

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H. R. 2021  
OFFERED BY MR. McEACHIN OF VIRGINIA**

After section 14, insert the following:

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

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

6 (1) in section 101(a)—

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

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

11 (2) in section 102—

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

17 (B) in paragraph (2)—

18 (i) in subparagraph (A)—

1 (I) by striking “insure” each  
2 place it appears and inserting “en-  
3 sure”; and

4 (II) by striking “man’s” and in-  
5 serting “the human”;

6 (ii) in subparagraph (C)—

7 (I) by striking clause (iii) and in-  
8 serting the following

9 “(iii) a reasonable range of alternatives  
10 that—

11 “(I) are technically feasible,

12 “(II) are economically feasible, and

13 “(III) where applicable, do not cause  
14 or contribute to adverse cumulative effects,  
15 including effects caused by exposure to en-  
16 vironmental pollution, on an overburdened  
17 community that are higher than those  
18 borne by other communities within the  
19 State, county, or other geographic unit of  
20 analysis as determined by the agency pre-  
21 paring or having taken primary responsi-  
22 bility for preparing the environmental doc-  
23 ument pursuant to this Act, except that  
24 where the agency determines that an alter-  
25 native will serve a compelling public inter-

1 est in the affected overburdened commu-  
2 nity with conditions to protect public  
3 health,”; and

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

6 (C) in subparagraph (E), by inserting  
7 “that are consistent with subparagraph (C)(3)”  
8 after “describe appropriate alternatives”; and

9 (D) in subparagraph (F), by striking  
10 “mankind’s” and inserting “humankind’s”; and  
11 (3) by adding at the end the following:

12 **“SEC. 106. DEFINITIONS.**

13 “In this Act:

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

18 “(A) Direct effects, which are caused by  
19 the action and occur at the same time and  
20 place.

21 “(B) Indirect effects, which are caused by  
22 the action and are later in time or farther re-  
23 moved in distance, but are still reasonably fore-  
24 seeable. Indirect effects may include growth in-  
25 ducing effects and other effects related to in-

1           duced changes in the pattern of land use, popu-  
2           lation density or growth rate, and related ef-  
3           fects on air and water and other natural sys-  
4           tems, including ecosystems.

5           “(C) Cumulative effects, which are effects  
6           on the environment that result from the incre-  
7           mental effects of the action when added to the  
8           effects of other past, present, and reasonably  
9           foreseeable actions regardless of what agency  
10          (Federal or non-Federal) or person undertakes  
11          such other actions. Cumulative effects can re-  
12          sult from individually minor but collectively sig-  
13          nificant actions taking place over a period of  
14          time.

15          “(D) Effects that are ecological (such as  
16          the effects on natural resources and on the  
17          components, structures, and functioning of af-  
18          fected ecosystems), aesthetic, historic, cultural,  
19          economic, social, health, whether direct, indi-  
20          rect, or cumulative. Effects may also include  
21          those resulting from actions which may have  
22          both beneficial and detrimental effects, even if  
23          on balance the agency believes that the effects  
24          will be beneficial.

1           “(2) LIMITED ENGLISH PROFICIENCY.—The  
2 term ‘limited English proficiency’ means that a  
3 household does not have an adult that speaks  
4 English very well according to the United States  
5 Census Bureau.

6           “(3) LOW-INCOME HOUSEHOLD.—The term  
7 ‘low-income household’ means a household that is at  
8 or below twice the poverty threshold as that thresh-  
9 old is determined annually by the United States  
10 Census Bureau.

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

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

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

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

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

25                   “(A) a federally recognized Indian Tribe;

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

2                   “(C) an Alaska Native or Native Hawaiian

3 community or organization; or

4                   “(D) any other community of Indigenous

5 people located in a State.”.

