H. R. 1585

To provide for a study regarding the proximity of federally assisted housing to hazardous waste sites.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2001

Ms. EDDIE BERNICE JOHNSON of Texas introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for a study regarding the proximity of federally assisted housing to hazardous waste sites.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Environmental Justice in Federally Assisted Housing Act”.

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SEC. 2. STUDY OF PROXIMITY OF FEDERALLY ASSISTED HOUSING TO HAZARDOUS WASTE SITES.

(a) In General.—The advisory commission established pursuant to section 3 shall conduct a study of federally assisted housing to determine—

(1) which such housing has a hazardous waste site located within the covered area (as such term is defined in section 4) for the housing;

(2) which such housing has located within the covered area for the housing any hazardous waste site having any history of failure to contain the hazardous substances on site and the circumstances regarding such failure;

(3) the extent to which federally assisted housing that has a hazardous waste site located within the covered area for the housing is occupied by persons who are members of racial and ethnic minorities and the extent to which this proportion differs from the proportion of residents of all federally assisted housing that are members of racial and ethnic minorities;

(4) what types of hazardous substances and health risks are or could be associated with the hazardous waste sites that are located within the covered areas for federally assisted housing; and
(5) whether there is any history of disease, illness, or other health problems among the populations residing within the covered areas for hazardous waste sites (including residents of federally assisted housing) that have been determined to be associated, or could be associated, with such sites.

(b) REPORTS.—The advisory commission shall submit to the Secretary of Housing and Urban Development and the Congress the following reports:

(1) INTERIM.—Not later than 1 year after the date of the enactment of this Act, an interim report describing the method by which the study under subsection (a) is being conducted and setting forth the results of the study available at such time.

(2) FINAL.—Not later than 2 years after the date of the enactment of this Act, a final report containing the final results and conclusions of the study under subsection (a).

SEC. 3. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established an Advisory Commission on the Proximity of Hazardous Waste Sites to Federally Assisted Housing (in this section referred to as the “advisory commission”).

(b) DUTIES.—The duties of the advisory commission shall be—
(1) to conduct the study and issue the reports required under section 2;

(2) to advise the Secretary on issues relating to the proximity of hazardous waste sites to federally assisted housing and respond to any requests from the Secretary regarding such issues;

(3) to make recommendations regarding the programs for federally assisted housing to address health and safety issues arising from the proximity of hazardous waste sites to federally assisted housing;

(4) to survey Federal, State, and local agencies, programs, and activities relating to health and safety risks arising from hazardous waste sites, and to advise the Secretary on means to obtain, compile, publish, and use credible data related to the location, frequency, and severity of such risks; and

(5) to recommend to the Secretary research regarding the health and safety risks associated with the proximity of hazardous waste sites to federally assisted housing which should be conducted to ensure decent, safe, and sanitary federally assisted housing.

(c) MEMBERSHIP.—
(1) **NUMBER AND APPOINTMENT.**—The advisory commission shall be composed of 7 members, appointed not later than 180 days after the date of the enactment of this Act, as follows:

(A) 1 member appointed by the President.

(B) 1 member appointed by the Speaker of the House of Representatives.

(C) 1 member appointed by the Minority Leader of the House of Representatives.

(D) 1 member appointed by the Majority Leader of the Senate.

(E) 1 member appointed by the Minority Leader of the Senate.

(F) 1 member appointed by the Secretary.

(G) 1 member appointed by the Administrator of the Environmental Protection Agency.

(2) **QUALIFICATIONS.**—Appointees shall have proven expertise in the field of environmental law, public housing, or public health.

(d) **TERM OF OFFICE.**—

(1) **IN GENERAL.**—Each member of the advisory commission shall be appointed for a term of office of 3 years, except as provided in paragraphs (2) and (3).
(2) Terms of Initial Appointees.—As designated at the time of appointment, of the members first appointed—

(A) the members appointed under subparagraphs (B) and (E) of subsection (c)(1) shall each be appointed for a term of 1 year; and

(B) the members appointed under subparagraphs (A), (C), and (D) of subsection (c)(1) shall each be appointed for terms of 2 years.

(3) Vacancies.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

c) Chairperson.—The members of the advisory commission shall select a chairperson from among the members.

(f) Meetings.—The Commission shall first meet within 60 days after all members of the advisory commission are appointed, and thereafter shall meet not less often than 3 times per year and at the call of the chairperson.
A majority of the members of the advisory commission shall constitute a quorum but a lesser number may hold hearings.

(g) COMPENSATION.—Members of the advisory commission who are officers or employees of the Federal Government shall serve as members of the advisory commission without compensation in addition to that received in their regular public employment. Members of the advisory commission who are not officers or employees of the Federal Government shall be compensated at a rate not to exceed the daily equivalent of the rate in effect for grade GS–18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the advisory commission. Each member of the advisory commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) STAFF.—The Secretary shall provide the advisory commission with such meeting space, professional and clerical staff, such information, the services of such consultants, and such other resources as may be necessary to assist the advisory commission in effectively carrying out its duties under this section.
(i) TERMINATION.—The advisory commission shall terminate at the end of December 31, 2008.

SEC. 4. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ADVISORY COMMISSION.—The term “advisory commission” means the advisory commission established pursuant to section 3.

(2) COVERED AREA.—The term “covered area” means, with respect to a federally assisted housing project or a hazardous waste site, as applicable, the square-shaped area that is 2 miles on each side, is aligned on a north-south axis, and has the federally assisted housing project or hazardous waste site, as applicable, as its geographical center.

(3) FEDERALLY ASSISTED HOUSING.—The term “federally assisted housing” has the meaning given such term in section 683 of the Housing and Community Development Act of 1992 (42 U.S.C. 13641).

(4) HAZARDOUS WASTE SITE.—The term “hazardous waste site” means any site or facility—

(A) listed on the National Priorities List under the Comprehensive Environmental Re-
(B) for which the Environmental Protection Agency has conducted a remedial preliminary assessment or a remedial site inspection and has determined that the site or facility has obtained a preliminary score sufficient for possible listing on such National Priorities List.

Such term includes sites and facilities that meet the criteria under subparagraphs (A) and (B) after the date of the enactment of this Act.

(5) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.