

103D CONGRESS  
1ST SESSION

# S. 144

To waive certain requirement under the Small Business Act for disaster relief assistance.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Small Business

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## A BILL

To waive certain requirement under the Small Business Act for disaster relief assistance.

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. WAIVER OF REQUIREMENTS.**

4       Notwithstanding any provision of the Small Business  
5       Act, a qualifying business that has suffered economic in-  
6       jury as a result of Hurricane Andrew, Hurricane Iniki,  
7       or Typhoon Omar, shall be eligible to apply for and to  
8       receive loan assistance in accordance with section 7(b)(2)  
9       of the Small Business Act, without regard to—

10               (1) the size of the qualifying business;

1           (2) the availability to that business of non-Fed-  
2       eral sources of credit; or

3           (3) the maximum amount of assistance estab-  
4       lished under that section or regulations issued there-  
5       under.

6   **SEC. 2. QUALIFYING BUSINESSES.**

7       For purposes of this Act, a qualifying business is—

8           (1) a regulated public utility company, if—

9                (A) the disaster area is more than 1,000  
10          miles from the major sources of materials and  
11          supplies necessary to restore the public utility  
12          to full operating service;

13               (B) the public utility is not physically con-  
14          nected to any other public utility service that  
15          can provide the same type of services to cus-  
16          tomers of the affected public utility company;

17               (C) the cost to repair, reconstruct, and re-  
18          store the facilities of the public utility company  
19          is equal to not less than 20 percent of the dol-  
20          lar value of its facilities prior to the occurrence  
21          of the disaster; and

22               (D) the regulated public utility had not  
23          more than 500,000 customers at the time of the  
24          disaster;

1           (2) an interstate transportation service provider  
2           operating in the disaster area, if—

3                   (A) such provider is the only transpor-  
4                   tation link to the areas affected by the disaster,  
5                   other than by carriage over water; and

6                   (B) assistance provided in accordance with  
7                   this Act and section 7(b)(2) of the Small Busi-  
8                   ness Act will be used to finance repair, recon-  
9                   struction, and restoration of the provider's fa-  
10                  cilities as they existed prior to the occurrence of  
11                  the disaster; and

12           (3) any communications media business, the fa-  
13           cilities of which were damaged or destroyed by Hur-  
14           ricane Andrew, Hurricane Iniki, or Typhoon Omar  
15           (including all such facilities related to the gathering,  
16           printing, or dissemination of information).

17 **SEC. 3. DEFINITIONS.**

18           For purposes of this Act—

19                   (1) the term “regulated public utility” means a  
20                   corporation engaged in the furnishing of telephone  
21                   service or in the sale of electrical energy, gas, or  
22                   water, if the rates for such furnishing or sale, as the  
23                   case may be, have been established or approved by  
24                   a State or political subdivision thereof or by an  
25                   agency or instrumentality of the United States or by

1 a public utility or public service commission or other  
2 similar body of the District of Columbia, Guam, or  
3 of any State or political subdivision thereof; and

4 (2) the term “disaster area” means any area  
5 affected by a major disaster, as declared by the  
6 President in accordance with section 401 of the Rob-  
7 ert T. Stafford Disaster Relief and Emergency As-  
8 sistance Act, as a result of the occurrences of Hurri-  
9 cane Andrew, Hurricane Iniki, or Typhoon Omar.

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