

107TH CONGRESS
1ST SESSION

S. 1469

To amend the Head Start and Early Head Start programs to ensure that children eligible to participate in those programs are identified and treated for lead poisoning, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2001

Mr. REED (for himself, Mr. TORRICELLI, Mrs. CARNAHAN, Mr. DURBIN, Mr. LIEBERMAN, Mr. WELLSTONE, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Head Start and Early Head Start programs to ensure that children eligible to participate in those programs are identified and treated for lead poisoning, 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 “Early Childhood Lead
5 Poisoning Prevention Act of 2001”.

1 **SEC. 2. LEAD POISONING SCREENING FOR THE HEAD**
2 **START AND EARLY HEAD START PROGRAMS.**

3 Section 645A of the Head Start Act (42 U.S.C.
4 9840a) is amended—

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

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

9 “(h) LEAD POISONING SCREENING.—

10 “(1) IN GENERAL.—An entity shall—

11 “(A) determine whether a child eligible to
12 participate in the program described in sub-
13 section (a)(1) has received a blood lead screen-
14 ing test using a test that is appropriate for age
15 and risk factors upon the enrollment of the
16 child in the program; and

17 “(B) in the case of a child who has not re-
18 ceived a blood lead screening test, ensure that
19 each enrolled child receives such a test either by
20 referral or by performing the test (under con-
21 tract or otherwise).

22 “(2) SCREENINGS BY ENTITIES.—

23 “(A) IN GENERAL.—An entity may (under
24 contract or otherwise) perform a blood lead
25 screening test that is appropriate for age and

1 risk factors on a child who seeks to participate
2 in the program.

3 “(B) REIMBURSEMENT.—

4 “(i) CHILDREN ENROLLED IN OR ELI-
5 GIBLE FOR MEDICAID.—On the request of
6 an entity that performs or arranges for the
7 provision of a blood lead screening test
8 under subparagraph (A) of a child that is
9 eligible for or receiving medical assistance
10 under a State plan under title XIX of the
11 Social Security Act (42 U.S.C. 1396 et
12 seq.), the Secretary of Health and Human
13 Services, notwithstanding any other provi-
14 sion of, or limitation under, title XIX of
15 the Social Security Act, shall reimburse
16 the entity, from funds that are made avail-
17 able under that title, for the Federal med-
18 ical assistance percentage (as defined in
19 section 1905(b) of the Social Security Act
20 (42 U.S.C. 1396d(b)) of the cost of the
21 test and data reporting. Such costs shall
22 include, if determined to be desirable by
23 the State agency, the costs of providing
24 screening through clinical laboratories cer-
25 tified under section 353 of the Public

1 Health Service Act (42 U.S.C. 263a), or
2 purchasing, for use at sites providing serv-
3 ices under this section, blood lead testing
4 instruments and associated supplies ap-
5 proved for sale by the Food and Drug Ad-
6 ministration and used in compliance with
7 such section 353.

8 “(ii) CHILDREN ENROLLED IN OR EL-
9 IGIBLE FOR SCHIP.—In the case of a blood
10 lead screening test performed under sub-
11 paragraph (A) (by the entity or under con-
12 tract with the entity) on a child who is eli-
13 gible for or receiving medical assistance
14 under a State plan under title XXI of the
15 Social Security Act, the Secretary of
16 Health and Human Services, notwith-
17 standing any other provision of, or limita-
18 tion under, such title XXI, shall reimburse
19 the entity, from funds that are made avail-
20 able under that title, for the enhanced
21 FMAP (as defined in section 2105(b) of
22 the Social Security Act (42 U.S.C.
23 1397ee(b)) of the cost of the test and data
24 reporting. Such costs shall include the

1 costs described in the second sentence of
2 clause (i).

3 “(3) AUTHORIZATION FOR EARLY HEAD
4 START.—There is authorized to be appropriated
5 such sums as may be necessary to carry out this
6 subsection with respect to blood lead screening tests
7 performed under this subsection on an infant or
8 child, and any data reporting with respect to such
9 infant or child, who is not eligible for coverage under
10 title XIX or XXI of the Social Security Act, or is
11 not otherwise covered under a health insurance plan.

12 “(4) RULE OF CONSTRUCTION.—Nothing in
13 this subsection shall be construed as requiring a
14 child eligible to participate in the program described
15 in subsection (a)(1) to undergo a blood lead screen-
16 ing test if the child’s parent or guardian objects to
17 the test on the ground that the test is inconsistent
18 with the parent’s or guardian’s religious beliefs.

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

1 **SEC. 3. LEAD POISONING SCREENING FOR SPECIAL SUP-**
 2 **PLEMENTAL NUTRITION PROGRAM FOR**
 3 **WOMEN, INFANTS, AND CHILDREN.**

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

7 “(4) LEAD POISONING SCREENING.—

8 “(A) IN GENERAL.—A State agency
 9 shall—

10 “(i) determine whether an infant or
 11 child eligible to participate in the program
 12 under this section has received a blood lead
 13 screening test using a test that is appro-
 14 priate for age and risk factors upon the
 15 enrollment of the infant or child in the
 16 program; and

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

20 “(I) refer the infant or child for
 21 receipt of the test; and

22 “(II) determine whether the in-
 23 fant or child receives the test during
 24 a routine visit with a health care pro-
 25 vider.

26 “(B) SCREENINGS BY STATE AGENCIES.—

1 “(i) IN GENERAL.—A State agency
2 may (under contract or otherwise) perform
3 a blood lead screening test that is appro-
4 priate for age and risk factors on an infant
5 or child who seeks to participate in the
6 program.

7 “(ii) REIMBURSEMENT.—

8 “(I) CHILDREN ENROLLED IN OR
9 ELIGIBLE FOR MEDICAID.—On the re-
10 quest of a State agency that performs
11 or arranges for the provision of a
12 blood lead screening test under clause
13 (i) of an infant or child that is eligible
14 for or receiving medical assistance
15 under a State plan under title XIX of
16 the Social Security Act (42 U.S.C.
17 1396 et seq.), the Secretary of Health
18 and Human Services, notwithstanding
19 any other provision of, or limitation
20 under, title XIX of the Social Security
21 Act, shall reimburse the State agency,
22 from funds that are made available
23 under that title, for the Federal med-
24 ical assistance percentage (as defined
25 in section 1905(b) of the Social Secu-

1 rity Act (42 U.S.C. 1396d(b)) of the
2 cost of the test and data reporting.
3 Such costs shall include, if determined
4 to be desirable by the State agency,
5 the costs of providing screening
6 through clinical laboratories certified
7 under section 353 of the Public
8 Health Service Act (42 U.S.C. 263a),
9 or purchasing, for use at sites pro-
10 viding services under this section,
11 blood lead testing instruments and as-
12 sociated supplies approved for sale by
13 the Food and Drug Administration
14 and used in compliance with such sec-
15 tion 353.

16 “(II) CHILDREN ENROLLED IN
17 OR ELIGIBLE FOR SCHIP.—In the case
18 of a blood lead screening test per-
19 formed under clause (i) (by the State
20 agency or under contract with the
21 State agency) on an infant or child
22 who is eligible for or receiving medical
23 assistance under a State plan under
24 title XXI of the Social Security Act,
25 the Secretary of Health and Human

1 Services, notwithstanding any other
2 provision of, or limitation under, such
3 title XXI, shall reimburse the State
4 agency, from funds that are made
5 available under that title, for the en-
6 hanced FMAP (as defined in section
7 2105(b) of the Social Security Act (42
8 U.S.C. 1397ee(b)) of the cost of the
9 test and data reporting. Such costs
10 shall include the costs described in the
11 second sentence of subclause (I).

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

22 “(D) RULE OF CONSTRUCTION.—Nothing
23 in this paragraph shall be construed as requir-
24 ing a child eligible to participate in the program
25 under this section to undergo a blood lead

1 screening test if the child’s parent or guardian
2 objects to the test on the ground that the test
3 is inconsistent with the parent’s or guardian’s
4 religious beliefs.”.

5 **SEC. 4. EFFECTIVE DATE.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (b), the amendments made by this Act take effect on the
8 date that is 18 months after the date of enactment of this
9 Act.

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

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

7 (2) DEVELOPMENT OF WAIVER PROCEDURES
8 AND REQUIREMENTS.—Not later than 12 months
9 after the date of enactment of this Act, the Director
10 of the Centers for Disease Control and Prevention,
11 in consultation with the Centers for Disease Control
12 and Prevention Advisory Committee on Childhood
13 Lead Poisoning Prevention, shall develop and rec-
14 ommend to the Secretary of Health and Human
15 Services criteria and procedures (including a time-
16 table for the submission of the State plan described
17 in paragraph (1)) for the award of waivers under
18 that paragraph.

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