

any drinking water cooler listed under subsection (a) or any other drinking water cooler which is not lead free, including a lead-lined drinking water cooler.

(c) Criminal penalty

Any person who knowingly violates the prohibition contained in subsection (b) shall be imprisoned for not more than 5 years, or fined in accordance with title 18, or both.

(d) Civil penalty

The Administrator may bring a civil action in the appropriate United States District Court (as determined under the provisions of title 28) to impose a civil penalty on any person who violates subsection (b). In any such action the court may impose on such person a civil penalty of not more than \$5,000 (\$50,000 in the case of a second or subsequent violation).

(July 1, 1944, ch. 373, title XIV, §1463, as added Pub. L. 100-572, §2(a), Oct. 31, 1988, 102 Stat. 2885; amended Pub. L. 104-182, title V, §501(f)(9), Aug. 6, 1996, 110 Stat. 1692.)

AMENDMENTS

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

§ 300j-24. Lead contamination in school drinking water

(a) Distribution of drinking water cooler list

Within 100 days after October 31, 1988, the Administrator shall distribute to the States a list of each brand and model of drinking water cooler identified and listed by the Administrator under section 300j-23(a) of this title.

(b) Guidance document and testing protocol

The Administrator shall publish a guidance document and a testing protocol to assist schools in determining the source and degree of lead contamination in school drinking water supplies and in remedying such contamination. The guidance document shall include guidelines for sample preservation. The guidance document shall also include guidance to assist States, schools, and the general public in ascertaining the levels of lead contamination in drinking water coolers and in taking appropriate action to reduce or eliminate such contamination. The guidance document shall contain a testing protocol for the identification of drinking water coolers which contribute to lead contamination in drinking water. Such document and protocol may be revised, republished and redistributed as the Administrator deems necessary. The Administrator shall distribute the guidance document and testing protocol to the States within 100 days after October 31, 1988.

(c) Dissemination to schools, etc.

Each State shall provide for the dissemination to local educational agencies, private nonprofit elementary or secondary schools and to day care centers of the guidance document and testing protocol published under subsection (b), together with the list of drinking water coolers published under section 300j-23(a) of this title.

(d) Voluntary school and child care program lead testing grant program

(1) Definitions

In this subsection:

(A) Child care program

The term “child care program” has the meaning given the term “early childhood education program” in section 1003(8) of title 20.

(B) Local educational agency

The term “local educational agency” means—

- (i) a local educational agency (as defined in section 7801 of title 20);
- (ii) a tribal education agency (as defined in section 5502 of title 20); and
- (iii) a person that owns or operates a child care program facility.

(2) Establishment

(A) In general

Not later than 180 days after December 16, 2016, the Administrator shall establish a voluntary school and child care program lead testing grant program to make grants available to States to assist local educational agencies in voluntary testing for lead contamination in drinking water at schools and child care programs under the jurisdiction of the local educational agencies.

(B) Direct grants to local educational agencies

The Administrator may make a grant for the voluntary testing described in subparagraph (A) directly available to—

- (i) any local educational agency described in clause (i) or (iii) of paragraph (1)(B) located in a State that does not participate in the voluntary grant program established under subparagraph (A); or
- (ii) any local educational agency described in clause (ii) of paragraph (1)(B).

(C) Technical assistance

In carrying out the grant program under subparagraph (A), beginning not later than 1 year after October 23, 2018, the Administrator shall provide technical assistance to recipients of grants under this subsection—

- (i) to assist in identifying the source of lead contamination in drinking water at schools and child care programs under the jurisdiction of the grant recipient;
- (ii) to assist in identifying and applying for other Federal and State grant programs 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.¹

¹ So in original. Probably should be “section.”