

109TH CONGRESS
2^D SESSION

H. R. 6396

To ensure environmental justice in the areas affected by Hurricanes Katrina
and Rita.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2006

Mr. JEFFERSON introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Resources, 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 ensure environmental justice in the areas affected by
Hurricanes Katrina and Rita.

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 “Hurricanes Katrina
5 and Rita Environmental Justice Act”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act:

1 (1) ADVISORY COMMITTEE.—The term “Advi-
2 sory Committee” means the advisory committee es-
3 tablished by section 6.

4 (2) ENVIRONMENTAL JUSTICE.—

5 (A) IN GENERAL.—The term “environ-
6 mental justice” means the fair treatment of
7 people of all races, cultures, and socioeconomic
8 groups with respect to the development, adop-
9 tion, implementation, and enforcement of laws,
10 regulations, and policies affecting the environ-
11 ment.

12 (B) FAIR TREATMENT.—The term “fair
13 treatment” means policies and practices that
14 will minimize the likelihood that a minority,
15 low-income community that is rural or urban
16 will bear a disproportionate share of the adverse
17 environmental consequences, or be denied rea-
18 sonable access to the environmental benefits, re-
19 sulting from implementation of a Federal pro-
20 gram or policy in the Hurricanes Katrina and
21 Rita affected area.

22 (3) FEDERAL AGENCY.—The term “Federal
23 agency” means—

24 (A) each Federal entity represented on the
25 Working Group;

1 (B) any other entity that conducts any
2 Federal program or activity that substantially
3 affects human health or the environment; and

4 (C) each Federal agency that implements
5 any program, policy, or activity applicable to
6 Native Americans.

7 (5) HURRICANES KATRINA AND RITA AFFECTED
8 AREA.—The term “Hurricanes Katrina and Rita af-
9 fected area” means the area for which the President
10 has declared the existence of a major disaster, in ac-
11 cordance with section 401 of the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act (42
13 U.S.C. 5170), as a consequence of Hurricanes
14 Katrina and Rita

15 (4) WORKING GROUP.—The term “Working
16 Group” means the interagency working group estab-
17 lished by section 4.

18 **SEC. 3. HURRICANES KATRINA AND RITA ENVIRONMENTAL**
19 **JUSTICE RESPONSIBILITIES OF FEDERAL**
20 **AGENCIES.**

21 (a) HURRICANES KATRINA AND RITA ENVIRON-
22 MENTAL JUSTICE MISSION.—To the greatest extent prac-
23 ticable, the head of each Federal agency shall make
24 achieving environmental justice part of its mission by iden-
25 tifying and addressing, as appropriate, disproportionately

1 high and adverse human health or environmental effects
2 of its programs, policies, and activities on minority, low-
3 income populations that are rural or urban in the Hurri-
4 canes Katrina and Rita affected area.

5 (b) NONDISCRIMINATION.—Each Federal agency
6 shall conduct its programs, policies, and activities in a
7 manner that ensures that such programs, policies, and ac-
8 tivities do not have the effect of excluding any person or
9 group from participation in, denying any person or group
10 the benefits of, or subjecting any person or group to dis-
11 crimination under, such programs, policies, and activities,
12 because of race, color, national origin, or income.

13 **SEC. 4. HURRICANES KATRINA AND RITA INTERAGENCY**
14 **ENVIRONMENTAL JUSTICE WORKING GROUP.**

15 (a) CREATION AND COMPOSITION.—There is hereby
16 established the Hurricanes Katrina and Rita Interagency
17 Working Group on Environmental Justice, to be com-
18 prised the following:

19 (1) The heads of the following executive agen-
20 cies and offices (or their designees):

21 (A) The Department of Defense.

22 (B) The Department of Health and
23 Human Services.

24 (C) The Department of Housing and
25 Urban Development.

1 (D) The Department of Homeland Secu-
2 rity.

3 (E) The Department of Labor.

4 (F) The Department of Agriculture.

5 (G) The Department of Transportation.

6 (H) The Department of Justice.

7 (I) The Department of the Interior.

8 (J) The Department of Commerce.

9 (K) The Department of Energy.

10 (L) The Environmental Protection Agency.

11 (M) The Office of Management and Budg-

12 et.

13 (2) Not more than 4 representatives of commu-
14 nity-based and local nonprofit organizations, des-
15 ignated by the Governors of the States in the Hurri-
16 canes Katrina and Rita affected area acting jointly.

17 (3) Not more then 4 State and local civic lead-
18 ers, designated by the Governors of the States in the
19 Hurricanes Katrina and Rita affected area acting
20 jointly.

21 (4) Not more than 4 elected officials, des-
22 ignated by the Governors of the States in the Hurri-
23 canes Katrina and Rita affected area acting jointly.

24 (b) FUNCTIONS.—The Working Group shall—

1 (1) provide guidance to Federal and State agen-
2 cies on criteria for identifying disproportionately
3 high and adverse human health or environmental ef-
4 fects on minority, low-income populations that are
5 rural or urban;

6 (2) coordinate with, provide guidance to, and
7 serve as a clearinghouse for, Federal and State
8 agencies as Federal agencies develop or revise an en-
9 vironmental justice strategy under section 5, in
10 order to ensure that the administration, interpreta-
11 tion, and enforcement of programs, policies, and ac-
12 tivities are undertaken in a consistent manner;

13 (3) assist in coordinating research by, and stim-
14 ulating cooperation among, the Environmental Pro-
15 tection Agency, the Department of Health and
16 Human Services, the Department of Housing and
17 Urban Development, and other Federal agencies
18 conducting research or other activities in accordance
19 with strategies under section 5;

20 (4) assist in coordinating data collection, main-
21 tenance, and analysis required by this Act;

22 (5) examine existing data and studies on envi-
23 ronmental justice within the Hurricanes Katrina and
24 Rita affected area;

1 (6) hold public meetings and otherwise solicit
2 public participation and consider complaints as re-
3 quired under subsection (c); and

4 (7) develop interagency model projects on envi-
5 ronmental justice that evidence cooperation among
6 Federal and State agencies.

7 (c) PUBLIC PARTICIPATION.—The Working Group
8 shall—

9 (1) hold public meetings and otherwise solicit
10 public participation, as appropriate, for the purpose
11 of fact-finding with regard to implementation of this
12 Act, and prepare for public review a summary of the
13 comments and recommendations provided; and

14 (2) receive, consider, and in appropriate in-
15 stances conduct inquiries concerning complaints re-
16 garding environmental justice and the implementa-
17 tion of this Act by Federal and State agencies.

18 (d) ANNUAL REPORTS.—

19 (1) IN GENERAL.—Each fiscal year following
20 enactment of this Act, the Working Group shall sub-
21 mit to the President, through the Office of the Dep-
22 uty Assistant to the President for Environmental
23 Policy and the Office of the Assistant to the Presi-
24 dent for Domestic Policy, a report that describes the
25 implementation of this Act, including, but not lim-

1 ited to, a report on the final environmental justice
2 strategies described in section 5 and annual progress
3 made in implementing those strategies.

4 (2) COPY OF REPORT.—The President shall
5 transmit a copy of each report submitted to the
6 President under paragraph (1) to the Speaker of the
7 House of Representatives, the President of the Sen-
8 ate, and the Governor of each State in the Hurri-
9 canes Katrina and Rita affected area.

10 **SEC. 5. FEDERAL AGENCY STRATEGIES.**

11 (a) AGENCY-WIDE STRATEGIES.—Each Federal
12 agency shall develop an agency-wide environmental justice
13 strategy that identifies and addresses disproportionately
14 high and adverse human health or environmental effects
15 or disproportionately low benefits of its programs, policies,
16 and activities with respect to minority, low-income popu-
17 lations that are rural or urban.

18 (b) REVISIONS.—Each strategy developed pursuant
19 to subsection (a) shall identify programs, policies, plan-
20 ning, and public participation processes, rulemaking, and
21 enforcement activities related to human health or the envi-
22 ronment that should be revised to—

23 (1) promote enforcement of all health and envi-
24 ronmental statutes in areas with minority, low-in-
25 come populations that are rural or urban;

1 (2) ensure greater public participation;

2 (3) improve research and data collection relat-
3 ing to the health and environment of minority, low-
4 income populations that are rural or urban; and

5 (4) identify differential patterns of use of nat-
6 ural resources among minority, low-income popu-
7 lations that are rural or urban.

8 (c) TIMETABLES.—Each strategy developed pursuant
9 to subsection (a) shall include a timetable for undertaking
10 revisions identified pursuant to subsection (b).

11 **SEC. 6. FEDERAL HURRICANES KATRINA AND RITA ENVI-**
12 **RONMENTAL JUSTICE ADVISORY COM-**
13 **MITTEE.**

14 (a) ESTABLISHMENT.—There is established a com-
15 mittee to be known as the Federal Hurricanes Katrina
16 and Rita Environmental Justice Advisory Committee.

17 (b) DUTIES.—The Advisory Committee shall provide
18 independent advice and recommendations to the Environ-
19 mental Protection Agency and the Working Group on
20 areas relating to environmental justice, which may include
21 any of the following:

22 (1) Advice on Federal and State agencies'
23 framework development for integrating socio-
24 economic programs into strategic planning, annual

1 planning, and management accountability for achiev-
2 ing environmental justice results agency-wide.

3 (2) Advice on measuring and evaluating agen-
4 cies' progress, quality, and adequacy in planning, de-
5 veloping, and implementing environmental justice
6 strategies, projects, and programs.

7 (3) Advice on agencies' existing and future in-
8 formation management systems, technologies, and
9 data collection, and the conduct of analyses that
10 support and strengthen environmental justice pro-
11 grams in administrative and scientific areas.

12 (4) Advice to help develop, facilitate, and con-
13 duct reviews of the direction, criteria, scope, and
14 adequacy of the Federal agencies' scientific research
15 and demonstration projects relating to environ-
16 mental justice.

17 (5) Advice for improving how the Environ-
18 mental Protection Agency and others participate, co-
19 operate, and communicate within that agency and
20 between other Federal agencies, State and local gov-
21 ernments, environmental justice leaders, interest
22 groups, and the public.

23 (6) Advice regarding the Environmental Protec-
24 tion Agency's administration of grant programs re-
25 lating to environmental justice assistance (not to in-

1 include the review or recommendations of individual
2 grant proposals or awards).

3 (7) Advice regarding agencies' awareness, edu-
4 cation, training, and other outreach activities involv-
5 ing environmental justice.

6 (c) ADVISORY COMMITTEE.—The Advisory Com-
7 mittee shall be considered an advisory committee within
8 the meaning of the Federal Advisory Committee Act (5
9 U.S.C. App.).

10 (d) MEMBERSHIP.—

11 (1) IN GENERAL.—The Advisory Committee
12 shall be composed of 21 members to be appointed in
13 accordance with paragraph (2). Members shall in-
14 clude representatives of—

15 (A) community-based groups;

16 (B) industry and business;

17 (C) academic and educational institutions;

18 (D) minority health organizations;

19 (E) State and local governments, federally
20 recognized tribes, and indigenous groups; and

21 (F) nongovernmental and environmental
22 groups.

23 (2) APPOINTMENTS.—Of the members of the
24 Advisory Committee—

1 (A) three members shall be appointed by
2 the majority leader of the Senate;

3 (B) three members shall be appointed by
4 the minority leader of the Senate;

5 (C) three members shall be appointed by
6 the Speaker of the House of Representatives;

7 (D) three members shall be appointed by
8 the minority leader of the House of Representa-
9 tives;

10 (E) two members shall be appointed by the
11 President; and

12 (F) for each State in the Hurricanes
13 Katrina and Rita affected area, one member
14 shall be appointed by the Governor of such
15 State.

16 (e) MEETINGS.—

17 (1) IN GENERAL.—The Advisory Committee
18 shall meet at least twice annually. Meetings shall
19 occur as needed and approved by the Director of the
20 Office of Environmental Justice of the Environ-
21 mental Protection Agency, who shall serve as the of-
22 ficer required to be appointed under section 10(e) of
23 the Federal Advisory Committee Act (5 U.S.C.
24 App.) with respect to the Committee (in this sub-

1 section referred to as the “Designated Federal Offi-
2 cer”).

3 (2) TRAVEL AND PER DIEM EXPENSES.—The
4 Administrator of the Environmental Protection
5 Agency may pay travel and per diem expenses of
6 members of the Advisory Committee when deter-
7 mined necessary and appropriate.

8 (3) AGENDA.—The Designated Federal Officer
9 or a designee of such Officer shall be present at all
10 meetings, and each meeting shall be conducted in ac-
11 cordance with an agenda approved in advance by
12 such Officer.

13 (4) ADJOURNMENT.—The Designated Federal
14 Officer may adjourn any meeting when the Des-
15 ignated Federal Officer determines it is in the public
16 interest to do so.

17 (5) OPEN TO PUBLIC.—As required by the Fed-
18 eral Advisory Committee Act, meetings of the Advi-
19 sory Committee shall be open to the public unless
20 the President determines that a meeting or a portion
21 of a meeting may be closed to the public in accord-
22 ance with subsection (c) of section 552b of title 5,
23 United States Code.

24 (6) COMMENTS.—Unless a meeting or portion
25 thereof is closed to the public (in accordance with

1 paragraph (5)), the Designated Federal Officer shall
2 provide an opportunity for interested persons to file
3 comments before or after such meeting or to make
4 statements to the extent that time permits.

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