

Union Calendar No. 233

103D CONGRESS
2D SESSION

H. R. 3759

[Report No. 103-4151]

A BILL

Making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

FEBRUARY 1, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Union Calendar No. 233103^D CONGRESS
2^D SESSION**H. R. 3759****[Report No. 103-415]**

Making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1994

Mr. NATCHER, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making emergency supplemental appropriations for the fiscal year ending September 30, 1994, 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 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, to pro-
5 vide emergency supplemental appropriations for the fiscal
6 year ending September 30, 1994, and for other purposes,
7 namely:

1 AGRICULTURAL STABILIZATION AND CONSERVATION
2 SERVICE
3 EMERGENCY CONSERVATION PROGRAM

4 For an additional amount for “Emergency conserva-
5 tion program” for expenses resulting from the Midwest
6 floods and California fires of 1993 and other natural dis-
7 asters, \$25,000,000, to remain available until September
8 30, 1995: *Provided*, That such amount is designated by
9 Congress as an emergency requirement pursuant to sec-
10 tion 251(b)(2)(D)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985, as amended.

12 COMMODITY CREDIT CORPORATION

13 Funds made available in Public Law 103–75 for the
14 Commodity Credit Corporation shall be available to fund
15 the costs of replanting, reseeding, or repairing damage to
16 commercial trees and seedlings, including orchard and
17 nursery inventory.

1 CHAPTER III
2 DEPARTMENT OF DEFENSE—MILITARY
3 MILITARY PERSONNEL
4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,
6 Army”, \$6,600,000: *Provided*, That the entire amount is
7 designated by Congress as an emergency requirement pur-
8 suant to section 251(b)(2)(D)(i) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985, as amended.

10 MILITARY PERSONNEL, NAVY

11 For an additional amount for “Military Personnel,
12 Navy”, \$19,400,000: *Provided*, That the entire amount is
13 designated by Congress as an emergency requirement pur-
14 suant to section 251(b)(2)(D)(i) of the Balanced Budget
15 and Emergency Deficit Control Act of 1985, as amended.

16 MILITARY PERSONNEL, AIR FORCE

17 For an additional amount for “Military Personnel,
18 Air Force”, \$18,400,000: *Provided*, That the entire
19 amount is designated by Congress as an emergency re-
20 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985,
22 as amended.

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$420,100,000: *Provided*, That the entire
5 amount is designated by Congress as an emergency re-
6 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985,
8 as amended.

9 OPERATION AND MAINTENANCE, NAVY

10 For an additional amount for “Operation and Main-
11 tenance, Navy”, \$104,800,000: *Provided*, That the entire
12 amount is designated by Congress as an emergency re-
13 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985,
15 as amended.

16 OPERATION AND MAINTENANCE, AIR FORCE

17 For an additional amount for “Operation and Main-
18 tenance, Air Force”, \$560,100,000: *Provided*, That the
19 entire amount is designated by Congress as an emergency
20 requirement pursuant to section 251(b)(2)(D)(i) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985, as amended.

23 OPERATION AND MAINTENANCE, DEFENSE-WIDE

24 For an additional amount for “Operation and Main-
25 tenance, Defense-Wide”, \$21,600,000: *Provided*, That the

1 entire amount is designated by Congress as an emergency
2 requirement pursuant to section 251(b)(2)(D)(i) of the
3 Balanced Budget and Emergency Deficit Control Act of
4 1985, as amended.

5 PROCUREMENT

6 AIRCRAFT PROCUREMENT, ARMY

7 For an additional amount for “Aircraft Procurement,
8 Army”, \$20,300,000, to remain available for obligation
9 until September 30, 1996: *Provided*, That the entire
10 amount is designated by Congress as an emergency re-
11 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985,
13 as amended.

14 OTHER PROCUREMENT, ARMY

15 For an additional amount for “Other Procurement,
16 Army”, \$200,000, to remain available for obligation until
17 September 30, 1996: *Provided*, That the entire amount is
18 designated by Congress as an emergency requirement pur-
19 suant to section 251(b)(2)(D)(i) of the Balanced Budget
20 and Emergency Deficit Control Act of 1985, as amended.

21 OTHER PROCUREMENT, AIR FORCE

22 For an additional amount for “Other Procurement,
23 Air Force”, \$26,800,000, to remain available for obliga-
24 tion until September 30, 1996: *Provided*, That the entire
25 amount is designated by Congress as an emergency re-

1 requirement pursuant to section 251(b)(2)(D)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985,
3 as amended.

4 GENERAL PROVISIONS—CHAPTER III

5 SEC. 301. Notwithstanding sections 607 and 630 of
6 the Foreign Assistance Act of 1961 (22 U.S.C. 2357 and
7 22 U.S.C. 2390), reimbursements received from the
8 United Nations for expenses of the Department of Defense
9 charged to the appropriations provided by this Act shall
10 be deposited to the miscellaneous receipts of the Treasury.

11 SEC. 302. During the current fiscal year, the Depart-
12 ment of Defense is authorized to incur obligations for pur-
13 poses specified in Section 2350j(c) of Title 10, United
14 States Code in anticipation of receipt of contributions
15 under that section: *Provided*, That, upon receipt, such con-
16 tributions shall be credited to the appropriation or fund
17 which incurred such obligations.

18 SEC. 303. Funds appropriated in this chapter shall
19 only be obligated and expended to fund the incremental
20 and associated costs of the Department of Defense in-
21 curred in connection with the ongoing United States oper-
22 ations relating to Somalia; the ongoing United States hu-
23 manitarian airdrops, hospital operations, and enforcement
24 of the no-fly zone relating to Bosnia; the ongoing United
25 States operations relating to Southwest Asia; and the on-

1 going United States operations supporting the maritime
2 interception operations relating to Haiti.

3 CHAPTER IV

4 ENERGY AND WATER DEVELOPMENT

5 DEPARTMENT OF DEFENSE—CIVIL

6 DEPARTMENT OF THE ARMY

7 CORPS OF ENGINEERS—CIVIL

8 FLOOD CONTROL AND COASTAL EMERGENCIES

9 For an additional amount for “Flood control and
10 coastal emergencies”, \$70,000,000, to remain available
11 until expended: *Provided*, That such amount is designated
12 by Congress as an emergency requirement pursuant to
13 section 251(b)(2)(D)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985, as amended.

15 CHAPTER V

16 DEPARTMENTS OF LABOR, HEALTH AND
17 HUMAN SERVICES, EDUCATION, AND RE-
18 LATED AGENCIES

19 DEPARTMENT OF HEALTH AND HUMAN

20 SERVICES

21 ADMINISTRATION FOR CHILDREN AND FAMILIES

22 LOW-INCOME HOME ENERGY ASSISTANCE

23 Of the amounts provided under this heading in Public
24 Law 103–112 and designated by Congress as an emer-
25 gency requirement pursuant to section 251(b)(2)(D)(i) of

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985, as amended, subject to the terms and conditions
3 specified in Public Law 103–112, \$200,000,000, if des-
4 ignated by the President as an emergency, may be allotted
5 by the Secretary of the Department of Health and Human
6 Services, as she determines is appropriate, to any one or
7 more of the jurisdictions funded under title XXVI of the
8 Omnibus Budget Reconciliation Act of 1981, to meet
9 emergency needs.

10 The second paragraph under this heading in Public
11 Law 102–394 is amended as follows: strike “June 30,
12 1994” and insert “September 30, 1994”.

13 DEPARTMENT OF EDUCATION

14 IMPACT AID

15 For carrying out disaster assistance activities result-
16 ing from the January 1994 earthquake in Southern Cali-
17 fornia and other disasters as authorized under section 7
18 of Public Law 81–874, \$165,000,000, to remain available
19 through September 30, 1995: *Provided*, That the entire
20 amount is designated by Congress as an emergency re-
21 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985,
23 as amended.

24 STUDENT FINANCIAL ASSISTANCE

25 For an additional amount for “Student financial as-
26 sistance” for payment of awards made under title IV, part

1 A, subpart 1 of the Higher Education Act of 1965, as
2 amended, \$80,000,000, to remain available through Sep-
3 tember 30, 1995: *Provided*, That notwithstanding sections
4 442(e) and 462(j) of such Act, the Secretary may reallo-
5 cate, for use in award year 1994–1995 only, any excess
6 funds returned to the Secretary of Education under the
7 Federal Work-Study or Federal Perkins Loan programs
8 from award year 1993–1994 to assist individuals who suf-
9 fered financial harm from the January 1994 earthquake
10 in Southern California and other disasters: *Provided fur-*
11 *ther*, That the entire amount is designated by Congress
12 as an emergency requirement pursuant to section
13 251(b)(2)(D)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985, as amended.

15 CHAPTER VI

16 DEPARTMENT OF TRANSPORTATION AND

17 RELATED AGENCIES

18 FEDERAL HIGHWAY ADMINISTRATION

19 FEDERAL-AID HIGHWAYS

20 EMERGENCY RELIEF PROGRAM

21 (HIGHWAY TRUST FUND)

22 For the Emergency Fund authorized by 23 U.S.C.
23 125 to cover expenses arising from the January 1994
24 earthquake in Southern California and other disasters,
25 \$950,000,000; and in addition \$400,000,000, which shall
26 be available only to the extent an official budget request

1 for a specific dollar amount, that includes designation of
2 the entire amount of the request as an emergency require-
3 ment as defined in the Balanced Budget and Emergency
4 Deficit Control Act of 1985, as amended, is transmitted
5 by the President to the Congress, all to be derived from
6 the Highway Trust Fund and to remain available until
7 expended: *Provided*, That the entire amount is designated
8 by Congress as an emergency requirement pursuant to
9 section 251(b)(2)(D)(i) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985, as amended: *Pro-*
11 *vided further*, That the limitation on obligations per State
12 in 23 U.S.C. 125(b) shall not apply to projects relating
13 to such earthquake: *Provided further*, That notwithstand-
14 ing 23 U.S.C. 120(e), the Federal share for any project
15 on the Federal-aid highway system related to such earth-
16 quake shall be 100 percent for the costs incurred in the
17 180 day period beginning on the date of the earthquake.

18 In addition, for emergency expenses resulting from
19 the Loma Prieta earthquake of October 17, 1989, as au-
20 thorized by 23 U.S.C. 125, \$315,000,000, to be derived
21 from the Highway Trust Fund and to remain available
22 until expended: *Provided*, That such amount is designated
23 by Congress as an emergency requirement pursuant to
24 section 251(b)(2)(D)(i) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985, as amended.

1 CHAPTER VII
2 DEPARTMENTS OF VETERANS AFFAIRS AND
3 HOUSING AND URBAN DEVELOPMENT, AND
4 INDEPENDENT AGENCIES
5 DEPARTMENT OF VETERANS AFFAIRS
6 VETERANS HEALTH ADMINISTRATION
7 MEDICAL CARE

8 For an additional amount for emergency expenses re-
9 sulting from the January 1994 earthquake in Southern
10 California, \$21,000,000, to remain available until ex-
11 pended, of which not to exceed \$802,000 is available for
12 transfer to General Operating Expenses, the Guaranty
13 and Indemnity Program Account, and the Vocational Re-
14 habilitation Loans Program Account: *Provided*, That the
15 entire amount is designated by Congress as an emergency
16 requirement pursuant to section 251(b)(2)(D)(i) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985, as amended.

19 CONSTRUCTION, MAJOR PROJECTS

20 For an additional amount for “Construction, major
21 projects” for emergency expenses resulting from the Janu-
22 ary 1994 earthquake in Southern California and other dis-
23 asters, \$45,600,000, to remain available until expended,
24 of which such sums as may be necessary may be trans-
25 ferred to the “Medical care” and “Construction, minor
26 projects” accounts: *Provided*, That the entire amount is

1 designated by Congress as an emergency requirement pur-
2 suant to section 251(b)(2)(D)(i) of the Balanced Budget
3 and Emergency Deficit Control Act of 1985, as amended.

4 DEPARTMENT OF HOUSING AND URBAN
5 DEVELOPMENT
6 HOUSING PROGRAMS

7 ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

8 For an additional amount under this head,
9 \$225,000,000, to remain available until December 31,
10 1995, of which \$200,000,000 shall be for rental assistance
11 under the section 8 existing housing certificate program
12 (42 U.S.C. 1437f) and the housing voucher program
13 under section 8(o) of the United States Housing Act of
14 1937 (42 U.S.C. 1437f(o)), and \$25,000,000 shall be for
15 the modernization of existing public housing projects pur-
16 suant to section 14 of the United States Housing Act of
17 1937 (42 U.S.C. 1437l): *Provided*, That these funds shall
18 be used first to replenish amounts used from the head-
19 quarters reserve established pursuant by section
20 213(d)(4)(A) of the Housing and Community Develop-
21 ment Act of 1974, as amended, for assistance to victims
22 of the January 1994 earthquake in Southern California:
23 *Provided further*, That any amounts remaining after the
24 headquarters reserve has been replenished shall be avail-
25 able under such programs for additional assistance to vic-

1 tims of the earthquake referred to above: *Provided further,*
2 That in administering these funds, the Secretary may
3 waive or specify alternative requirements for any provision
4 of any statute or regulation that the Secretary administers
5 in connection with the obligation by the Secretary or any
6 use by the recipient of these funds, except for the require-
7 ments relating to fair housing and nondiscrimination, the
8 environment, and labor standards, upon finding that such
9 waiver is required to facilitate the obligation and use of
10 such funds and would not be inconsistent with the overall
11 purpose of the statute or regulation: *Provided further,*
12 That the entire amount is designated by Congress as an
13 emergency requirement pursuant to section
14 251(b)(2)(D)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985, as amended.

16 FLEXIBLE SUBSIDY FUND

17 For emergency assistance to owners of eligible multi-
18 family housing projects damaged by the January 1994
19 earthquake in Southern California who are either insured
20 or formerly insured under the National Housing Act, as
21 amended, or otherwise eligible for assistance under section
22 201(c) of the Housing and Community Development
23 Amendments of 1978, as amended (12 U.S.C. 1715z-1a),
24 in the program of assistance for troubled multifamily
25 housing projects under the Housing and Community De-
26 velopment Amendments of 1978, as amended,

1 \$100,000,000, to remain available until September 30,
2 1995: *Provided*, That assistance to an owner of a multi-
3 family housing project assisted, but not insured under the
4 National Housing Act, may be made if the project owner
5 and the mortgagee have provided or agreed to provide as-
6 sistance to the project in a manner as determined by the
7 Secretary of Housing and Urban Development: *Provided*
8 *further*, That assistance is for the repair of damage or the
9 recovery of losses directly attributable to the Southern
10 California earthquake of 1994: *Provided further*, That in
11 administering these funds, the Secretary may waive, or
12 specify alternative requirements for, any provision of any
13 statute or regulation that the Secretary administers in
14 connection with the obligation by the Secretary or any use
15 by the recipient of these funds, except for statutory re-
16 quirements relating to fair housing and nondiscrimination,
17 the environment, and labor standards, upon finding that
18 such waiver is required to facilitate the obligation and use
19 of such funds, and would not be inconsistent with the over-
20 all purpose of the statute or regulation: *Provided further*,
21 That the entire amount is designated by Congress as an
22 emergency requirement pursuant to section
23 251(b)(2)(D)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985, as amended.

1 COMMUNITY PLANNING AND DEVELOPMENT

2 COMMUNITY DEVELOPMENT GRANTS

3 For an additional amount for “Community develop-
4 ment grants”, as authorized under title I of the Housing
5 and Community Development Act of 1974, for emergency
6 expenses resulting from the January 1994 earthquake in
7 Southern California, \$250,000,000, to remain available
8 until September 30, 1996 for all activities eligible under
9 such title I except those activities reimbursable by the
10 Federal Emergency Management Agency (FEMA) or
11 available through the Small Business Administration
12 (SBA): *Provided*, That from this amount, the Secretary
13 may transfer up to \$50,000,000 to the “HOME invest-
14 ment partnerships program”, as authorized under title II
15 of the Cranston-Gonzalez National Affordable Housing
16 Act, as amended (Public Law 101–625), to remain avail-
17 able until expended, as an additional amount for such
18 emergency expenses for all activities eligible under such
19 title II except activities reimbursable by FEMA or avail-
20 able through SBA: *Provided further*, That the recipients
21 of amounts under this appropriation, including the fore-
22 going transfer (if any), shall use such amounts first to
23 replenish amounts previously obligated under their Com-
24 munity Development Block Grant or HOME programs, re-
25 spectively, in connection with the Southern California

1 earthquake of January 1994: *Provided further*, That in ad-
2 ministering these funds, the Secretary may waive, or
3 specify alternative requirements for, any provision of any
4 statute or regulation that the Secretary administers in
5 connection with the obligation by the Secretary or any use
6 by the recipient of these funds, except for statutory re-
7 quirements relating to fair housing and nondiscrimination,
8 the environment, and labor standards, upon finding that
9 such waiver is required to facilitate the obligation and use
10 of such funds, and would not be inconsistent with the over-
11 all purpose of the statute or regulation: *Provided further*,
12 That the entire amount is designated by Congress as an
13 emergency requirement pursuant to section
14 251(b)(2)(D)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985, as amended.

16 INDEPENDENT AGENCIES

17 FEDERAL EMERGENCY MANAGEMENT AGENCY

18 DISASTER RELIEF

19 For an additional amount for “Disaster Relief” for
20 the January 1994 earthquake in Southern California and
21 other disasters, \$4,709,000,000 to remain available until
22 expended: *Provided*, That the entire amount is designated
23 by Congress as an emergency requirement pursuant to
24 section 251(b)(2)(D)(i) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985, as amended.

1 EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

2 For an additional amount for “Emergency Manage-
3 ment Planning and Assistance”, to carry out activities
4 under the Earthquake Hazards Reduction Act of 1977,
5 as amended (42 U.S.C. 7701 et seq.) \$15,000,000, to re-
6 main available until expended, to study the January 1994
7 earthquake in Southern California in order to enhance
8 seismic safety throughout the United States: *Provided*,
9 That the entire amount is designated by Congress as an
10 emergency requirement pursuant to section
11 251(b)(2)(D)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985, as amended.

13

CHAPTER VIII

14 FUNDS APPROPRIATED TO THE PRESIDENT

15

UNANTICIPATED NEEDS

16 For an additional amount for emergency expenses re-
17 sulting from the January 1994 earthquake in Southern
18 California and other disasters, \$500,000,000, to remain
19 available until expended: *Provided*, That these funds may
20 be transferred to any authorized Federal governmental ac-
21 tivity to meet the requirements of such disasters: *Provided*
22 *further*, That the entire amount shall be available only to
23 the extent that an official budget request for a specific
24 dollar amount, that includes designation of the entire
25 amount of the request as an emergency requirement as

1 defined in the Balanced Budget and Emergency Deficit
2 Control Act of 1985, as amended, is transmitted by the
3 President to Congress: *Provided further*, That the entire
4 amount is designated by Congress as an emergency re-
5 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985,
7 as amended.

8 CHAPTER IX

9 GENERAL PROVISIONS

10 SEC. 601. No part of any appropriation contained in
11 this Act shall remain available for obligation beyond the
12 current fiscal year unless expressly so provided herein.

13 PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT

14 LAWFULLY WITHIN THE UNITED STATES

15 SEC. 602. None of the funds made available in this
16 Act may be used to provide any benefit or assistance to
17 any individual in the United States when it is known to
18 a Federal entity or official to which the funds are made
19 available that—

20 (1) the individual is not lawfully within the
21 United States; and

22 (2) The direct Federal assistance or benefit to
23 be provided is other than search and rescue; emer-
24 gency medical care; emergency mass care; emergency
25 shelter; clearance of roads and construction of tem-
26 porary bridges necessary to the performance of

1 emergency tasks and essential community services;
2 warning of further risks or hazards; dissemination of
3 public information and assistance regarding health
4 and safety measures; the provision of food, water,
5 medicine and other essential needs, including move-
6 ment of supplies or persons; and reduction of imme-
7 diate threats to life, property and public health and
8 safety.

9 SEC. 603. (a) STUDY BY COMPTROLLER GENERAL.—
10 The Comptroller General of the United States shall con-
11 duct a study regarding Federal laws, unfunded Federal
12 mandates, and other Federal regulatory requirements,
13 that may prevent or impair the ability of State and local
14 authorities to rebuild expeditiously the areas devastated
15 by the January 1994 earthquake in Southern California.
16 In conducting the study, the Comptroller General shall
17 consult with State and local officials of California.

18 (b) REPORT.—Not later than 30 days after the date
19 of the enactment of this Act, the Comptroller General shall
20 submit to the Congress a report setting forth findings and
21 recommendations as a result of the study conducted under
22 subsection (a). The report shall include—

23 (1) an identification of the specific Federal
24 laws, unfunded Federal mandates, and other Federal

1 regulatory requirements, referred to in subsection
2 (a);

3 (2) an analysis of the manner in which such
4 laws, mandates, and other requirements may prevent
5 or impair the ability of State and local authorities
6 to rebuild expeditiously the areas devastated by the
7 January 1994 earthquake in Southern California;
8 and

9 (3) recommended forms of, and appropriate
10 time periods for, relief from such laws, mandates,
11 and other requirements.

12 This Act may be cited as the “Emergency Supple-
13 mental Appropriations Act of 1994”.

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