

114TH CONGRESS
1ST SESSION

H. R. 3085

To amend section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 to make violators of such section liable to residents and invitees of target housing for such violations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2015

Mr. CARTWRIGHT (for himself, Mr. CICILLINE, Mr. CUMMINGS, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 to make violators of such section liable to residents and invitees of target housing for such violations, 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 “Lead Exposure Ac-
5 countability During Sales Avoids Lead Endangerment Act
6 of 2015” or the “LEAD SALE Act of 2015”.

1 **SEC. 2. CIVIL LIABILITY FOR VIOLATIONS OF DISCLOSURE**
 2 **REQUIREMENTS REGARDING LEAD UPON**
 3 **TRANSFER OF RESIDENTIAL PROPERTY.**

4 (a) IN GENERAL.—Paragraph (3) of section 1018(b)
 5 of the Residential Lead-Based Paint Hazard Reduction
 6 Act of 1992 (42 U.S.C. 4852d(b)(3)) is amended by in-
 7 serting “, or to any resident or invitee of the target hous-
 8 ing suffering damages,”.

9 (b) APPLICABILITY.—The amendment made by sub-
 10 section (a) shall apply with respect to violations of such
 11 section 1018 occurring after January 1, 2016.

12 **SEC. 3. SUBPOENA AUTHORITY FOR LEAD DISCLOSURE**
 13 **RULE.**

14 Subsection (a) of section 1018 of the Residential
 15 Lead-Based Paint Hazard Reduction Act of 1992 (42
 16 U.S.C. 4852d(a)) is amended by adding at the end the
 17 following new paragraph:

18 “(6) AUTHORITY OF SECRETARY.—

19 “(A) INVESTIGATIONS.—The Secretary
 20 may conduct such investigations as may be nec-
 21 essary to administer and carry out the duties of
 22 the Secretary under this subsection. The Sec-
 23 retary may administer oaths and require by
 24 subpoena the production of documents, and the
 25 attendance and testimony of witnesses, as the
 26 Secretary considers advisable. This subpara-

graph may not be construed to prevent the Administrator of the Environmental Protection Agency from exercising authority under the Toxic Substances Control Act or this Act.

“(B) ENFORCEMENT.—Any district court of the United States within the jurisdiction of which an inquiry is carried out, upon application of the Attorney General, may, in the case of contumacy, failure, or refusal to comply with this subsection or to obey a subpoena of the Secretary issued under this paragraph, issue an order requiring such compliance therewith. Any failure to obey such an order of the court may be punished by such court as a contempt thereof.”.

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