

107TH CONGRESS  
1ST SESSION

# H. R. 2034

To authorize the Secretary of Housing and Urban Development to make grants to evaluate and reduce lead-based paint hazards at public elementary schools and licensed child day-care facilities.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2001

Ms. ROYBAL-ALLARD (for herself, Mr. ACEVEDO-VILÁ, Mr. BORSKI, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. GREEN of Texas, Mr. HINCHEY, Ms. KILPATRICK, Mr. LANTOS, Mrs. MALONEY of New York, Mr. McGOVERN, Ms. MCKINNEY, Ms. SLAUGHTER, Ms. SOLIS, Mr. UNDERWOOD, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the Secretary of Housing and Urban Development to make grants to evaluate and reduce lead-based paint hazards at public elementary schools and licensed child day-care facilities.

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 “School and Day-Care  
5       Lead-Based Paint Reduction Act of 2001”.

1   **SEC. 2. PROGRAM OF GRANTS REGARDING LEAD-BASED**  
2                   **PAINT HAZARDS AT PUBLIC ELEMENTARY**  
3                   **SCHOOLS AND LICENSED CHILD DAY-CARE**  
4                   **FACILITIES.**

5    (a) **IN GENERAL.—**

6                   (1) **AUTHORITY FOR MAKING GRANTS.**—The  
7                   Secretary of Housing and Urban Development may  
8                   make grants to States, units of local government,  
9                   and local educational agencies for the purpose of  
10                  evaluating and reducing lead-based paint hazards  
11                  at—

12                  (A) public elementary schools; and  
13                  (B) child day-care facilities that are li-  
14                  censed by the State in which the facilities are  
15                  located.

16                  (2) **CONSULTATIONS.**—In carrying out this sec-  
17                  tion, the Secretary shall consult with the Secretary  
18                  of Education, the Administrator of the Environ-  
19                  mental Protection Agency, and the Secretary of  
20                  Health and Human Services.

21                  (b) **SELECTION CRITERIA.**—The Secretary shall  
22                  make grants under subsection (a) on the basis of the ac-  
23                  tivities proposed to be carried out with the grants and on  
24                  the basis of the following criteria for approving applica-  
25                  tions for the grants:

6 (2) The comparative degree of severity and ex-  
7 tent of lead-based paint hazards at the eligible facili-  
8 ties.

16 (5) The ability of the applicant to carry out the  
17 proposed activities.

22 (c) AUTHORIZED EXPENDITURES.—The Secretary  
23 may authorize the expenditure of a grant under subsection  
24 (a) for the following purposes:

1 (1) To perform risk assessments and lead in-  
2 spections at the eligible facilities involved.

19 (6) To monitor the blood-lead levels of workers  
20 involved in lead hazard reduction activities carried  
21 out pursuant to this section.

22 (7) To assist in the temporary relocation of the  
23 activities of the facilities while lead hazard reduction  
24 measures are being conducted at the facilities.

5 (A) School officials, teachers, and students  
6 at the facilities, and parents of the students, in  
7 the case of facilities that are eligible schools.

12 (C) Personnel who carry out maintenance  
13 duties at the eligible facilities.

14 (D) Personnel who carry out cleaning du-  
15 ties at the facilities.

21 (10) To carry out the activities described in this  
22 subsection at facilities that are not currently being  
23 used as eligible facilities but are undergoing renova-  
24 tion in order to be used as such facilities.

4 (d) REQUIREMENT OF MATCHING FUNDS.—

24 (B) In the case of other activities described  
25 in subsection (c), the Secretary may reduce the

1                   percentage that otherwise would be applicable  
2                   under such paragraph, except that the percent-  
3                   age may not be less than 10 percent.

4                   (3) DETERMINATION OF AMOUNT CONTRIB-  
5                   UTED.—Non-Federal contributions required in para-  
6                   graph (1) may be in cash or in kind, fairly eval-  
7                   uated, including plant, equipment, or services.  
8                   Amounts provided by the Federal Government, or  
9                   services assisted or subsidized to any significant ex-  
10                   tent by the Federal Government, may not be in-  
11                   cluded in determining the amount of such non-Fed-  
12                   eral contributions.

13                   (e) REPORT.—A condition for the receipt of grant  
14 under subsection (a) is that the applicant for the grant  
15 agree that the applicant will for each fiscal year in which  
16 the grant is expended submit to the Secretary a report  
17 that provides the following:

18                   (1) A description of the purposes for which the  
19 grant was expended.

20                   (2) A statement of the number of risk assess-  
21                   ments and inspections conducted at eligible schools  
22                   and at eligible child day-care facilities.

23                   (3) A statement of the number of eligible  
24 schools and eligible child day-care facilities at which

1 lead-based paint hazards have been reduced through  
2 interim controls.

3 (4) A statement of the number of eligible  
4 schools and eligible child day-care facilities at which  
5 lead-based paint hazards have been abated.

6 (5) Such other information as the Secretary de-  
7 termines to be appropriate.

8 (f) OTHER CONDITIONS.—A condition for the receipt  
9 of grant under subsection (a) is that the applicant for the  
10 grant agree to the following:

11 (1) The grant will not be expended to replace  
12 other amounts made available or designated by the  
13 State, unit of local government, or local educational  
14 agency involved for the purpose described in sub-  
15 section (a). In determining compliance with the pre-  
16 ceding sentence, the Secretary shall count non-Fed-  
17 eral contributions provided by the applicant under  
18 subsection (d).

19 (2) Not more than 10 percent of the grant will  
20 be used for the administrative expenses of carrying  
21 out the purpose described in subsection (a).

22 (3) The applicant will maintain and provide the  
23 Secretary with financial records that are sufficient,  
24 in the determination of the Secretary, to ensure  
25 proper accounting and disbursing of the grant.

1        (g) APPLICATION FOR GRANT.—The Secretary may  
2 make a grant under subsection (a) only if an application  
3 for the grant is submitted to the Secretary and the appli-  
4 cation is in such form, is made in such manner, and con-  
5 tains such agreements, assurances, and information as the  
6 Secretary determines to be necessary to carry out this sec-  
7 tion.

8        (h) COORDINATION WITH ACADEMIC YEAR.—To the  
9 maximum extent feasible, the Secretary shall in making  
10 grants under subsection (a) with respect to eligible schools  
11 ensure that application deadlines and grant notification  
12 timelines are compatible with the needs of State and local  
13 officials in providing for a normal academic year at the  
14 eligible schools involved.

15        (i) DEFINITIONS.—For purposes of this section:

16                (1)(A) The terms specified in subparagraph (B)  
17 have the meanings given such terms in section 1004  
18 of the Residential Lead-Based Paint Hazard Reduc-  
19 tion Act of 1992.

20                (B) The terms referred to in subparagraph (A)  
21 are “abatement”; “certified contractor”; “inspec-  
22 tion”; “interim controls”; “lead-based paint”; “lead-  
23 based paint hazard”; “reduction”; and “risk assess-  
24 ment”.

1 (2) The term “elementary school” has the  
2 meaning given such term in section 14101 of the El-  
3 ementary and Secondary Education Act of 1965.

11 (6) The term “local educational agency” has  
12 the meaning given such term in section 14101 of the  
13 Elementary and Secondary Education Act of 1965.

22 (8) The term “Secretary” means the Secretary  
23 of Housing and Urban Development, unless the con-  
24 text indicates otherwise.

1       (j) AUTHORIZATION OF APPROPRIATIONS.—For the  
2 purpose of carrying out this section, there are authorized  
3 to be appropriated such sums as may be necessary for  
4 each fiscal year.

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