

Calendar No. 596

103D CONGRESS
2D SESSION

H. R. 3485

[Report No. 103-354]

AN ACT

To authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996.

AUGUST 22 (legislative day, AUGUST 18), 1994

Reported with an amendment and an amendment to the title

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 16 (legislative day, NOVEMBER 2), 1993

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AUGUST 22 (legislative day, AUGUST 18), 1994

Reported by Mr. HOLLINGS, with an amendment and an amendment to the
title

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To authorize appropriations for carrying out the Earthquake
Hazards Reduction Act of 1977 for fiscal years 1994,
1995, and 1996.

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. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 12 of the Earthquake Hazards Reduction Act
5 of 1977 (42 U.S.C. 7706) is amended—

6 (1) in subsection (a)(7)—

1 (A) by inserting “of the Agency” after “to
2 the Director”;

3 (B) by striking “and” after “September
4 30, 1992,”; and

5 (C) by inserting “, \$20,160,000 for the fis-
6 cal year ending September 30, 1994,
7 \$20,805,000 for the fiscal year ending Septem-
8 ber 30, 1995, and \$21,450,000 for the fiscal
9 year ending September 30, 1996” after “Sep-
10 tember 30, 1993”;

11 (2) in subsection (b)—

12 (A) by striking “and” after “September
13 30, 1992,”; and

14 (B) by inserting “; \$49,861,000 for the
15 fiscal year ending September 30, 1994;
16 \$51,457,000 for the fiscal year ending Septem-
17 ber 30, 1995; and \$53,052,000 for the fiscal
18 year ending September 30, 1996” after “Sep-
19 tember 30, 1993”;

20 (3) by adding at the end of subsection (c) the
21 following new sentences: “There are authorized to be
22 appropriated, out of funds otherwise authorized to
23 be appropriated to the National Science Foundation,
24 \$17,500,000 for engineering research under this Act
25 and \$10,500,000 for geosciences research under this

1 Act, for the fiscal year ending September 30, 1994.
2 There are authorized to be appropriated, out of
3 funds otherwise authorized to be appropriated to the
4 National Science Foundation, \$18,060,000 for engi-
5 neering research under this Act and \$10,836,000 for
6 geosciences research under this Act, for the fiscal
7 year ending September 30, 1995. There are author-
8 ized to be appropriated, out of funds otherwise au-
9 thorized to be appropriated to the National Science
10 Foundation, \$18,620,000 for engineering research
11 under this Act and \$11,172,000 for geosciences re-
12 search under this Act, for the fiscal year ending
13 September 30, 1996.”; and

14 (4) by adding at the end of subsection (d) the
15 following new sentences: “There are authorized to be
16 appropriated, out of funds otherwise authorized to
17 be appropriated to the National Institute of Stand-
18 ards and Technology, \$1,532,000 for the fiscal year
19 ending September 30, 1994. There are authorized to
20 be appropriated, out of funds otherwise authorized
21 to be appropriated to the National Institute of
22 Standards and Technology, \$1,581,000 for the fiscal
23 year ending September 30, 1995. There are author-
24 ized to be appropriated, out of funds otherwise au-
25 thorized to be appropriated to the National Institute

1 of Standards and Technology, \$1,630,000 for the
2 fiscal year ending September 30, 1996.”.

3 **SEC. 2. BUY AMERICAN PROVISIONS.**

4 (a) COMPLIANCE WITH BUY AMERICAN ACT.—No
5 funds appropriated pursuant to this Act may be expended
6 by an entity unless the entity agrees that in expending
7 the assistance the entity will comply with sections 2
8 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
9 10c, popularly known as the “Buy American Act”).

10 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-
11 ING NOTICE.—

12 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT
13 AND PRODUCTS.—In the case of any equipment or
14 products that may be authorized to be purchased
15 with financial assistance provided under this Act, it
16 is the sense of the Congress that entities receiving
17 such assistance should, in expending the assistance,
18 purchase only American-made equipment and prod-
19 ucts.

20 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—
21 In providing financial assistance under this Act, the
22 Director of the Federal Emergency Management
23 Agency shall provide to each recipient of the assist-
24 ance a notice describing the statement made in para-
25 graph (1) by the Congress.

1 (c) PROHIBITION OF CONTRACTS.—If it has been fi-
2 nally determined by a court or Federal agency that any
3 person intentionally affixed a fraudulent label bearing a
4 “Made in America” inscription, or any inscription with the
5 same meaning, to any product sold in or shipped to the
6 United States that was not made in the United States,
7 such person shall be ineligible to receive any contract or
8 subcontract made with funds provided pursuant to this
9 Act, pursuant to the debarment, suspension, and ineligibil-
10 ity procedures described in section 9.400 through 9.409
11 of title 48, Code of Federal Regulations.

12 (d) RECIPROCITY.—

13 (1) GENERAL RULE.—Except as provided in
14 paragraph (2), no contract or subcontract may be
15 made with funds authorized under this Act to a
16 company organized under the laws of a foreign coun-
17 try unless the Director of the Federal Emergency
18 Management Agency finds that such country affords
19 comparable opportunities to companies organized
20 under laws of the United States.

21 (2) EXCEPTION.—(A) The Director of the Fed-
22 eral Emergency Management Agency may waive the
23 rule stated under paragraph (1) if the products or
24 services required are not reasonably available from
25 companies organized under the laws of the United

1 States. Any such waiver shall be reported to the
2 Congress.

3 ~~(B) Paragraph (1) shall not apply to the extent~~
4 ~~that to do so would violate the General Agreement~~
5 ~~of Tariffs and Trade or any other international~~
6 ~~agreement to which the United States is a party.~~

7 **SEC. 3. LIMITATION ON APPROPRIATIONS.**

8 No funds are authorized to be appropriated for carry-
9 ing out the Earthquake Hazards Reduction Act of 1977
10 for any fiscal year other than as provided by the amend-
11 ments made by this Act.

12 **SECTION 1. AUTHORIZATION OF APPROPRIATIONS.**

13 *Section 12 of the Earthquake Hazards Reduction Act*
14 *of 1977 (42 U.S.C. 7706) is amended—*

15 *(1) in subsection (a)(7)—*

16 *(A) by inserting “of the Agency” after “to*
17 *the Director”;*

18 *(B) by striking “and” after “September 30,*
19 *1992,”; and*

20 *(C) by inserting “, \$25,000,000 for the fis-*
21 *cal year ending September 30, 1995, and*
22 *\$25,750,000 for the fiscal year ending September*
23 *30, 1996” after “September 30, 1993”;*

24 *(2) in subsection (b)—*

1 (A) by striking “and” after “September 30,
2 1992;”; and

3 (B) by inserting “; \$49,200,000 for the fis-
4 cal year ending September 30, 1995; and
5 \$50,676,000 for the fiscal year ending September
6 30, 1996” after “September 30, 1993”;

7 (3) by adding at the end of subsection (c) the fol-
8 lowing new sentence: “There are authorized to be ap-
9 propriated, out of funds otherwise authorized to be
10 appropriated to the National Science Foundation: (1)
11 \$16,200,000 for engineering research and \$10,900,000
12 for geosciences research for the fiscal year ending Sep-
13 tember 30, 1995, and (2) \$16,686,000 for engineering
14 research and \$11,227,000 for geosciences research for
15 the fiscal year ending September 30, 1996.”; and

16 (4) by adding at the end of subsection (d) the fol-
17 lowing new sentence: “There are authorized to be ap-
18 propriated, out of funds otherwise authorized to be
19 appropriated to the National Institute of Standards
20 and Technology, \$1,900,000 for the fiscal year ending
21 September 30, 1995, and \$1,957,000 for the fiscal
22 year ending September 30, 1996.”.

23 **SEC. 2. EARTHQUAKE ENGINEERING ASSESSMENT.**

24 (a) ASSESSMENT.—The President shall conduct an
25 assessment of earthquake engineering research and testing

1 *capabilities in the United States. This assessment shall in-*
2 *clude—*

3 (1) *the need for shake tables and other earth-*
4 *quake engineering research and testing facilities in*
5 *the United States;*

6 (2) *options to cooperate with other countries that*
7 *have developed complementary earthquake engineering*
8 *research and testing programs and facilities;*

9 (3) *projected costs for construction, maintenance,*
10 *and operation of new earthquake engineering research*
11 *and testing facilities in the United States; and*

12 (4) *options and recommendations to provide*
13 *funding for the construction and operation of new*
14 *earthquake engineering and testing facilities, includ-*
15 *ing the feasibility and advisability of developing a*
16 *comprehensive earthquake engineering research and*
17 *testing program within the scope of the Earthquake*
18 *Hazards Reduction Act of 1977.*

19 (b) *DEADLINE.—The assessment required by subsection*
20 *(a) shall be transmitted to Congress within nine months*
21 *after the date of enactment of this Act.*

Amend the title so as to read: “To authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1995 and 1996.”.