

104TH CONGRESS  
1ST SESSION

# H. R. 2691

To amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 1995

Ms. VELÁZQUEZ introduced the following bill; which was referred to the Committee on Commerce

---

## A BILL

To amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances.

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 “Public Health Equity  
5 Act”.

6 **SEC. 2. DISCRIMINATION REGARDING EXPOSURE TO HAZ-**  
7 **ARDOUS SUBSTANCES.**

8 The Public Health Service Act (42 U.S.C. 201 et  
9 seq.) is amended by adding at the end the following title:

1 “TITLE XXVII—DISCRIMINATION REGARDING  
2 EXPOSURE TO HAZARDOUS SUBSTANCES

3 **“SEC. 2701. COVERED SUBSTANCES.**

4 “For purposes of this title, the term ‘covered sub-  
5 stance’ means each of the following:

6 “(1) Any contaminant identified in title XIV of  
7 this Act.

8 “(2) Any substance described in section 201(q)  
9 of the Federal Food, Drug, and Cosmetic Act, and  
10 any material registered pursuant to the Act referred  
11 to in such section.

12 “(3) Any chemical listed by the National Toxi-  
13 cology Program of the Department of Health and  
14 Human Services as a known or probable human car-  
15 cinogen.

16 “(4) Any substance defined in section 101(14)  
17 of the Comprehensive Environmental Response,  
18 Compensation, and Liability Act of 1980 and any  
19 chemical subject to section 313 of the Emergency  
20 Planning and Community Right-To-Know Act of  
21 1986.

22 “(5) Any material subject to the requirements  
23 concerning material safety data sheets for chemicals  
24 under the Occupational and Safety and Health Act  
25 of 1970.

1 **“SEC. 2702. PROHIBITION AGAINST DISCRIMINATION.**

2 “(a) IN GENERAL.—An entity receiving Federal fi-  
3 nancial assistance may not, on the ground of race, color,  
4 or national origin, subject an individual to a disproportion-  
5 ate level of exposure to any covered substance.

6 “(b) ENFORCEMENT.—With respect to the provisions  
7 of section 602 of the Civil Rights Act of 1964 that relate  
8 to compliance, such provisions apply to subsection (a) to  
9 the same extent and in the same manner as the provisions  
10 apply to section 601 of such Act. The preceding sentence  
11 is subject to section 2703(b).

12 **“SEC. 2703. REGULATIONS.**

13 “(a) IN GENERAL.—The President shall require the  
14 appropriate Federal officials to issue regulations to imple-  
15 ment section 2702. Such regulations shall be issued in ac-  
16 cordance with procedures established for the issuance of  
17 substantive rules under section 553 of title 5, United  
18 States Code.

19 “(b) ENFORCEMENT.—

20 “(1) IN GENERAL.—With respect to section 602  
21 of the Civil Rights Act of 1964 as applied for pur-  
22 poses of section 2702(b), the regulations under sub-  
23 section (a) shall provide that the means of providing  
24 for the compliance of an entity with section 2702(a)  
25 include the termination of all or part of the Federal  
26 financial assistance that otherwise would be provided

1 to the entity, without regard to the limitation de-  
2 scribed in such section 602 with respect to particu-  
3 lar entities, particular recipients, and particular pro-  
4 grams.

5 “(2) ADMINISTRATIVE ORDERS; PARTICULAR  
6 FACILITIES.—In the case of an entity that is in vio-  
7 lation of section 2702(a), the appropriate Federal  
8 official may, pursuant to paragraph (1), issue ad-  
9 ministrative orders regarding the covered substance  
10 involved, including as applicable orders regarding  
11 the facility that produces the covered substance.

12 “(c) DATES CERTAIN REGARDING REGULATIONS.—  
13 For purposes of regulations under subsection (a), all pro-  
14 posed rules shall be issued not later than 180 days after  
15 the date of the enactment of the Public Health Equity  
16 Act, all final rules shall be issued not later than 10 months  
17 after such date, and all the final rules shall take effect  
18 not later than one year after such date.”.

○