

106TH CONGRESS  
1ST SESSION

# S. 1120

To ensure that children enrolled in medicaid and other Federal means-tested programs at highest risk for lead poisoning are identified and treated, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 25, 1999

Mr. TORRICELLI (for himself, Mr. REED, Mr. LAUTENBERG, Mr. BRYAN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DODD, Mr. ROCKEFELLER, Mr. BIDEN, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To ensure that children enrolled in medicaid and other Federal means-tested programs at highest risk for lead poisoning are identified and treated, and for other purposes.

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 “Children’s Lead  
5 Screening Accountability For Early-Intervention Act of  
6 1999” or the “Children’s Lead SAFE Act”.

### 7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds that—

1           (1) lead poisoning remains a serious environ-  
2           mental risk, especially to the health of young chil-  
3           dren;

4           (2) childhood lead poisoning can cause reduc-  
5           tions in IQ, attention span, reading, and learning  
6           disabilities, and other growth and behavior problems;

7           (3) children under the age of 6 are at the great-  
8           est risk of suffering the effects of lead poisoning be-  
9           cause of the sensitivity of their developing brains  
10          and nervous systems, while children under the age of  
11          3 are especially at risk due to their stage of develop-  
12          ment and hand-to-mouth activities;

13          (4) poor children and minority children are at  
14          substantially higher risk of lead poisoning;

15          (5) three-fourths of all children ages 1 through  
16          5 found to have an elevated blood lead level in a  
17          Centers for Disease Control and Prevention nation-  
18          ally representative sample were in enrolled in or tar-  
19          geted by Federal health care programs, specifically  
20          the medicaid program, the women, infants, and chil-  
21          dren (WIC) program, and the community health  
22          centers programs under section 330 of the Public  
23          Health Service Act, equating to an estimated  
24          688,000 children nationwide;

1           (6) the General Accounting Office estimates  
2           that  $\frac{2}{3}$  of the 688,000 children who have elevated  
3           blood lead levels and are enrolled in or targeted by  
4           Federal health care programs have never been  
5           screened for lead;

6           (7) although the Health Care Financing Admin-  
7           istration has required mandatory blood lead  
8           screenings for children enrolled in the medicaid pro-  
9           gram who are not less than 1 nor more than 5 years  
10          of age, less than 20 percent of these children have  
11          received such screenings;

12          (8) the Health Care Financing Administration  
13          mandatory screening policy has not been effective, or  
14          sufficient, to properly identify and screen children  
15          enrolled in the medicaid program who are at risk;

16          (9) only about  $\frac{1}{2}$  of State programs have  
17          screening policies consistent with Federal policy; and

18          (10) adequate treatment services are not uni-  
19          formly available for children with elevated blood lead  
20          levels.

21          (b) PURPOSE.—The purpose of this Act is to create  
22          a lead screening safety net that will, through the medicaid,  
23          women, infants, and children (WIC), head start and early  
24          head start programs that include infants and toddlers, and  
25          the maternal and child health block grant programs, en-

1 sure that children covered by those programs receive blood  
 2 lead screenings and appropriate followup care.

3 **SEC. 3. INCREASED LEAD POISONING SCREENINGS AND**  
 4 **TREATMENTS UNDER THE MEDICAID PRO-**  
 5 **GRAM.**

6 (a) REPORTING REQUIREMENT.—Section  
 7 1902(a)(43)(D) of the Social Security Act (42 U.S.C.  
 8 1396a(a)(43)(D)) is amended—

9 (1) in clause (iii), by striking “and” at the end;

10 (2) in clause (iv), by striking the semicolon and  
 11 inserting “, and”; and

12 (3) by adding at the end the following:

13 “(v) the number of children who are  
 14 under the age of 3 and enrolled in the  
 15 State plan and the number of those chil-  
 16 dren who have received a blood lead  
 17 screening test;”.

18 (b) MANDATORY SCREENING REQUIREMENTS.—Sec-  
 19 tion 1902(a) of the Social Security Act (42 U.S.C.  
 20 1396a(a)) is amended—

21 (1) in paragraph (65), by striking the period  
 22 and inserting “; and”; and

23 (2) by adding at the end the following:

24 “(66) provide that each contract entered into  
 25 between the State and an entity (including a health

1 insuring organization and a medicaid managed care  
 2 organization) that is responsible for the provision  
 3 (directly or through arrangements with providers of  
 4 services) of medical assistance under the State plan  
 5 shall provide for—

6 “(A) compliance with mandatory blood  
 7 lead screening requirements that are consistent  
 8 with prevailing guidelines of the Centers for  
 9 Disease Control and Prevention for such screen-  
 10 ing; and

11 “(B) coverage of qualified lead treatment  
 12 services described in section 1905(v) including  
 13 diagnosis, treatment, and follow-up furnished  
 14 for children with elevated blood lead levels in  
 15 accordance with prevailing guidelines of the  
 16 Centers for Disease Control and Prevention.”.

17 (c) REIMBURSEMENT FOR TREATMENT OF CHIL-  
 18 DREN WITH ELEVATED BLOOD LEAD LEVELS.—Section  
 19 1905 of the Social Security Act (42 U.S.C. 1396d) is  
 20 amended—

21 (1) in subsection (a)—

22 (A) in paragraph (26), by striking “and”  
 23 at the end;

24 (B) by redesignating paragraph (27) as  
 25 paragraph (28); and

1 (C) by inserting after paragraph (26) the  
 2 following:

3 “(27) qualified lead treatment services (as de-  
 4 fined in subsection (v)); and”; and

5 (2) by adding at the end the following:

6 “(v)(1) In this subsection:

7 “(A) The term ‘qualified lead treatment serv-  
 8 ices’ means the following:

9 “(i) Lead-related medical management, as  
 10 defined in subparagraph (B).

11 “(ii) Lead-related case management, as de-  
 12 fined in subparagraph (C), for a child described  
 13 in paragraph (2).

14 “(iii) Lead-related anticipatory guidance,  
 15 as defined in subparagraph (D), provided as  
 16 part of—

17 “(I) prenatal services;

18 “(II) early and periodic screening, di-  
 19 agnostic, and treatment services (EPSDT)  
 20 services described in subsection (r) and  
 21 available under subsection (a)(4)(B) (in-  
 22 cluding as described and available under  
 23 implementing regulations and guidelines)  
 24 to individuals enrolled in the State plan

1 under this title who have not attained age  
2 21; and

3 “(III) routine pediatric preventive  
4 services.

5 “(B) The term ‘lead-related medical manage-  
6 ment’ means the provision and coordination of the  
7 diagnostic, treatment, and follow-up services pro-  
8 vided for a child diagnosed with an elevated blood  
9 lead level (EBLL) that includes—

10 “(i) a clinical assessment, including a  
11 physical examination and medically indicated  
12 tests (in addition to diagnostic blood lead level  
13 tests) and other diagnostic procedures to deter-  
14 mine the child’s developmental, neurological,  
15 nutritional, and hearing status, and the extent,  
16 duration, and possible source of the child’s ex-  
17 posure to lead;

18 “(ii) repeat blood lead level tests furnished  
19 when medically indicated for purposes of moni-  
20 toring the blood lead concentrations in the  
21 child;

22 “(iii) pharmaceutical services, including  
23 chelation agents and other drugs, vitamins, and  
24 minerals prescribed for treatment of an EBLL;

1           “(iv) medically indicated inpatient services  
2 including pediatric intensive care and emer-  
3 gency services;

4           “(v) medical nutrition therapy when medi-  
5 cally indicated by a nutritional assessment, that  
6 shall be furnished by a dietitian or other nutri-  
7 tion specialist who is authorized to provide such  
8 services under State law;

9           “(vi) referral—

10           “(I) when indicated by a nutritional  
11 assessment, to the State agency or con-  
12 tractor administering the program of as-  
13 sistance under the special supplemental  
14 food program for women, infants and chil-  
15 dren (WIC) under section 17 of the Child  
16 Nutrition Act of 1966 (42 U.S.C. 1786)  
17 and coordination of clinical management  
18 with that program; and

19           “(II) when indicated by a clinical or  
20 developmental assessment, to the State  
21 agency responsible for early intervention  
22 and special education programs under the  
23 Individuals with Disabilities Education Act  
24 (20 U.S.C. 1400 et seq.); and



1           “(vii) environmental investigation, as de-  
2           fined in subparagraph (E).

3           “(C) The term ‘lead-related case management’  
4           means the coordination, provision, and oversight of  
5           the nonmedical services for a child with an EBLL  
6           necessary to achieve reductions in the child’s blood  
7           lead levels, improve the child’s nutrition, and secure  
8           needed resources and services to protect the child by  
9           a case manager trained to develop and oversee a  
10          multi-disciplinary plan for a child with an EBLL or  
11          by a childhood lead poisoning prevention program,  
12          as defined by the Secretary. Such services include—

13               “(i) assessing the child’s environmental,  
14               nutritional, housing, family, and insurance sta-  
15               tus and identifying the family’s immediate  
16               needs to reduce lead exposure through an initial  
17               home visit;

18               “(ii) developing a multidisciplinary case  
19               management plan of action that addresses the  
20               provision and coordination of each of the fol-  
21               lowing classes of services as appropriate—

22                       “(I) whether or not such services are  
23                       covered under the State plan under this  
24                       title;

1 “(II) lead-related medical manage-  
 2 ment of an EBLL (including environ-  
 3 mental investigation);

4 “(III) nutrition services;

5 “(IV) family lead education;

6 “(V) housing;

7 “(VI) early intervention services;

8 “(VII) social services; and

9 “(VIII) other services or programs  
 10 that are indicated by the child’s clinical  
 11 status and environmental, social, edu-  
 12 cational, housing, and other needs;

13 “(iii) assisting the child (and the child’s  
 14 family) in gaining access to covered and non-  
 15 covered services in the case management plan  
 16 developed under clause (ii);

17 “(iv) providing technical assistance to the  
 18 provider that is furnishing lead-related medical  
 19 management for the child; and

20 “(v) implementation and coordination of  
 21 the case management plan developed under  
 22 clause (ii) through home visits, family lead edu-  
 23 cation, and referrals.

24 “(D) The term ‘lead-related anticipatory guid-  
 25 ance’ means education and information for families

1 of children and pregnant women enrolled in the  
2 State plan under this title about prevention of child-  
3 hood lead poisoning that addresses the following top-  
4 ics:

5 “(i) The importance of lead screening tests  
6 and where and how to obtain such tests.

7 “(ii) Identifying lead hazards in the home.

8 “(iii) Specialized cleaning, home mainte-  
9 nance, nutritional, and other measures to mini-  
10 mize the risk of childhood lead poisoning.

11 “(iv) The rights of families under the Resi-  
12 dential Lead-Based Paint Hazard Reduction  
13 Act of 1992 (42 U.S.C. 4851 et seq.).

14 “(E) The term ‘environmental investigation’  
15 means the process of determining the source of a  
16 child’s exposure to lead by an individual that is cer-  
17 tified or registered to perform such investigations  
18 under State or local law, including the collection and  
19 analysis of information and environmental samples  
20 from a child’s living environment. For purposes of  
21 this subparagraph, a child’s living environment in-  
22 cludes the child’s residence or residences, residences  
23 of frequently visited caretakers, relatives, and play-  
24 mates, and the child’s day care site. Such investiga-  
25 tions shall be conducted in accordance with the

1 standards of the Department of Housing and Urban  
 2 Development for the evaluation and control of lead-  
 3 based paint hazards in housing and in compliance  
 4 with State and local health agency standards for en-  
 5 vironmental investigation and reporting.

6 “(2) For purposes of paragraph (1)(A)(ii), a child de-  
 7 scribed in this paragraph is a child who—

8 “(A) has attained 6 months but has not at-  
 9 tained 6 years of age; and

10 “(B) has been identified as having a blood lead  
 11 level that equals or exceeds 20 micrograms per deci-  
 12 liter (or after 2 consecutive tests, equals or exceeds  
 13 15 micrograms per deciliter, or the applicable num-  
 14 ber of micrograms designated for such tests under  
 15 prevailing guidelines of the Centers for Disease Con-  
 16 trol and Prevention).”.

17 (d) ENHANCED MATCH FOR DATA COMMUNICATIONS  
 18 SYSTEM.—Section 1903(a)(3) of the Social Security Act  
 19 (42 U.S.C. 1396b(a)(3)) is amended—

20 (1) in subparagraph (D), by striking “plus” at  
 21 the end and inserting “and”; and

22 (2) by inserting after subparagraph (D), the  
 23 following:

24 “(E)(i) 90 percent of so much of the sums  
 25 expended during such quarter as are attrib-

1           utable to the design, development, or installa-  
 2           tion of an information retrieval system that  
 3           may be easily accessed and used by other feder-  
 4           ally-funded means-tested public benefit pro-  
 5           grams to determine whether a child is enrolled  
 6           in the State plan under this title and whether  
 7           an enrolled child has received mandatory early  
 8           and periodic screening, diagnostic, and treat-  
 9           ment services, as described in section 1905(r);  
 10          and

11                 “(ii) 75 percent of so much of the sums ex-  
 12           pended during such quarter as are attributable  
 13           to the operation of a system (whether such sys-  
 14           tem is operated directly by the State or by an-  
 15           other person under a contract with the State)  
 16           of the type described in clause (i); plus”.

17          (e) REPORT.—The Secretary of Health and Human  
 18   Services, acting through the Administrator of the Health  
 19   Care Financing Administration, annually shall report to  
 20   Congress on the number of children enrolled in the med-  
 21   icaid program under title XIX of the Social Security Act  
 22   (42 U.S.C. 1396 et seq.) who have received a blood lead  
 23   screening test during the prior fiscal year, noting the per-  
 24   centage that such children represent as compared to all  
 25   children enrolled in that program.

1       (f) RULE OF CONSTRUCTION.—Nothing in this Act  
 2 or in any amendment made by this Act shall be construed  
 3 as prohibiting the Secretary of Health and Human Serv-  
 4 ices or the State agency administering the State plan  
 5 under title XIX of the Social Security Act (42 U.S.C.  
 6 1396 et seq.) from using funds provided under title XIX  
 7 of that Act to reimburse a State or entity for expenditures  
 8 for medically necessary activities in the home of a lead-  
 9 poisoned child to prevent additional exposure to lead, in-  
 10 cluding specialized cleaning of lead-contaminated dust,  
 11 emergency relocation, safe repair of peeling paint, dust  
 12 control, and other activities that reduce lead exposure.

13 **SEC. 4. LEAD POISONING SCREENING FOR SPECIAL SUP-**  
 14 **PLEMENTAL FOOD PROGRAM FOR WOMEN,**  
 15 **INFANTS, AND CHILDREN.**

16       Section 17(d) of the Child Nutrition Act of 1966 (42  
 17 U.S.C. 1786(d)) is amended by adding at the end the fol-  
 18 lowing:

19               “(4) LEAD POISONING SCREENING.—

20               “(A) IN GENERAL.—A State agency  
 21 shall—

22               “(i) determine whether an infant or  
 23 child eligible to participate in the program  
 24 under this section has received a blood lead  
 25 screening test using a test that is appro-

1           prate for age and risk factors upon the  
2           enrollment of the infant or child in the  
3           program; and

4           “(ii) in the case of an infant or child  
5           who has not received a blood lead screen-  
6           ing test—

7                   “(I) refer the infant or child for  
8                   receipt of the test; and

9                   “(II) determine whether the in-  
10                  fant or child receives the test during  
11                  a routine visit with a health care pro-  
12                  vider.

13           “(B) SCREENINGS BY STATE AGENCIES.—

14                   “(i) IN GENERAL.—A State agency  
15                  may (under contract or otherwise) perform  
16                  a blood lead screening test that is appro-  
17                  priate for age and risk factors on an infant  
18                  or child who seeks to participate in the  
19                  program.

20                   “(ii) REIMBURSEMENT.—

21                   “(I) CHILDREN ENROLLED IN OR  
22                  ELIGIBLE FOR MEDICAID.—On the re-  
23                  quest of a State agency that performs  
24                  or arranges for the provision of a  
25                  blood lead screening test under clause

1 (i) of an infant or child that is eligible  
2 for or receiving medical assistance  
3 under a State plan under title XIX of  
4 the Social Security Act (42 U.S.C.  
5 1396 et seq.), the Secretary of Health  
6 and Human Services, notwithstanding  
7 any other provision of, or limitation  
8 under, title XIX of the Social Security  
9 Act, shall reimburse the State agency,  
10 from funds that are made available  
11 under that title, for the Federal med-  
12 ical assistance percentage (as defined  
13 in section 1905(b) of the Social Secu-  
14 rity Act (42 U.S.C. 1396d(b)) of the  
15 cost of the test and data reporting.  
16 Such costs shall include, if determined  
17 to be desirable by the State agency,  
18 the costs of providing screening  
19 through clinical laboratories certified  
20 under section 353 of the Public  
21 Health Service Act (42 U.S.C. 263a),  
22 or purchasing, for use at sites pro-  
23 viding services under this section,  
24 blood lead testing instruments and as-  
25 sociated supplies approved for sale by



1 the Food and Drug Administration  
2 and used in compliance with such sec-  
3 tion 353.

4 “(II) CHILDREN ENROLLED IN  
5 OR ELIGIBLE FOR SCHIP.—In the case  
6 of a blood lead screening test per-  
7 formed under clause (i) (by the State  
8 agency or under contract with the  
9 State agency) on an infant or child  
10 who is eligible for or receiving medical  
11 assistance under a State plan under  
12 title XXI of the Social Security Act,  
13 the Secretary of Health and Human  
14 Services, notwithstanding any other  
15 provision of, or limitation under, such  
16 title XXI, shall reimburse the State  
17 agency, from funds that are made  
18 available under that title, for the en-  
19 hanced FMAP (as defined in section  
20 2105(b) of the Social Security Act (42  
21 U.S.C. 1397ee(b)) of the cost of the  
22 test and data reporting. Such costs  
23 shall include the costs described in the  
24 second sentence of subclause (I).

1           “(C) AUTHORIZATION FOR WIC.—There is  
 2           authorized to be appropriated such sums as  
 3           may be necessary to carry out this paragraph  
 4           with respect to blood lead screening tests per-  
 5           formed under this paragraph on an infant or  
 6           child, and any data reporting with respect to  
 7           such infant or child, who is not eligible for cov-  
 8           erage under title XIX or XXI of the Social Se-  
 9           curity Act, or is not otherwise covered under a  
 10          health insurance plan.”.

11 **SEC. 5. LEAD POISONING SCREENING FOR EARLY HEAD**  
 12 **START AND HEAD START PROGRAMS.**

13          Section 645A of the Head Start Act (42 U.S.C  
 14          9840a) is amended—

15               (1) in the first sentence of subsection (d), by in-  
 16          serting before the period the following: “and shall  
 17          comply with subsection (h)”;

18               (2) by adding at the end the following:

19          “(h) LEAD POISONING SCREENING.—

20               “(1) IN GENERAL.—An entity shall—

21                       “(A) determine whether a child eligible to  
 22                       participate in the program described in sub-  
 23                       section (a)(1) has received a blood lead screen-  
 24                       ing test using a test that is appropriate for age

1 and risk factors upon the enrollment of the  
 2 child in the program; and

3 “(B) in the case of a child who has not re-  
 4 ceived a blood lead screening test, ensure that  
 5 each enrolled child receives such a test either by  
 6 referral or by performing the test (under con-  
 7 tract or otherwise).

8 “(2) SCREENINGS BY ENTITIES.—

9 “(A) IN GENERAL.—An entity may (under  
 10 contract or otherwise) perform a blood lead  
 11 screening test that is appropriate for age and  
 12 risk factors on a child who seeks to participate  
 13 in the program.

14 “(B) REIMBURSEMENT.—

15 “(i) CHILDREN ENROLLED IN OR ELI-  
 16 GIBLE FOR MEDICAID.—On the request of  
 17 an entity that performs or arranges for the  
 18 provision of a blood lead screening test  
 19 under subparagraph (A) of a child that is  
 20 eligible for or receiving medical assistance  
 21 under a State plan under title XIX of the  
 22 Social Security Act (42 U.S.C. 1396 et  
 23 seq.), the Secretary of Health and Human  
 24 Services, notwithstanding any other provi-  
 25 sion of, or limitation under, title XIX of

1 the Social Security Act, shall reimburse  
2 the entity, from funds that are made avail-  
3 able under that title, for the Federal med-  
4 ical assistance percentage (as defined in  
5 section 1905(b) of the Social Security Act  
6 (42 U.S.C. 1396d(b)) of the cost of the  
7 test and data reporting. Such costs shall  
8 include, if determined to be desirable by  
9 the State agency, the costs of providing  
10 screening through clinical laboratories cer-  
11 tified under section 353 of the Public  
12 Health Service Act (42 U.S.C. 263a), or  
13 purchasing, for use at sites providing serv-  
14 ices under this section, blood lead testing  
15 instruments and associated supplies ap-  
16 proved for sale by the Food and Drug Ad-  
17 ministration and used in compliance with  
18 such section 353.

19 “(ii) CHILDREN ENROLLED IN OR EL-  
20 IGIBLE FOR SCHIP.—In the case of a blood  
21 lead screening test performed under sub-  
22 paragraph (A) (by the entity or under con-  
23 tract with the entity) on a child who is eli-  
24 gible for or receiving medical assistance  
25 under a State plan under title XXI of the

1           Social Security Act, the Secretary of  
2           Health and Human Services, notwith-  
3           standing any other provision of, or limita-  
4           tion under, such title XXI, shall reimburse  
5           the entity, from funds that are made avail-  
6           able under that title, for the enhanced  
7           FMAP (as defined in section 2105(b) of  
8           the Social Security Act (42 U.S.C.  
9           1397ee(b)) of the cost of the test and data  
10          reporting. Such costs shall include the  
11          costs described in the second sentence of  
12          clause (i).

13           “(3) AUTHORIZATION FOR EARLY HEAD  
14          START.—There is authorized to be appropriated  
15          such sums as may be necessary to carry out this  
16          subsection with respect to blood lead screening tests  
17          performed under this subsection on an infant or  
18          child, and any data reporting with respect to such  
19          infant or child, who is not eligible for coverage under  
20          title XIX or XXI of the Social Security Act, or is  
21          not otherwise covered under a health insurance plan.

22           “(4) HEAD START.—The provisions of this sub-  
23          section shall apply to head start programs that in-  
24          clude coverage, directly or indirectly, for infants and  
25          toddlers under the age of 3 years.”.

1 **SEC. 6. SCHIP COVERAGE FOR SCREENING OF CHILDREN.**

2 (a) IN GENERAL.—Title XXI of the Social Security  
3 Act is amended by adding at the end the following new  
4 section:

5 **“SEC. 2111. COVERAGE FOR LEAD POISONING SCREENING**  
6 **OF CHILDREN.**

7 “(a) COVERAGE.—Notwithstanding any other provi-  
8 sion of this title, a State child health plan shall provide  
9 for coverage of the costs (including data reporting) of a  
10 blood lead screening test performed by—

11 “(1) a State agency administering the special  
12 supplemental food program for women, infants and  
13 children (WIC) under section 17 of the Child Nutri-  
14 tion Act of 1966 (42 U.S.C. 1786) in accordance  
15 with section 17(d)(4)(B) of that Act; or

16 “(2) an entity in accordance with section  
17 645A(h)(2) of the Head Start Act (42 U.S.C  
18 9840a(h)(2)).

19 “(b) REFERENCES TO TERMS AND SPECIAL  
20 RULES.—With respect to the coverage described in sub-  
21 section (a), the following special rules apply:

22 “(1) Any reference in this title to a targeted  
23 low-income child is deemed to include a reference to  
24 a child who receives a blood lead screening test per-  
25 formed by a State agency or entity described in sub-  
26 section (a).

1           “(2) Any such reference to child health assist-  
 2           ance with respect to such a child is deemed a ref-  
 3           erence to the costs (including data reporting) of  
 4           such a test.

5           “(3) Subsection (a) of section 2103 (relating to  
 6           required scope of health insurance coverage) shall  
 7           not apply insofar to such coverage and the reference  
 8           to such section in section 2105(a)(1) is deemed not  
 9           to require, in such case, compliance with the require-  
 10          ments of section 2103(a).

11          “(4) There shall be no exclusion of benefits for  
 12          such coverage based on any pre-existing condition  
 13          and no waiting period (including a waiting period to  
 14          carry out section 2102(b)(3)(C)) shall apply.

15          “(c) NO IMPACT ON ALLOTMENTS.—Nothing in this  
 16          section shall be construed as affecting the amount of any  
 17          initial allotment provided to a State under section  
 18          2104(b).

19          “(d) APPLICATION OF FUNDING RESTRICTIONS.—  
 20          The coverage under this section (and the funding of such  
 21          coverage) is subject to the restrictions of section  
 22          2105(c).”.

23          (b)           CONFORMING           AMENDMENT.—Section  
 24          2102(b)(1)(B) of such Act (42 U.S.C. 1397bb(b)(1)(B))  
 25          is amended—

1 (1) by striking “and” at the end of clause (i);

2 (2) by striking the period at the end of clause

3 (ii) and inserting “; and”; and

4 (3) by adding at the end the following new

5 clause:

6 “(iii) may not apply a waiting period

7 (including a waiting period to carry out

8 paragraph (3)(C)) in the case of a child

9 described in section 2111 who is deemed a

10 targeted low-income child under that sec-

11 tion.”.

12 (c) EFFECTIVE DATE.—The amendments made by

13 this section take effect on the date described in section

14 11(a) and apply to allotments for all fiscal years.

15 **SEC. 7. CENTERS FOR DISEASE CONTROL AND PREVEN-**

16 **TION EFFORTS TO COMBAT CHILDHOOD**

17 **LEAD POISONING.**

18 (a) REQUIREMENTS FOR LEAD POISONING PREVEN-

19 TION GRANTEEES.—Section 317A of the Public Health

20 Service Act (42 U.S.C. 247b–1) is amended—

21 (1) in subsection (d)—

22 (A) by redesignating paragraph (7) as

23 paragraph (8); and

24 (B) by inserting after paragraph (6) the

25 following:



1           “(7) Assurances satisfactory to the Secretary  
 2           that the applicant will ensure complete and con-  
 3           sistent reporting of all blood lead test results from  
 4           laboratories and health care providers to State and  
 5           local health departments in accordance with guide-  
 6           lines of the Centers for Disease Control and Preven-  
 7           tion for standardized reporting as described in sub-  
 8           section (l).”; and

9           (2) in subsection (j)(2)—

10                 (A) in subparagraph (F) by striking “(E)”  
 11                 and inserting “(F)”;

12                 (B) by redesignating subparagraph (F) as  
 13                 subparagraph (G); and

14                 (C) by inserting after subparagraph (E)  
 15                 the following:

16                         “(F) The number of grantees that have es-  
 17                         tablished systems to ensure mandatory report-  
 18                         ing of all blood lead tests from laboratories and  
 19                         health care providers to State and local health  
 20                         departments.”.

21           (b) GUIDELINES FOR STANDARDIZED REPORTING.—

22           Section 317A of the Public Health Service Act (42 U.S.C.  
 23           247b–1) is amended by adding at the end the following:

24                 “(l) GUIDELINES FOR STANDARDIZED REPORT-  
 25                 ING.—The Secretary, acting through the Director of the

1 Centers for Disease Control and Prevention, shall develop  
 2 national guidelines for the uniform and complete reporting  
 3 of all blood test results to State and local health depart-  
 4 ments.”.

5 (c) EARMARK OF OTHER GRANT FUNDS.—Section  
 6 317A of the Public Health Service Act (42 U.S.C. 247b–  
 7 1), as amended by subsection (b), is amended by adding  
 8 at the end the following:

9 “(m) REQUIREMENT FOR USE OF FUNDS.—Notwith-  
 10 standing any other provision of law, any individual or enti-  
 11 ty that receives from the Secretary, acting through the  
 12 Director of the Centers for Disease Control and Preven-  
 13 tion, a grant under this section or any other section of  
 14 this Act to carry out activities relating to childhood lead  
 15 poisoning prevention shall use 10 percent of the grant  
 16 funds awarded for the purpose of funding screening as-  
 17 sessments and referrals at State and local sites of oper-  
 18 ation of the program of assistance under the special sup-  
 19 plemental food program for women, infants and children  
 20 (WIC) under section 17 of the Child Nutrition Act of 1966  
 21 (42 U.S.C. 1786) or the early head start program under  
 22 section 645A of the Head Start Act (42 U.S.C 9840a).”.

23 (d) DEVELOPMENT AND IMPLEMENTATION OF EF-  
 24 FECTIVE DATA MANAGEMENT BY THE CENTERS FOR DIS-  
 25 EASE CONTROL AND PREVENTION.—

1           (1) IN GENERAL.—The Director of the Centers  
2       for Disease Control and Prevention shall—

3           (A) assist with the improvement of data  
4       linkages between State and local health depart-  
5       ments and between State health departments  
6       and the Centers for Disease Control and Pre-  
7       vention;

8           (B) assist States with the development of  
9       flexible, comprehensive State-based data man-  
10      agement systems for the surveillance of children  
11      with lead poisoning that has the capacity to  
12      contribute to a national data set;

13          (C) assist with the improvement of the  
14      ability of State-based data management systems  
15      and federally-funded means-tested public ben-  
16      efit programs (including the special supple-  
17      mental food program for women, infants and  
18      children (WIC) under section 17 of the Child  
19      Nutrition Act of 1966 (42 U.S.C. 1786) and  
20      the early head start program under section  
21      645A of the Head Start Act (42 U.S.C  
22      9840a(h)) to respond to ad hoc inquiries and  
23      generate progress reports regarding the lead  
24      blood level screening of children enrolled in  
25      those programs that may be used in training

1 and education programs conducted by the Cen-  
2 ters for health care providers;

3 (D) assist with the establishment of a  
4 State capacity for assessing how many children  
5 enrolled in the medicaid, WIC, early head start,  
6 and other federally-funded means-tested public  
7 benefit programs are being screened for lead  
8 poisoning at age-appropriate intervals;

9 (E) use data obtained as result of activities  
10 under this section to formulate or revise exist-  
11 ing lead blood screening and case management  
12 policies; and

13 (F) establish performance measures for  
14 evaluating State and local implementation of  
15 the requirements and improvements described  
16 in subparagraphs (A) through (E).

17 (2) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated to carry out  
19 this subsection, \$10,000,000 for each of fiscal years  
20 2000 and 2001.

21 (3) EFFECTIVE DATE.—This subsection takes  
22 effect on the date of enactment of this Act.

1 **SEC. 8. GRANTS FOR LEAD POISONING RELATED ACTIVITIES.**  
 2 **TIES.**

3 Title V of the Social Security Act (42 U.S.C. 701  
 4 et seq.) is amended by adding at the end the following:

5 **“SEC. 511. GRANTS FOR LEAD POISONING RELATED ACTIVITIES.**  
 6 **TIES.**

7 “(a) **AUTHORITY TO MAKE GRANTS.**—

8 “(1) **IN GENERAL.**—In addition to any other  
 9 payments made under this title to a State or any  
 10 other entity, the Secretary shall award grants to  
 11 States to support public health activities in States  
 12 and localities where data suggest that more than 5  
 13 percent of preschool-age children have had lead ex-  
 14 posure greater than 10 micrograms per deciliter  
 15 through—

16 “(A) effective, ongoing outreach and com-  
 17 munity education targeted to families most like-  
 18 ly to be at risk for lead poisoning;

19 “(B) individual family education activities  
 20 that are designed to reduce ongoing exposures  
 21 to lead for children with elevated blood lead lev-  
 22 els, including through home visits and coordina-  
 23 tion with other programs designed to identify  
 24 and treat children at risk for lead poisoning;  
 25 and

1           “(C) the development, coordination and  
2           implementation of community-based approaches  
3           for comprehensive lead poisoning prevention  
4           from surveillance to lead hazard control.

5           “(2) STATE MATCH.—A State is not eligible for  
6           a grant under this section unless the State agrees to  
7           expend (through State or local funds) \$3 for every  
8           \$4 provided under the grant to carry out the activi-  
9           ties described in paragraph (1).

10          “(3) APPLICATION.—A State shall submit an  
11          application to the Secretary for a grant under this  
12          section in such form and manner and containing  
13          such information as the Secretary may require.

14          “(b) PERFORMANCE MEASURES.—The Secretary  
15          shall establish needs indicators and performance measures  
16          to evaluate the activities carried out under grants awarded  
17          under this section. Such indicators shall be commensurate  
18          with the national measures of the program under this title  
19          and shall be developed in consultation with the Director  
20          of the Centers for Disease Control and Prevention.

21          “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
22          is authorized to be appropriated to carry out this section,  
23          \$20,000,000 for each of fiscal years 2000 through 2004.

24          “(d) APPLICATION OF OTHER PROVISIONS OF  
25          TITLE.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), the other provisions of this title shall not  
3           apply to a grant made, or activities of the Secretary,  
4           under this section.

5           “(2) EXCEPTIONS.—The following provisions of  
6           this title shall apply to a grant made under sub-  
7           section (a) to the same extent and in the same man-  
8           ner as such provisions apply to allotments made  
9           under section 502(c):

10               “(A) Section 504(b)(1) (relating to ex-  
11               penditures for inpatient services).

12               “(B) Section 504(b)(4) (relating to ex-  
13               penditures of funds as a condition of receipt of  
14               Federal funds).

15               “(C) Section 504(b)(5) (relating to limita-  
16               tions on funds for research).

17               “(D) Section 504(b)(6) (relating to prohi-  
18               bition on payments to excluded individuals and  
19               entities).

20               “(E) Section 506 (relating to reports and  
21               audits), but only to the extent determined by  
22               the Secretary to be appropriate for grants made  
23               under this section.

24               “(F) Section 507 (relating to penalties for  
25               false statements).

1                   “(G) Section 508 (relating to non-  
2                   discrimination).”.

3 **SEC. 9. TRAINING AND REPORTS BY THE HEALTH RE-**  
4 **SOURCES AND SERVICES ADMINISTRATION.**

5       (a) TRAINING.—The Secretary of Health and Human  
6 Services, acting through the Administrator of the Health  
7 Resources and Services Administration and in collabora-  
8 tion with the Administrator of the Health Care Financing  
9 Administration and the Director of the Centers for Dis-  
10 ease Control and Prevention, shall conduct education and  
11 training programs for physicians and other health care  
12 providers regarding childhood lead poisoning, current  
13 screening and treatment recommendations and require-  
14 ments, and the scientific, medical, and public health basis  
15 for those policies.

16       (b) REPORT.—The Secretary of Health and Human  
17 Services, acting through the Administrator of the Health  
18 Resources and Services Administration, annually shall re-  
19 port to Congress on the number of children who received  
20 services through community health centers established  
21 under section 330 of the Public Health Service Act (42  
22 U.S.C. 254b) and received a blood lead screening test dur-  
23 ing the prior fiscal year, noting the percentage that such  
24 children represent as compared to all children who re-  
25 ceived services through such community health centers.



1 **SEC. 10. CDC BONUS PROGRAM FOR IMPROVEMENT OF**  
2 **CHILDHOOD LEAD SCREENING RATES.**

3 (a) IN GENERAL.—The Director of the Centers for  
4 Disease Control and Prevention shall establish a program  
5 to improve the blood lead screening rates of States for  
6 children under the age of 3 enrolled in the medicaid pro-  
7 gram.

8 (b) PAYMENTS.—Under the program established  
9 under subsection (a), the Director, using State-specific  
10 blood lead screening data, shall, subject to the availability  
11 of appropriations, annually pay a State an amount deter-  
12 mined as follows:

13 (1) \$25 per each 2 year-old child enrolled in the  
14 medicaid program in the State who has received the  
15 minimum required (for that age) screening blood  
16 lead level tests (capillary or venous samples) to de-  
17 termine the presence of elevated blood lead levels, as  
18 established by the Centers for Disease Control and  
19 Prevention, if the State rate for such screenings ex-  
20 ceeds 65 but does not exceed 75 percent of all 2  
21 year-old children in the State.

22 (2) \$50 per each such child who has received  
23 such minimum required tests if the State rate for  
24 such screenings exceeds 75 but does not exceed 85  
25 percent of all 2 year-old children in the State.

1           (3) \$75 per each such child who has received  
 2           such minimum required tests if the State rate for  
 3           such screenings exceeds 85 percent of all 2 year-old  
 4           children in the State.

5           (c) USE OF BONUS FUNDS.—Funds awarded to a  
 6           State under subsection (b) shall only be used—

7           (1) by the State department of health in the  
 8           case of a child with an elevated blood lead level who  
 9           is enrolled in medicaid or another Federal means-  
 10          tested program designed to reduce the source of the  
 11          child's exposure to lead; or

12          (2) in accordance with guidelines for the use of  
 13          such funds developed by the Director of the Centers  
 14          for Disease Control and Prevention in collaboration  
 15          with the Secretary of Housing and Urban Develop-  
 16          ment.

17          (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
 18          authorized to be appropriated to carry out this section,  
 19          \$30,000,000 for each of fiscal years 2000 through 2004.

20       **SEC. 11. GENERAL EFFECTIVE DATE.**

21          (a) IN GENERAL.—Except as provided in section  
 22          7(d)(3) and subsection (b), the amendments made by this  
 23          Act take effect on the date that is 18 months after the  
 24          date of enactment of this Act.

25          (b) WIC AND EARLY HEAD START WAIVERS.—

1           (1) IN GENERAL.—A State agency or contractor  
2     administering the program of assistance under the  
3     special supplemental food program for women, in-  
4     fants and children (WIC) under section 17 of the  
5     Child Nutrition Act of 1966 (42 U.S.C. 1786), or an  
6     entity carrying out activities under section 645A of  
7     the Head Start Act (42 U.S.C. 9840a) may be  
8     awarded a waiver from the amendments made by  
9     sections 4 and 5 (as applicable) if the State where  
10    the agency, contractor, or entity is located estab-  
11    lishes to the satisfaction of the Secretary of Health  
12    and Human Services, in accordance with require-  
13    ments and procedures recommended in accordance  
14    with paragraph (2) to the Secretary by the Director  
15    of the Centers for Disease Control and Prevention,  
16    in consultation with the Centers for Disease Control  
17    and Prevention Advisory Committee on Childhood  
18    Lead Poisoning Prevention, a plan for increasing the  
19    number of blood lead screening tests of children en-  
20    rolled in the WIC and the Early Head Start pro-  
21    grams in the State.

22           (2) DEVELOPMENT OF WAIVER PROCEDURES  
23    AND REQUIREMENTS.—Not later than 12 months  
24    after the date of enactment of this Act, the Director  
25    of the Centers for Disease Control and Prevention,

1       in consultation with the Centers for Disease Control  
2       and Prevention Advisory Committee on Childhood  
3       Lead Poisoning Prevention, shall develop and rec-  
4       ommend to the Secretary of Health and Human  
5       Services criteria and procedures (including a time-  
6       table for the submission of the State plan described  
7       in paragraph (1)) for the award of waivers under  
8       that paragraph.

○