

103^D CONGRESS
1ST SESSION

H. R. 2479

To amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to establish an entitlement of States and certain political subdivisions of States to receive grants from the Secretary of Housing and Urban Development for the abatement of health hazards associated with lead-based paint, and to amend the Internal Revenue Code of 1986 to impose an excise tax and establish a trust fund to satisfy the Federal obligations arising from such entitlement.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1993

Mr. CARDIN (for himself, Mr. RANGEL, Mr. SERRANO, Mr. TOWNS, Mrs. SCHROEDER, Mr. WAXMAN, and Mr. MFUME) introduced the following bill; which was referred jointly to the Committees on Banking, Finance and Urban Affairs and Ways and Means

NOVEMBER 10, 1993

Additional sponsors: Ms. PELOSI, Mr. DELLUMS, Mr. HINCHEY, Mrs. UNSOELD, Ms. NORTON, Mr. OWENS, Mr. ENGEL, Mr. GUTIERREZ, Mr. STOKES, Mr. YATES, Mr. BACCHUS of Florida, Mr. STARK, Mr. MILLER of California, Mr. VELÁZQUEZ, Mr. FOGLIETTA, Mr. ACKERMAN, Mr. TUCKER, Mr. VENTO, Mr. WYNN, Mr. RUSH, and Mr. BERMAN

A BILL

To amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to establish an entitlement of States and certain political subdivisions of States to receive grants from the Secretary of Housing and Urban Development for the abatement of health hazards associated with lead-based paint, and to amend the Internal Revenue Code of 1986 to impose an excise tax and establish

a trust fund to satisfy the Federal obligations arising from such entitlement.

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-Based Paint
5 Hazard Abatement Trust Fund Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) deteriorating lead-based paint is currently
9 the principal source of moderate to high lead expo-
10 sures for American children;

11 (2) such exposures significantly impair intellec-
12 tual abilities, reading skills, attention span, and edu-
13 cational attainment, and cause other adverse effects;

14 (3) millions of low- and moderate-income dwell-
15 ings contain serious lead-based paint hazards, in-
16 cluding high levels of lead in surface dust, chipping
17 or peeling lead-based paint, and lead-based paint on
18 surfaces subject to mouthing by children or wear by
19 friction;

20 (4) the cost of abating such hazards in owner-
21 occupied homes typically exceeds the financial re-
22 sources available to low-income homeowners;

23 (5) the cost of abating lead-based paint hazards
24 in low-income rental housing far exceeds existing re-

1 sources available for such housing and such hazards
2 will severely limit the supply of inhabitable afford-
3 able housing unless assistance is provided for abate-
4 ment;

5 (6) the cost of abating lead-based paint hazards
6 in child care facilities far exceeds existing resources
7 available for such facilities and such hazards will se-
8 verely limit the supply of safe and affordable child
9 care unless assistance is provided for abatement;

10 (7) State and local governments lack adequate
11 resources to finance lead-based paint hazard reduc-
12 tion needs;

13 (8) although the Residential Lead-Based Paint
14 Hazard Reduction Act of 1992 and other Federal
15 statutes establish an appropriate framework for reg-
16 ulation of lead-hazard evaluation and reduction ac-
17 tivities and programs, there remains an urgent need
18 for additional funding for abating lead-based paint
19 hazards in both rental and owner-occupied low-in-
20 come housing and child care centers; and

21 (9) a dedicated source of funding for lead-based
22 paint hazard reduction is needed to provide continu-
23 ity of abatement programs during the next decade,
24 particularly because of the substantial immediate

1 and medium-term fiscal obligations of the Federal
2 Government.

3 (b) PURPOSES.—The purposes of this Act are—

4 (1) to provide consistent and adequate funding
5 for abatement of serious lead-based paint hazards in
6 low-income housing and child care centers;

7 (2) to ensure that abatements conducted using
8 amounts provided pursuant to this Act are safe and
9 cost-effective; and

10 (3) to enhance the supply of affordable, lead-
11 safe housing and child care centers in the United
12 States.

13 **SEC. 3. ENTITLEMENT PROGRAM OF FORMULA GRANTS**
14 **FOR ABATEMENT OF LEAD-BASED PAINT HAZ-**
15 **ARDS.**

16 (a) IN GENERAL.—Title X of the Housing and Com-
17 munity Development Act of 1992 (42 U.S.C. 4851 et seq.)
18 is amended—

19 (1) by redesignating section 1061 as section
20 1081;

21 (2) by redesignating subtitle E as subtitle F;
22 and

23 (3) by inserting after section 1056 the following
24 new subtitle:

1 **“Subtitle E—Entitlement Program**
2 **for Formula Grants for Lead-**
3 **Based Paint Hazard Reduction**

4 **“SEC. 1061. ALLOTMENTS FOR STATES AND CERTAIN POLIT-**
5 **ICAL SUBDIVISIONS.**

6 “(a) IN GENERAL.—

7 “(1) STANDARD ALLOTMENTS.—The Secretary
8 of Housing and Urban Development shall, for fiscal
9 year 1994 and each subsequent fiscal year, make a
10 standard allotment for each eligible public entity in
11 the amount determined in accordance with section
12 1069(b).

13 “(2) TOTAL ALLOTMENTS.—The Secretary
14 shall, for each of such years, make a total allotment
15 for each eligible public entity for which the amount
16 of the standard allotment for such entity for the
17 year exceeds \$250,000. The amount of the total al-
18 lotment shall be determined in accordance with sec-
19 tion 1069(a).

20 “(3) GRANTS.—For the purposes described in
21 section 1064, in each of such fiscal years, the Sec-
22 retary shall make a grant, from amounts in the
23 Lead Abatement Trust Fund established in section
24 9512 of the Internal Revenue Code of 1986, to each
25 eligible public entity for which a total allotment is

1 made of the total allotment made for the entity for
2 such year.

3 “(4) INELIGIBILITY BECAUSE OF INSUFFICIENT
4 STANDARD ALLOTMENT.—If the amount of the
5 standard allotment for an eligible public entity is
6 equal to or less than \$250,000, the entity shall not
7 receive a grant under this section for the fiscal year
8 and the standard allotment for the entity shall be
9 terminated for the fiscal year.

10 “(b) ELIGIBLE PUBLIC ENTITIES.—For purposes of
11 this subtitle, the term ‘eligible public entity’ means any
12 public entity that—

13 “(1) submits to the Secretary for the fiscal year
14 involved a plan in accordance with section 1067(a)
15 that is approved by the Secretary under section
16 1067(b);

17 “(2) is—

18 “(A) a State;

19 “(B) a city that has a population of
20 100,000 or more individuals;

21 “(C) an urban county (excluding the popu-
22 lation of any such city therein that has so sub-
23 mitted such a plan); or

1 “(D) a consortium of smaller communities
2 that are not entities described in subparagraph
3 (A), (B), or (C) that—

4 “(i) submits the plan under section
5 1067(a) as a consortium; and

6 “(ii) meets such other requirements as
7 the Secretary may establish;

8 “(3) has an authorized program under section
9 404 of the Toxic Substances Control Act, or is lo-
10 cated in a State that has such a program;

11 “(4) has submitted to the Secretary a com-
12 prehensive housing affordability strategy under sec-
13 tion 105 of the Cranston-Gonzalez National Afford-
14 able Housing Act that includes the information re-
15 quired by section 105(b)(16) of such Act (as added
16 by section 1014 of the Housing and Community De-
17 velopment Act of 1992, Public Law 102–550, relat-
18 ing to information on lead-based paint hazards) and
19 has not had such strategy disapproved for the year
20 involved because of failure to provide sufficient in-
21 formation under such section 105(b)(16); and

22 “(5) for any public entity that is a city or
23 urban county, has in effect, for the entire jurisdic-
24 tion of the public entity, local lead-based paint laws.

1 **“SEC. 1062. LEAD ABATEMENT TRUST FUND; ENTITLEMENT**
2 **STATUS OF GRANTS.**

3 “(a) TRUST FUND.—The Secretary shall make
4 grants under section 1061 only from amounts in the Lead
5 Abatement Trust Fund established in section 9512 of the
6 Internal Revenue Code of 1986. Any amounts in the Fund
7 on October 1 of a fiscal year that remain after amounts
8 are reserved pursuant to section 1072 shall be allotted for
9 the grants in accordance with section 1061. Any amounts
10 credited to the Fund during the period of such fiscal year
11 occurring after October 1 shall not be available for allot-
12 ment during such period.

13 “(b) ENTITLEMENT STATUS.—

14 “(1) IN GENERAL.—Subject to subsection (c),
15 each eligible public entity is entitled to payment of
16 the grant required by section 1061 for fiscal year
17 1994 and each subsequent fiscal year.

18 “(2) RULE OF CONSTRUCTION.—Paragraph (1)
19 may not be construed to establish, with respect to
20 this section, an entitlement of any individual to have
21 carried out on behalf of the individual any activity
22 authorized in section 1064.

23 “(c) LIMITATIONS.—An entitlement is established
24 pursuant to section 1061 for a fiscal year for an eligible
25 public entity—

1 “(1) only to the extent that there are amounts
2 in the Fund and only to the extent of the amount
3 of the total allotment made under such section for
4 the entity;

5 “(2) only to the extent of the Federal payments
6 corresponding to the amount of non-Federal con-
7 tributions made by the entity under section 1063;

8 “(3) only if section 1061(a)(4) has not termi-
9 nated the standard allotment for the entity; and

10 “(4) only if subsection (d) has not terminated
11 the availability of the grant made from the total al-
12 lotment.

13 “(d) AVAILABILITY OF GRANT.—With respect to the
14 24-month period beginning on the date on which a grant
15 under section 1061 for a fiscal year becomes available to
16 an eligible public entity, any portion of the grant that is
17 not obligated by the entity before the expiration of such
18 period shall lapse into the Fund and be available for
19 grants under such subsection for the following fiscal year.

20 **“SEC. 1063. REQUIREMENT OF MATCHING FUNDS.**

21 “(a) IN GENERAL.—The Secretary may not make a
22 grant under section 1061 for a fiscal year to an eligible
23 public entity unless the public entity agrees, with respect
24 to the costs of the program to be carried out in such year
25 by the entity pursuant to such section, to make available

1 (directly or through donations from public or private enti-
2 ties) non-Federal contributions toward such costs in an
3 amount that is not less than 10 percent of such costs.

4 “(b) DETERMINATION OF AMOUNT OF NON-FED-
5 ERAL CONTRIBUTION.—Non-Federal contributions re-
6 quired in subsection (a) may be in cash or in kind, fairly
7 evaluated, including plant, equipment, or services.
8 Amounts provided by the Federal Government, or services
9 assisted or subsidized to any significant extent by the Fed-
10 eral Government, may not be included in determining the
11 amount of such non-Federal contributions.

12 **“SEC. 1064. USE OF GRANTS.**

13 “(a) IN GENERAL.—Grant amounts under section
14 1061 may be used—

15 “(1) to perform risk assessments and inspec-
16 tions in eligible facilities;

17 “(2) to provide for the abatement of lead-based
18 paint hazards in eligible facilities;

19 “(3) to provide for the additional cost of abate-
20 ment of lead-based paint hazards in eligible facilities
21 undergoing renovation funded by other sources;

22 “(4) with respect to common areas in residen-
23 tial structures containing eligible residential units
24 and dwelling units that are not eligible residential
25 units, to perform risk assessments and inspections,

1 to provide for the abatement of lead-based paint
2 hazards, and to provide for the additional cost of
3 abatement of lead-based paint hazards in such struc-
4 tures undergoing renovation funded by sources other
5 than this subtitle; except that the ratio of the grant
6 amounts used with respect to a structure for pur-
7 poses under this paragraph to the total cost of the
8 risk assessments, inspections, and abatement for
9 common areas of the structure may not exceed the
10 ratio of the number of eligible residential units in
11 the structure to the number of dwelling units in the
12 structure that are not eligible residential units;

13 “(5) to ensure that risk assessments, inspec-
14 tions, and abatements are carried out by certified
15 contractors in accordance with section 402 of the
16 Toxic Substances Control Act;

17 “(6) to monitor the blood-lead levels of workers
18 involved in lead hazard abatement activities funded
19 with grant amounts;

20 “(7) to test soil, interior surface dust, and the
21 blood-lead levels of children who are less than 6
22 years of age residing in eligible residential units
23 after lead-based paint hazard abatement activity has
24 been conducted, to assure that such activity does not
25 cause excessive exposures to lead;

1 “(8) to train employees and nonprofit contrac-
2 tors of eligible public entities conducting activities
3 funded with grant amounts to conduct such activi-
4 ties, except that such training shall be provided
5 through training providers accredited under sections
6 402 and 404 of the Toxic Substances Control Act;

7 “(9) to assist in the temporary relocation of oc-
8 cupants of eligible residential units while lead hazard
9 abatement activities are being conducted for such
10 units;

11 “(10) to acquire, renovate, and maintain tem-
12 porary housing for low-income occupants of eligible
13 residential units while lead hazard abatement activi-
14 ties are being conducted for such units;

15 “(11) to undertake emergency measures;

16 “(12) only if expressly authorized by regula-
17 tions issued by the Secretary—

18 “(A) to perform risk assessment, inspec-
19 tion, and abatement activities in dwelling units
20 that are not eligible residential units but are
21 undergoing renovation pursuant to which they
22 will be made available for occupancy subject to
23 provisions of section 1066 that apply to eligible
24 residential units;

1 “(B) to assist in the permanent relocation
2 of families with children who are less than 6
3 years of age and have elevated blood levels; or

4 “(C) to conduct activities to prevent deg-
5 radation of lead-based paint, including activities
6 to control moisture; and

7 “(13) to carry out such other activities that the
8 Secretary determines, by regulation, are appropriate
9 to promote the purposes of this subtitle.

10 “(b) FORMS OF ASSISTANCE.—

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 grant amounts under section 1061 may be used to
13 carry out activities under subsection (a) through a
14 variety of programs, including direct provision of
15 such services, grants, loans, equity investments, re-
16 volving loan funds, loan funds, loan guarantees, in-
17 terest write-downs, and other forms of assistance ap-
18 proved by the Secretary.

19 “(2) REQUIREMENTS FOR GRANTS BY STATES
20 TO UNITS OF GENERAL LOCAL GOVERNMENT.—A
21 State may not provide a grant to any public entity
22 or other unit of general local government using
23 grant amounts under section 1061 unless such en-
24 tity or unit has a local lead-based paint law in effect
25 for its entire jurisdiction. This paragraph may not

1 be construed to limit the use of grant amounts
2 under section 1061 to provide assistance in any form
3 authorized under paragraph (1) other than such
4 grants.

5 **“SEC. 1065. REQUIREMENTS OF ELIGIBLE PUBLIC ENTI-**
6 **TIES.**

7 “(a) COMPLIANCE WITH PLAN.—Grant amounts
8 may be expended by the eligible public entity receiving the
9 grant only in accordance with the plan for the entity ap-
10 proved by the Secretary under section 1067.

11 “(b) CERTIFICATION OF PERSONNEL AND COMPLI-
12 ANCE.—Grant amounts may not be expended for risk-as-
13 sessment, inspection, or abatement activities unless the el-
14 igible public entity ensures that the individuals conducting
15 such activities have been certified in accordance with the
16 requirements of section 402 of the Toxic Substances Con-
17 trol Act.

18 “(c) LIMITATION OF ADMINISTRATIVE EXPENSES.—
19 Not more than 10 percent of a grant under section 1061
20 may be used for administrative expenses associated with
21 the activities under section 1064(a).

22 “(d) LIMITATION ON EMERGENCY MEASURES.—Not
23 more than 20 percent of a grant under section 1061 may
24 be used to undertake emergency measures.

1 “(e) PROHIBITION OF SUBSTITUTION OF FUNDS.—
2 Grant amounts may not be used to replace other amounts
3 made available or designated by State or local govern-
4 ments for use for the purposes under section 1064(a).

5 “(f) FINANCIAL RECORDS.—An eligible public entity
6 that receives a grant under section 1061 shall maintain
7 any financial records that the Secretary shall require to
8 ensure proper accounting and disbursing of grant
9 amounts, and shall provide such records to the Secretary
10 upon request.

11 “(g) USE OF AMOUNTS TO ASSIST SMALL BUSI-
12 NESSES.—Notwithstanding section 1064, not more than
13 1 percent of a grant under section 1061 may be used to
14 provide assistance or incentives to nonprofit organizations
15 and small businesses, which have 10 or fewer employees
16 (or such other number of employees as the Secretary pro-
17 vides by regulation), to encourage such organizations and
18 businesses to obtain or engage in work involving perform-
19 ing risk assessments and inspections, conducting lead haz-
20 ard abatement activities, or conducting emergency meas-
21 ures and to assist such businesses or organizations to ob-
22 tain such work.

1 **“SEC. 1066. CONTINUED USE OF ELIGIBLE RESIDENTIAL**
2 **UNITS AS AFFORDABLE HOUSING.**

3 “(a) AFFORDABLE HOUSING REQUIREMENT.—For
4 the duration of the period described in subsection (b), any
5 eligible residential unit for which abatement activities are
6 carried out with grant amounts shall—

7 “(1) in the case of a rental dwelling unit—

8 “(A) bear a rent (not including any utility
9 charges) that does not exceed the fair market
10 rental established by the Secretary under sec-
11 tion 8 of the United States Housing Act of
12 1937 and applicable to a unit in the area of
13 comparable size and type; and

14 “(B) not be refused for leasing to a holder
15 of a voucher or certificate of eligibility under
16 section 8 of the United States Housing Act of
17 1937 because of the status of the prospective
18 tenant as a holder of such voucher or certificate
19 of eligibility; or

20 “(2) in the case of a unit that is occupied by
21 the owner of the unit or for which the family that
22 will occupy the unit has entered into a contract to
23 purchase the unit, be occupied by a family—

24 “(A) whose members include (I) a child
25 who is less than 6 years of age, or (II) a preg-
26 nant female; and

1 “(B) that is a low-income family.

2 “(b) APPLICABLE PERIOD.—For any eligible residen-
3 tial unit involved, the period referred to in subsection (a)
4 is the period beginning upon the date that post-abatement
5 clearance testing is satisfactorily completed and consisting
6 of a number of consecutive months equal to the quotient
7 resulting from dividing by 85.0 the amount of grant
8 amounts expended for the unit.

9 “(c) AGREEMENT AND LIEN.—

10 “(1) AGREEMENT.—Grant amounts may be ex-
11 pended for abatement activities for an eligible resi-
12 dential unit only if, before the commencement of the
13 activities, the eligible public entity receiving the
14 grant has made reasonable efforts to enter into an
15 agreement with the owner of the unit that—

16 “(A) provides for the abatement activities
17 to be carried out;

18 “(B) establishes a lien under paragraph
19 (3) on the unit to secure compliance with sub-
20 section (a); and

21 “(C) provides penalties for the breach of
22 the agreement, as the Secretary determines ap-
23 propriate.

24 “(2) NONCONSENSUAL LIEN.—In any case in
25 which the eligible public entity involved is unable to

1 enter into an agreement under paragraph (1) with
2 the owner of any eligible residential unit, the ex-
3 penditure of any grant amounts for abatement ac-
4 tivities for the unit shall create a lien under para-
5 graph (3).

6 “(3) TERMS OF LIEN.— A lien under this para-
7 graph shall be in the amount of the expenditures
8 made with grant amounts for abatement activities
9 carried out with respect to the unit, with the eligible
10 public entity as the holder of the lien.

11 “(d) RECOVERY OF GRANT AMOUNTS.—

12 “(1) AUTHORITY.—If, at any time during the
13 period described in subsection (b), an eligible resi-
14 dential unit for which grants amounts were ex-
15 pended for abatement activities does not comply with
16 the requirements under subsection (a), the eligible
17 public entity or the Secretary may recover from the
18 owner of the structure all or part of the expendi-
19 tures of the grant made for abatement activities con-
20 ducted with respect to the unit, together with inter-
21 est on such amounts. Such interest shall be cal-
22 culated from the date of initial noncompliance with
23 the requirements under subsection (a) at a rate
24 equal to the coupon issue yield equivalent (as deter-
25 mined by the Secretary of the Treasury) of the aver-

1 age accepted auction price for the last auction of 52-
2 week United States Treasury bills settled imme-
3 diately prior to the date of the recovery.

4 “(2) CAUSE OF ACTION.—An eligible public en-
5 tity or the Secretary may bring an action in any
6 court of competent jurisdiction to collect grant
7 amounts and interest under this section.

8 “(3) AWARD OF COSTS.—In any action brought
9 by an eligible entity or the Secretary to recover such
10 amounts, if the entity or Secretary prevails or sub-
11 stantially prevails in such action, the court shall
12 award the costs of litigation (including reasonable
13 attorneys and expert witness fees) if the court deter-
14 mines such an award is appropriate.

15 “(4) USE OF RECOVERED AMOUNTS.—Any
16 amounts recovered by an eligible public entity pursu-
17 ant to this subsection shall be treated as amounts
18 provided to the entity in a grant under section 1061
19 and shall be subject to the provisions of this subtitle
20 applicable to such grant amounts. Any amounts re-
21 covered by the Secretary pursuant to this subsection
22 shall be made available and used in accordance with
23 section 9512 of the Internal Revenue Code of 1986
24 (relating to the Lead Abatement Trust Fund).

1 **“SEC. 1067. PLAN REGARDING ACTIVITIES OF GRANTEE.**

2 “(a) REQUIREMENTS.—With respect to a grant
3 under section 1061 for a public entity for a fiscal year,
4 a plan is in accordance with this section only if the follow-
5 ing requirements are met:

6 “(1) SUBMISSION.—The public entity submits a
7 plan to the Secretary not later than May 1st of the
8 preceding fiscal year (or such other date as the Sec-
9 retary may establish for submission of plans for fis-
10 cal year 1994) containing the information required
11 under this subsection.

12 “(2) PRIORITIES FOR USE OF GRANTS.—The
13 plan provides, to the extent practicable, that—

14 “(A) in expending grant amounts, the ratio
15 of the amount expended for performing risk as-
16 sessments, inspections, and abatement activities
17 for eligible residential units in rental housing to
18 the amount expended for such assessments, in-
19 spections, and activities for eligible residential
20 units that are owner-occupied shall be not less
21 than 2 times the quotient of—

22 “(i) the number of rental housing
23 units in the jurisdiction of the public entity
24 whose construction was completed by not
25 later than January 1, 1950; divided by

1 “(ii) the number of owner-occupied
2 housing units in the jurisdiction whose
3 construction was completed by not later
4 than January 1, 1950; and

5 “(B) in expending grant amounts for ac-
6 tivities for eligible residential units that are
7 owner-occupied, priority shall be given—

8 “(i) first, for units occupied by fami-
9 lies (I) whose members include a child who
10 is less than 6 years of age or a pregnant
11 woman, and (II) whose family income does
12 not exceed the official poverty line (as de-
13 fined by the Office of Management and
14 Budget and revised periodically in accord-
15 ance with section 673(2) of the Omnibus
16 Budget Reconciliation Act of 1981) appli-
17 cable to the family of the size involved;

18 “(ii) second, for units occupied by
19 families (I) whose members include a child
20 who is less than 6 years of age or a preg-
21 nant woman, and (II) that are very-low in-
22 come families;

23 “(iii) third, for units occupied by fam-
24 ilies (I) whose members include a child
25 who is less than 6 years of age or a preg-

1 nant woman, and (II) that are low-income
2 families; and

3 “(iv) fourth, for units occupied by
4 other families whose members include (I) a
5 child who is less than 6 years of age, or
6 (II) a pregnant woman.

7 “(3) AVAILABILITY OF RENTAL UNITS.—The
8 plan provides that the eligible public entity shall en-
9 courage owners of eligible residential units for which
10 risk assessments, inspections, or abatement activities
11 have been conducted using grant amounts and that
12 are made available for rental to make such units
13 available to families whose members include (A) a
14 child who is less than 6 years of age, or (B) a preg-
15 nant woman.

16 “(4) PROGRAM STRATEGY.—The plan contains
17 descriptions of the methods by which the public en-
18 tity—

19 “(A) will provide priority for the use of
20 grant amounts in accordance with paragraph
21 (2);

22 “(B) will encourage owners of units re-
23 ferred to in paragraph (3) to make such units
24 available to families described in such para-
25 graph;

1 “(C) will select the eligible facilities for
2 which risk assessments are to be conducted
3 using grant amounts;

4 “(D) will select the eligible facilities for
5 which abatement activities are to be conducted
6 using grant amounts; and

7 “(E) will ensure compliance with the re-
8 quirements of subsections (a) through (c) of
9 section 1066.

10 “(5) DISTRIBUTION OF AMOUNTS BY STATES.—
11 In the case of a public entity that is a State, the
12 plan contains a description of the method by which
13 the State will expend or distribute grant amounts to
14 units of general local government in accordance with
15 this subtitle and will ensure compliance with the pro-
16 visions of this subtitle with respect to such distrib-
17 uted amounts.

18 “(6) LOCAL LEAD-BASED PAINT LAWS.—The
19 plan contains evidence there are in effect, for the en-
20 tire jurisdiction of the public entity, local lead-based
21 paint laws.

22 “(7) COORDINATION WITH LOCAL AGENCIES.—
23 The plan provides for the public entity to coordinate
24 with State and local health, housing, and environ-
25 mental agencies and contains a description of the

1 methods by which the entity shall ensure that such
2 coordination is carried out.

3 “(8) EMPLOYMENT.—The plan provides for the
4 public entity to make training and employment op-
5 portunities available in connection with activities
6 carried out with grant amounts available to low-in-
7 come residents of areas having substantial numbers
8 of eligible facilities with lead-based paint hazards
9 and to community-based contractors and nonprofit
10 organizations serving such areas.

11 “(9) CERTIFICATION OF PREVIOUS COMPLI-
12 ANCE.—With respect to fiscal year 1995 and subse-
13 quent fiscal years, the plan contains a certification
14 that, for the most recent fiscal year for which the
15 entity received a grant under this subtitle, the entity
16 complied with the requirements under sections 1065
17 and 1066.

18 “(10) CITIZEN PARTICIPATION.—Before sub-
19 mitting the plan, the public entity has—

20 “(A) made available to its citizens, public
21 agencies, and other interested parties informa-
22 tion concerning the amount the entity expects
23 to receive under the grant and the proposed
24 uses of the grant amounts;

1 “(B) published a proposed plan in a man-
2 ner that, in the determination of the Secretary,
3 affords affected citizens, public agencies, and
4 other interested parties a reasonable oppor-
5 tunity to examine its content and to submit
6 comments on the proposed plan;

7 “(C) held 1 or more public hearings to ob-
8 tain the views of citizens, public agencies, and
9 other interested parties on the needs of the
10 public entity with respect to lead-based paint
11 hazards in eligible facilities;

12 “(D) provided citizens, public agencies,
13 and other interested parties with reasonable ac-
14 cess to records regarding the uses of grant
15 amounts from any grants the public entity has
16 received under this subtitle during the preced-
17 ing 5 years;

18 “(E) considered any comments or views of
19 citizens in preparing the final plan for submis-
20 sion under this section, and has attached a
21 summary of such comments or views to the plan
22 submitted; and

23 “(F) made the plan submitted available to
24 the public.

1 A public entity shall be considered to have complied
2 with the requirements of this paragraph if the public
3 entity submits to the Secretary a comprehensive
4 housing affordability strategy required under section
5 105 of the Cranston-Gonzalez National Affordable
6 Housing Act that includes the information required
7 under paragraphs (1) through (9) of this section,
8 and complies with the requirements of section 107
9 of such Act (relating to citizen participation).

10 “(b) REVIEW.—

11 “(1) IN GENERAL.—Upon the submission of a
12 plan under this section, the Secretary shall review
13 the plan to determine whether it is in accordance
14 with this section. Not later than 90 days after re-
15 ceipt by the Secretary, the Secretary shall approve
16 the plan unless the Secretary determines that it has
17 not been submitted in accordance with this section,
18 in which case the Secretary shall disapprove the
19 plan.

20 “(2) NOTIFICATION.—The Secretary shall im-
21 mediately notify the public entity submitting a plan,
22 in writing, of any approval or disapproval of the
23 plan. A plan shall be considered to have been ap-
24 proved under this subsection for purposes of section
25 1061(b)(1) unless the Secretary provides notice

1 under this paragraph of disapproval during the pe-
2 riod referred to paragraph (1) of this subsection.

3 “(3) DISAPPROVAL.—In the case of a plan dis-
4 approved by the Secretary, the Secretary shall in-
5 clude with the notification of disapproval a written
6 description of the reasons for the disapproval identi-
7 fying the specific deficiencies of the plan.

8 “(4) AMENDMENTS AND RESUBMISSION.—Any
9 public entity whose plan has been disapproved may
10 amend or resubmit the plan during the 60-day pe-
11 riod beginning upon notice of disapproval. The Sec-
12 retary shall review, and approve or disapprove a plan
13 amended or resubmitted under this paragraph not
14 later than 60 days after receipt of the resubmitted
15 plan, and shall immediately notify the public entity
16 amending or resubmitting the plan, in writing, of
17 such approval or disapproval. A plan resubmitted or
18 amended under this paragraph shall be considered to
19 have been approved under this subsection for pur-
20 poses of section 1061(b)(1) unless the Secretary pro-
21 vides notice under this paragraph of disapproval
22 during such period.

23 **“SEC. 1068. ANNUAL REPORTS TO SECRETARY.**

24 “(a) IN GENERAL.—An eligible public entity that re-
25 ceives a grant under section 1061 shall submit to the Sec-

1 retary, for such fiscal year, a report under this section.
2 The report shall be submitted not later than the expiration
3 of the 6-month period beginning upon the termination of
4 the fiscal year in which the grant is received, in the form
5 and manner required by the Secretary. The Secretary may
6 provide for any public entity that is required to submit
7 a report under this section that also is required to submit
8 a performance report under section 108(a) of the Cran-
9 ston-Gonzalez National Affordable Housing Act, to comply
10 with this section by including the information required in
11 the report under this section in such performance report.

12 “(b) CONTENTS.—A report under this section shall
13 include the following information:

14 “(1) The sources and amounts from which the
15 entity obtained the non-Federal contributions re-
16 quired by section 1063.

17 “(2) The number of children within the juris-
18 diction of the eligible public entity who have been
19 screened for blood-lead levels and the findings re-
20 sulting from such screenings.

21 “(3) The amount of funds provided under sec-
22 tion 1061 that were expended for each of the cat-
23 egories of activities authorized under section
24 1064(a).

1 “(4) The amount of funds provided under sec-
2 tion 1061 that were expended for abatement activi-
3 ties with respect to owner-occupied dwelling units
4 and the amount so expended with respect to rental
5 dwelling units.

6 “(5) The number of eligible facilities for
7 which—

8 “(A) evaluation activities were conducted;

9 “(B) emergency measures were conducted
10 (and a description of such activities);

11 “(C) abatement activities were commenced;

12 “(D) abatement activities were completed
13 and the facility passed post-abatement clear-
14 ance testing; and

15 “(E) abatement activities were completed
16 and the facility failed to pass post-abatement
17 clearance testing.

18 “(6) With respect to eligible facilities described
19 in paragraph (5)(E), a description of the status of
20 such facilities and the reasons underlying such sta-
21 tus.

22 “(7) For each eligible facility for which abate-
23 ment activities and emergency measures have been
24 conducted using grant amounts, the address and

1 owner of the facility and the census tracts within
2 which the facility is located.

3 **“SEC. 1069. DETERMINATION OF AMOUNT OF ALLOTMENT.**

4 “(a) AMOUNT OF TOTAL ALLOTMENT.—The amount
5 of a total allotment under section 1061(a)(2) for an eligi-
6 ble public entity for a fiscal year shall be an amount equal
7 to the sum of—

8 “(1) the amount of the standard allotment de-
9 termined for the entity under subsection (b); and

10 “(2) the amount of the supplemental allotment
11 determined for the entity under subsection (d).

12 “(b) AMOUNT OF STANDARD ALLOTMENT.—The
13 amount of a standard allotment for an eligible public en-
14 tity for a fiscal year shall be the product of—

15 “(1) the amount in the Fund that under section
16 1062(a) is available for allotments for the fiscal
17 year; and

18 “(2) a percentage equal to the mean of the 3
19 percentages determined under subsection (c) with re-
20 spect to the entity.

21 “(c) PERCENTAGES REGARDING RELEVANT FAC-
22 TORS.—Subject to subsection (e), the 3 percentages re-
23 ferred to in subsection (b)(2) with respect to an eligible
24 public entity are as follows:

1 “(1) CHILDREN IN POVERTY.—The percentage
2 equal to the quotient of—

3 “(A) an amount equal to the number of
4 children who are less than 6 years of age resid-
5 ing in the jurisdiction of the entity whose fami-
6 lies have incomes equal to or below the official
7 poverty line (as defined by the Office of Man-
8 agement and Budget and revised periodically in
9 accordance with section 673(2) of the Omnibus
10 Budget Reconciliation Act of 1981) applicable
11 to the family of the size involved; divided by

12 “(B) an amount equal to the sum of the
13 respective amounts determined under subpara-
14 graph (A) for each eligible public entity.

15 “(2) FAMILIES IN PRE-1950 HOUSING.—The
16 percentage equal to the quotient of—

17 “(A) an amount equal to the number of
18 families residing in the jurisdiction of the entity
19 that—

20 “(i) have incomes equal to or less
21 than such poverty line; and

22 “(ii) reside in residential units whose
23 construction was completed by not later
24 than January 1, 1950; divided by

1 “(B) an amount equal to the sum of the
2 respective amounts determined under subpara-
3 graph (A) for each eligible public entity.

4 “(3) FAMILIES IN PRE-1960 HOUSING.—The
5 percentage equal to the quotient of—

6 “(A) an amount equal to the number of
7 families residing in the jurisdiction of the entity
8 that—

9 “(i) have incomes equal to or less
10 than such poverty line; and

11 “(ii) reside in residential units whose
12 construction was completed by not later
13 than January 1, 1960; divided by

14 “(B) an amount equal to the sum of the
15 respective amounts determined under subpara-
16 graph (A) for each eligible public entity.

17 “(d) AMOUNT OF SUPPLEMENTAL ALLOTMENT.—

18 “(1) IN GENERAL.—The amount of a supple-
19 mental allotment for an eligible public entity for a
20 fiscal year shall be the product of—

21 “(A) an amount equal to the aggregate
22 amount of any standard allotments for the fis-
23 cal year under section 1061(a)(1) terminated
24 under section 1061(a)(4); and

1 “(B) a percentage equal to the mean of the
2 3 percentages determined under paragraph (2)
3 with respect to the entity.

4 “(2) PERCENTAGES REGARDING RELEVANT
5 FACTORS.—Subject to subsection (e), the 3 percent-
6 ages referred to in paragraph (1)(B) with respect to
7 an eligible public entity are as follows:

8 “(A) CHILDREN IN POVERTY.—The per-
9 centage equal to the quotient of—

10 “(i) the amount determined under
11 subsection (c)(1)(A) for the entity; divided
12 by

13 “(ii) an amount equal to the sum of
14 the respective amounts determined under
15 subsection (c)(1)(A) for each eligible public
16 entity that receives a grant under section
17 1061.

18 “(B) FAMILIES IN PRE-1950 HOUSING.—
19 The percentage equal to the quotient of—

20 “(i) the amount determined under
21 subsection (c)(2)(A) for the entity; divided
22 by

23 “(ii) an amount equal to the sum of
24 the respective amounts determined under
25 subsection (c)(2)(A) for each eligible public

1 entity that receives a grant under section
2 1061.

3 “(C) FAMILIES IN PRE-1960 HOUSING.—

4 The percentage equal to the quotient of—

5 “(i) the amount determined under
6 subsection (c)(3)(A) for the entity; divided
7 by

8 “(ii) an amount equal to the sum of
9 the respective amounts determined under
10 subsection (c)(3)(A) for each eligible public
11 entity that receives a grant under section
12 1061.

13 “(e) PROHIBITION AGAINST DUPLICATIVE COUNT-
14 ING.—In the case of any eligible public entity within whose
15 jurisdiction there exists the jurisdiction of another eligible
16 public entity, the calculations regarding percentages made
17 under each of paragraphs (1) through (3) of subsection
18 (c) and under each of subparagraphs (A) through (C) of
19 subsection (d)(2) may not include any numbers represent-
20 ing children or families (as the case may be) who reside
21 in the jurisdiction of the other eligible public entity.

22 **“SEC. 1070. CITIZENS’ SUITS.**

23 “Any person may bring an action against the Sec-
24 retary where there is alleged a failure of the Secretary to
25 perform any act of duty under this subtitle that is not

1 discretionary with the Secretary. The court, in issuing any
2 final order in any action brought pursuant to this section,
3 may award costs of litigation (including reasonable attor-
4 ney and expert witness fees) to the prevailing or substan-
5 tially prevailing party, whenever the court determines that
6 such an award is appropriate. Nothing in this section shall
7 restrict any right that any person (or class of persons)
8 may have under any statute or common law.

9 **“SEC. 1071. EVALUATION OF PROGRAM; REPORTS TO CON-**
10 **GRESS.**

11 “(a) EVALUATIONS.—The Secretary shall, directly or
12 through contracts with public or private entities, carry out
13 evaluations of representative programs carried out by eli-
14 gible public entities pursuant to this subtitle.

15 “(b) REPORTS.—Not later than the expiration of the
16 18-month period beginning on the date of the enactment
17 of the Lead-Based Paint Hazard Abatement Trust Fund
18 Act of 1993, and every 24 months thereafter, the Sec-
19 retary shall submit to the Congress a report—

20 “(1) summarizing evaluations carried out pur-
21 suant to subsection (a) during the preceding 2 fiscal
22 years; and

23 “(2) summarizing reports submitted to the Sec-
24 retary pursuant to section 1068.

1 **“SEC. 1072. USE OF TRUST FUND AMOUNTS FOR EVALUA-**
2 **TION AND ADMINISTRATION.**

3 “In each year, of any amounts in the Lead Abate-
4 ment Trust Fund established in section 9512 of the Inter-
5 nal Revenue Code of 1986 on October 1, the Secretary
6 may reserve not more than 0.1 percent for costs relating
7 to carry out this subtitle (including carrying out evalua-
8 tions under section 1071) during the fiscal year beginning
9 on such October 1.

10 **“SEC. 1073. DEFINITIONS.**

11 “For purposes of this subtitle:

12 “(1) The term ‘child day-care structure’ means
13 a structure—

14 “(A) whose purpose includes provision of
15 child care to children under the age of 7; and

16 “(B) that is operated by an entity licensed
17 by a State or political subdivision of a State to
18 engage in such business.

19 The term includes rooms and common areas in
20 school buildings used for activities described in sub-
21 paragraph (A).

22 “(2) The term ‘city’ has the meaning given
23 such term in section 102 of the Housing and Com-
24 munity Development Act of 1974.

25 “(3) The term ‘eligible public entity’ has the
26 meaning given such term in section 1061(b).

1 “(4) The term ‘eligible residential unit’ means
2 an eligible facility under paragraph (5)(A).

3 “(5) The term ‘eligible facility’ means—

4 “(A) a dwelling unit in target housing
5 that—

6 “(i) complies with the requirements of
7 section 1066(a); and

8 “(ii) is not federally owned housing,
9 federally assisted housing, or public hous-
10 ing; or

11 “(B) a child day-care structure constructed
12 prior to 1978.

13 “(6) The term ‘emergency measures’ means
14 measures to correct identified exposure hazards
15 posed by deteriorated paint, lead-contaminated dust,
16 or lead-contaminated soil at eligible residential units
17 occupied by families whose members include (A) a
18 child who is less than 6 years of age, or (B) a preg-
19 nant female.

20 “(7) The term ‘Fund’ means the Lead Abate-
21 ment Trust Fund established in section 9512 of the
22 Internal Revenue Code of 1986.

23 “(8) The term ‘grant amounts’ means amounts
24 received under a grant under this subtitle.

1 “(9) The term ‘local lead-based paint law’
2 means any law, ordinance, or code that expressly
3 provides protection of individuals from hazards
4 posed by lead-based paint in dwelling units.

5 “(10) The terms ‘low-income family’ and ‘very
6 low-income family’ have the meanings given such
7 terms in section 104 of the Cranston-Gonzalez Na-
8 tional Affordable Housing Act.

9 “(11) The term ‘post-abatement clearance test-
10 ing’ means testing required before occupancy of an
11 abated unit in accordance with regulations imple-
12 menting title IV of the Toxic Substances Control
13 Act.

14 “(12) The term ‘public entity’ means a State,
15 urban county, or city.

16 “(13) The term ‘standard allotment’ means the
17 allotment made for eligible public entities under sec-
18 tion 1061(a)(1).

19 “(14) The term ‘State’ means each of the sev-
20 eral States, the District of Columbia, and each of
21 the Commonwealth of Puerto Rico, American
22 Samoa, Guam, the Commonwealth of the Northern
23 Mariana Islands, the Virgin Islands, and the Trust
24 Territory of the Pacific Islands.

1 “(15) The term ‘supplemental allotment’ means
2 the portion of a total allotment in the amount deter-
3 mined in accordance with section 1069(d).

4 “(16) The term ‘total allotment’ means the al-
5 lotment made under section 1061(a)(2).

6 “(17) The term ‘urban county’ has the meaning
7 given such term in section 102 of the Housing and
8 Community Development Act of 1974, except that in
9 determining whether 200,000 or more individuals re-
10 side in the county, the population of any metropoli-
11 tan cities (as defined in such section) in the county
12 shall be included.

13 **“SEC. 1074. AUTHORIZATION OF APPROPRIATIONS.**

14 “There is authorized to be appropriated from the
15 Lead Abatement Trust Fund the amounts required to be
16 paid to eligible public entities under sections 1061.

17 **“SEC. 1075. REGULATIONS.**

18 “(a) IN GENERAL.—The Secretary shall issue any
19 regulations necessary to carry out this subtitle. Such regu-
20 lations shall include regulations regarding the content and
21 submission of plans under section 1067.

22 “(b) REQUIREMENTS.—The Secretary shall issue the
23 regulations required in subsection (a) through rulemaking
24 in accordance with the procedures established under sec-
25 tion 553 of title 5, United States Code, regarding sub-

1 stantive rules. Such regulations shall be issued not later
 2 than the expiration of the 12-month period beginning on
 3 the date of the enactment of the Lead-Based Paint Haz-
 4 ard Abatement Trust Fund Act of 1993.

5 “(c) RULE OF CONSTRUCTION.—Any failure by the
 6 Secretary to issue any regulations required under this sec-
 7 tion shall not affect the effectiveness of the provisions of
 8 this subtitle.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
 10 in section 1(b) of the Housing and Community Develop-
 11 ment Act of 1992 is amended by striking the items relat-
 12 ing to subtitle E of title X and section 1061 and inserting
 13 the following new items:

“Subtitle E—Entitlement Program for Formula Grants for Lead-Based Paint
 Hazard Reduction

- “Sec. 1061. Allotments for States and certain political subdivisions.
- “Sec. 1062. Lead abatement trust fund; entitlement status of grants.
- “Sec. 1063. Requirement of matching funds.
- “Sec. 1064. Use of grants.
- “Sec. 1065. Requirements of eligible public entities.
- “Sec. 1066. Continued use of eligible residential structures as affordable
 housing.
- “Sec. 1067. Plan regarding activities of grantee.
- “Sec. 1068. Annual reports to Secretary.
- “Sec. 1069. Determination of amount of allotment.
- “Sec. 1070. Citizens’ suits.
- “Sec. 1071. Evaluation of program; reports to Congress.
- “Sec. 1072. Use of trust fund amounts for evaluation and administration.
- “Sec. 1073. Definitions.
- “Sec. 1074. Authorization of appropriations.
- “Sec. 1075. Regulations.

“Subtitle F—Reports

- “Sec. 1081. Reports of the Secretary of Housing and Urban Develop-
 ment.”.

1 **SEC. 4. EXCISE TAX ON LEAD AND LEAD PRODUCTS.**

2 (a) IN GENERAL.—Chapter 38 of the Internal Reve-
3 nue Code of 1986 (relating to environmental taxes) is
4 amended by adding at the end thereof the following new
5 subchapter:

6 “SUBCHAPTER E—LEAD AND LEAD PRODUCTS

“Sec. 4686. Lead and lead products.

7 **“SEC. 4686. LEAD AND LEAD PRODUCTS.**

8 “(a) GENERAL RULE; RATE.—There is hereby im-
9 posed a tax of 45 cents per pound on—

10 “(1) lead removed from any United States
11 smelter, and

12 “(2) lead and lead in any taxable lead product
13 entered into the United States for consumption, use,
14 or warehousing.

15 “(b) LIABILITY FOR TAX.—

16 “(1) REMOVAL.—The tax imposed by sub-
17 section (a)(1) shall be paid by the operator of the
18 United States smelter.

19 “(2) IMPORTATION.—The tax imposed by sub-
20 section (a)(2) shall be paid by the person entering
21 the lead or taxable lead product into the United
22 States for consumption, use, or warehousing.

23 “(c) DEFINITIONS.—For purposes of this subchapter:

1 “(1) PRIMARY LEAD.—The term ‘primary lead’
2 means lead that has not been previously used in any
3 finished or unfinished product.

4 “(2) SECONDARY LEAD.—The term ‘secondary
5 lead’ means lead that has been previously used in
6 any finished or unfinished product.

7 “(3) TAXABLE LEAD PRODUCTS.—The term
8 ‘taxable lead products’ means any product more
9 than 0.06 percent of the dry weight of which is at-
10 tributable to lead.

11 “(4) UNITED STATES SMELTER.—The term
12 ‘United States smelter’ means any facility in the
13 United States at which primary or secondary lead is
14 smelted.

15 “(d) CREDIT OR REFUND FOR EXPORTS OF LEAD
16 OR TAXABLE LEAD PRODUCTS.—

17 “(1) IN GENERAL.—If—

18 “(A) tax was imposed by this section with
19 respect to any lead, and

20 “(B)(i) such lead was exported by any per-
21 son, or

22 “(ii) such lead was used as a material in
23 the manufacture or production of any taxable
24 lead product which was exported by any person,

1 credit or refund (without interest) shall be allowed
2 or made to the person who paid such tax.

3 “(2) CONDITIONS OF ALLOWANCE.—Rules simi-
4 lar to the rules of section 4662(e)(2)(B) shall apply
5 for purposes of this subsection.

6 “(3) REFUNDS DIRECTLY TO EXPORTER.—
7 Rules similar to the rules of section 4662(e)(3) shall
8 apply for purposes of this subsection.

9 “(e) TERMINATION.—No tax shall be imposed by this
10 section after the 10-year period beginning on the date of
11 the enactment of this section.”.

12 (b) CLERICAL AMENDMENT.—The table of sub-
13 chapters for chapter 38 of such Code is amended by add-
14 ing at the end thereof the following new item:

“Subchapter E. Lead or lead products”.

15 **SEC. 5. LEAD ABATEMENT TRUST FUND.**

16 (a) IN GENERAL.—Subchapter A of chapter 98 of the
17 Internal Revenue Code of 1986 (relating to trust fund)
18 is amended by adding at the end thereof the following new
19 section:

20 **“SEC. 9512. LEAD ABATEMENT TRUST FUND.**

21 “(a) CREATION OF TRUST FUND.—There is hereby
22 established in the Treasury of the United States a trust
23 fund to be known as the ‘Lead Abatement Trust Fund’,
24 consisting of such amounts as may be credited to such
25 trust fund as provided in this section or section 9602(b).

1 “(b) CREDITS TO TRUST FUND.—There are hereby
2 credited to the Lead Abatement Trust Fund amounts
3 equivalent to the taxes received in the Treasury under sec-
4 tion 4686 (relating to tax on lead and lead products) and
5 any amounts recovered by the Secretary pursuant to sec-
6 tion 1066(d)(2) of the Housing and Community Develop-
7 ment Act of 1992.

8 “(c) EXPENDITURES FROM TRUST FUND.—

9 “(1) IN GENERAL.—Amounts in the Lead
10 Abatement Trust Fund shall be available for pur-
11 poses of making grants under sections 1061 and
12 1069(d) of the Housing and Community Develop-
13 ment Act of 1992 and for administrative cost as
14 provided in section 1072 of such Act, but shall not
15 be available for any other purpose.

16 “(2) TRANSFERS FOR CREDITS AND RE-
17 FUNDS.—The Secretary shall pay from time to time
18 from the Lead Abatement Trust Fund amounts
19 equivalent to the credits allowed and refunds made
20 under section 4684(d).”.

21 “(b) CLERICAL AMENDMENT.—The table of sections
22 for such subchapter A is amended by adding at the end
23 thereof the following new item:

“Sec. 9512. Lead Abatement Trust Fund.”.

1 **SEC. 6. EFFECTIVE DATES.**

2 (a) FORMULA GRANTS.—The amendments made by
3 section 3 shall take effect October 1, 1994, or upon the
4 date of the enactment of this Act, whichever occurs later.

5 (b) IMPOSITION OF EXCISE TAX; ESTABLISHMENT
6 OF FUND.—The amendments made by sections 4 and 5
7 shall take effect upon the date of the enactment of this
8 Act.

○

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