

115TH CONGRESS
1ST SESSION

H. R. 4432

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

NOVEMBER 16, 2017

Mr. CARTWRIGHT (for himself, Mr. CUMMINGS, and Mr. CICILLINE) 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 2017” or the “LEAD SALE Act of 2017”.

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, 2018.

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-

1 graph may not be construed to prevent the Ad-
2 ministrator of the Environmental Protection
3 Agency from exercising authority under the
4 Toxic Substances Control Act or this Act.

5 “(B) ENFORCEMENT.—Any district court
6 of the United States within the jurisdiction of
7 which an inquiry is carried out, upon applica-
8 tion of the Attorney General, may, in the case
9 of contumacy, failure, or refusal to comply with
10 this subsection or to obey a subpoena of the
11 Secretary issued under this paragraph, issue an
12 order requiring such compliance therewith. Any
13 failure to obey such an order of the court may
14 be punished by such court as a contempt there-
15 of.”.

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