

grams that may assist the grant recipient in eliminating lead contamination described in clause (i);

(iii) to provide information on other financing options in eliminating lead contamination described in clause (i); and

(iv) to connect grant recipients with nonprofit and other organizations that may be able to assist with the elimination of lead contamination described in clause (i).

### (3) Application

To be eligible to receive a grant under this subsection, a State or local educational agency shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

### (4) Priority

In making grants under this subsection, the Administrator shall give priority to States and local educational agencies that will assist in voluntary testing for lead contamination in drinking water at schools and child care programs that are in low-income areas.

### (5) Limitation on use of funds

Not more than 4 percent of grant funds accepted by a State or local educational agency for a fiscal year under this subsection shall be used to pay the administrative costs of carrying out this subsection.

### (6) Guidance; public availability

As a condition of receiving a grant under this subsection, the recipient State or local educational agency shall ensure that each local educational agency to which grant funds are distributed shall—

(A) expend grant funds in accordance with—

(i) the guidance of the Environmental Protection Agency entitled “3Ts for Reducing Lead in Drinking Water in Schools: Revised Technical Guidance” and dated October 2006 (or any successor guidance); or

(ii) applicable State regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent than the guidance referred to in clause (i); and

(B)(i) make available, if applicable, in the administrative offices and, to the extent practicable, on the Internet website of the local educational agency for inspection by the public (including teachers, other school personnel, and parents) a copy of the results of any voluntary testing for lead contamination in school and child care program drinking water carried out using grant funds under this subsection; and

(ii) notify parent, teacher, and employee organizations of the availability of the results described in clause (i).

### (7) Maintenance of effort

If resources are available to a State or local educational agency from any other Federal agency, a State, or a private foundation for

testing for lead contamination in drinking water, the State or local educational agency shall demonstrate that the funds provided under this subsection will not displace those resources.

### (8) Authorization of appropriations

There are authorized to be appropriated to carry out this subsection \$20,000,000 for each of fiscal years 2017 through 2019, and \$25,000,000 for each of fiscal years 2020 and 2021.

(July 1, 1944, ch. 373, title XIV, §1464, as added Pub. L. 100-572, §2(a), Oct. 31, 1988, 102 Stat. 2886; amended Pub. L. 104-182, title V, §501(f)(10), Aug. 6, 1996, 110 Stat. 1692; Pub. L. 114-322, title II, §2107(a), Dec. 16, 2016, 130 Stat. 1727; Pub. L. 115-270, title II, §2006(a), Oct. 23, 2018, 132 Stat. 3843.)

#### AMENDMENTS

2018—Subsec. (d)(2)(C). Pub. L. 115-270, §2006(a)(1), added subpar. (C).

Subsec. (d)(4) to (7). Pub. L. 115-270, §2006(a)(2), (3), added par. (4) and redesignated former pars. (4) to (6) as (5) to (7), respectively. Former par. (7) redesignated (8).

Subsec. (d)(8). Pub. L. 115-270, §2006(a)(2), (4), redesignated par. (7) as (8) and substituted “are authorized” for “is authorized” and “2019, and \$25,000,000 for each of fiscal years 2020 and 2021” for “2021”.

2016—Subsec. (d). Pub. L. 114-322 added subsec. (d) and struck out former subsec. (d) which related to a remedial action program to assist local educational agencies in testing for, and remedying, lead contamination in drinking water at schools.

1996—Pub. L. 104-182 made technical amendment to section catchline and subsec. (a) designation.

### § 300j-25. Drinking water fountain replacement for schools

#### (a) Establishment

Not later than 1 year after October 23, 2018, the Administrator shall establish a grant program to provide assistance to local educational agencies for the replacement of drinking water fountains manufactured prior to 1988.

#### (b) Use of funds

Funds awarded under the grant program—

(1) shall be used to pay the costs of replacement of drinking water fountains in schools; and

(2) may be used to pay the costs of monitoring and reporting of lead levels in the drinking water of schools of a local educational agency receiving such funds, as determined appropriate by the Administrator.

#### (c) Priority

In awarding funds under the grant program, the Administrator shall give priority to local educational agencies based on economic need.

#### (d) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2019 through 2021.

(July 1, 1944, ch. 373, title XIV, §1465, as added Pub. L. 115-270, title II, §2006(b)(1), Oct. 23, 2018, 132 Stat. 3844.)

#### PRIOR PROVISIONS

A prior section 300j-25, act July 1, 1944, ch. 373, title XIV, §1465, as added Pub. L. 100-572, §2(a), Oct. 31, 1988,

102 Stat. 2887; amended Pub. L. 104-182, title V, §501(d), (f)(11), Aug. 6, 1996, 110 Stat. 1691, 1692, related to Federal assistance for State programs regarding lead contamination in school drinking water, prior to repeal by Pub. L. 114-322, title II, §2107(b), Dec. 16, 2016, 130 Stat. 1728.

### § 300j-26. Certification of testing laboratories

The Administrator of the Environmental Protection Agency shall assure that programs for the certification of testing laboratories which test drinking water supplies for lead contamination certify only those laboratories which provide reliable accurate testing. The Administrator (or the State in the case of a State to which certification authority is delegated under this subsection) shall publish and make available to the public upon request the list of laboratories certified under this subsection.<sup>1</sup>

(Pub. L. 100-572, §4, Oct. 31, 1988, 102 Stat. 2889.)

#### CODIFICATION

Section was enacted as part of the Lead Contamination Control Act of 1988, and not as part of the Public Health Service Act which comprises this chapter.

### § 300j-27. Registry for lead exposure and Advisory Committee

#### (a) Definitions

In this section:

##### (1) City

The term “City” means a city exposed to lead contamination in the local drinking water system.

##### (2) Committee

The term “Committee” means the Advisory Committee established under subsection (c).

##### (3) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

#### (b) Lead exposure registry

The Secretary shall establish within the Agency for Toxic Substances and Disease Registry or the Centers for Disease Control and Prevention at the discretion of the Secretary, or establish through a grant award or contract, a lead exposure registry to collect data on the lead exposure of residents of a City on a voluntary basis.

#### (c) Advisory Committee

##### (1) Membership

###### (A) In general

The Secretary shall establish, within the Agency for Toxic Substances and Disease Registry an Advisory Committee in coordination with the Director of the Centers for Disease Control and Prevention and other relevant agencies as determined by the Secretary consisting of Federal members and non-Federal members, and which shall include—

- (i) an epidemiologist;
- (ii) a toxicologist;
- (iii) a mental health professional;
- (iv) a pediatrician;

- (v) an early childhood education expert;
- (vi) a special education expert;
- (vii) a dietician; and
- (viii) an environmental health expert.

##### (B) Requirements

Membership in the Committee shall not exceed 15 members and not less than ½ of the members shall be Federal members.

##### (2) Chair

The Secretary shall designate a chair from among the Federal members appointed to the Committee.

##### (3) Terms

Members of the Committee shall serve for a term of not more than 3 years and the Secretary may reappoint members for consecutive terms.

##### (4) Application of FACA

The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

##### (5) Responsibilities

The Committee shall, at a minimum—

(A) review the Federal programs and services available to individuals and communities exposed to lead;

(B) review current research on lead poisoning to identify additional research needs;

(C) review and identify best practices, or the need for best practices, regarding lead screening and the prevention of lead poisoning;

(D) identify effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in subsection (b); and

(E) undertake any other review or activities that the Secretary determines to be appropriate.

##### (6) Report

Annually for 5 years and thereafter as determined necessary by the Secretary or as required by Congress, the Committee shall submit to the Secretary, the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report that includes—

(A) an evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead;

(B) an evaluation of additional lead poisoning research needs;

(C) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead poisoning;

(D) input and recommendations for improved access to effective services relating to health care, education, or nutrition for individuals and communities impacted by lead exposure; and

(E) any other recommendations for communities affected by lead exposure, as appropriate.

<sup>1</sup> So in original. Probably should be “section.”