

115TH CONGRESS  
1ST SESSION

# S. 1401

To amend the Safe Drinking Water Act to address lead contamination in school drinking water.

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IN THE SENATE OF THE UNITED STATES

JUNE 21, 2017

Ms. DUCKWORTH (for herself and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Safe Drinking Water Act to address lead contamination in school drinking water.

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 “Get the Lead Out of  
5 Schools Act”.

6 **SEC. 2. SCHOOL TESTING AND NOTIFICATION; GRANT PRO-**  
7 **GRAM.**

8 Section 1464 of the Safe Drinking Water Act (42  
9 U.S.C. 300j–24) is amended by adding at the end the fol-  
10 lowing:

1       “(e) TESTING AND NOTIFICATION REQUIREMENTS  
2 FOR PUBLIC WATER SYSTEMS THAT SERVE SCHOOLS.—  
3 Not later than 1 year after the date of enactment of this  
4 subsection, the Administrator shall promulgate a national  
5 primary drinking water regulation for school drinking  
6 water that—

7               “(1) establishes a lead action level that is not  
8 less than the lead action level established by the Ad-  
9 ministrator under section 1412(b);

10              “(2) requires each public water system to sam-  
11 ple for lead in the drinking water at such schools as  
12 the Administrator determines to have a risk of lead  
13 in the drinking water at a level that meets or ex-  
14 ceeds the lead action level established under para-  
15 graph (1); and

16              “(3) in the case of results of sampling under  
17 paragraph (2) that indicate that the drinking water  
18 of a school contains lead that meets or exceeds the  
19 lead action level established under paragraph (1), re-  
20 quires the public water system that serves the school  
21 to notify the local educational agency that has juris-  
22 diction over the school, the relevant local health  
23 agencies, the municipality, and the State as soon as  
24 practicable, but not later than 5 business days after

1 the date on which the public water system receives  
2 the sampling results.

3 “(f) SCHOOL LEAD TESTING AND REMEDIATION  
4 GRANT PROGRAM.—

5 “(1) DEFINITION OF ELIGIBLE ENTITY.—In  
6 this subsection, the term ‘eligible entity’ means—

7 “(A) a local educational agency (as defined  
8 in subsection (d)(1)); or

9 “(B) a State agency that administers a  
10 statewide program to test for, or remediate,  
11 lead contamination in drinking water.

12 “(2) GRANTS AUTHORIZED.—Not later than 1  
13 year after the date of enactment of this subsection,  
14 the Administrator shall establish a grant program to  
15 make grants available to eligible entities to test for,  
16 and remediate, lead contamination in school drinking  
17 water.

18 “(3) USE OF FUNDS.—

19 “(A) IN GENERAL.—An eligible entity that  
20 receives a grant under this subsection may use  
21 grant funds—

22 “(i) to recover the costs incurred by  
23 the eligible entity for testing for lead con-  
24 tamination in school drinking water con-  
25 ducted by an entity approved by the Ad-

1            administrator or the State to conduct the  
2            testing; or

3            “(ii) to replace lead pipes, pipe fit-  
4            tings, plumbing fittings, and fixtures of  
5            any school with drinking water that con-  
6            tains a level of lead that meets or exceeds  
7            the action level established by the Adminis-  
8            trator under subsection (e)(1) with lead  
9            free (as defined in section 1417) pipes,  
10          pipe fittings, plumbing fittings, and fix-  
11          tures.

12          “(B) LIMITATION.—Not more than 5 per-  
13          cent of grant funds accepted under this sub-  
14          section shall be used to pay the administrative  
15          costs of testing for, or remediation of, lead con-  
16          tamination.

17          “(4) GUIDANCE; PUBLIC AVAILABILITY.—As a  
18          condition of receiving a grant under this subsection,  
19          an eligible entity shall—

20                “(A) expend grant funds in accordance  
21                with—

22                “(i) the guidance of the Environ-  
23                mental Protection Agency entitled ‘3Ts for  
24                Reducing Lead in Drinking Water in  
25                Schools: Revised Technical Guidance’ and

1           dated October 2006 (or any successor  
2           guidance); or

3           “(ii) applicable State regulations or  
4           guidance regarding the reduction of lead in  
5           drinking water in schools that is not less  
6           stringent than the guidance referred to in  
7           clause (i), as determined by the Adminis-  
8           trator;

9           “(B) make publicly available, including, to  
10          the maximum extent practicable, on the Inter-  
11          net website of the eligible entity, a copy of the  
12          results of any testing for lead contamination in  
13          school drinking water that is carried out with  
14          funds under this subsection; and

15          “(C) notify parent, teacher, and employee  
16          organizations of the availability of the results  
17          described in subparagraph (B).”.

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