

AMENDMENT NO. _____ Calendar No. _____

Purpose: To address lead contamination in school drinking water.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2848

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

1 At the appropriate place, insert the following:

2 **SEC. _____. SCHOOL TESTING AND NOTIFICATION; GRANT**
3 **PROGRAM.**

4 (a) IN GENERAL.—Section 1464 of the Safe Drink-
5 ing Water Act (42 U.S.C.300j–24) is amended by striking
6 subsection (d) and inserting the following:

7 “(d) TESTING AND NOTIFICATION REQUIREMENTS
8 FOR PUBLIC WATER SYSTEMS THAT SERVE SCHOOLS.—

9 Not later than 1 year after the date of enactment of the
10 Water Resources Development Act of 2016, the Adminis-

1 trator shall promulgate a national primary drinking water
2 regulation for school drinking water that—

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

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

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

23 “(e) SCHOOL LEAD TESTING AND REMEDIATION
24 GRANT PROGRAM.—

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

3 “(A) a local educational agency [(as de-
4 fined in section 8101 of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C.
6 7801))];

7 “(B) a public water system; or

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

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

17 “(3) USE OF FUNDS.—

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

“(i) to recover the costs incurred by the eligible entity for testing for lead contamination in school drinking water conducted 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 (d)(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).”.

18 (b) REPEAL.—Section 1465 of the Safe Drinking
19 Water Act (42 U.S.C. 300j–25) is repealed.