

103^D CONGRESS
2^D SESSION

S. 1841

To amend the Public Health Service Act to prohibit discrimination, on the basis of race, color, or national origin, in programs and activities relating to occupational and other exposure to hazardous substances.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9 (legislative day, JANUARY 25), 1994

Mr. WELLSTONE introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Public Health Service Act to prohibit discrimination, on the basis of race, color, or national origin, in programs and activities relating to occupational and other 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. FINDINGS.**

7 Congress finds that—

1 (1) all communities and individuals are entitled
2 to protection from occupational and other exposure
3 to substances that are hazardous to the public
4 health;

5 (2) hazardous substances have had a disproportio-
6 nate impact on the public health of poor and eth-
7 nic minority communities and individuals, resulting
8 in exclusion from participation in, denial of benefits
9 under, and discrimination under, programs and ac-
10 tivities receiving Federal financial assistance; and

11 (3) each Federal agency has an obligation to
12 ensure that all federally assisted programs and ac-
13 tivities that affect human health do not directly or
14 through contractual arrangements use criteria,
15 methods, or practices that cause discrimination on
16 the ground of race, color, or national origin.

17 **SEC. 3. PUBLIC HEALTH EQUITY.**

18 The Public Health Service Act (42 U.S.C. 201 et
19 seq.) is amended by adding at the end thereof the follow-
20 ing new title:

21 **“TITLE XXVII—PUBLIC HEALTH**
22 **EQUITY**

23 **“SEC. 2701. DEFINITIONS.**

24 “As used in this title:

1 “(1) ACTIVITY; PROGRAM.—The term ‘program
2 or activity’ means any operation of—

3 “(A)(i) a department, agency, special pur-
4 pose district, or other instrumentality of a State
5 or of a local government; or

6 “(ii) the entity of such State or local gov-
7 ernment that distributes such assistance and
8 each such department or agency (and each
9 other State or local government entity) to which
10 the assistance is extended, in the case of assist-
11 ance to a State or local government;

12 “(B)(i) a college, university, or other post-
13 secondary institution, or a public system of
14 higher education; or

15 “(ii) a local educational agency (as defined
16 in section 198(a)(10) of the Elementary and
17 Secondary Education Act of 1965), system of
18 vocational education, or other school system;

19 “(C)(i) an entire corporation, partnership,
20 or other private organization, or an entire sole
21 proprietorship—

22 “(I) if assistance is extended to such
23 corporation, partnership, private organiza-
24 tion, or sole proprietorship as a whole; or

1 “(II) which is principally engaged in
2 the business of providing education, health
3 care, housing, social services, or parks and
4 recreation; or

5 “(ii) the entire plant or other comparable,
6 geographically separate facility to which Fed-
7 eral financial assistance is extended, in the case
8 of any other corporation, partnership, private
9 organization, or sole proprietorship; or

10 “(D) any other entity which is established
11 by two or more of the entities described in sub-
12 paragraph (A), (B), or (C);

13 any part of which is extended Federal financial as-
14 sistance relating to a covered substance.

15 “(2) ADMINISTRATOR.—The term ‘Adminis-
16 trator’ has the meaning given the term in section
17 511(7) of the Education for Economic Security Act
18 (20 U.S.C. 4020(7)).

19 “(3) COVERED SUBSTANCE.—The term ‘covered
20 substance’ means—

21 “(A) any material subject to the require-
22 ments concerning material safety data sheets
23 for chemicals under the Occupational and Safe-
24 ty and Health Act of 1970 (29 U.S.C. 651 et
25 seq.);

1 “(B) any contaminant identified in title
2 XIV;

3 “(C) any substance described in section
4 201(q) of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 321(q)), and any material
6 registered pursuant to the Act referred to in
7 such section;

8 “(D) any chemical listed by the National
9 Toxicology Program of the Department of
10 Health and Human Services as a known or
11 probable human carcinogen; and

12 “(E) any substance defined in section
13 101(14) of the Comprehensive Environmental
14 Response, Compensation, and Liability Act of
15 1980 (42 U.S.C. 9601(14)) and any chemical
16 subject to section 313 of the Emergency Plan-
17 ning and Community Right-To-Know Act of
18 1986 (42 U.S.C. 11023).

19 **“SEC. 2702. NONDISCRIMINATION.**

20 “(a) PROHIBITION OF DISCRIMINATION.—The Presi-
21 dent shall ensure that no person shall be excluded from
22 participation in, be denied the benefits of, or be subject
23 to discrimination under, any program or activity, on the
24 ground of race, color, or national origin.

25 “(b) PROMULGATION OF REGULATIONS.—

1 “(1) SUBJECT.—Subject to paragraph (2), the
2 Secretary of Labor, the Secretary of Health and
3 Human Services, the Administrator, and any other
4 head of a Federal agency with responsibility for pro-
5 viding Federal financial assistance to a program or
6 activity shall issue regulations implementing the
7 nondiscrimination requirements described in sub-
8 section (a) in accordance with any applicable law.
9 The regulations shall bar acts with discriminatory
10 effects as well as intentionally discriminatory acts.
11 The regulations shall address actions of programs or
12 activities that result in disproportionate exposure to
13 a covered substance on the basis of race, color, or
14 national origin.

15 “(2) TIMETABLE.—In issuing regulations under
16 paragraph (1)—

17 “(A) not later than 180 days after the date
18 of enactment of this Act, each individual de-
19 scribed in paragraph (1) shall publish a notice
20 of proposed rulemaking in the Federal Register;

21 “(B) each individual described in para-
22 graph (1) shall provide a public comment pe-
23 riod, subject to section 553 of title 5, United
24 States Code, of 60 days after the publication of

1 the notice of proposed rulemaking required
2 under subparagraph (A); and

3 “(C) not later than 45 days after the close
4 of the public comment period required under
5 subparagraph (B), each individual described in
6 paragraph (1) shall publish final regulations.”.

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