

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# 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.

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 in Federally Assisted Housing Act”.

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

3 (a) IN GENERAL.—The advisory commission estab-  
4 lished pursuant to section 3 shall conduct a study of feder-  
5 ally assisted housing to determine—

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

9 (2) which such housing has located within the  
10 covered area for the housing any hazardous waste  
11 site having any history of failure to contain the haz-  
12 ardous substances on site and the circumstances re-  
13 garding such failure;

14 (3) the extent to which federally assisted hous-  
15 ing that has a hazardous waste site located within  
16 the covered area for the housing is occupied by per-  
17 sons who are members of racial and ethnic minori-  
18 ties and the extent to which this proportion differs  
19 from the proportion of residents of all federally as-  
20 sisted housing that are members of racial and ethnic  
21 minorities;

22 (4) what types of hazardous substances and  
23 health risks are or could be associated with the haz-  
24 ardous waste sites that are located within the cov-  
25 ered areas for federally assisted housing; and

1           (5) whether there is any history of disease, ill-  
2           ness, or other health problems among the popu-  
3           lations residing within the covered areas for haz-  
4           ardous waste sites (including residents of federally  
5           assisted housing) that have been determined to be  
6           associated, or could be associated, with such sites.

7           (b) REPORTS.—The advisory commission shall sub-  
8           mit to the Secretary of Housing and Urban Development  
9           and the Congress the following reports:

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

15           (2) FINAL.—Not later than 2 years after the  
16           date of the enactment of this Act, a final report con-  
17           taining the final results and conclusions of the study  
18           under subsection (a).

19   **SEC. 3. ADVISORY COMMISSION.**

20           (a) ESTABLISHMENT.—There is established an Advi-  
21           sory Commission on the Proximity of Hazardous Waste  
22           Sites to Federally Assisted Housing (in this section re-  
23           ferred to as the “advisory commission”).

24           (b) DUTIES.—The duties of the advisory commission  
25           shall be—

1           (1) to conduct the study and issue the reports  
2 required under section 2;

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

7           (3) to make recommendations regarding the  
8 programs for federally assisted housing to address  
9 health and safety issues arising from the proximity  
10 of hazardous waste sites to federally assisted hous-  
11 ing;

12           (4) to survey Federal, State, and local agencies,  
13 programs, and activities relating to health and safe-  
14 ty risks arising from hazardous waste sites, and to  
15 advise the Secretary on means to obtain, compile,  
16 publish, and use credible data related to the location,  
17 frequency, and severity of such risks; and

18           (5) to recommend to the Secretary research re-  
19 garding the health and safety risks associated with  
20 the proximity of hazardous waste sites to federally  
21 assisted housing which should be conducted to en-  
22 sure decent, safe, and sanitary federally assisted  
23 housing.

24           (c) MEMBERSHIP.—

1           (1) NUMBER AND APPOINTMENT.—The advi-  
2           sory commission shall be composed of 7 members,  
3           appointed not later than 180 days after the date of  
4           the enactment of this Act, as follows:

5                   (A) 1 member appointed by the President.

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

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

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

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

14                  (F) 1 member appointed by the Secretary.

15                  (G) 1 member appointed by the Adminis-  
16           trator of the Environmental Protection Agency.

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

20           (d) TERM OF OFFICE.—

21                   (1) IN GENERAL.—Each member of the advi-  
22           sory commission shall be appointed for a term of of-  
23           fice of 3 years, except as provided in paragraphs (2)  
24           and (3).

1           (2) TERMS OF INITIAL APPOINTEES.—As des-  
2           ignated at the time of appointment, of the members  
3           first appointed—

4                   (A) the members appointed under subpara-  
5                   graphs (B) and (E) of subsection (c)(1) shall  
6                   each be appointed for a term of 1 year; and

7                   (B) the members appointed under subpara-  
8                   graphs (A), (C), and (D) of subsection (c)(1)  
9                   shall each be appointed for terms of 2 years.

10           (3) VACANCIES.—Any member appointed to fill  
11           a vacancy occurring before the expiration of the  
12           term for which the member’s predecessor was ap-  
13           pointed shall be appointed only for the remainder of  
14           that term. A member may serve after the expiration  
15           of that member’s term until a successor has taken  
16           office. A vacancy in the Commission shall be filled  
17           in the manner in which the original appointment was  
18           made.

19           (e) CHAIRPERSON.—The members of the advisory  
20           commission shall select a chairperson from among the  
21           members.

22           (f) MEETINGS.—The Commission shall first meet  
23           within 60 days after all members of the advisory commis-  
24           sion are appointed, and thereafter shall meet not less often  
25           than 3 times per year and at the call of the chairperson.

1 A majority of the members of the advisory commission  
2 shall constitute a quorum but a lesser number may hold  
3 hearings.

4 (g) COMPENSATION.—Members of the advisory com-  
5 mission who are officers or employees of the Federal Gov-  
6 ernment shall serve as members of the advisory commis-  
7 sion without compensation in addition to that received in  
8 their regular public employment. Members of the advisory  
9 commission who are not officers or employees of the Fed-  
10 eral Government shall be compensated at a rate not to  
11 exceed the daily equivalent of the rate in effect for grade  
12 GS–18 of the General Schedule for each day (including  
13 traveltime) they are engaged in the performance of their  
14 duties as members of the advisory commission. Each mem-  
15 ber of the advisory commission shall receive travel ex-  
16 penses, including per diem in lieu of subsistence, in ac-  
17 cordance with sections 5702 and 5703 of title 5, United  
18 States Code.

19 (h) STAFF.—The Secretary shall provide the advisory  
20 commission with such meeting space, professional and  
21 clerical staff, such information, the services of such con-  
22 sultants, and such other resources as may be necessary  
23 to assist the advisory commission in effectively carrying  
24 out its duties under this section.

1 (i) TERMINATION.—The advisory commission shall  
2 terminate at the end of December 31, 2008.

3 **SEC. 4. DEFINITIONS.**

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

6 (1) ADVISORY COMMISSION.—The term “advi-  
7 sory commission” means the advisory commission  
8 established pursuant to section 3.

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

16 (3) FEDERALLY ASSISTED HOUSING.—The  
17 term “federally assisted housing” has the meaning  
18 given such term in section 683 of the Housing and  
19 Community Development Act of 1992 (42 U.S.C.  
20 13641).

21 (4) HAZARDOUS WASTE SITE.—The term “haz-  
22 arduous waste site” means any site or facility—

23 (A) listed on the National Priorities List  
24 under the Comprehensive Environmental Re-

1            sponse, Compensation, and Liability Act of  
2            1980; or

3            (B) for which the Environmental Protec-  
4            tion Agency has conducted a remedial prelimi-  
5            nary assessment or a remedial site inspection  
6            and has determined that the site or facility has  
7            obtained a preliminary score sufficient for pos-  
8            sible listing on such National Priorities List.

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

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

○