

117TH CONGRESS
1ST SESSION

S. 101

To establish the Environmental Justice Mapping Committee, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. MARKEY (for himself and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish the Environmental Justice Mapping Committee, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Environmental Justice
5 Mapping and Data Collection Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) environmental hazards causing adverse
9 health outcomes have disproportionately affected en-
10 vironmental justice communities as a result of sys-

1 temic injustices relating to factors that include race
2 and income;

3 (2) environmental justice communities have in-
4 creased vulnerability to the adverse effects of climate
5 change and need significant investment to face cur-
6 rent and future environmental hazards;

7 (3) the Federal Government has lacked a cohe-
8 sive and consistent strategy to carry out the respon-
9 sibilities of Federal agencies described in Executive
10 Order 12898 (42 U.S.C. 4321 note; relating to Fed-
11 eral actions to address environmental justice in mi-
12 nority populations and low-income populations);

13 (4) it is necessary that the Federal Government
14 meaningfully engage environmental justice commu-
15 nities in the process of developing a robust strategy
16 to address environmental justice, including high lev-
17 els of review, input, and consent;

18 (5) there is a lack of nationwide high-quality
19 data relating to environmental justice concerns, such
20 as socioeconomic factors, air pollution, water pollu-
21 tion, soil pollution, and public health, and a failure
22 to update the existing data with adequate frequency;

23 (6) there is no nationally consistent method to
24 identify environmental justice communities based on

1 the cumulative effects of socioeconomic factors, pol-
2 lution burden, and public health;

3 (7) a method described in paragraph (6) is
4 needed to correct for racist and unjust practices
5 leading to historical and current environmental in-
6 justices through the targeted investment in environ-
7 mental justice communities of at least 40 percent of
8 the funds provided for a clean energy transition and
9 other related investments, including transportation
10 infrastructure, housing infrastructure, and water
11 quality infrastructure;

12 (8) funds targeted for environmental justice
13 communities should include set-asides for technical
14 assistance and capacity building for environmental
15 justice communities to access the funds;

16 (9) particular oversight and care are necessary
17 when investing in environmental justice communities
18 to ensure that existing issues are not exacerbated
19 and new issues are not created, particularly issues
20 relating to pollution burden and the displacement of
21 residents;

22 (10) several States, academic institutions, and
23 nonprofit organizations have engaged in cumulative
24 impact environmental justice mapping efforts that
25 can serve as references for a Federal mapping effort;

1 (11) many environmental justice communities,
2 such as communities in “Cancer Alley” in the State
3 of Louisiana, have been clearly affected by extreme
4 environmental hazards such that the communities—

5 (A) are identifiable before the establish-
6 ment of the tool under subsection (b) of section
7 5 and the completion of the data gap audit
8 under subsection (d) of that section; and

9 (B) should be eligible for programs tar-
10 geted toward environmental justice communities
11 that have faced extreme environmental hazards
12 before the establishment of that tool and the
13 completion of that audit;

14 (12) in addition to investment in environmental
15 justice communities, pollution reduction is essential
16 to achieving equitable access to a healthy and clean
17 environment and an equitable energy system; and

18 (13) specific policy and permitting decisions
19 and investments may rely on different combinations
20 of data sets and indicators relating to environmental
21 justice, and race alone may be considered a criterion
22 when assessing the susceptibility of a community to
23 environmental injustice.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

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

4 (2) ADVISORY COUNCIL.—The term “advisory
5 council” means the advisory council established
6 under section 4(d)(2)(A).

7 (3) COMMITTEE.—The term “Committee”
8 means the Environmental Justice Mapping Com-
9 mittee established by section 4(a).

10 (4) ENVIRONMENTAL JUSTICE.—The term “en-
11 vironmental justice” means the fair treatment and
12 meaningful involvement of all people regardless of
13 race, color, culture, national origin, or income, with
14 respect to the development, implementation, and en-
15 forcement of environmental laws, regulations, and
16 policies to ensure that each person enjoys—

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

19 (B) equal access to any Federal agency ac-
20 tion relating to the development, implementa-
21 tion, and enforcement of environmental laws,
22 regulations, and policies for the purpose of hav-
23 ing a healthy environment in which to live,
24 learn, work, and recreate.

1 (5) ENVIRONMENTAL JUSTICE COMMUNITY.—

2 The term “environmental justice community” means
3 a community with significant representation of com-
4 munities of color, low-income communities, or Tribal
5 and indigenous communities, that experiences, or is
6 at risk of experiencing, higher or more adverse
7 human health or environmental effects, as compared
8 to other communities.

9 (6) GROUND-TRUTHING.—The term “ground-
10 truthing” means a community fact-finding process
11 by which residents of a community supplement tech-
12 nical information with local knowledge for the pur-
13 pose of better informing policy and project decisions.

14 (7) RELEVANT STAKEHOLDER.—The term “rel-
15 evant stakeholder” means—

16 (A) a representative of a regional, State,
17 Tribal, or local government agency;

18 (B) a representative of a nongovernmental
19 organization with experience in areas that may
20 include Tribal relations, environmental con-
21 servation, city and regional planning, and public
22 health;

23 (C) a representative of a labor union;

24 (D) a representative or member of—

- 1 (i) an environmental justice commu-
 2 nity; or
- 3 (ii) a community-based organization
 4 for an environmental justice community;
- 5 (E) an individual with expertise in cumu-
 6 lative impacts, geospatial data, and environ-
 7 mental justice, particularly such an individual
 8 from an academic or research institution; and
- 9 (F) an advocate with experience in envi-
 10 ronmental justice who represents an environ-
 11 mental justice community.

12 **SEC. 4. ESTABLISHMENT OF COMMITTEE.**

13 (a) IN GENERAL.—There is established a committee,
 14 to be known as the “Environmental Justice Mapping
 15 Committee”.

16 (b) MEMBERSHIP.—

17 (1) IN GENERAL.—The Committee shall be
 18 composed of not fewer than 1 representative of each
 19 of the following:

20 (A) Of the Environmental Protection
 21 Agency—

- 22 (i) the Office of Air and Radiation;
 23 (ii) the Office of Chemical Safety and
 24 Pollution Prevention;

1 (iii) the Office of International and
2 Tribal Affairs;

3 (iv) the Office of Land and Emer-
4 gency Management;

5 (v) the Office of Water;

6 (vi) the Office of Environmental Jus-
7 tice;

8 (vii) the Office of Research and Devel-
9 opment; and

10 (viii) the Office of Public Engagement
11 and Environmental Education.

12 (B) The Council on Environmental Qual-
13 ity.

14 (C) Of the Department of Commerce—

15 (i) the Office of Oceanic and Atmos-
16 pheric Research, including not fewer than
17 1 representative of the Climate Program
18 Office;

19 (ii) the Economics and Statistics Ad-
20 ministration, including not fewer than 1
21 representative of the Bureau of Economic
22 Analysis; and

23 (iii) the National Institute of Stand-
24 ards and Technology.

1 (D) Of the Department of Health and
2 Human Services—

3 (i) the Centers for Disease Control
4 and Prevention, not including the Agency
5 for Toxic Substances and Disease Registry;

6 (ii) the Agency for Toxic Substances
7 and Disease Registry;

8 (iii) the Administration for Children
9 and Families;

10 (iv) of the National Institutes of
11 Health—

12 (I) the National Institute of En-
13 vironmental Health Sciences;

14 (II) the National Institute of
15 Mental Health; and

16 (III) the National Institute on
17 Minority Health and Health Dispari-
18 ties; and

19 (v) the Office for Civil Rights.

20 (E) Of the Department of the Interior—

21 (i) the Bureau of Indian Affairs;

22 (ii) the Office of Civil Rights; and

23 (iii) the United States Geological Sur-
24 vey.

25 (F) The Forest Service.

1 (G) The Department of Housing and
2 Urban Development.

3 (H) The Department of Energy.

4 (I) The Department of Transportation.

5 (J) The Department of Justice.

6 (K) The Federal Energy Regulatory Com-
7 mission.

8 (L) The Department of the Treasury.

9 (M) Such other Federal departments,
10 agencies, and offices as the Administrator de-
11 termines to be appropriate, particularly offices
12 relating to public engagement.

13 (2) SELECTION OF REPRESENTATIVES.—The
14 head of a department or agency described in para-
15 graph (1) shall, in appointing to the Committee a
16 representative of the department or agency, select a
17 representative—

18 (A) of a component of the department or
19 agency that is among the components that are
20 the most relevant to the responsibilities of the
21 Committee; or

22 (B) who has expertise in areas relevant to
23 those responsibilities, such as demographic indi-
24 cators relating to socioeconomic hardship, envi-
25 ronmental justice, public engagement, public

1 health, exposure to pollution, future climate and
2 extreme weather mapping, affordable energy,
3 sustainable transportation, and access to water,
4 food, and green space.

5 (3) CO-CHAIRS.—

6 (A) IN GENERAL.—The members of the
7 Committee shall select 3 members to serve as
8 co-chairs of the Committee—

9 (i) 1 of whom shall be a representa-
10 tive of the Environmental Protection Agen-
11 cy;

12 (ii) 1 of whom shall be a representa-
13 tive of the Council on Environmental Qual-
14 ity; and

15 (iii) 1 of whom shall have substantial
16 experience in public engagement.

17 (B) TERMS.—Each co-chair shall serve for
18 a term of not more than 3 years.

19 (C) RESPONSIBILITIES OF CO-CHAIRS.—
20 The co-chairs of the Committee shall—

21 (i) determine the agenda of the Com-
22 mittee, in consultation with other members
23 of the Committee;

1 (ii) direct the work of the Committee,
2 including the oversight of a meaningful
3 public engagement process; and

4 (iii) convene meetings of the Com-
5 mittee not less frequently than once each
6 fiscal quarter.

7 (c) ADMINISTRATIVE SUPPORT.—

8 (1) IN GENERAL.—The Administrator shall pro-
9 vide technical and administrative support to the
10 Committee.

11 (2) FUNDING.—The Administrator may carry
12 out paragraph (1) using, in addition to any amounts
13 made available under section 7, amounts authorized
14 to be appropriated to the Administrator before the
15 date of enactment of this Act and available for obli-
16 gation as of that date of enactment.

17 (d) CONSULTATION.—

18 (1) IN GENERAL.—In carrying out the duties of
19 the Committee, the Committee shall consult with rel-
20 evant stakeholders.

21 (2) ADVISORY COUNCIL.—

22 (A) IN GENERAL.—The Committee shall
23 establish an advisory council composed of a bal-
24 anced proportion of relevant stakeholders, at

1 least 1/2 of whom shall represent environmental
2 justice communities.

3 (B) CHAIR.—The advisory council shall be
4 chaired by an environmental justice advocate or
5 other relevant stakeholder with substantial ex-
6 perience in environmental justice.

7 (C) REQUIREMENTS.—Consultation de-
8 scribed in paragraph (1) shall include—

9 (i) early and regular engagement with
10 the advisory council, including in carrying
11 out public engagement under paragraph
12 (3); and

13 (ii) consideration of the recommenda-
14 tions of the advisory council.

15 (D) RECOMMENDATIONS NOT USED.—If
16 the Committee does not use a recommendation
17 of the advisory council, not later than 60 days
18 after the date on which the Committee receives
19 notice of the recommendation, the Committee
20 shall—

21 (i) make available to the public on an
22 internet website of the Environmental Pro-
23 tection Agency a written report describing
24 the rationale of the Committee for not
25 using the recommendation; and

1 (ii) submit the report described in
2 clause (i) to the Committee on Environ-
3 ment and Public Works of the Senate and
4 the Committee on Energy and Commerce
5 of the House of Representatives.

6 (E) OUTREACH.—The advisory council
7 may carry out public outreach activities using
8 amounts made available under section 7 to sup-
9 plement public engagement carried out by the
10 Committee under paragraph (3).

11 (3) PUBLIC ENGAGEMENT.—

12 (A) IN GENERAL.—The Committee shall,
13 throughout the process of carrying out the du-
14 ties of the Committee described in section 5—

15 (i) meaningfully engage with relevant
16 stakeholders, particularly—

17 (I) members and representatives
18 of environmental justice communities;

19 (II) environmental justice advo-
20 cates; and

21 (III) individuals with expertise in
22 cumulative impacts and geospatial
23 data; and

1 (ii) ensure that the input of the stake-
2 holders described in clause (i) is central to
3 the activities of the Committee.

4 (B) PLAN.—

5 (i) IN GENERAL.—In carrying out
6 subparagraph (A), the Committee shall de-
7 velop a plan, in consultation with the advi-
8 sory council, for comprehensive public en-
9 gagement with, and incorporation of feed-
10 back from, environmental justice advocates
11 and members of environmental justice
12 communities.

13 (ii) STRATEGIES TO OVERCOME BAR-
14 RIERS TO PUBLIC ENGAGEMENT.—The
15 plan developed under clause (i) shall in-
16 clude strategies to overcome barriers to
17 public engagement, including—

- 18 (I) language barriers;
19 (II) transportation barriers;
20 (III) economic barriers; and
21 (IV) lack of internet access.

22 (iii) CONSIDERATION.—In developing
23 the plan under clause (i), the Committee
24 shall consider the diverse and varied expe-
25 riences of environmental justice commu-

1 nities relating to the scope and types of en-
2 vironmental hazards and socioeconomic in-
3 justices.

4 (C) CONSULTATION AND SOLICITATION OF
5 PUBLIC COMMENT.—

6 (i) IN GENERAL.—In carrying out
7 subparagraph (A), not less frequently than
8 once each fiscal quarter, the Committee
9 shall consult with the advisory council and
10 solicit meaningful public comment, particu-
11 larly from relevant stakeholders, on the ac-
12 tivities of the Committee.

13 (ii) REQUIREMENTS.—The Committee
14 shall carry out clause (i) through means
15 including—

16 (I) public notice of a meeting of
17 the Committee occurring during the
18 applicable fiscal quarter, which shall
19 include—

20 (aa) notice in publications
21 relevant to environmental justice
22 communities;

23 (bb) notification to environ-
24 mental justice communities
25 through direct means, such as

1 community centers and schools;
2 and

3 (cc) direct outreach to
4 known environmental justice
5 groups;

6 (II) public broadcast of that
7 meeting, including soliciting and re-
8 ceiving comments by virtual means;
9 and

10 (III) public availability of a tran-
11 script of that meeting through publi-
12 cation on an accessible website.

13 (iii) LANGUAGES.—The Committee
14 shall provide each notice, notification, di-
15 rect outreach, broadcast, and transcript
16 described in clause (ii) in each language
17 commonly used in the applicable environ-
18 mental justice community, including
19 through oral interpretation, if applicable.

20 (D) FUNDING.—Of amounts made avail-
21 able under section 7, the Administrator shall
22 make available to the Committee such sums as
23 are necessary for participation by relevant
24 stakeholders in public engagement under this

1 paragraph, as determined by the Administrator,
2 in consultation with the advisory council.

3 **SEC. 5. DUTIES OF COMMITTEE.**

4 (a) IN GENERAL.—The Committee shall—

5 (1) establish a tool described in subsection (b)
6 to identify environmental justice communities, in-
7 cluding the identification of—

8 (A) criteria to be used in the tool; and

9 (B) a methodology to determine the cumu-
10 lative impacts of those criteria;

11 (2) assess and address data gaps in accordance
12 with subsection (d); and

13 (3) collect data for the environmental justice
14 data repository established under section 6.

15 (b) ESTABLISHMENT OF TOOL.—

16 (1) IN GENERAL.—The Committee, in consulta-
17 tion with relevant stakeholders and the advisory
18 council, shall establish an interactive, transparent,
19 integrated, and Federal Government-wide tool for
20 assessing and mapping environmental justice com-
21 munities based on the cumulative impacts of all indi-
22 cators selected by the Committee to be integrated
23 into the tool.

24 (2) REQUIREMENTS.—In establishing the tool
25 under paragraph (1), the Committee shall—

- 1 (A) integrate into the tool multiple data
2 layers of indicators that fall into categories in-
3 cluding—
- 4 (i) demographics, particularly relating
5 to socioeconomic hardship and social
6 stressors, such as—
- 7 (I) race and ethnicity;
8 (II) low income;
9 (III) high unemployment;
10 (IV) low levels of home owner-
11 ship;
12 (V) high rent burden;
13 (VI) high transportation burden;
14 (VII) low levels of educational at-
15 tainment;
16 (VIII) linguistic isolation;
17 (IX) energy insecurity or high
18 utility rate burden;
19 (X) food insecurity;
20 (XI) health insurance status and
21 access to healthcare; and
22 (XII) membership in an Indian
23 Tribe;

- 1 (ii) public health, particularly data
2 that are indicative of sensitive populations,
3 such as—
- 4 (I) rates of asthma;
 - 5 (II) rates of cardiovascular dis-
6 ease;
 - 7 (III) child leukemia or other can-
8 cers that correlate with environmental
9 hazards;
 - 10 (IV) low birth weight;
 - 11 (V) maternal mortality;
 - 12 (VI) rates of lead poisoning; and
 - 13 (VII) rates of diabetes;
- 14 (iii) pollution burdens, such as pollu-
15 tion burdens created by—
- 16 (I) toxic chemicals;
 - 17 (II) air pollutants;
 - 18 (III) water pollutants;
 - 19 (IV) soil contaminants; and
 - 20 (V) perfluoroalkyl and
21 polyfluoroalkyl substances; and
- 22 (iv) environmental effects, such as ef-
23 fects created by proximity to—
- 24 (I) risk management plan sites;
 - 25 (II) hazardous waste facilities;

1 (III) sites on the National Prior-
2 ities List developed by the President
3 in accordance with section
4 105(a)(8)(B) of the Comprehensive
5 Environmental Response, Compensa-
6 tion, and Liability Act of 1980 (42
7 U.S.C. 9605(a)(8)(B)); and

8 (IV) fossil fuel infrastructure;

9 (B) investigate how further indicators of
10 vulnerability to the impacts of climate change
11 (including proximity and exposure to sea level
12 rise, wildfire smoke, flooding, drought, rising
13 average temperatures, extreme storms, and ex-
14 treme heat, and financial burdens from flood
15 and fire insurance) should be incorporated into
16 the tool as an additional set of layers;

17 (C) identify and consider the effects of
18 other indicators relating to environmental jus-
19 tice for integration into the tool as layers, in-
20 cluding—

21 (i) safe, sufficient, and affordable
22 drinking water, sanitation, and stormwater
23 services;

24 (ii) access to and the quality of—

- 1 (I) green space and tree canopy
2 cover;
- 3 (II) healthy food;
- 4 (III) affordable energy and
5 water;
- 6 (IV) transportation;
- 7 (V) reliable communication sys-
8 tems, such as broadband internet;
- 9 (VI) child care;
- 10 (VII) high-quality public schools,
11 early childhood education, and child
12 care; and
- 13 (VIII) health care facilities;
- 14 (iii) length of commute;
- 15 (iv) indoor air quality in multiunit
16 dwellings;
- 17 (v) mental health;
- 18 (vi) labor market categories, particu-
19 larly relating to essential workers; and
- 20 (vii) each type of utility expense;
- 21 (D) consider the implementation of specific
22 regional indicators, with the potential—
- 23 (i) to create regionally and locally
24 downscaled maps in addition to a national
25 map;

1 (ii) to provide incentives for States to
2 collect data and conduct additional anal-
3 yses to capture conditions specific to their
4 localities;

5 (iii) to provide resources for and en-
6 gage in ground-truthing to identify and
7 verify important data with community
8 members; and

9 (iv) to develop companion resources
10 for, and provide technical support to, re-
11 gional, State, local, or Tribal governments
12 to create their own maps and environ-
13 mental justice scores with relevant re-
14 gional, State, local, and Tribal data;

15 (E) identify a methodology to account for
16 the cumulative impacts of all indicators selected
17 by the Committee under subparagraph (A), in
18 addition to other indicators as the Committee
19 determines to be necessary, to provide relative
20 environmental justice scores for regions that
21 are—

22 (i) as small as practicable to identify
23 communities; and

24 (ii) not larger than a census tract;

1 (F) ensure that the tool is capable of pro-
2 viding maps of environmental justice commu-
3 nities based on environmental justice scores de-
4 scribed in subparagraph (E);

5 (G) ensure that users of the tool are able
6 to map available layers together or independ-
7 ently as desired;

8 (H) implement a method for users of the
9 tool to generate a map and environmental jus-
10 tice score based on a subset of indicators, par-
11 ticularly for the purpose of using the tool in ad-
12 dressing various policy needs, permitting proc-
13 esses, and investment goals;

14 (I) make the tool customizable to address
15 specific policy needs, permitting processes, and
16 investment goals;

17 (J) account for conditions that are not
18 captured by the quantitative data used to de-
19 velop the 1 or more maps and environmental
20 justice scores comprising the tool, by—

21 (i) developing and executing a plan to
22 perform outreach to relevant communities;

23 and

24 (ii) establishing a mechanism by
25 which communities can self-identify as en-

1 vironmental justice communities to be in-
2 cluded in the tool, which may include cit-
3 ing qualitative data on conditions for which
4 quantitative data are lacking, such as cul-
5 tural loss in Tribal communities;

6 (K) consider that the tool—

7 (i) will be used across the Federal
8 Government in screening Federal policies,
9 permitting processes, and investments for
10 environmental and climate justice impacts;
11 and

12 (ii) may be used to assess commu-
13 nities for pollution reduction programs;
14 and

15 (L) carry out such other activities as the
16 Committee determines to be appropriate.

17 (c) TRANSPARENCY AND UPDATES.—

18 (1) IN GENERAL.—

19 (A) NOTICE AND COMMENT.—The Com-
20 mittee shall establish the tool described in sub-
21 section (b) after providing notice and an oppor-
22 tunity for public comment.

23 (B) HEARINGS.—In carrying out subpara-
24 graph (A), the Committee shall hold hearings,
25 which shall be time- and language-appropriate,

1 in communities affected by environmental jus-
2 tice issues in geographically disparate States
3 and Tribal areas.

4 (2) UPDATES.—

5 (A) ANNUAL UPDATES.—The Committee
6 shall update the tool described in subsection (b)
7 not less frequently than annually to account for
8 data sets that are updated annually.

9 (B) OTHER UPDATES.—Not less frequently
10 than once every 3 years, the Committee shall—

11 (i) update the indicators, method-
12 ology, or both for the tool described in sub-
13 section (b); and

14 (ii) reevaluate data submitted by Fed-
15 eral departments and agencies that is used
16 for the tool.

17 (C) REPORTS.—After the initial establish-
18 ment of the tool described in subsection (b) and
19 each update under subparagraph (A) or (B),
20 the Committee shall publish a report describ-
21 ing—

22 (i) the process for identifying indica-
23 tors relating to environmental justice in
24 the development of the tool;

1 (ii) the methodology described in sub-
2 section (b)(2)(E); and

3 (iii) the use of public input and com-
4 munity engagement in that process.

5 (3) TRAINING TUTORIALS AND SESSIONS.—

6 (A) IN GENERAL.—The Committee shall—

7 (i) develop virtual training tutorials
8 and sessions for environmental justice com-
9 munities for the use of the tool described
10 in subsection (b); and

11 (ii) where practicable, provide in-per-
12 son training sessions for environmental
13 justice communities for the use of that
14 tool.

15 (B) LANGUAGES.—The tutorials and ses-
16 sions under subparagraph (A) shall be made
17 available in each language commonly used in
18 the applicable environmental justice community.

19 (4) PUBLIC AVAILABILITY.—

20 (A) IN GENERAL.—The Committee shall
21 make available to the public on an internet
22 website of the Environmental Protection Agen-
23 cy—

24 (i) the tool described in subsection
25 (b);

- 1 (ii) each update under subparagraphs
2 (A) and (B) of paragraph (2);
3 (iii) each report under paragraph
4 (2)(C); and
5 (iv) the training tutorials and sessions
6 developed under paragraph (3)(A)(i).

7 (B) ACCESSIBILITY.—The Committee shall
8 make the tool, updates, and reports described in
9 subparagraph (A) accessible to the public by
10 publication in relevant languages and with ac-
11 cessibility functions, as appropriate.

12 (C) REQUIREMENT.—In carrying out sub-
13 paragraph (A)(i), the Committee shall take
14 measures to prevent the tool from being mis-
15 used to discriminate against environmental jus-
16 tice communities, such as by providing safe-
17 guards against the use of downscaled data that
18 may enable the identification of individuals.

19 (d) DATA GAP AUDIT.—

20 (1) IN GENERAL.—In establishing the tool de-
21 scribed in subsection (b), the Committee shall direct
22 relevant Federal departments and agencies to con-
23 duct an audit of data collected by the department or
24 agency to identify any data that are relevant to envi-

1 environmental justice concerns, including data relating
2 to—

- 3 (A) public health metrics;
- 4 (B) toxic chemicals;
- 5 (C) socioeconomic demographics;
- 6 (D) air quality;
- 7 (E) water quality; and
- 8 (F) killings of individuals by law enforce-
9 ment officers.

10 (2) REQUIREMENTS.—An audit described in
11 paragraph (1) shall—

- 12 (A) examine the granularity and accessi-
13 bility of the data;
- 14 (B) address the need for improved air
15 quality monitoring; and
- 16 (C) include recommendations to other Fed-
17 eral departments and agencies on means to im-
18 prove the quality, granularity, and transparency
19 of, and public involvement in, data collection
20 and dissemination.

21 (3) IMPROVEMENTS.—The Committee shall di-
22 rect a Federal department or agency, in conducting
23 an audit under paragraph (1), to address gaps in ex-
24 isting data collection that will assist the Committee
25 in establishing and operating the tool described in

1 subsection (b), including by providing to the depart-
2 ment or agency—

3 (A) benchmarks to meet in addressing the
4 gaps;

5 (B) instructions for consistency in data
6 formatting that will allow for inclusion of data
7 in the environmental justice data repository de-
8 scribed in section 6; and

9 (C) best practices for collecting data in col-
10 laboration with local organizations and part-
11 ners, such as engaging in ground-truthing.

12 (4) REPORTS.—Not later than 180 days after a
13 Federal department or agency has conducted an
14 audit under paragraph (1), the Committee shall—

15 (A) make available to the public on an
16 internet website of the Environmental Protec-
17 tion Agency a report describing the findings
18 and conclusions of the audit, including the
19 progress made by the Federal department or
20 agency in addressing environmental justice data
21 gaps; and

22 (B) submit the report described in sub-
23 paragraph (A) to—

24 (i) the Committee on Environment
25 and Public Works of the Senate;

1 (ii) the Committee on Health, Edu-
2 cation, Labor, and Pensions of the Senate;

3 (iii) the Committee on Energy and
4 Commerce of the House of Representa-
5 tives; and

6 (iv) the Committee on Education and
7 Labor of the House of Representatives.

8 **SEC. 6. ENVIRONMENTAL JUSTICE DATA REPOSITORY.**

9 (a) IN GENERAL.—The Administrator shall establish
10 an environmental justice data repository to maintain—

11 (1) the data collected by the Committee
12 through the establishment of the tool described in
13 section 5(b) and the audits conducted under section
14 5(d)(1); and

15 (2) any subnational data collected under sub-
16 section (c)(2).

17 (b) UPDATES.—The Administrator shall update the
18 data in the data repository described in subsection (a) as
19 frequently as practicable, including every year if prac-
20 ticable, but not less frequently than once every 3 years.

21 (c) AVAILABILITY; INCLUSION OF SUBNATIONAL
22 DATA.—The Administrator—

23 (1) shall make the data repository described in
24 subsection (a) available to regional, State, local, and
25 Tribal governments; and

1 (2) may collaborate with the governments de-
2 scribed in paragraph (1) to include within that data
3 repository subnational data in existence before the
4 establishment of the tool described in section 5(b)
5 and the completion of the audits under section
6 5(d)(1).

7 (d) REQUIREMENT.—The Administrator shall take
8 measures to prevent the data in the data repository de-
9 scribed in subsection (a) from being misused to discrimi-
10 nate against environmental justice communities, such as
11 by providing safeguards against the use of downscaled
12 data that may enable the identification of individuals.

13 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Ad-
15 ministrator to carry out this Act, including any necessary
16 administrative costs of the Committee—

17 (1) \$20,000,000 for each of fiscal years 2021
18 and 2022; and

19 (2) \$18,000,000 for each of fiscal years 2023
20 through 2025.

21 **SEC. 8. EFFECT.**

22 Nothing in any provision of this Act relating to the
23 tool described in section 5(b) prohibits a State from devel-
24 oping a map relating to environmental justice or pollution

- 1 burden that relies on different data, or analyzes data dif-
- 2 ferently, than that tool.

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