

119TH CONGRESS
1ST SESSION

S. 720

To establish an Office of Environmental Justice within the Department of Justice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2025

Mr. PADILLA (for himself, Mr. MARKEY, Mr. BLUMENTHAL, Mr. BOOKER, Mr. MERKLEY, Mr. VAN HOLLEN, Ms. DUCKWORTH, Mr. WYDEN, Mr. SCHIFF, Mr. SANDERS, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish an Office of Environmental Justice within the Department of Justice, 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 “Empowering and En-
5 forcing Environmental Justice Act of 2025”.

6 **SEC. 2. OFFICE OF ENVIRONMENTAL JUSTICE.**

7 (a) IN GENERAL.—Chapter 31 of title 28, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 530E. Environmental Justice**

2 “(a) DEFINITIONS.—In this section:

3 “(1) COUNCIL.—The term ‘Council’ means the
4 Senior Advisory Council established under subsection
5 (c).

6 “(2) DEPARTMENT.—The term ‘Department’
7 means the Department of Justice.

8 “(3) ENVIRONMENTAL JUSTICE.—The term
9 ‘environmental justice’ means the just treatment and
10 meaningful involvement of all people, regardless of
11 income, race, color, national origin, Tribal affiliation,
12 or disability in agency decision-making and other
13 Federal activities that affect human health and the
14 environment so that individuals—

15 “(A) are fully protected from dispropor-
16 tionate and adverse human health and environ-
17 mental effects (including risks) and hazards, in-
18 cluding those related to climate change, the cu-
19 mulative impacts of environmental and other
20 burdens, and the legacy of racism or other
21 structural or systemic barriers; and

22 “(B) have equitable access to a healthy,
23 sustainable, and resilient environment in which
24 to live, play, work, learn, grow, worship, and
25 engage in cultural and subsistence practices.

1 “(4) ENVIRONMENTAL JUSTICE MATTER.—The
 2 term ‘environmental justice matter’ includes any
 3 civil or criminal matter in which the conduct or ac-
 4 tion at issue may involve a disproportionate and ad-
 5 verse environmental or human health effect on—

6 “(A) an identifiable low-income, Tribal, or
 7 Indigenous population or community in the
 8 United States; or

9 “(B) a community in the United States
 10 with environmental justice concerns.

11 “(5) INDIGENOUS POPULATION OR COMMU-
 12 NITY.—The term ‘Indigenous population or commu-
 13 nity’ includes populations or communities of Amer-
 14 ican Indians, Alaska Natives, and Native Hawaiians.

15 “(6) LOW-INCOME COMMUNITY.—The term
 16 ‘low-income community’ means any census block
 17 group in which 30 percent or more of the population
 18 are individuals with an annual household income
 19 equal to, or less than, the greater of—

20 “(A) an amount equal to 80 percent of the
 21 median income of the area in which the house-
 22 hold is located, as reported by the Department
 23 of Housing and Urban Development; and

24 “(B) 200 percent of the Federal poverty
 25 line.

1 “(7) OFFICE.—The term ‘Office’ means the Of-
 2 fice of Environmental Justice established under sub-
 3 section (b)(1).

4 “(8) STATE.—The term ‘State’ means any
 5 State of the United States, the District of Columbia,
 6 the Commonwealth of Puerto Rico, the Virgin Is-
 7 lands, Guam, American Samoa, and the Common-
 8 wealth of the Northern Mariana Islands.

9 “(b) OFFICE OF ENVIRONMENTAL JUSTICE.—

10 “(1) ESTABLISHMENT.—There is established
 11 the Office of Environmental Justice within the Envi-
 12 ronment and Natural Resources Division of the De-
 13 partment.

14 “(2) PERSONNEL AND FUNDING.—The Attor-
 15 ney General shall provide to the Office such per-
 16 sonnel and funds as are necessary to establish the
 17 Office under paragraph (1) and to carry out the du-
 18 ties of the Office under paragraph (4).

19 “(3) LEADERSHIP.—The Office shall be headed
 20 by a Director, who shall be appointed by the Attor-
 21 ney General.

22 “(4) DUTIES.—The Director shall:

23 “(A) Develop, and update every 5 years
 24 thereafter, the environmental justice strategy

1 for the Department relating to Federal actions
2 to address environmental justice.

3 “(B) Coordinate environmental justice
4 matters that arise at the Department and
5 United States Attorneys’ offices, including
6 building outreach and engagement capacity and
7 competency among the Department’s personnel.

8 “(C) Administer the grant program estab-
9 lished under section 3 of the Empowering and
10 Enforcing Environmental Justice Act of 2025.

11 “(D) Promote and protect the right of the
12 public to participate meaningfully in the deci-
13 sion-making process on environmental justice
14 matters and design communications efforts with
15 the goal of maximizing community under-
16 standing of how to participate in environmental
17 justice matters, including how to file adminis-
18 trative complaints with Federal agencies.

19 “(E) Counsel and assist State, local, and
20 Tribal governments on how to coordinate their
21 actions with the Federal Government with re-
22 spect to environmental justice matters and
23 counsel and assist State, local, and Tribal gov-
24 ernments and Indigenous populations or com-

1 communities in providing equal environmental pro-
2 tection for all individuals.

3 “(F) Provide support for State and local
4 environmental enforcement training in commu-
5 nities with environmental justice concerns.

6 “(G) Work with the Community Relations
7 Service to facilitate a working relationship be-
8 tween parties involved in environmental justice
9 matters, including regulated industry, State,
10 local, and Tribal decision-makers, nonprofits,
11 low-income communities, and Indigenous popu-
12 lations or communities.

13 “(H) Organize, at minimum, bimonthly
14 calls or meetings with environmental justice or-
15 ganizations and communities with environ-
16 mental justice concerns.

17 “(I) Manage the Council.

18 “(J) Make recommendations to Federal
19 agencies on community participation in the de-
20 velopment of administrative settlement agree-
21 ments relating to environmental justice matters.

22 “(K) Develop—

23 “(i) instructional videos and other ma-
24 terials for Department personnel to provide
25 an overview of the scope of environmental

1 justice matters and procedures for identi-
2 fying and reporting such matters;

3 “(ii) education programs for environ-
4 mental attorneys about criminal, civil, and
5 civil rights laws;

6 “(iii) education programs for civil,
7 criminal, and civil rights attorneys about
8 environmental laws for the purpose of
9 identifying and effectively addressing envi-
10 ronmental justice matters;

11 “(iv) an email address that Depart-
12 ment attorneys and other Department per-
13 sonnel may contact that enables Depart-
14 ment attorneys and other Department per-
15 sonnel to seek information and guidance
16 on environmental justice matters;

17 “(v) joint education and training ac-
18 tivities, where appropriate, with Federal
19 agencies and State, local, and Tribal legal
20 offices;

21 “(vi) a continuing legal education
22 course on environmental justice matters,
23 developed in coordination with the Office
24 of Legal Education and the Environmental
25 Protection Agency; and

1 “(vii) training programs with respect
2 to environmental justice for individuals
3 participating in the Attorney General’s
4 Honors Program.

5 “(L) Coordinate with all relevant compo-
6 nents within the Department to develop and
7 maintain an appropriate system for tracking
8 and assessing cases that raise environmental
9 justice matters.

10 “(c) SENIOR ADVISORY COUNCIL.—

11 “(1) ESTABLISHMENT.—There is established a
12 Senior Advisory Council to advise the Assistant At-
13 torney General of the Environment and Natural Re-
14 sources Division on matters of environmental justice
15 and recommend policy and initiatives with respect to
16 environmental justice matters.

17 “(2) CO-CHAIR.—The Co-chairs of the Council
18 shall be the Assistant Attorney General of the Envi-
19 ronment and Natural Resources Division and the
20 Director of the Office.

21 “(3) MEMBERS.—The Council shall be com-
22 posed of:

23 “(A) The Assistant Attorney General of
24 the Environment and Natural Resources Divi-
25 sion.

1 “(B) The Director of the Office.

2 “(C) One representative of the Office of
3 the Deputy Attorney General.

4 “(D) One representative of the Office of
5 the Associate Attorney General.

6 “(E) One representative from the Environ-
7 mental Enforcement Section of the Environ-
8 mental and Natural Resources Division.

9 “(F) One representative from the Environ-
10 mental Defense Section of the Environment and
11 Natural Resources Division.

12 “(G) One representative of the Civil Rights
13 Division.

14 “(H) One representative of the Civil Divi-
15 sion.

16 “(I) One representative of the Federal Bu-
17 reau of Investigation.

18 “(J) One representative of the Bureau of
19 Prisons.

20 “(K) One representative of the Community
21 Relations Service.

22 “(L) One representative of the Office for
23 Access to Justice.

24 “(M) One representative of the Office of
25 Legal Policy.

1 “(N) One representative of the Office of
2 Legislative Affairs.

3 “(O) One representative of the Office of
4 Tribal Justice.

5 “(P) Two representatives from the Execu-
6 tive Office for United States Attorneys.

7 “(Q) The Section Chief of the Environ-
8 mental Justice Section.

9 “(R) Not fewer than 2 representatives
10 from United States Attorneys’ offices.

11 “(4) REPORTING REQUIREMENT.—

12 “(A) IN GENERAL.—Not later than 180
13 days after the date of enactment of the Empow-
14 ering and Enforcing Environmental Justice Act
15 of 2025, and annually thereafter, each member
16 of the Council shall submit to the Director a re-
17 port on the implementation of the progress of
18 the component of which the member is a rep-
19 resentative in implementing the environmental
20 justice strategy of the Department and any pro-
21 posed revisions to the environmental justice
22 strategy of that component.

23 “(B) OTHER REPORTS AND BRIEFINGS.—

24 In addition to the reports required under sub-
25 paragraph (A), the Director may also request a

1 report or briefing from the head of any compo-
2 nent not a member of the Council explaining
3 how the component may facilitate the efforts of
4 the Department in meeting the obligations of
5 the Department under the environmental justice
6 strategy.

7 “(5) ADMINISTRATION.—The Director shall co-
8 ordinate and support the work of the Council. The
9 Director shall convene the Council not later than 90
10 days after the date of enactment of the Empowering
11 and Enforcing Environmental Justice Act of 2025
12 and shall convene the Council not less than 4 times
13 annually thereafter.

14 “(6) GUIDANCE FOR DEPARTMENT.—

15 “(A) IN GENERAL.—Not later than 180
16 days after the date of enactment of the Empow-
17 ering and Enforcing Environmental Justice Act
18 of 2025, the Council shall develop guidance
19 with respect to environmental justice and pro-
20 vide such guidance to Department personnel,
21 including provisions for identifying, tracking,
22 and addressing environmental justice matters.

23 “(B) REVIEW AND UPDATE.—Not later
24 than 3 years after the development of the guid-
25 ance under subparagraph (A), and every 3

1 years thereafter, the Department shall review
2 and update such guidance.”.

3 (b) TECHNICAL AMENDMENT.—The table of sections
4 for chapter 31 of title 28, United States Code, is amended
5 by adding at the end the following:

“530E. Environmental justice.”.

6 **SEC. 3. ENVIRONMENTAL JUSTICE MATTERS ENFORCE-**
7 **MENT GRANTS.**

8 (a) DEFINITIONS.—In this section:

9 (1) CERTAIN CONGRESSIONAL COMMITTEES.—

10 The term “certain congressional committees”
11 means—

12 (A) the Committees on Environment and
13 Public Works and the Judiciary of the Senate;

14 (B) the Committees on Energy and Com-
15 merce and the Judiciary of the House of Rep-
16 resentatives.

17 (2) ENVIRONMENTAL JUSTICE.—The term “en-
18 vironmental justice” means the just treatment and
19 meaningful involvement of all people, regardless of
20 income, race, color, national origin, Tribal affiliation,
21 or disability in agency decision-making and other
22 Federal activities that affect human health and the
23 environment so that individuals—

24 (A) are fully protected from dispropor-
25 tionate and adverse human health and environ-

1 mental effects (including risks) and hazards, in-
 2 cluding those related to climate change, the cu-
 3 mulative impacts of environmental and other
 4 burdens, and the legacy of racism or other
 5 structural or systemic barriers; and

6 (B) have equitable access to a healthy, sus-
 7 tainable, and resilient environment in which to
 8 live, play, work, learn, grow, worship, and en-
 9 gage in cultural and subsistence practices.

10 (3) ENVIRONMENTAL JUSTICE MATTER.—The
 11 term “environmental justice matter” includes any
 12 civil or criminal matter where the conduct or action
 13 at issue may involve a disproportionate and adverse
 14 environmental or human health effect on an identifi-
 15 able low-income, minority, Tribal, or Indigenous
 16 population or community in the United States.

17 (4) INDIGENOUS POPULATION OR COMMU-
 18 NITY.—The term “Indigenous population or commu-
 19 nity” includes populations or communities of Amer-
 20 ican Indians, Alaska Natives, and Native Hawaiians.

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

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

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

7 (6) STATE.—The term “State” means any
8 State of the United States, the District of Columbia,
9 the Commonwealth of Puerto Rico, the Virgin Is-
10 lands, Guam, American Samoa, and the Common-
11 wealth of the Northern Mariana Islands.

12 (b) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Attorney General shall
14 establish a grant program (in this section referred to as
15 the “Program”) within the Office of Environmental Jus-
16 tice to improve the capacity of State, local, and Tribal gov-
17 ernments to enforce environmental laws involving environ-
18 mental justice matters.

19 (c) GRANT AUTHORITY.—In carrying out the Pro-
20 gram, the Assistant Attorney General may award grants
21 on a competitive basis to eligible recipients, except that
22 no eligible recipient may be awarded more than 1 grant.

23 (d) ELIGIBLE RECIPIENTS.—The Assistant Attorney
24 General may award a grant under the Program to a State,
25 local, or Tribal government determined by the Assistant

1 Attorney General to be capable of carrying out a project
2 pursuant to subsection (e).

3 (e) GRANT FUNDS.—Grant funds awarded under the
4 Program, shall only be used to—

5 (1) train State, local, and Tribal agencies re-
6 sponsible for prosecuting and enforcing laws involv-
7 ing environmental justice matters;

8 (2) hire staff to assist in the investigation,
9 prosecution, and enforcement of laws involving envi-
10 ronmental justice matters; or

11 (3) establish collaborative programs to provide
12 technical and legal assistance, outreach, and engage-
13 ment to help communities with environmental justice
14 concerns participate in decisions impacting the envi-
15 ronment, health, and safety of those communities
16 with environmental justice concerns.

17 (f) APPLICATIONS.—To be eligible for a grant under
18 the Program, an eligible recipient shall submit to the As-
19 sistant Attorney General an application in such form, at
20 such time, and containing such information as the Assist-
21 ant Attorney General determines to be appropriate.

22 (g) LIMITATIONS ON GRANT AMOUNTS.—Subject to
23 the availability of appropriations under subsection (j),
24 each grant made under this section shall be for an amount
25 not less than \$50,000 and not greater than \$1,000,000.

1 (h) FEDERAL SHARE.—The Federal share of a
2 project under the Program shall not exceed 80 percent,
3 unless the Attorney General waives, wholly or in part, this
4 requirement.

5 (i) REPORT.—Not later than 18 months after the
6 date of enactment of this Act, and every 2 years there-
7 after, the Attorney General shall submit a report to cer-
8 tain congressional committees on the grant program es-
9 tablished under this section, including a description of the
10 grantees and activities for which grantees used grants
11 awarded under this section.

12 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$50,000,000 for each of the fiscal years 2026 through
15 2035.

○