A permit issued under this section that incorporates an integrated plan may include a schedule of compliance, under which actions taken to meet any applicable water quality-based effluent limitation may be implemented over more than 1 permit term if the schedule of compliance—

(i) is authorized by State water quality standards; and

(ii) meets the requirements of section 122.47 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

(B) TIME FOR COMPLIANCE.—For purposes of subparagraph (A)(ii), the requirement of section 122.47 of title 40, Code of Federal Regulations, for compliance by an applicable statutory deadline under this Act does not prohibit implementation of an applicable water quality-based effluent limitation over more than 1 permit term.

(C) REVIEW.—A schedule of compliance incorporated into a permit issued under this section may be reviewed at the time the permit is renewed to determine whether the schedule should be modified.

(5) EXISTING AUTHORITIES RETAINED.—

(A) APPLICABLE STANDARDS.—Nothing in this subsection modifies any obligation to comply with applicable technology and water quality-based effluent limitations under this Act.

(B) FLEXIBILITY.—Nothing in this subsection reduces or eliminates any flexibility available under this Act, including the authority of a State to revise a water quality standard after a use attainability analysis under section

131.10(g) of title 40, Code of Federal Regulations (or a successor regulation), subject to the approval of the Administrator under section 303(c).

(6) CLARIFICATION OF STATE AUTHORITY.—

(A) IN GENERAL.—Nothing in section 301(b)(1)(C) precludes a State from authorizing in the water quality standards of the State the issuance of a schedule of compliance to meet water quality-based effluent limitations in permits that incorporate provisions of an integrated plan.

(B) TRANSITION RULE.—In any case in which a discharge is subject to a judicial order or consent decree, as of the date of enactment of this subsection, resolving an enforcement action under this Act, any schedule of compliance issued pursuant to an authorization in a State water quality standard may not revise a schedule of compliance in that order or decree to be less stringent, unless the order or decree is modified by agreement of the parties and the court.

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CLEAN AIR ACT

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TITLE V—PERMITS

SEC. 501. DEFINITIONS.

[As used in this title—] *In this title:*

(1) AFFECTED SOURCE.—The term "affected source" shall have the meaning given such term in title IV.

(2) CUMULATIVE IMPACTS.—The term "cumulative impacts" means any exposure to a public health or environmental risk, or other effect occurring in a specific geographical area, including from an emission, discharge, or release—

(A) including—

(i) environmental pollution released—

(I)(aa) routinely;

(bb) accidentally; or

(cc) otherwise; and

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

(ii) as assessed based on the combined past, present, and reasonably foreseeable emissions and discharges affecting the geographical area; and

(B) evaluated taking into account sensitive populations and other factors that may heighten vulnerability to environmental pollution and associated health risks, including socioeconomic characteristics.

[(2)] *(3)* MAJOR SOURCE.—The term "major source" means any stationary source (or any group of stationary sources located within a contiguous area and under common control) that is either of the following:

(A) A major source as defined in section 112.

(B) A major stationary source as defined in section 302 or part D of title I.

(4) PERMITTING AUTHORITY.—The term "permitting authority" means the Administrator or the air pollution control agency authorized by the Administrator to carry out a permit program under this title.

[(3)] *(5)* SCHEDULE OF COMPLIANCE.—The term "schedule of compliance" means a schedule of remedial measures, including an enforceable sequence of actions or operations, leading to compliance with an applicable implementation plan, emission standard, emission limitation, or emission prohibition.

SEC. 502. PERMIT PROGRAMS.

(a) VIOLATIONS.—After the effective date of any permit program approved or promulgated under this title, it shall be unlawful for any person to violate any requirement of a permit issued under this title, or to operate an affected source (as provided in title IV), a major source, any other source (including an area source) subject to standards or regulations under section 111 or 112, any other source required to have a permit under parts C or D of title I, or any other stationary source in a category designated (in whole or in part) by regulations promulgated by the Administrator (after notice and public comment) which shall include a finding setting forth the basis for such designation, except in compliance with a permit issued by a permitting authority under this title. (Nothing in this subsection shall be construed to alter the applicable requirements of this Act that a permit be obtained before construction or modification.) The Administrator may, in the Administrator's discretion and consistent with the applicable provisions of this Act, promulgate regulations to exempt one or more source categories (in whole or in part) from the requirements of this subsection if the Administrator finds that compliance with such requirements is impracticable, infeasible, or unnecessarily burdensome on such categories, except that the Administrator may not exempt any major source from such requirements.

(b) REGULATIONS.—The Administrator shall promulgate within 12 months after the date of the enactment of the Clean Air Act Amendments of 1990 regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. These elements shall include each of the following:

(1) Requirements for permit applications, including a standard application form and criteria for determining in a timely fashion the completeness of applications.

(2) Monitoring and reporting requirements.

(3)(A) A requirement under State or local law or interstate compact that the owner or operator of all sources subject to the requirement to obtain a permit under this title pay an annual fee, or the equivalent over some other period, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this title, including section 507, including the reasonable costs of—

(i) reviewing and acting upon any application for such a permit,

(ii) if the owner or operator receives a permit for such source, whether before or after the date of the enactment of the Clean Air Act Amendments of 1990, implementing

and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

(iii) emissions and ambient monitoring,

(iv) preparing generally applicable regulations, or guidance,

(v) modeling, analyses, and demonstrations, and

(vi) preparing inventories and tracking emissions.

(B) The total amount of fees collected by the permitting authority shall conform to the following requirements:

(i) The Administrator shall not approve a program as meeting the requirements of this paragraph unless the State demonstrates that, except as otherwise provided in subparagraphs (ii) through (v) of this subparagraph, the program will result in the collection, in the aggregate, from all sources subject to subparagraph (A), of an amount not less than $25 per ton of each regulated pollutant, or such other amount as the Administrator may determine adequately reflects the reasonable costs of the permit program.

(ii) As used in this subparagraph, the term "regulated pollutant" shall mean (I) a volatile organic compound; (II) each pollutant regulated under section 111 or 112; and (III) each pollutant for which a national primary ambient air quality standard has been promulgated (except that carbon monoxide shall be excluded from this reference).

(iii) In determining the amount under clause (i), the permitting authority is not required to include any amount of regulated pollutant emitted by any source in excess of 4,000 tons per year of that regulated pollutant.

(iv) The requirements of clause (i) shall not apply if the permitting authority demonstrates that collecting an amount less than the amount specified under clause (i) will meet the requirements of subparagraph (A).

(v) The fee calculated under clause (i) shall be increased (consistent with the need to cover the reasonable costs authorized by subparagraph (A)) in each year beginning after the year of the enactment of the Clean Air Act Amendments of 1990 by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989. For purposes of this clause—

(I) the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year, and

(II) the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(C)(i) If the Administrator determines, under subsection (d), that the fee provisions of the operating permit program do not meet the requirements of this paragraph, or if the Administrator makes a determination, under subsection (i), that the

permitting authority is not adequately administering or enforcing an approved fee program, the Administrator may, in addition to taking any other action authorized under this title, collect reasonable fees from the sources identified under subparagraph (A). Such fees shall be designed solely to cover the Administrator's costs of administering the provisions of the permit program promulgated by the Administrator.

(ii) Any source that fails to pay fees lawfully imposed by the Administrator under this subparagraph shall pay a penalty of 50 percent of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986 (relating to computation of interest on underpayment of Federal taxes).

(iii) Any fees, penalties, and interest collected under this subparagraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended, subject to appropriation, to carry out the Agency's activities for which the fees were collected. Any fee required to be collected by a State, local, or interstate agency under this subsection shall be utilized solely to cover all reasonable (direct and indirect) costs required to support the permit program as set forth in subparagraph (A).

(4) Requirements for adequate personnel and funding to administer the program.

(5) A requirement that the permitting authority have adequate authority to:

(A) issue permits and ⟦assure⟧ *ensure* compliance by all sources required to have a permit under this title with each applicable standard, regulation or requirement under this Act;

(B) issue permits for a fixed term, not to exceed 5 years;

(C) ⟦assure⟧ *ensure* that upon issuance or renewal permits incorporate emission limitations and other requirements in an applicable implementation plan;

(D) terminate, modify, or revoke and reissue permits for cause;

(E) enforce permits, permit fee requirements, and the requirement to obtain a permit, including authority to recover civil penalties in a maximum amount of not less than $10,000 per day for each violation, and provide appropriate criminal penalties; and

⟦(F) assure that no permit will be issued if the Administrator objects to its issuance in a timely manner under this title.⟧

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

(i) with respect to an application for a permit or renewal of a permit for a major source, the permitting authority determines under paragraph (9)(A)(i)(II)(bb) that the terms and conditions of the permit or renewal would not be sufficient to ensure a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation, of the applicable census block groups or Tribal census

block groups (as those terms are defined by the Director of the Bureau of the Census); or

(ii) the Administrator objects to the issuance of the permit in a timely manner under this title.

(6) Adequate, streamlined, and reasonable procedures for expeditiously determining when applications are complete, for processing such applications, for public notice, including offering an opportunity for public comment and a hearing, and for expeditious review of permit actions, including applications, renewals, or revisions, and including an opportunity for judicial review in State court of the final permit action by the applicant, any person who participated in the public comment process, and any other person who could obtain judicial review of that action under applicable law.

(7) To ensure against unreasonable delay by the permitting authority, adequate authority and procedures to provide that a failure of such permitting authority to act on a permit application or permit renewal application (in accordance with the time periods specified in section 503 or, as appropriate, title IV) shall be treated as a final permit action solely for purposes of obtaining judicial review in State court of an action brought by any person referred to in paragraph (6) to require that action be taken by the permitting authority on such application without additional delay.

(8) Authority, and reasonable procedures consistent with the need for expeditious action by the permitting authority on permit applications and related matters, to make available to the public any permit application, compliance plan, permit, and monitoring or compliance report under section 503(e), subject to the provisions of section 114(c) of this Act.

[(9) A requirement that the permitting authority, in the case of permits with a term of 3 or more years for major sources, shall require revisions to the permit to incorporate applicable standards and regulations promulgated under this Act after the issuance of such permit. Such revisions shall occur as expeditiously as practicable and consistent with the procedures established under paragraph (6) but not later than 18 months after the promulgation of such standards and regulations. No such revision shall be required if the effective date of the standards or regulations is a date after the expiration of the permit term. Such permit revision shall be treated as a permit renewal if it complies with the requirements of this title regarding renewals.**]**

(9) MAJOR SOURCES.—

(A) IN GENERAL.—With respect to any permit or renewal of a permit, as applicable, for a major source, a requirement that the permitting authority shall—

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

(I) evaluate the potential cumulative impacts of the major source, as described in the applicable cumulative impacts analysis submitted under section 503(b)(3), taking into consideration other pollution sources and risk factors within a community;

(II) if, due to those potential cumulative impacts, the permitting authority cannot determine that there exists a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation, of any census block groups or Tribal census block groups (as those terms are defined by the Director of the Bureau of the Census) located in, or immediately adjacent to, the area in which the major source is, or is proposed to be, located—

(aa) include in the permit or renewal such standards and requirements (including additional controls or pollution prevention requirements) as the permitting authority determines to be necessary to ensure a reasonable certainty of no such harm; or

(bb) if the permitting authority determines that standards and requirements described in item (aa) would not be sufficient to ensure a reasonable certainty of no such harm, deny the issuance or renewal of the permit;

(III) determine whether the applicant is a persistent violator, based on such criteria relating to the history of compliance by an applicant with this Act as the Administrator shall establish by not later than 180 days after the date of enactment of the Environmental Justice for All Act;

(IV) if the permitting authority determines under subclause (III) that the applicant is a persistent violator and the permitting authority does not deny the issuance or renewal of the permit pursuant to subclause (II)(bb)—

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

(AA) if the applicant is not in compliance with this Act, measures the applicant will carry out to achieve that compliance, together with an approximate deadline for that achievement;

(BB) measures the applicant will carry out, or has carried out to ensure the applicant will remain in compliance with this Act, and to mitigate the environmental and health effects of noncompliance; and

(CC) the measures the applicant has carried out in preparing the plan to consult or negotiate with the communities affected by each persistent violation addressed in the plan; and

(bb) once such a plan is submitted, determine whether the plan is adequate to ensuring that the applicant—

(AA) will achieve compliance with this Act expeditiously;

(BB) will remain in compliance with this Act;

(CC) will mitigate the environmental and health effects of noncompliance; and

(DD) has solicited and responded to community input regarding the plan; and

(V) deny the issuance or renewal of the permit if the permitting authority determines that—

(aa) the plan submitted under subclause (IV)(aa) is inadequate; or

(bb)(AA) the applicant has submitted a plan on a prior occasion, but continues to be a persistent violator; and

(BB) no indication exists of extremely exigent circumstances excusing the persistent violations; and

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

(B) REVISION REQUIREMENTS.—

(i) DEADLINE.—A revision described in subparagraph (A)(ii) shall occur as expeditiously as practicable and consistent with the procedures established under paragraph (6) but not later than 18 months after the promulgation of such standards and regulations.

(ii) EXCEPTION.—A revision under this paragraph shall not be required if the effective date of the standards or regulations is a date after the expiration of the permit term.

(iii) TREATMENT AS RENEWAL.—A permit revision under this paragraph shall be treated as a permit renewal if it complies with the requirements of this title regarding renewals.

(10) Provisions to allow changes within a permitted facility (or one operating pursuant to section 503(d)) without requiring a permit revision, if the changes are not modifications under any provision of title I and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions:*Provided,* That the facility provides the Administrator and the permitting authority with written notification in advance of the proposed changes which shall be a minimum of 7 days, unless the permitting authority provides in its regulations a different timeframe for emergencies.

(c) SINGLE PERMIT.—A single permit may be issued for a facility with multiple sources.

(d) SUBMISSION AND APPROVAL.—(1) Not later than 3 years after the date of the enactment of the Clean Air Act Amendments of 1990, the Governor of each State shall develop and submit to the Administrator a permit program under State or local law or under an interstate compact meeting the requirements of this title. In addition, the Governor shall submit a legal opinion from the attorney general (or the attorney for those State air pollution control agencies that have independent legal counsel), or from the chief legal officer of an interstate agency, that the laws of the State, locality,

or the interstate compact provide adequate authority to carry out the program. Not later than 1 year after receiving a program, and after notice and opportunity for public comment, the Administrator shall approve or disapprove such program, in whole or in part. The Administrator may approve a program to the extent that the program meets the requirements of this Act, including the regulations issued under subsection (b). If the program is disapproved, in whole or in part, the Administrator shall notify the Governor of any revisions or modifications necessary to obtain approval. The Governor shall revise and resubmit the program for review under this section within 180 days after receiving notification.

(2)(A) If the Governor does not submit a program as required under paragraph (1) or if the Administrator disapproves a program submitted by the Governor under paragraph (1), in whole or in part, the Administrator may, prior to the expiration of the 18-month period referred to in subparagraph (B), in the Administrator's discretion, apply any of the sanctions specified in section 179(b).

(B) If the Governor does not submit a program as required under paragraph (1), or if the Administrator disapproves any such program submitted by the Governor under paragraph (1), in whole or in part, 18 months after the date required for such submittal or the date of such disapproval, as the case may be, the Administrator shall apply sanctions under section 179(b) in the same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 179(a).

(C) The sanctions under section 179(b)(2) shall not apply pursuant to this paragraph in any area unless the failure to submit or the disapproval referred to in subparagraph (A) or (B) relates to an air pollutant for which such area has been designated a nonattainment area (as defined in part D of title I).

(3) If a program meeting the requirements of this title has not been approved in whole for any State, the Administrator shall, 2 years after the date required for submission of such a program under paragraph (1), promulgate, administer, and enforce a program under this title for that State.

(e) SUSPENSION.—The Administrator shall suspend the issuance of permits promptly upon publication of notice of approval of a permit program under this section, but may, in such notice, retain jurisdiction over permits that have been federally issued, but for which the administrative or judicial review process is not complete. The Administrator shall continue to administer and enforce federally issued permits under this title until they are replaced by a permit issued by a permitting program. Nothing in this subsection should be construed to limit the Administrator's ability to enforce permits issued by a State.

(f) PROHIBITION.—No partial permit program shall be approved unless, at a minimum, it applies, and ensures compliance with, this title and each of the following:

(1) All requirements established under title IV applicable to "affected sources".

(2) All requirements established under section 112 applicable to "major sources", "area sources," and "new sources".

(3) All requirements of title I (other than section 112) applicable to sources required to have a permit under this title.

Approval of a partial program shall not relieve the State of its obligation to submit a complete program, nor from the application of any sanctions under this Act for failure to submit an approvable permit program.

(g) INTERIM APPROVAL.—If a program (including a partial permit program) submitted under this title substantially meets the requirements of this title, but is not fully approvable, the Administrator may by rule grant the program interim approval. In the notice of final rulemaking, the Administrator shall specify the changes that must be made before the program can receive full approval. An interim approval under this subsection shall expire on a date set by the Administrator not later than 2 years after such approval, and may not be renewed. For the period of any such interim approval, the provisions of subsection (d)(2), and the obligation of the Administrator to promulgate a program under this title for the State pursuant to subsection (d)(3), shall be suspended. Such provisions and such obligation of the Administrator shall apply after the expiration of such interim approval.

(h) EFFECTIVE DATE.—The effective date of a permit program, or partial or interim program, approved under this title, shall be the effective date of approval by the Administrator. The effective date of a permit program, or partial permit program, promulgated by the Administrator shall be the date of promulgation.

(i) ADMINISTRATION AND ENFORCEMENT.—(1) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, the Administrator shall provide notice to the State and may, prior to the expiration of the 18-month period referred to in paragraph (2), in the Administrator's discretion, apply any of the sanctions specified in section 179(b).

(2) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, 18 months after the date of the notice under paragraph (1), the Administrator shall apply the sanctions under section 179(b) in the same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 179(a).

(3) The sanctions under section 179(b)(2) shall not apply pursuant to this subsection in any area unless the failure to adequately enforce and administer the program relates to an air pollutant for which such area has been designated a nonattainment area.

(4) Whenever the Administrator has made a finding under paragraph (1) with respect to any State, unless the State has corrected such deficiency within 18 months after the date of such finding, the Administrator shall, 2 years after the date of such finding, promulgate, administer, and enforce a program under this title for that State. Nothing in this paragraph shall be construed to affect the validity of a program which has been approved under this title or the authority of any permitting authority acting under such program until such time as such program is promulgated by the Administrator under this paragraph.

SEC. 503. PERMIT APPLICATIONS.

(a) APPLICABLE DATE.—Any source specified in section 502(a) shall become subject to a permit program, and required to have a permit, on the later of the following dates—

(1) the effective date of a permit program or partial or interim permit program applicable to the source; or

(2) the date such source becomes subject to section 502(a).

(b) COMPLIANCE PLAN.—(1) The regulations required by section 502(b) shall include a requirement that the applicant submit with the permit application a compliance plan describing how the source will comply with all applicable requirements under this Act. The compliance plan shall include a schedule of compliance, and a schedule under which the permittee will submit progress reports to the permitting authority no less frequently than every 6 months.

(2) The regulations shall further require the permittee to periodically (but no less frequently than annually) certify that the facility is in compliance with any applicable requirements of the permit, and to promptly report any deviations from permit requirements to the permitting authority.

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

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

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

(C) the potential effects on soil quality and water quality of emissions of lead and other air pollutants that could contaminate soil or water from the major source, including in combination with existing sources of pollutants; and

(D) public health and any potential effects on public health from the major source.

(c) DEADLINE.—Any person required to have a permit shall, not later than 12 months after the date on which the source becomes subject to a permit program approved or promulgated under this title, or such earlier date as the permitting authority may establish, submit to the permitting authority a compliance plan and an application for a permit signed by a responsible official, who shall certify the accuracy of the information submitted. The permitting authority shall approve or disapprove a completed application (consistent with the procedures established under this title for consideration of such applications), and shall issue or deny the permit, within 18 months after the date of receipt thereof, except that the permitting authority shall establish a phased schedule for acting on permit applications submitted within the first full year after the

effective date of a permit program (or a partial or interim program). Any such schedule shall assure that at least one-third of such permits will be acted on by such authority annually over a period of not to exceed 3 years after such effective date. Such authority shall establish reasonable procedures to prioritize such approval or disapproval actions in the case of applications for construction or modification under the applicable requirements of this Act.

(d) TIMELY AND COMPLETE APPLICATIONS.—Except for sources required to have a permit before construction or modification under the applicable requirements of this Act, if an applicant has submitted a timely and complete application for a permit required by this title (including renewals), but final action has not been taken on such application, the source's failure to have a permit shall not be a violation of this Act, unless the delay in final action was due to the failure of the applicant timely to submit information required or requested to process the application. No source required to have a permit under this title shall be in violation of section 502(a) before the date on which the source is required to submit an application under subsection (c).

(e) COPIES; AVAILABILITY.—A copy of each permit application, compliance plan (including the schedule of compliance), emissions or compliance monitoring report, certification, and each permit issued under this title, shall be available to the public. If an applicant or permittee is required to submit information entitled to protection from disclosure under section 114(c) of this Act, the applicant or permittee may submit such information separately. The requirements of section 114(c) shall apply to such information. The contents of a permit shall not be entitled to protection under section 114(c).

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JOHN D. DINGELL, JR. CONSERVATION, MANAGEMENT, AND RECREATION ACT

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TITLE IX—MISCELLANEOUS

SEC. 9001. EVERY KID OUTDOORS ACT.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND AND WATERS.—The term "Federal land and waters" means any Federal land or body of water under the jurisdiction of any of the Secretaries to which the public has access.

(2) PROGRAM.—The term "program" means the Every Kid Outdoors program established under subsection (b)(1).

(3) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary, acting through—

(i) the Director of the National Park Service;

(ii) the Director of the United States Fish and Wildlife Service;

(iii) the Director of the Bureau of Land Management; and

(iv) the Commissioner of Reclamation;

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service;

(C) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration; and

(D) the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works.

(4) STATE.—The term "State" means each of the several States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and any other territory or possession of the United States.

(5) STUDENT OR STUDENTS.—The term "student" or "students" means any fourth grader or home-schooled learner 10 years of age residing in the United States, including any territory or possession of the United States.

(b) EVERY KID OUTDOORS PROGRAM.—

(1) ESTABLISHMENT.—The Secretaries shall jointly establish a program, to be known as the "Every Kid Outdoors program", to provide free access to Federal land and waters for students and accompanying individuals in accordance with this subsection.

(2) ANNUAL PASSES.—

(A) IN GENERAL.—At the request of a student, the Secretaries shall issue a pass to the student, which allows access to Federal lands and waters for which access is subject to an entrance, standard amenity, or day use fee, free of charge for the student and—

(i) in the case of a per-vehicle fee area—

(I) any passengers accompanying the student in a private, noncommercial vehicle; or

(II) not more than three adults accompanying the student on bicycles; or

(ii) in the case of a per-person fee area, not more than three adults accompanying the student.

(B) TERM.—A pass described in subparagraph (A) shall be effective during the period beginning on September 1 and ending on August 31 of the following year.

(C) PRESENCE OF A STUDENT IN GRADE FOUR REQUIRED.—A pass described in subparagraph (A) shall be effective only if the student to which the pass was issued is present at the point of entry to the applicable Federal land or water.

(3) OTHER ACTIVITIES.—In carrying out the program, the Secretaries—

(A) may collaborate with State Park systems that opt to implement a complementary Every Kid Outdoors State park pass;

(B) may coordinate with the Secretary of Education to implement the program;

(C) shall maintain a publicly available website with information about the program;

(D) may provide visitor services for the program; and

(E) may support approved partners of the Federal land and waters by providing the partners with opportunities to participate in the program.

(4) REPORTS.—The Secretary, in coordination with each Secretary described in subparagraphs (B) through (D) of subsection (a)(3), shall prepare a comprehensive report to Congress each year describing—

(A) the implementation of the program;

(B) the number and geographical distribution of students who participated in the program; and

(C) the number of passes described in paragraph (2)(A) that were distributed.

[(5) SUNSET.—The authorities provided in this section, including the reporting requirement, shall expire on the date that is 7 years after the date of enactment of this Act.]

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NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

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TITLE I—DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of [man's] *human* activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of [man] *humankind*, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which [man] *humankind* and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undersirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an

environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. [The Congress authorizes and directs that, to the fullest extent possible:] *The Congress authorizes and directs that, notwithstanding any other provision of law and to the fullest extent possible:* (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will [insure] *ensure* the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on [man's] *the human* environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will [insure] *ensure* that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

[(iii) alternatives to the proposed action,]

(iii) a reasonable range of alternatives that—

(I) are technically feasible,

(II) are economically feasible, and

(III) where applicable, do not cause or contribute to adverse cumulative effects, including effects caused by exposure to environmental pollution, on an overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis as determined by the agency preparing or having taken primary responsibility for preparing the environmental document pursuant to this Act, except that where the agency determines that an alternative will serve a compelling public interest in the affected overburdened community with conditions to protect public health,

(iv) the relationship between local short-term uses of [man's] *the human* environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a State agency or official, if:

(i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

(ii) the responsible Federal official furnishes guidance and participates in such preparation,

(iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and

(iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other State or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such State or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.

(E) study, develop, and describe appropriate alternatives *that are consistent with subparagraph (C)(3)* to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of [mankind's] *humankind's* world environment;

(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(I) assist the Council on Environmental Quality established by title II of this Act.

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SEC. 106. DEFINITIONS.

In this Act:

(1) EFFECT; IMPACT.—The terms "effect" and "impact" mean changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and include the following:

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

(B) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

(C) Cumulative effects, which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

(D) Effects that are ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.

(2) LIMITED ENGLISH PROFICIENCY.—The term "limited English proficiency" means that a household does not have an adult that speaks English very well according to the United States Census Bureau.

(3) LOW-INCOME HOUSEHOLD.—The term "low-income household" means a household that is at or below twice the poverty threshold as that threshold is determined annually by the United States Census Bureau.

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

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

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

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

(5) TRIBAL AND INDIGENOUS COMMUNITY.—The term "Tribal and Indigenous community" means a population of people who are members of—

(A) a federally recognized Indian Tribe;

(B) a State-recognized Indian Tribe;

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

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

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COASTAL ZONE MANAGEMENT ACT OF 1972

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TITLE III—MANAGEMENT OF THE COASTAL ZONE

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RESOURCE MANAGEMENT IMPROVEMENT GRANTS

SEC. 306A. (a) For purposes of this section—

(1) The term "eligible coastal state" means a coastal state that for any fiscal year for which a grant is applied for under this section—

(A) has a management program approved under section 306; and

(B) in the judgment of the Secretary, is making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

(2) The term "urban waterfront and port" means any developed area that is densely populated and is being used for, or has been used for, urban residential recreational, commercial, shipping or industrial purposes.

(b) The Secretary may make grants to any eligible coastal state to assist that state in meeting one or more of the following objectives:

(1) The preservation or restoration of specific areas of the state that (A) are designated under the management program procedures required by section 306(d)(9) because of their conservation recreational, ecological, or esthetic values, or (B) contain one or more coastal resources of national significance, or for the purpose of restoring and enhancing shellfish production by the purchase and distribution of clutch material on publicly owned reef tracts.

(2) The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated in the state's management program pursuant to section 306(d)(2)(C) as areas of particular concern.

(3) The provision of access to public beaches and other public coastal areas and to coastal waters in accordance with the planning process required under section 306(d)(2)(G).

(4) The development of a coordinated process among State agencies to regulate and issue permits for aquaculture facilities in the coastal zone.

(c)(1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

(2) Grants made under this section may be used for—

(A) the acquisition of fee simple and other interests in land;

(B) low-cost construction projects determined by the Secretary to be consistent with the purposes of this section, including but not limited to, paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures; except that not more than 50 per centum of any grant made under this section may be used for such construction projects;

(C) in the case of grants made for objectives described in subsection (b)(2)—

(i) the rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity,

(ii) the establishment of shoreline stabilization measures including the installation or rehabilitation of bulkheads for the purpose of public safety or increasing public access and use, and

(iii) the removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas,

but activities provided for under this paragraph shall not be treated as construction projects subject to the limitations in paragraph (B);

(D) engineering designs, specifications, and other appropriate reports; **[**and**]**

(E) educational, interpretive, and management costs and such other related costs as the Secretary determines to be consistent with the purposes of this section**[**.**]***; and*

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

(d)(1) The Secretary may make grants to any coastal state for the purpose of carrying out the project or purpose for which such grants are awarded, if the state matches any such grant according to the following ratios of Federal to state contributions for the applicable fiscal year: 4 to 1 for fiscal year 1986; 2.3 to 1 for fiscal year 1987; 1.5 to 1 for fiscal year 1988; and 1 to 1 for each fiscal year after fiscal year 1988.

(2) Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

(3) The total amount of grants made under this section to any eligible coastal state for any fiscal year may not exceed an amount equal to 10 per centum of the total amount appropriated to carry out this section for such fiscal year.

(e) With the approval of the Secretary, an eligible coastal state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

(f) In addition to providing grants under this section, the Secretary shall assist eligible coastal states and their local governments in identifying and obtaining other sources of available Federal technical and financial assistance regarding the objectives of this section.

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SEC. 309A. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL COASTAL ZONE OBJECTIVES.

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

(b) FEDERAL SHARE.—

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

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

(B) in the case of a grant of $200,000 or more, 95 percent of such cost, except as provided in paragraph (2).

(2) WAIVER.—The Secretary may waive the application of paragraph (1)(B) with respect to a grant to an Indian Tribe, or otherwise reduce the portion of the share of the cost of an activity required to be paid by an Indian Tribe under such paragraph, if the Secretary determines that the Tribe does not have sufficient funds to pay such portion.

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

(d) AUTHORIZED OBJECTIVES AND PURPOSES.—An Indian Tribe that receives a grant under this section shall use the grant funds for one or more of the objectives and purposes authorized under subsections (b) and (c), respectively, of section 306A.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2027, of which not more than 3 percent shall be used for administrative costs to carry out this section.

(f) DEFINITIONS.—In this section:

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

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

(3) TRIBAL COASTAL ZONE.—The term "Tribal coastal zone" means any Indian land that is within the coastal zone.

(4) TRIBAL COASTAL ZONE OBJECTIVE.—The term "Tribal coastal zone objective" means, with respect to an Indian Tribe, any of the following objectives:

(A) Protection, restoration, or preservation of areas in the Tribal coastal zone of such Tribe that—

(i) hold important ecological, cultural, or sacred significance for such Tribe; or

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

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

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

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FEDERAL FOOD, DRUG, AND COSMETIC ACT

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CHAPTER V—DRUGS AND DEVICES

SUBCHAPTER A—DRUGS AND DEVICES

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MISBRANDED DRUGS AND DEVICES

SEC. 502. A drug or device shall be deemed to be misbranded—

(a)(1) If its labeling is false or misleading in any particular. Health care economic information provided to a payor, formulary committee, or other similar entity with knowledge and expertise in the area of health care economic analysis, carrying out its responsibilities for the selection of drugs for coverage or reimbursement, shall not be considered to be false or misleading under this paragraph if the health care economic information relates to an indication approved under section 505 or under section 351(a) of the Public Health Service Act for such drug, is based on competent and reliable scientific evidence, and includes, where applicable, a conspicuous and prominent statement describing any material differences between the health care economic information and the labeling approved for the drug under section 505 or under section 351 of the Public Health Service Act. The requirements set forth in section 505(a) or in subsections (a) and (k) of section 351 of the Public Health Service Act shall not apply to health care economic information provided to such a payor, committee, or entity in accordance with this paragraph. Information that is relevant to the substantiation of the health care economic information presented pursuant to this paragraph shall be made available to the Secretary upon request.

(2)(A) For purposes of this paragraph, the term "health care economic information" means any analysis (including the clinical data, inputs, clinical or other assumptions, methods, results, and other components underlying or comprising the analysis) that identifies,

measures, or describes the economic consequences, which may be based on the separate or aggregated clinical consequences of the represented health outcomes, of the use of a drug. Such analysis may be comparative to the use of another drug, to another health care intervention, or to no intervention.

(B) Such term does not include any analysis that relates only to an indication that is not approved under section 505 or under section 351 of the Public Health Service Act for such drug.

(b) If in a package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided,* That under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(c) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(e)(1)(A) If it is a drug, unless its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula)—

(i) the established name (as defined in subparagraph (3)) of the drug, if there is such a name;

(ii) the established name and quantity or, if determined to be appropriate by the Secretary, the proportion of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including whether active or not the established name and quantity or if determined to be appropriate by the Secretary, the proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein, except that the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this subclause, shall not apply to nonprescription drugs not intended for human use; and

(iii) the established name of each inactive ingredient listed in alphabetical order on the outside container of the retail package and, if determined to be appropriate by the Secretary, on the immediate container, as prescribed in regulation promulgated by the Secretary, except that nothing in this subclause shall be deemed to require that any trade secret be divulged, and except that the requirements of this subclause with respect to alphabetical order shall apply only to nonprescription drugs that are not also cosmetics and that this subclause shall not apply to nonprescription drugs not intended for human use.

(B) For any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) shall be

printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient, except that to the extent that compliance with the requirements of subclause (ii) or (iii) of clause (A) or this clause is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

(2) If it is a device and it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name (as defined in subparagraph (4)) prominently printed in type at least half as large as that used thereon for any proprietary name or designation for such device, except that to the extent compliance with the requirements of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

(3) As used in subparagraph (1), the term "established name", with respect to a drug or ingredient thereof, means (A) the applicable official name designated pursuant to section 508, or (B) if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then the common or usual name, if any, of such drug or of such ingredient, except that where clause (B) of this subparagraph applies to an article recognized in the United States Pharmacopeia and in the Homeopathic Pharmacopeia under different official titles, the official title used in the United States Pharmacopeia shall apply unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homeopathic Pharmacopeia shall apply.

(4) As used in subparagraph (2), the term "established name" with respect to a device means (A) the applicable official name of the device designated pursuant to section 508, (B) if there is no such name and such device is an article recognized in an official compendium, then the official title thereof in such compendium, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then any common or usual name of such device.

(f) Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users, except that where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Secretary shall promulgate regulations exempting such drug or device from such requirement. Required labeling for prescription devices intended for use in health care facilities or by a health care professional and required labeling for in vitro diagnostic devices intended for use by health care professionals or in blood establishments may be made available solely by electronic means, provided that the labeling complies with all applicable requirements of law, and that the manufacturer affords such users the opportunity to request the labeling in paper form, and after such request, promptly provides the requested information without additional cost.

(g) If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as pre-

scribed therein. The method of packing may be modified with the consent of the Secretary. Whenever a drug is recognized in both the United States Pharmacopeia and the Homeopathic Pharmacopeia of the United States, it shall be subject to the requirements of the United States Pharmacopeia with respect to packaging, and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopeia of the United States, and not to those of the United States Pharmacopeia, except that in the event of inconsistency between the requirements of this paragraph and those of paragraph (e) as to the name by which the drug or its ingredients shall be designated, the requirements of paragraph (e) shall prevail.

(h) If it has been found by the Secretary to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Secretary shall by regulations require as necessary for the protection of the public health. No such regulation shall be established for any drug recognized in an official compendium until the Secretary shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

(i)(1) If it is a drug and its container is so made, formed, or filled as to be misleading; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

(j) If it is dangerous to health when used in the dosage or manner; or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.

(m) If it is a color additive the intended use of which is for the purpose of coloring only, unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to such color additive, as may be contained in regulations issued under section 721.

(n) In the case of any prescription drug distributed or offered for sale in any State, unless the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug a true statement of (1) the established name as defined in section 502(e), printed prominently and in type at least half as large as that used for any trade or brand name thereof, (2) the formula showing quantitatively each ingredient of such drug to the extent required for labels under section 502(e), and (3) such other information in brief summary relating to side effects, contraindications, and effectiveness as shall be required in regulations which shall be issued by the Secretary in accordance with section 701(a), and in the case of published direct-to-consumer advertisements the following statement printed in conspicuous text: "You are encouraged to report negative side effects of prescription drugs to the FDA. Visit www.fda.gov/medwatch, or call 1–800-FDA-1088.", except that (A) except in extraordinary circumstances, no regulation issued under this paragraph shall require prior approval by the Secretary of the content of any advertisement, and (B) no advertisement of a prescription drug, published after the effective date of regulations issued under this para-

graph applicable to advertisements of prescription drugs, shall, with respect to the matters specified in this paragraph or covered by such regulations, be subject to the provisions of sections 12 through 17 of the Federal Trade Commission Act, as amended (15 U.S.C. 52–57). This paragraph (n) shall not be applicable to any printed matter which the Secretary determines to be labeling as defined in section 201(m) of this Act. Nothing in the Convention on Psychotropic Substances, signed at Vienna, Austria, on February 21, 1971, shall be construed to prevent drug price communications to consumers. In the case of an advertisement for a drug subject to section 503(b)(1) presented directly to consumers in television or radio format and stating the name of the drug and its conditions of use, the major statement relating to side effects and contraindications shall be presented in a clear, conspicuous, and neutral manner.

(o) If it was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered under section 510, if it is a drug and was imported or offered for import by a commercial importer of drugs not duly registered under section 801(s), if it was not included in a list required by section 510(j), if a notice or other information respecting it was not provided as required by such section or section 510(k), or if it does not bear such symbols from the uniform system for identification of devices prescribed under section 510(e) as the Secretary by regulation requires.

(p) If it is a drug and its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.

(q) In the case of any restricted device distributed or offered for sale in any State, if (1) its advertising is false or misleading in any particular, or (2) it is sold, distributed, or used in violation of regulations prescribed under section 520(e).

(r) In the case of any restricted device distributed or offered for sale in any State, unless the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that device (1) a true statement of the device's established name as defined in section 502(e), printed prominently and in type at least half as large as that used for any trade or brand name thereof, and (2) a brief statement of the intended uses of the device and relevant warnings, precautions, side effects, and contraindications and, in the case of specific devices made subject to a finding by the Secretary after notice and opportunity for comment that such action is necessary to protect the public health, a full description of the components of such device or the formula showing quantitatively each ingredient of such device to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing. Except in extraordinary circumstances, no regulation issued under this paragraph shall require prior approval by the Secretary of the content of any advertisement and no advertisement of a restricted device, published after the effective date of this paragraph shall, with respect to the matters specified in this paragraph or covered by regulations issued hereunder, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act (15 U.S.C. 52–55). This paragraph shall not be applicable to any printed matter which

the Secretary determines to be labeling as defined in section 201(m).

(s) If it is a device subject to a performance standard established under section 514, unless it bears such labeling as may be prescribed in such performance standard.

(t) If it is a device and there was a failure or refusal (1) to comply with any requirement prescribed under section 518 respecting the device, (2) to furnish any material or information required by or under section 519 respecting the device, or (3) to comply with a requirement under section 522.

(u)(1) Subject to paragraph (2), if it is a reprocessed single-use device, unless it, or an attachment thereto, prominently and conspicuously bears the name of the manufacturer of the reprocessed device, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying such manufacturer.

(2) If the original device or an attachment thereto does not prominently and conspicuously bear the name of the manufacturer of the original device, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying such manufacturer, a reprocessed device may satisfy the requirements of paragraph (1) through the use of a detachable label on the packaging that identifies the manufacturer and is intended to be affixed to the medical record of a patient.

(v) If it is a reprocessed single-use device, unless all labeling of the device prominently and conspicuously bears the statement "Reprocessed device for single use. Reprocessed by ____." The name of the manufacturer of the reprocessed device shall be placed in the space identifying the person responsible for reprocessing.

(w) If it is a new animal drug—

(1) that is conditionally approved under section 571 and its labeling does not conform with the approved application or section 571(f), or that is not conditionally approved under section 571 and its label bears the statement set forth in section 571(f)(1)(A);

(2) that is indexed under section 572 and its labeling does not conform with the index listing under section 572(e) or 572(h), or that has not been indexed under section 572 and its label bears the statement set forth in section 572(h); or

(3) for which an application has been approved under section 512 and the labeling of such drug does not include the application number in the format: "Approved by FDA under (A)NADA # xxx–xxx", except that this subparagraph shall not apply to representative labeling required under section 514.1(b)(3)(v)(b) of title 21, Code of Federal Regulations (or any successor regulation) for animal feed bearing or containing a new animal drug.

(x) If it is a nonprescription drug (as defined in section 760) that is marketed in the United States, unless the label of such drug includes a domestic address or domestic phone number through which the responsible person (as described in section 760) may receive a report of a serious adverse event (as defined in section 760) with such drug.

(y) If it is a drug subject to an approved risk evaluation and mitigation strategy pursuant to section 505(p) and the responsible per-

son (as such term is used in section 505–1) fails to comply with a requirement of such strategy provided for under subsection (d), (e), or (f) of section 505–1.

(z) If it is a drug, and the responsible person (as such term is used in section 505(o)) is in violation of a requirement established under paragraph (3) (relating to postmarket studies and clinical trials) or paragraph (4) (relating to labeling) of section 505(o) with respect to such drug.

(aa) If it is a drug, or an active pharmaceutical ingredient, and it was manufactured, prepared, propagated, compounded, or processed in a facility for which fees have not been paid as required by section 744B(a)(4) or for which identifying information required by section 744B(f) has not been submitted, or it contains an active pharmaceutical ingredient that was manufactured, prepared, propagated, compounded, or processed in such a facility.

(bb) If the advertising or promotion of a compounded drug is false or misleading in any particular.

(cc) If it is a drug and it fails to bear the product identifier as required by section 582.

(dd) If it is an antimicrobial drug, as defined in section 511A(f), and its labeling fails to conform with the requirements under section 511A(d).

(ee) If it is a nonprescription drug that is subject to section 505G, is not the subject of an application approved under section 505, and does not comply with the requirements under section 505G.

(ff) If it is a drug and it was manufactured, prepared, propagated, compounded, or processed in a facility for which fees have not been paid as required by section 744M.

(gg) If it is a menstrual product, such as a menstrual cup, a scented, scented deodorized, or unscented menstrual pad or tampon, a therapeutic vaginal douche apparatus, or an obstetrical and gynecological device described in section 884.5400, 884.5425, 884.5435, 884.5460, 884.5470, or 884.5900 of title 21, Code of Federal Regulations (or any successor regulation), unless its label or labeling lists the name of each ingredient or component of the product in order of the most predominant ingredient or component to the least predominant ingredient or component.

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CHAPTER VI—COSMETICS

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MISBRANDED COSMETICS

SEC. 602. A cosmetic shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided,* That under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(c) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not

prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) If its container is so made, formed, or filled as to be misleading.

(e) If it is a color additive, unless its packaging and labeling are in conformity with such packaging and labeling requirements, applicable to such color additive, as may be contained in regulations issued under section 721. This paragraph shall not apply to packages of color additives which, with respect to their use for cosmetics, are marketed and intended for use only in or on hair dyes (as defined in the last sentence of section 601(a)).

(f) If its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.

(g) If its labeling does not conform with a requirement under section 604.

* * * * * * *

SEC. 604. LABELING.

(a) COSMETIC PRODUCTS FOR PROFESSIONAL USE.—

(1) DEFINITION OF PROFESSIONAL.—With respect to cosmetics, the term "professional" means an individual who—

(A) is licensed by an official State authority to practice in the field of cosmetology, nail care, barbering, or esthetics;

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

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

(2) LISTING OF INGREDIENTS.—Cosmetic products used and sold by professionals shall list all ingredients and warnings, as required for other cosmetic products under this chapter.

(3) PROFESSIONAL USE LABELING.—In the case of a cosmetic product intended to be used only by a professional on account of a specific ingredient or increased concentration of an ingredient that requires safe handling by trained professionals, the product shall bear a statement as follows: "To be Administered Only by Licensed Professionals".

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

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

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

(c) INTERNET SALES.—In the case of internet sales of cosmetics, each internet website offering a cosmetic product for sale to consumers shall provide the same information that is included on the packaging of the cosmetic product as regularly available through in-person sales, except information that is unique to a single cosmetic product sold in a retail facility, such as a lot number or expiration

date, and the warnings and statements described in subsection (b) shall be prominently and conspicuously displayed on the website.

(d) CONTACT INFORMATION.—The label on each cosmetic shall bear the domestic telephone number or electronic contact information, and it is encouraged that the label include both the telephone number and electronic contact information, that consumers may use to contact the responsible person with respect to adverse events. The contact number shall provide a means for consumers to obtain additional information about ingredients in a cosmetic, including the ability to ask if a specific ingredient may be present that is not listed on the label, including whether a specific ingredient may be contained in the fragrance or flavor used in the cosmetic. The manufacturer of the cosmetic is responsible for providing such information, including obtaining the information from suppliers if it is not readily available. Suppliers are required to release such information upon request of the cosmetic manufacturer.

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PUBLIC HEALTH SERVICE ACT

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TITLE IV—NATIONAL RESEARCH INSTITUTES

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PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

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Subpart 12—National Institute of Environmental Health Sciences

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SEC. 463C. RESEARCH ON HEALTH DISPARITIES RELATED TO COSMETICS IMPACTING COMMUNITIES OF COLOR.

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

(1) to expand support for basic, epidemiological, and social scientific investigations into—

(A) the chemicals linked (or with possible links) to adverse health effects most commonly found in cosmetics marketed to women and girls of color, including beauty, personal hygiene, and intimate care products;

(B) the marketing and sale of such cosmetics containing chemicals linked to adverse health effects to women and girls of color across their lifespans;

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

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

(2) to provide educational awareness and community outreach efforts to educate the promote the use of safer alternatives in cosmetics; and

(3) to disseminate the results of any such research described in subparagraph (A) or (B) of paragraph (1) (conducted by the grantee pursuant to this section or otherwise) to help communities identify and address potentially unsafe chemical exposures in the use of cosmetics.

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

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

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

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

(1) summary findings on—

(A) marketing strategies, product categories, and specific cosmetics containing ingredients linked to adverse health effects; and

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

(2) recommended public health information strategies to reduce potentially unsafe exposures to cosmetics.

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

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MINERAL LEASING ACT

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SEC. 7. (a) A coal lease shall be for a term of twenty years and for so long thereafter as coal is produced annually in commercial quantities from that lease. Any lease which is not producing in commercial quantities at the end of ten years shall be terminated. The Secretary shall by regulation prescribe annual rentals on leases. A lease shall require payment of a royalty in such amount as the Secretary shall determine of not less than [12½ per centum] *18.75 percent* of the value of coal as defined by regulation, except the Secretary may determine a lesser amount in the case of coal recovered by underground mining operations. The lease shall include such other terms and conditions as the Secretary shall determine. Such rentals and royalties and other terms and conditions of the lease will be subject to readjustment at the end of its primary term of twenty years and at the end of each ten-year period thereafter if the lease is extended.

(b)(1) Each lease shall be subject to the conditions of diligent development and continued operation of the mine or mines, except where operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee.

(2) The Secretary of the Interior, upon determining that the public interest will be served thereby, may suspend the condition of continued operation upon the payment of advance royalties.

(3) Advance royalties described in paragraph (2) shall be no less than the production royalty which would otherwise be paid and shall be computed on a fixed reserve to production ratio (determined by the Secretary).

(4) Advance royalties described in paragraph (2) shall be computed—

(A) based on—

(i) the average price in the spot market for sales of comparable coal from the same region during the last month of each applicable continued operation year; or

(ii) in the absence of a spot market for comparable coal from the same region, by using a comparable method established by the Secretary of the Interior to capture the commercial value of coal; and

(B) based on commercial quantities, as defined by regulation by the Secretary of the Interior.

(5) The aggregate number of years during the period of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 20 years.

(6) The amount of any production royalty paid for any year shall be reduced (but not below 0) by the amount of any advance royalties paid under a lease described in paragraph (5) to the extent that the advance royalties have not been used to reduce production royalties for a prior year.

(6) The Secretary may, upon six months' notification to the lessee cease to accept advance royalties in lieu of the requirement of continued operation.

(7) Nothing in this subsection shall be construed to affect the requirement contained in the second sentence of subsection (a) relating to commencement of production at the end of ten years.

(c) Prior to taking any action on a leasehold which might cause a significant disturbance of the environment, the lessee shall submit for the Secretary's approval an operation and reclamation plan. The Secretary shall approve or disapprove the plan or require that it be modified. Where the land involved is under the surface jurisdiction of another Federal agency, that other agency must consent to the terms of such approval.

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SEC. 17. (a) All lands subject to disposition under this Act which are known or believed to contain oil or gas deposits may be leased by the Secretary.

(b)(1)(A) All lands to be leased which are not subject to leasing under paragraphs (2) and (3) of this subsection shall be leased as provided in this paragraph to the highest responsible qualified bidder by competitive bidding under general regulations in units of not more than 2,560 acres, except in Alaska, where units shall be not more than 5,760 acres. Such units shall be as nearly compact as possible. Lease sales shall be conducted by oral bidding, except as provided in subparagraph (C). Lease sales [shall be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary] *may be held in each State not more than once*

each year. A lease shall be conditioned upon the payment of a royalty at a rate of not less than [12.5 percent] *18.75 percent* in amount or value of the production removed or sold from the lease. The Secretary shall accept the highest bid from a responsible qualified bidder which is equal to or greater than the national minimum acceptable bid, without evaluation of the value of the lands proposed for lease. Leases shall be issued within 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year. All bids for less than the national minimum acceptable bid shall be rejected. Lands for which no bids are received or for which the highest bid is less than the national minimum acceptable bid shall be offered promptly within 30 days for leasing under subsection (c) of this section and shall remain available for leasing for a period of 2 years after the competitive lease sale.

(B) The national minimum acceptable bid shall be $2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987. Thereafter, the Secretary, subject to paragraph (2)(B), may establish by regulation a higher national minimum acceptable bid for all leases based upon a finding that such action is necessary: (i) to enhance financial returns to the United States; and (ii) to promote more efficient management of oil and gas resources on Federal lands. Ninety days before the Secretary makes any change in the national minimum acceptable bid, the Secretary shall notify the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The proposal or promulgation of any regulation to establish a national minimum acceptable bid shall not be considered a major Federal action subject to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969.

(C) In order to diversify and expand the Nation's onshore leasing program to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods. Each individual Internet-based lease sale shall conclude within 7 days.

(2)(A)(i) If the lands to be leased are within a special tar sand area, they shall be leased to the highest responsible qualified bidder by competitive bidding under general regulations in units of not more than 5,760 acres, which shall be as nearly compact as possible, upon the payment by the lessee of such bonus as may be accepted by the Secretary.

(ii) Royalty shall be [12½ per centum] *18.75 percent* in amount of value of production removed or sold from the lease subject to section 17(k)(1)(c).

(iii) The Secretary may lease such additional lands in special tar sand areas as may be required in support of any operations necessary for the recovery of tar sands.

(iv) No lease issued under this paragraph shall be included in any chargeability limitation associated with oil and gas leases.

(B) For any area that contains any combination of tar sand and oil or gas (or both), the Secretary may issue under this Act, separately—

(i) a lease for exploration for and extraction of tar sand; and

(ii) a lease for exploration for and development of oil and gas.

(C) A lease issued for tar sand shall be issued using the same bidding process, annual rental, and posting period as a lease issued for oil and gas, except that the minimum acceptable bid required for a lease issued for tar sand shall be $2 per acre.

(D) The Secretary may waive, suspend, or alter any requirement under section 26 that a permittee under a permit authorizing prospecting for tar sand must exercise due diligence, to promote any resource covered by a combined hydrocarbon lease.

(3)(A) If the United States held a vested future interest in a mineral estate that, immediately prior to becoming a vested present interest, was subject to a lease under which oil or gas was being produced, or had a well capable of producing, in paying quantities at an annual average production volume per well per day of either not more than 15 barrels per day of oil or condensate, or not more than 60,000 cubic feet of gas, the holder of the lease may elect to continue the lease as a noncompetitive lease under subsection (c)(1).

(B) An election under this paragraph is effective—

(i) in the case of an interest which vested after January 1, 1990, and on or before the date of enactment of this paragraph, if the election is made before the date that is 1 year after the date of enactment of this paragraph;

(ii) in the case of an interest which vests within 1 year after the date of enactment of this paragraph, if the election is made before the date that is 2 years after the date of enactment of this paragraph; and

(iii) in any case other than those described in clause (i) or (ii), if the election is made prior to the interest becoming a vested present interest.

(C) Notwithstanding the consent requirement referenced in section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), the Secretary shall issue a noncompetitive lease under subsection (c)(1) to a holder who makes an election under subparagraph (A) and who is qualified to hold a lease under this Act. Such lease shall be subject to all terms and conditions under this Act that are applicable to leases issued under subsection (c)(1).

(D) A lease issued pursuant to this paragraph shall continue so long as oil or gas continues to be produced in paying quantities.

(E) This paragraph shall apply only to those lands under the administration of the Secretary of Agriculture where the United States acquired an interest in such lands pursuant to the Act of March 1, 1911 (36 Stat. 961 and following).

(c)(1) If the lands to be leased are not leased under subsection (b)(1) of this section or are not subject to competitive leasing under subsection (b)(2) of this section, the person first making application for the lease who is qualified to hold a lease under this Act shall be entitled to a lease of such lands without competitive bidding, upon payment of a non-refundable application fee of at least $75. A lease under this subsection shall be conditioned upon the payment of a royalty at a rate of ⟦12.5 percent⟧ *18.75 percent* in amount or value of the production removed or sold from the lease. Leases shall be issued within 60 days of the date on which the Secretary identifies the first responsible qualified applicant.

(2)(A) Lands (i) which were posted for sale under subsection (b)(1) of this section but for which no bids were received or for

which the highest bid was less than the national minimum acceptable bid and (ii) for which, at the end of the period referred to in subsection (b)(1) of this section no lease has been issued and no lease application is pending under paragraph (1) of this subsection, shall again be available for leasing only in accordance with subsection (b)(1) of this section.

(B) The land in any lease which is issued under paragraph (1) of this subsection or under subsection (b)(1) of this section which lease terminates, expires, is cancelled or is relinquished shall again be available for leasing only in accordance with subsection (b)(1) of this section.

(d) All leases issued under this section, as amended by the Federal Onshore Oil and Gas Leasing Reform Act of 1987, shall be conditioned upon payment by the lessee of a rental of not less than $1.50 per acre per year for the first through fifth years of the lease and not less than $2 per acre per year for each year thereafter. A minimum royalty in lieu of rental of not less than the rental which otherwise would be required for that lease year shall be payable at the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.

(e) Competitive and noncompetitive leases issued under this section shall be for a primary term of 10 years: *Provided, however,* That competitive leases issued in special tar sand areas shall also be for a primary term of ten years. Each such lease shall continue so long after its primary term as oil or gas is produced in paying quantities. Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.

(f) At least 45 days before offering lands for lease under this section, and at least 30 days before approving applications for permits to drill under the provisions of a lease or substantially modifying the terms of any lease issued under this section, the Secretary shall provide notice of the proposed action. Such notice shall be posted in the appropriate local office of the leasing and land management agencies. Such notice shall include the terms or modified lease terms and maps or a narrative description of the affected lands. Where the inclusion of maps in such notice is not practicable, maps of the affected lands shall be made available to the public for review. Such maps shall show the location of all tracts to be leased, and of all leases already issued in the general area. The requirements of this subsection are in addition to any public notice required by other law.

(g) The Secretary of the Interior, or for National Forest lands, the Secretary of Agriculture, shall regulate all surface-disturbing activities conducted pursuant to any lease issued under this Act, and shall determine reclamation and other actions as required in the interest of conservation of surface resources. No permit to drill on an oil and gas lease issued under this Act may be granted without the analysis and approval by the Secretary concerned of a plan of operations covering proposed surface-disturbing activities within the lease area. The Secretary concerned shall, by rule or regulation, establish such standards as may be necessary to ensure that

an adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface-disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease. The Secretary shall not issue a lease or leases or approve the assignment of any lease or leases under the terms of this section to any person, association, corporation, or any subsidiary, affiliate, or person controlled by or under common control with such person, association, or corporation, during any period in which, as determined by the Secretary of the Interior or Secretary of Agriculture, such entity has failed or refused to comply in any material respect with the reclamation requirements and other standards established under this section for any prior lease to which such requirements and standards applied. Prior to making such determination with respect to any such entity the concerned Secretary shall provide such entity with adequate notification and an opportunity to comply with such reclamation requirements and other standards and shall consider whether any administrative or judicial appeal is pending. Once the entity has complied with the reclamation requirement or other standard concerned an oil or gas lease may be issued to such entity under this Act.

(h) The Secretary of the Interior may not issue any lease on National Forest System Lands reserved from the public domain over the objection of the Secretary of Agriculture.

(i) No lease issued under this section which is subject to termination because of cessation of production shall be terminated for this cause so long as reworking or drilling operations which were commenced on the land prior to or within sixty days after cessation of production are conducted thereon with reasonable diligence, or so long as oil or gas is produced in paying quantities as a result of such operations. No lease issued under this section shall expire because operations or production is suspended under any order, or with the consent, of the Secretary. No lease issued under this section covering lands on which there is a well capable of producing oil or gas in paying quantities shall expire because the lessee fails to produce the same unless the lessee is allowed a reasonable time, which shall be not less than sixty days after notice by registered or certified mail, within which to place such well in producing status or unless, after such status is established, production is discontinued on the leased premises without permission granted by the Secretary under the provisions of this Act.

(j) Whenever it appears to the Secretary that lands owned by the United States are being drained of oil or gas by wells drilled on adjacent lands, he may negotiate agreements whereby the United States, or the United States and its lessees, shall be compensated for such drainage. Such agreements shall be made with the consent of the lessees, if any, affected thereby. If such agreement is entered into, the primary term of any lease for which compensatory royalty is being paid, or any extension of such primary term, shall be extended for the period during which such compensatory royalty is paid and for a period of one year from discontinuance of such payment and so long thereafter as oil or gas is produced in paying quantities.

(k) If, during the primary term or any extended term of any lease issued under this section, a verified statement is filed by any mining claimant pursuant to subsection (c) of section 7 of the Multiple Mineral Development Act of August 13, 1954 (68 Stat. 708), as amended (30 U.S.C. 527), whether such filing occur prior to enactment of the Mineral Leasing Act Revision of 1960 or thereafter, asserting the existence of a conflicting unpatented mining claim or claims upon which diligent work is being prosecuted as to any lands covered by the lease, the running of time under such lease shall be suspended as to the lands involved from the first day of the month following the filing of such verified statement until a final decision is rendered in the matter.

(l) The Secretary of the Interior shall, upon timely application therefor, issue a new lease in exchange for any lease issued for a term of twenty years, or any renewal thereof, or any lease issued prior to August 8, 1946, in exchange for a twenty-year lease, such new lease to be for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities and at a royalty rate of not less than [12½ per centum] *18.75 percent* in amount of value of the production removed or sold from such leases, except that the royalty rate shall be [12½ per centum] *18.75 percent* in amount or value of the production removed or sold from said leases as to (1) such leases, or such parts of the lands subject thereto and the deposits underlying the same, as are not believed to be within the productive limits of any producing oil or gas deposit, as such productive limits are found by the Secretary to have existed on August 8, 1946; and (2) any production on a lease from an oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease, and which is determined by the Secretary to be a new deposit; and (3) any production on or allocated to a lease pursuant to an approved cooperative or unit plan of development or operation from an oil or gas deposit which was discovered after May 27, 1941, on land committed to such plan, and which is determined by the Secretary to be a new deposit, where such lease, or a lease for which it is exchanged, was included in such plan at the time of discovery or was included in a duly executed and filed application for the approval of such plan at the time of discovery.

(m) For the purpose of more properly conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof (whether or not any part of said oil or gas pool, field, or like area, is then subject to any cooperative or unit plan of development or operation), lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collective adopting and operating under a cooperative or unit plan of development or operation of such pool, field, or like area, or any part thereof, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest. The Secretary is thereunto authorized, in his discretion, with the consent of the holders of leases involved, to establish, alter, change, or revoke drilling, producing, rental, minimum royalty, and royalty requirements of such leases and to make such regulations with reference to such leases, with like consent on the part of the lessees, in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure

the proper protection of the public interest. The Secretary may provide that oil and gas leases hereafter issued under this Act shall contain a provision requiring the lessee to operate under such a reasonable cooperative or unit plan, and he may prescribe such a plan under which such lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States.

Any plan authorized by the preceding paragraph which includes lands owned by the United States may, in the discretion of the Secretary, contain a provision whereby authority is vested in the Secretary of the Interior, or any such person, committee, or State or Federal officer or agency as may be designated in the plan, to alter or modify from time to time the rate of prospecting and development and the quantity and rate of production under such plan. All leases operated under any such plan approved or prescribed by the Secretary shall be excepted in determining holdings or control under the provisions of any section of this Act.

When separate tracts cannot be independently developed and operated in conformity with an established well-spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary of the Interior to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each such lease committed thereto.

Any lease issued for a term of twenty years, or any renewal thereof, or any portion of such lease that has become the subject of a cooperative or unit plan of development or operation of a pool, field, or like area, which plan has the approval of the Secretary of the Interior, shall continue in force until the termination of such plan. Any other lease issued under any section of this Act which has heretofore or may hereafter be committed to any such plan that contains a general provision for allocation of oil or gas shall continue in force and effect as to the land committed so long as the lease remains subject to the plan: *Provided,* That production is had in paying quantities under the plan prior to the expiration date of the term of such lease. Any lease heretofore or hereafter committed to any such plan embracing lands that are in part within and in part outside of the area covered by any such plan shall be segregated into separate leases as to the lands committed and the lands not committed as of the effective date of unitization: *Provided, however,* That any such lease as to the nonunitized portion shall continue in force and effect for the term thereof but for not less than two years from the date of such segregation and so long thereafter as oil or gas is produced in paying quantities. The minimum royalty or discovery rental under any lease that has become subject to any cooperative or unit plan of development or operation, or other plan that contains a general provision for allocation of oil or gas, shall be payable only with respect to the lands subject to such lease to which oil or gas shall be allocated under such plan. Any lease which shall be eliminated from any such approved or prescribed plan, or from any communitization or drilling agreement

authorized by this section, and any lease which shall be in effect at the termination of any such approved or prescribed plan, or at the termination of any such communitization or drilling agreement, unless relinquished, shall continue in effect for the original term thereof, but for not less than two years, and so long thereafter as oil or gas is produced in paying quantities.

The Secretary of the Interior is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more lessees of oil or gas leases, with one or more persons, associations, or corporations whenever, in his discretion, the conservation of natural products or the public convenience or necessity may require it or the interests of the United States may be best subserved thereby. All leases operated under such approved operating, drilling, or development contracts, and interests thereunder, shall be excepted in determining holdings or control under the provisions of this Act.

The Secretary of the Interior, to avoid waste or to promote conservation of natural resources, may authorize the subsurface storage of oil or gas, whether or not produced from federally owned lands, in lands leased or subject to lease under this Act. Such authorization may provide for the payment of a storage fee or rental on such stored oil or gas or, in lieu of such fee or rental, for a royalty other than that prescribed in the lease when such stored oil or gas is produced in conjunction with oil or gas not previously produced. Any lease on which storage is so authorized shall be extended at least for the period of storage and so long thereafter as oil or gas not previously produced is produced in paying quantities.

(n)(1)(A) The owner of (1) an oil and gas lease issued prior to the date of enactment of the Combined Hydrocarbon Leasing Act of 1981 or (2) a valid claim to any hydrocarbon resources leasable under this section based on a mineral location made prior to January 21, 1926, and located within a special tar sand area shall be entitled to convert such lease or claim to a combined hydrocarbon lease for a primary term of ten years upon the filing of an application within two years from the date of enactment of that Act containing an acceptable plan of operations which assures reasonable protection of the environment and diligent development of those resources requiring enhanced recovery methods of development or mining. For purposes of conversion, no claim shall be deemed invalid solely because it was located as a placer location rather than a lode location or vice versa, notwithstanding any previous adjudication on that issue.

(B) The Secretary shall issue final regulations to implement this section within six months of the effective date of this Act. If any oil and gas lease eligible for conversion under this section would otherwise expire after the date of this Act and before six months following the issuance of implementing regulations, the lessee may preserve his conversion right under such lease for a period ending six months after the issuance of implementing regulations by filing with the Secretary, before the expiration of the lease, a notice of intent to file an application for conversion. Upon submission of a complete plan of operations in substantial compliance with the regulations promulgated by the Secretary for the filing of such plans, the Secretary shall suspend the running of the term of any oil and gas lease proposed for conversion until the plan is finally approved

or disapproved. The Secretary shall act upon a proposed plan of operations within fifteen months of its submittal.

(C) When an existing oil and gas lease is converted to a combined hydrocarbon lease, the royalty shall be that provided for in the original oil and gas lease and for a converted mining claim, [12½ per centum] *18.75 percent* in amount or value of production removed or sold from the lease.

(2) Except as provided in this section, nothing in the Combined Hydrocarbon Leasing Act of 1981 shall be construed to diminish or increase the rights of any lessee under any oil and gas lease issued prior to the enactment of such Act.

(o) CERTAIN OUTSTANDING OIL AND GAS.—(1) Prior to the commencement of surface-disturbing activities relating to the development of oil and gas deposits on lands described under paragraph (5), the Secretary of Agriculture shall require, pursuant to regulations promulgated by the Secretary, that such activities be subject to terms and conditions as provided under paragraph (2).

(2) The terms and conditions referred to in paragraph (1) shall require that reasonable advance notice be furnished to the Secretary of Agriculture at least 60 days prior to the commencement of surface disturbing activities.

(3) Advance notice under paragraph (2) shall include each of the following items of information:

(A) A designated field representative.

(B) A map showing the location and dimensions of all improvements, including but not limited to, well sites and road and pipeline accesses.

(C) A plan of operations, of an interim character if necessary, setting forth a schedule for construction and drilling.

(D) A plan of erosion and sedimentation control.

(E) Proof of ownership of mineral title.

Nothing in this subsection shall be construed to affect any authority of the State in which the lands concerned are located to impose any requirements with respect to such oil and gas operations.

(4) The person proposing to develop oil and gas deposits on lands described under paragraph (5) shall either—

(A) permit the Secretary to market merchantable timber owned by the United States on lands subject to such activities; or

(B) arrange to purchase merchantable timber on lands subject to such surface disturbing activities from the Secretary of Agriculture, or otherwise arrange for the disposition of such merchantable timber, upon such terms and upon such advance notice of the items referred to in subparagraphs (A) through (E) of paragraph (3) as the Secretary may accept.

(5)(A) The lands referred to in this subsection are those lands referenced in subparagraph (B) which are under the administration of the Secretary of Agriculture where the United States acquired an interest in such lands pursuant to the Act of March 1, 1911 (36 Stat. 961 and following), but does not have an interest in oil and gas deposits that may be present under such lands. This subsection does not apply to any such lands where, under the provisions of its acquisition of an interest in the lands, the United States is to acquire any oil and gas deposits that may be present under such

lands in the future but such interest has not yet vested with the United States.

(B) This subsection shall only apply in the Allegheny National Forest.

(p) DEADLINES FOR CONSIDERATION OF APPLICATIONS FOR PERMITS.—

(1) IN GENERAL.—Not later than 10 days after the date on which the Secretary receives an application for any permit to drill, the Secretary shall—

(A) notify the applicant that the application is complete; or

(B) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.

(2) ISSUANCE OR DEFERRAL.—Not later than 30 days after the applicant for a permit has submitted a complete application, the Secretary shall—

(A) issue the permit, if the requirements under the National Environmental Policy Act of 1969 and other applicable law have been completed within such timeframe; or

(B) defer the decision on the permit and provide to the applicant a notice—

(i) that specifies any steps that the applicant could take for the permit to be issued; and

(ii) a list of actions that need to be taken by the agency to complete compliance with applicable law together with timelines and deadlines for completing such actions.

(3) REQUIREMENTS FOR DEFERRED APPLICATIONS.—

(A) IN GENERAL.—If the Secretary provides notice under paragraph (2)(B), the applicant shall have a period of 2 years from the date of receipt of the notice in which to complete all requirements specified by the Secretary, including providing information needed for compliance with the National Environmental Policy Act of 1969.

(B) ISSUANCE OF DECISION ON PERMIT.—If the applicant completes the requirements within the period specified in subparagraph (A), the Secretary shall issue a decision on the permit not later than 10 days after the date of completion of the requirements described in subparagraph (A), unless compliance with the National Environmental Policy Act of 1969 and other applicable law has not been completed within such timeframe.

(C) DENIAL OF PERMIT.—If the applicant does not complete the requirements within the period specified in subparagraph (A) or if the applicant does not comply with applicable law, the Secretary shall deny the permit.

* * * * * * *

SEC. 31. (a) Except as otherwise herein provided, any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force at the date of the lease; and the

lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

(b) Any lease issued after August 21, 1935, under the provisions of section 17 of this Act shall be subject to cancellation by the Secretary of the Interior after 30 days notice upon the failure of the lessee to comply with any of the provisions of the lease, unless or until the leasehold contains a well capable of production of oil or gas in paying quantities, or the lease is committed to an approved cooperative or unit plan or communitization agreement under section 17(m) of this Act which contains a well capable of production of unitized substances in paying quantities. Such notice in advance of cancellation shall be sent the lease owner by registered letter directed to the lease owner's record post-office address, and in case such letter shall be returned as undelivered, such notice shall also be posted for a period of thirty days in the United States land office for the district in which the land covered by such lease is situated, or in the event that there is no district land office for such district, then in the post office nearest such land. Notwithstanding the provisions of this section, however, upon failure of a lessee to pay rental on or before the anniversary date of the lease, for any lease on which there is no well capable of producing oil or gas in paying quantities, the lease shall automatically terminate by operation of law: *Provided, however,* That when the time for payment falls upon any day in which the proper office for payment is not open, payment may be received the next official working day and shall be considered as timely made: *Provided,* That if the rental payment due under a lease is paid on or before the anniversary date but either (1) the amount of the payment has been or is hereafter deficient and the deficiency is nominal, as determined by the Secretary by regulation, or (2) the payment was calculated in accordance with the acreage figure stated in the lease, or in any decision affecting the lease, or made in accordance with a bill or decision which has been rendered by him and such figure, bill, or decision is found to be in error resulting in a deficiency, such lease shall not automatically terminate unless (1) a new lease had been issued prior to the date of this Act or (2) the lessee fails to pay the deficiency within a period prescribed in a notice of deficiency sent to him by the Secretary.

(c) Where any lease has been or is hereafter terminated automatically by operation of law under this section for failure to pay on or before the anniversary date the full amount of rental due, but such rental was paid on or tendered within twenty days thereafter, and it is shown to the satisfaction of the Secretary of the Interior that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee, the Secretary may reinstate the lease if—

(1) a petition for reinstatement, together with the required rental, including back rental accruing from the date of termination of the lease, is filed with the Secretary; and

(2) no valid lease has been issued affecting any of the lands covered by the terminated lease prior to the filing of said petition. The Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a reasonable period, as determined in accordance with regulations issued by

him. In any case where a reinstatement of a terminated lease is granted under this subsection and the Secretary finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the Secretary may, at his discretion, extend the term of such lease for such period as he deems reasonable: *Provided,* That (A) such extension shall not exceed a period equivalent to the time beginning when the lessee knew or should have known of the termination and ending on the date the Secretary grants such petition; (B) such extension shall not exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination; and (C) when the reinstatement occurs after the expiration of the term or extension thereof the lease may be extended from the date the Secretary grants the petition.

(d)(1) Where any oil and gas lease issued pursuant to section 17(b) or section 17(c) of this Act or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) has been, or is hereafter, terminated automatically by operation of law under this section for failure to pay on or before the anniversary date the full amount of the rental due, and such rental is not paid or tendered within twenty days thereafter, and it is shown to the satisfaction of the Secretary of the Interior that such failure was justifiable or not due to lack of reasonable diligence on the part of the lessee, or, no matter when the rental is paid after termination, it is shown to the satisfaction of the Secretary that such failure was inadvertent, the Secretary may reinstate the lease as of the date of termination for the unexpired portion of the primary term of the original lease or any extension thereof remaining at the date of termination, and so long thereafter as oil or gas is produced in paying quantities. In any case where a lease is reinstated under this subsection and the Secretary finds that the reinstatement of such lease (A) occurs after the expiration of the primary term or any extension thereof, or (B) will not afford the lessee a reasonable opportunity to continue operations under the lease, the Secretary may, at his discretion, extend the term of such lease for such period as he deems reasonable, but in no event for more than two years from the date the Secretary authorizes the reinstatement and so long thereafter as oil or gas is produced in paying quantities.

(2) No lease shall be reinstated under paragraph (1) of this subsection unless—

(A) with respect to any lease that terminated under subsection (b) on or before the date of the enactment of the Energy Policy Act of 2005, a petition for reinstatement (together with the required back rental and royalty accruing after the date of termination) is filed on or before the earlier of—

(i) 60 days after the lessee receives from the Secretary notice of termination, whether by return of check or by any other form of actual notice; or

(ii) 15 months after the termination of the lease; or

(B) with respect to any lease that terminates under subsection (b) after the date of the enactment of the Energy Policy Act of 2005, a petition for reinstatement (together with the required back rental and royalty accruing after the date of termination) is filed on or before the earlier of—

(i) 60 days after receipt of the notice of termination sent by the Secretary by certified mail to all lessees of record; or

(ii) 24 months after the termination of the lease.

(e) Any reinstatement under subsection (d) of this section shall be made only if these conditions are met:

(1) no valid lease, whether still in existence or not, shall have been issued affecting any of the lands covered by the terminated lease prior to the filing of such petition: *Provided, however,* That after receipt of a petition for reinstatement, the Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a reasonable period, as determined in accordance with regulations issued by him;

(2) payment of back rentals and either the inclusion in a reinstated lease issued pursuant to the provisions of section 17(b) of this Act of a requirement for future rentals at a rate of not less than $10 per acre per year, or the inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement that future rentals shall be at a rate not less than $5 per acre per year, all as determined by the Secretary;

(3)(A) payment of back royalties and the inclusion in a reinstated lease issued pursuant to the provisions of section 17(b) of this Act of a requirement for future royalties at a rate of not less than **[**16⅔**]** *25* percent computed on a sliding scale based upon the average production per well per day, at a rate which shall be not less than 4 percentage points greater than the competitive royalty schedule then in force and used for royalty determination for competitive leases issued pursuant to such section as determined by the Secretary: *Provided,* That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the termination of the original lease;

(B) payment of back royalties and inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement for future royalties at a rate not less than **[**16⅔**]** *25* percent: *Provided,* That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the cancellation or termination of the original lease; and

(4) notice of the proposed reinstatement of a terminated lease, including the terms and conditions of reinstatement, shall be published in the Federal Register at least thirty days in advance of the reinstatement.

A copy of said notice, together with information concerning rental, royalty, volume of production, if any, and any other matter which the Secretary deemed significant in making this determination to reinstate, shall be furnished to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate at least thirty days in advance of the reinstatement. The lessee of a reinstated lease shall reimburse the Secretary for the administrative costs of reinstating the lease, but not to exceed $500. In addition the lessee shall reimburse the Secretary for the cost of publication in the Federal Register of the notice of proposed reinstatement.

(f) Where an unpatented oil placer mining claim validly located prior to February 24, 1920, which has been or is currently producing or is capable of producing oil or gas, has been or is hereafter deemed conclusively abandoned for failure to file timely the required instruments or copies of instruments required by section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744), and it is shown to the satisfaction of the Secretary that such failure was inadvertent, justifiable, or not due to lack of reasonable diligence on the part of the owner, the Secretary may issue, for the lands covered by the abandoned unpatented oil placer mining claim, a noncompetitive oil and gas lease, consistent with the provisions of section 17(e) of this Act, to be effective from the statutory date the claim was deemed conclusively abandoned. Issuance of such a lease shall be conditioned upon:

(1) a petition for issuance of a noncompetitive oil and gas lease, together with the required rental and royalty, including back rental and royalty accruing from the statutory date of abandonment of the oil placer mining claim, being filed with the Secretary—

(A) with respect to any claim deemed conclusively abandoned on or before the date of enactment of the Federal Oil and Gas Royalty Management Act of 1982, on or before the one hundred and twentieth day after such date of enactment, or

(B) with respect to any claim deemed conclusively abandoned after such date of enactment, on or before the one hundred and twentieth day after final notification by the Secretary or a court of competent jurisdiction of the determination of the abandonment of the oil placer mining claim;

(2) a valid lease not having been issued affecting any of the lands covered by the abandoned oil placer mining claim prior to the filing of such petition: *Provided, however,* That after the filing of a petition for issuance of a lease under this subsection, the Secretary shall not issue any new lease affecting any of the lands covered by such abandoned oil placer mining claim for a reasonable period, as determined in accordance with regulations issued by him;

(3) a requirement in the lease for payment of rental, including back rentals accruing from the statutory date of abandonment of the oil placer mining claim, of not less than $5 per acre per year;

(4) a requirement in the lease for payment of royalty on production removed or sold from the oil placer mining claim, including all royalty on production made subsequent to the statutory date the claim was deemed conclusively abandoned, of not less than 12½ percent; and

(5) compliance with the notice and reimbursement of costs provisions of paragraph (4) of subsection (e) but addressed to the petition covering the conversion of an abandoned unpatented oil placer mining claim to a noncompetitive oil and gas lease.

(g)(1) Except as otherwise provided in this section, a reinstated lease shall be treated as a competitive or a noncompetitive oil and

gas lease in the same manner as the original lease issued pursuant to section 17(b) or 17(c) of this Act.

(2) Except as otherwise provided in this section, the issuance of a lease in lieu of an abandoned patented oil placer mining claim shall be treated as a noncompetitive oil and gas lease issued pursuant to section 17(c) of this Act.

(3) Notwithstanding any other provision of law, any lease issued pursuant to section 14 of this Act shall be eligible for reinstatement under the terms and conditions set forth in subsections (c), (d), and (e) of this section, applicable to leases issued under subsection 17(c) of this Act (30 U.S.C. 226(c)) except, that, upon reinstatement, such lease shall continue for twenty years and so long thereafter as oil or gas is produced in paying quantities.

(4) Notwithstanding any other provision of law, any lease issued pursuant to section 14 of the Act shall, upon renewal on or after enactment of this paragraph, continue for twenty years and so long thereafter as oil or gas is produced in paying quantities.

(h) The minimum royalty provisions of section 17(m) and the provisions of section 39 of this Act shall be applicable to leases issued pursuant to subsections (d) and (f) of this section.

(i)(1) In acting on a petition to issue a noncompetitive oil and gas lease, under subsection (f) of this section or in response to a request filed after issuance of such a lease, or both, the Secretary is authorized to reduce the royalty on such lease if in his judgment it is equitable to do so or the circumstances warrant such relief due to uneconomic or other circumstances which could cause undue hardship or premature termination of production.

(2) In acting on a petition for reinstatement pursuant to subsection (d) of this section or in response to a request filed after reinstatement, or both, the Secretary is authorized to reduce the royalty in that reinstated lease on the entire leasehold or any tract or portion thereof segregated for royalty purposes if, in his judgment, there are uneconomic or other circumstances which could cause undue hardship or premature termination of production; or because of any written action of the United States, its agents or employees, which preceded, and was a major consideration in, the lessee's expenditure of funds to develop the property under the lease after the rent had become due and had not been paid; or if in the judgment of the Secretary it is equitable to do so for any reason.

(j) Where, in the judgment of the Secretary of the Interior, drilling operations were being diligently conducted on the last day of the primary term of the lease, and, except for nonpayment or rental, the lessee would have been entitled to extension of his lease, pursuant to section 4(d) of the Act of September 2, 1960 (74 Stat. 790), the Secretary of the Interior may reinstate such lease notwithstanding the failure of the lessee to have made payment of the next year's rental, provided the conditions of subparagraphs (1) and (2) of section (c) are satisfied.

* * * * * * *

SEC. 35. (a) [All] *Except as provided in subsection (e), all* money received from sales, bonuses, royalties including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982, and rentals of the public lands under the provisions of this Act and the Geothermal Steam Act of 1970, shall be paid into the Treasury of the United States; 50 per centum thereof shall be paid

by the Secretary of the Treasury to the State other than Alaska within the boundaries of which the leased lands or deposits are or were located; said moneys paid to any of such States on or after January 1, 1976, to be used by such State and its subdivisions, as the legislature of the State may direct giving priority to those subdivisions of the State socially or economically impacted by development of minerals leased under this Act, for (i) planning, (ii) construction and maintenance of public facilities, and (iii) provision of public service; and excepting those from Alaska, 40 per centum thereof shall be paid into, reserved, appropriated, as part of the reclamation fund created by the Act of Congress known as the Reclamation Act, approved June 17, 1902, and of those from Alaska as soon as practicable after March 31 and September 30 of each year, 90 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof: *Provided,* That all moneys which may accrue to the United States under the provisions of this Act and the Geothermal Steam Act of 1970 from lands within the naval petroleum reserves shall be deposited in the Treasury as "miscellaneous receipts", as provided by section 8733(b) of title 10, United States Code. All moneys received under the provisions of this Act and the Geothermal Steam Act of 1970 not otherwise disposed of by this section shall be credited to miscellaneous receipts. Payments to States under this section with respect to any moneys received by the United States, shall be made not later than the last business day of the month in which such moneys are warranted by the United States Treasury to the Secretary as having been received, except for any portion of such moneys which is under challenge and placed in a suspense account pending resolution of a dispute. Such warrants shall be issued by the United States Treasury not later than 10 days after receipt of such moneys by the Treasury. Moneys placed in a suspense account which are determined to be payable to a State shall be made not later than the last business day of the month in which such dispute is resolved. Any such amount placed in a suspense account pending resolution shall bear interest until the dispute is resolved.

(b) DEDUCTION FOR ADMINISTRATIVE COSTS.—In determining the amount of payments to the States under this section, beginning in fiscal year 2014 and for each year thereafter, the amount of such payments shall be reduced by 2 percent for any administrative or other costs incurred by the United States in carrying out the program authorized by this Act, and the amount of such reduction shall be deposited to miscellaneous receipts of the Treasury.

(c)(1) Notwithstanding the first sentence of subsection (a), any rentals received from leases in any State (other than the State of Alaska) on or after the date of enactment of this subsection shall be deposited in the Treasury, to be allocated in accordance with paragraph (2).

(2) Of the amounts deposited in the Treasury under paragraph (1)—

(A) 50 percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the leased land is located or the deposits were derived; and

(B) 50 percent shall be deposited in a special fund in the Treasury, to be known as the "BLM Permit Processing Improvement Fund" (referred to in this subsection as the "Fund").

(3) USE OF FUND.—

(A) IN GENERAL.—The Fund shall be available to the Secretary of the Interior for expenditure, without further appropriation and without fiscal year limitation, for the coordination and processing of oil and gas use authorizations on onshore Federal and Indian trust mineral estate land.

(B) ACCOUNTS.—The Secretary shall divide the Fund into—

(i) a Rental Account (referred to in this subsection as the "Rental Account") comprised of rental receipts collected under this section; and

(ii) a Fee Account (referred to in this subsection as the "Fee Account") comprised of fees collected under subsection (d).

(4) RENTAL ACCOUNT.—

(A) IN GENERAL.—The Secretary shall use the Rental Account for—

(i) the coordination and processing of oil and gas use authorizations on onshore Federal and Indian trust mineral estate land under the jurisdiction of the Project offices identified under section 365(d) of the Energy Policy Act of 2005 (42 U.S.C. 15924(d)); and

(ii) training programs for development of expertise related to coordinating and processing oil and gas use authorizations.

(B) ALLOCATION.—In determining the allocation of the Rental Account among Project offices for a fiscal year, the Secretary shall consider—

(i) the number of applications for permit to drill received in a Project office during the previous fiscal year;

(ii) the backlog of applications described in clause (i) in a Project office;

(iii) publicly available industry forecasts for development of oil and gas resources under the jurisdiction of a Project office; and

(iv) any opportunities for partnership with local industry organizations and educational institutions in developing training programs to facilitate the coordination and processing of oil and gas use authorizations.

(5) FEE ACCOUNT.—

(A) IN GENERAL.—The Secretary shall use the Fee Account for the coordination and processing of oil and gas use authorizations on onshore Federal and Indian trust mineral estate land.

(B) ALLOCATION.—The Secretary shall transfer not less than 75 percent of the revenues collected by an office for the processing of applications for permits to the State office of the State in which the fees were collected.

(d) BLM OIL AND GAS PERMIT PROCESSING FEE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for each of fiscal years 2016 through 2026, the Secretary, acting through the Director of the Bureau of Land Manage-

ment, shall collect a fee for each new application for a permit to drill that is submitted to the Secretary.

(2) AMOUNT.—The amount of the fee shall be $9,500 for each new application, as indexed for United States dollar inflation from October 1, 2015 (as measured by the Consumer Price Index).

(3) USE.—Of the fees collected under this subsection for a fiscal year, the Secretary shall transfer—

(A) for each of fiscal years 2016 through 2019—

(i) 15 percent to the field offices that collected the fees and used to process protests, leases, and permits under this Act, subject to appropriation; and

(ii) 85 percent to the BLM Permit Processing Improvement Fund established under subsection (c)(2)(B) (referred to in this subsection as the "Fund"); and

(B) for each of fiscal years 2020 through 2026, all of the fees to the Fund.

(4) ADDITIONAL COSTS.—During each of fiscal years of 2016 through 2026, the Secretary shall not implement a rulemaking that would enable an increase in fees to recover additional costs related to processing applications for permits to drill.

(e) DISTRIBUTION OF CERTAIN AMOUNTS.—Notwithstanding subsection (a), the amount of any increase in revenues collected as a result of the amendments made by subsection (b) of section 29 of the Environmental Justice For All Act shall be deposited and distributed in accordance with subsection (d) of that section.

* * * * * * *

JERROLD NADLER, New York
CHAIRMAN

COMMITTEE CORRESPONDENCE

JIM JORDAN, Ohio
RANKING MEMBER

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
2138 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6216
(202) 225–3951
judiciary.house.gov

November 18, 2022

The Honorable Raúl M. Grijalva
Chairman
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Grijalva:

This letter is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 2021, the "Environmental Justice For All Act," that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and is willing to forgo action on H.R. 2021, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the *Congressional Record* during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,

Jerrold Nadler
Chairman

c: The Honorable Jim Jordan, Ranking Member, Committee on the Judiciary
The Honorable Jason Smith, Parliamentarian
The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

BRUCE WESTERMAN OF ARKANSAS
RANKING REPUBLICAN

VIVIAN MOEGLEIN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

November 28, 2022

The Honorable Jerrold Nadler
Chair
Committee on the Judiciary
U.S. House of Representatives
2141 Rayburn House Office Building
Washington, DC 20515

Dear Chair Nadler:

I write to you concerning H.R. 2021, the "Environmental Justice For All Act."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Judiciary. I acknowledge that your Committee will not formally consider H.R. 2021 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction. I would be pleased to support your request to name members of the Committee on the Judiciary to any conference committee to consider such provisions.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Jim Jordan, Ranking Member, Committee on the Judiciary
The Honorable Jason Smith, Parliamentarian

Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

Peter A. DeFazio
Chair
Katherine W. Dedrick
Staff Director

Sam Graves
Ranking Member
Jack Ruddy
Republican Staff Director

December 12, 2022

The Honorable Raúl Grijalva
Chair, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

Dear Chair Grijalva:

I write concerning H.R. 2021, *Environmental Justice for All Act,* H.R. 2780, *Insular Area Climate Change Act,* and H.R. 3764, *Ocean-Based Climate Solutions Act.* There are certain provisions in all three pieces of legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to allow the Committee on Natural Resources to file committee reports on H.R. 2021, H.R. 2780, and H.R. 3764 for legislative history purposes, the Committee on Transportation and Infrastructure (Committee) agrees to forgo action on these bills. However, this is conditional on our mutual understanding that these bills will not be considered on the House floor during the 117th Congress. In addition, by forgoing consideration of these bills it will not prejudice the Committee to any future jurisdictional claim over the subject matters contained in these bills or similar legislation that fall within the Committee's Rule X jurisdiction.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee reports for H.R. 2021, H.R. 2780, and H.R. 3764. Thank you for your cooperation.

Sincerely,

Peter A. DeFazio
Chair

cc: The Honorable Sam Graves
The Honorable Bruce Westerman

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

BRUCE WESTERMAN OF ARKANSAS
RANKING REPUBLICAN

VIVIAN MOEGLEIN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

December 14, 2022

The Honorable Peter A. DeFazio
Chair
Committee on Transportation and Infrastructure
U.S. House of Representatives
2134 Rayburn House Office Building
Washington, DC 20515

Dear Chair DeFazio,

I write to you concerning H.R. 2021, the *Environmental Justice for All Act*, H.R. 2780, the *Insular Area Climate Change Act*, and H.R. 3764, the *Ocean-Based Climate Solutions Act*.

I appreciate your willingness to work cooperatively on these bills. I recognize that they contain provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure, and I agree that the inaction of your Committee with respect to the bills does not waive any future jurisdictional claim over the matters contained in the bills that fall within your Committee's Rule X jurisdiction. I also acknowledge our mutual understanding that these bills will not be considered on the House floor during the 117th Congress without further consultation with and clear, separate signoff from the Committee on Transportation and Infrastructure.

I will ensure that our exchange of letters is included in the committee reports for H.R. 2021, H.R. 2780, and H.R. 3764. I appreciate your cooperation and look forward to continuing to work with you on the measures.

Sincerely,

Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Sam Graves, Ranking Member, Committee on Transportation and Infrastructure
The Honorable Jason Smith, Parliamentarian

U.S. House of Representatives
Committee on Agriculture
Room 1301, Longworth House Office Building
Washington, DC 20515–6001
(202) 225–2171

December 7, 2022

The Honorable Raul M. Grijalva
Chairman, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

This letter confirms our mutual understanding regarding bills H.R. 3686, the "Ski Hill Resources for Economic Development Act;" H.R. 3326, the "Public Land Renewable Energy Development Act of 2021;" H.R 6936, the "Stamp Out Invasive Species Act;" H.R. 6435, "To provide for the application of certain provisions of the Secure Rural Schools and Community Self-Determination Act of 2000 for fiscal year 2021;" H.R. 1503, the " Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2021;" H.R. 1506, the "Transparency in Energy Production Act of 2021;" H.R. 3670, the "Simplifying Outdoor Access for Recreation Act;" H.R. 2021, the "Environmental Justice For All Act;" and H.R. 4690, the "Sustaining America's Fisheries for the Future Act of 2021." Thank you for collaborating with the Committee on Agriculture.

Our Committee will forgo consideration of the above listed bills for the limited purpose of completing and filing bill reports. However, if floor action becomes a possibility, the Committee on Agriculture will require the opportunity to take up these measures. The Committee on Agriculture reserves the right to seek the appointment of any House-Senate conference and requests consultation on any matters within our jurisdiction.

Sincerely,

David Scott
Chairman

Cc:
The Honorable Glenn "GT" Thompson, Ranking Member
The Honorable Nancy Pelosi, Speaker of The House of Representatives
The Honorable Jason Smith, Parliamentarian

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

December 7, 2022

The Honorable David Scott
Chair
Committee on Agriculture
U.S. House of Representatives
1301 Longworth House Office Building
Washington, DC 20515

Dear Chair Scott:

I write to you concerning H.R. 1503, the "Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2021;" H.R. 1506, the "Transparency in Energy Production Act of 2021;" H.R. 2021, the "Environmental Justice For All Act;" H.R. 3326, the "Public Land Renewable Energy Development Act of 2021;" H.R. 3670, the "Simplifying Outdoor Access for Recreation Act;" H.R. 3686, the "Ski Hill Resources for Economic Development Act;" H.R. 4690, the "Sustaining America's Fisheries for the Future Act of 2021;" H.R. 6435, "To provide for the application of certain provisions of the Secure Rural Schools and Community Self-Determination Act of 2000 for fiscal year 2021;" and H.R 6936, the "Stamp Out Invasive Species Act."

I recognize that the bills contain provisions that fall within the jurisdiction of the Committee on Agriculture. I acknowledge that your Committee will not formally consider these bills for the limited purpose of completing and filing the bill reports.

Additionally, I confirm our mutual understanding that any floor action on these bills would still require further consultation with, and a separate approval from, the Committee on Agriculture. I would be pleased to support the appointment of members of the Committee on Agriculture to any conference committee to consider such provisions.

I will ensure that our exchange of letters is included in the committee reports for the bills. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you.

Sincerely,

Raúl M. Grijalva

Chair Raúl M. Grijalva
Committee on Natural Resources

Cc: The Honorable Nancy Pelosi, Speaker of the House
The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Glen 'GT' Thompson, Ranking Member, Committee on Agriculture
The Honorable Jason Smith, Parliamentarian

DISSENTING VIEWS

H.R. 2021 aims to address issues of "environmental justice" (EJ) which the bill defines as "the fair treatment and meaningful involvement of all people regardless of race, color, culture, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations and policies." However, the definition of an "EJ Community" in the bill only includes communities with "significant representation of communities of color, low-income communities, or Tribal and Indigenous communities."

H.R. 2021 is largely duplicative of existing federal efforts as EJ concerns are already considered by federal agencies in compliance with Executive Order (E.O.) 12898, which was issued in 1994.[1] Among other things, E.O. 12898 called on federal agencies to analyze the environmental impacts of federal actions on minority and low-income communities when conducting analysis under the National Environmental Policy Act of 1969 (NEPA).[2]

Further, H.R. 2021 does not consider the potential benefits of proposed projects to impacted EJ communities that could result in better health and economic outcomes for households and communities over time. For example, new construction of a natural gas pipeline can generate thousands of well-paying jobs and access to reliable, affordable baseload energy for households and communities, minimizing energy poverty and creating economic opportunity. In fact, last Congress this Committee held a hearing on a similar bill and the Republican witness for that hearing, Derrick Hollie, President of Reaching America, urged Congress to address energy poverty by increasing access to affordable energy for minority communities.

H.R. 2021 would be successful in slowing or stopping all projects in EJ Communities by creating increased reviews on top of the already burdensome NEPA process and other statutes and more opportunities for litigation. Specifically, H.R. 2021 would require "community impact reports" for federal actions that require an environmental impact statement (EIS) under NEPA. These community impact reports would consider the impacts of an action on environmental communities as well as public health data. The section of the bill would add additional requirements (public comment periods, public meetings and hearings) for any action under NEPA that may impact an EJ community.

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[1] Executive Order 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, Wednesday February 16, 1994, https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf.

[2] The White House, Memorandum for the Heads of all Departments and Agencies: Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, https://www.epa.gov/sites/default/files/2015–02/documents/clinton_memo_12898.pdf.

H.R. 2021 would also amend the Mineral Leasing Act to increase the royalty rate for coal and oil and gas produced on federal lands from 12.5 percent to 18.75 percent and would make lease sales optional for BLM. The section of the bill would also change the royalty rate for reinstated leases from 16 2/3 percent to 25 percent and adds a new $4 per acre per year fee on producing federal offshore and onshore leases and a $6 per acre per year fee on non-producing leases. The funds from these new fees would go to a new Federal Energy Transition Economic Development Assistance Fund (Fund) and the "increased" revenues from royalties would be split between the new Fund and states. These changes conflict with the Inflation Reduction Act and would likely have a devastating impact on oil and gas production on federal lands and waters and would result in decreased royalties paid, higher energy prices for American families and significant job loss.

Lastly, due to its wide-ranging impacts, H.R. 2021 has been referred to six House committees but has so far only received a hearing in the House Committee on Natural Resources.

For these reasons, I oppose H.R. 2021.

BRUCE WESTERMAN.

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