

106TH CONGRESS  
1ST SESSION

# S. 1821

To authorize the United States to recover from a third party the value of any housing, education, or medical care or treatment furnished or paid for by the United States and provided to any victim of lead poisoning.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 1999

Mr. REED (for himself and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To authorize the United States to recover from a third party the value of any housing, education, or medical care or treatment furnished or paid for by the United States and provided to any victim of lead poisoning.

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 Poisoning Ex-  
5 pense Recovery Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Lead poisoning is the number 1 environ-  
2           mental health threat to young children, affecting an  
3           estimated 890,000 children.

4           (2) Most children are poisoned in their homes  
5           through exposure to lead particles when lead-based  
6           paint deteriorates or is disturbed during home ren-  
7           ovation or repainting.

8           (3) Lead paint remains in almost  $\frac{2}{3}$  of the  
9           housing stock of the United States.

10          (4) Lead poisoning may cause serious, long-  
11          term harm to children, including reduced intelligence  
12          and attention span, behavior problems, learning dis-  
13          abilities, and impaired growth.

14          (5) Research shows that children with elevated  
15          levels of lead in their blood are 7 times more likely  
16          to drop out of high school than children without ele-  
17          vated blood-lead levels.

18          (6) Children from low-income families are 8  
19          times more likely to be poisoned by lead than chil-  
20          dren from high-income families.

21          (7) African-American children are 5 times more  
22          likely to be poisoned by lead than white children.

23 **SEC. 3. SUITS BY THE UNITED STATES AUTHORIZED.**

24          (a) IN GENERAL.—In any case in which the United  
25          States is authorized or required to furnish housing, edu-

1 cation, or medical care or treatment to an individual who  
2 suffers from or is at risk of lead poisoning (or to pay for  
3 the housing, education, or medical care or treatment of  
4 such an individual) under circumstances creating liability  
5 upon any third party, the United States shall have the  
6 right to recover (independent of the rights of the injured  
7 or diseased individual) the value of the housing (including  
8 the cost of lead hazard evaluation and control), education,  
9 or medical care or treatment furnished or paid for by the  
10 United States before, on, or after the date of enactment  
11 of this Act.

12 (b) AMOUNTS RECOVERED.—Any amount recovered  
13 by the United States under subsection (a) shall be avail-  
14 able, subject to authorization and appropriations Acts, to  
15 enhance childhood lead poisoning prevention and treat-  
16 ment activities, including lead hazard evaluation and con-  
17 trol.

18 (c) THIRD PARTY DEFINED.—In this section, the  
19 term “third party” means any manufacturer of lead or  
20 lead compound for use in paint or any trade association  
21 that represents such a manufacturer.

22 (d) STATUTE OF LIMITATIONS.—No action may be  
23 brought under this section more than 6 years after the  
24 later of—

25 (1) the date of enactment of this Act; or

- 1 (2) the date on which the United States incurs
- 2 the expense.

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