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:

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) in subparagraph (A)—
(I) by striking “insure” each
place it appears and inserting “en-
sure”; and

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

(ii) in subparagraph (C)—

(I) by striking clause (iii) and in-
serting 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 en-
vironmental 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 pre-
paring or having taken primary responsi-

bility for preparing the environmental doc-
ument pursuant to this Act, except that

where the agency determines that an alter-
native will serve a compelling public inter-
establish 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 in-
duced 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.”.