(Original Signature of Member)

116TH CONGRESS 2D Session



Making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes.

## IN THE HOUSE OF REPRESENTATIVES

MRS. LOWEY introduced the following bill; which was referred to the Committee on

## A BILL

Making emergency supplemental appropriations for the fiscal year ending September 30, 2020, 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, for the

5 fiscal year ending September 30, 2020, and for other pur-

6 poses, namely:

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## TITLE I

2	DEPARTMENT OF EDUCATION
3	HURRICANE EDUCATION RECOVERY
4	(INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for "Hurricane Education 6 Recovery" for necessary expenses related to the con-7 sequences of earthquakes occurring in calendar years 8 2019 and 2020 or a major disaster occurring in 2020 in 9 those areas for which a major disaster or emergency has 10 been declared under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act 11 12 (42 U.S.C. 5170 and 5191) (referred to under this head-13 ing as "covered disaster or emergency"), \$100,000,000, to remain available through September 30, 2022, for as-14 15 sisting in meeting the educational needs of individuals affected by a covered disaster or emergency: *Provided*, That 16 17 such assistance shall be provided through any of the pro-18 grams authorized under this heading in title VIII of sub-19 division 1 of division B of the Bipartisan Budget Act of 20 2018 (Public Law 115–123; 132 Stat. 95), as amended 21 by section 101, as determined by the Secretary of Edu-22 cation, and subject to the terms and conditions that ap-23 plied to those programs, except that references to dates 24 and school years in such Act shall be deemed to be the 25 corresponding dates and school years for the covered dis-

aster or emergency: *Provided further*, That the Secretary 1 2 of Education may determine the amounts to be used for 3 each such program and shall notify the Committees on Ap-4 propriations of the House of Representatives and the Sen-5 ate of these amounts not later than 7 days prior to obligation: *Provided further*, That \$1,000,000 of the funds made 6 7 available under this heading, to remain available until ex-8 pended, shall be transferred to the Office of the Inspector 9 General of the Department of Education for oversight of 10 activities supported with funds appropriated under this heading, and up to \$500,000 of the funds made available 11 12 under this heading shall be for program administration: *Provided further*, That such amount is designated by the 13 Congress as being for an emergency requirement pursuant 14 15 to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. 16

17 GENERAL PROVISIONS—THIS TITLE

SEC. 101. (a) The second proviso under the heading
"Department of Education—Hurricane Education Recovery" under title VIII of subdivision 1 of division B of the
Bipartisan Budget Act of 2018 (Public Law 115–123; 132
Stat. 95) is amended—

- 23 (1) in paragraph (2)—
- 24 (A) in subparagraph (I), by striking "and"25 after the semicolon; and

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(B) by adding at the end, the following:

2 "(K) assistance provided to an eligible en-3 tity under paragraph (1)(A) to assist with re-4 starting school operations, including assistance 5 provided to an eligible entity before the date of 6 enactment of the 'Emergency Supplemental Ap-7 propriations for Disaster Relief Act, 2020', may 8 be used by the eligible entity for a purpose de-9 scribed in section 406 of the Robert T. Stafford 10 Disaster and Relief Emergency Act (42 U.S.C. 11 5172), including to pay the non-Federal share 12 of a project that is otherwise assisted under 13 such section. notwithstanding section 14 102(e)(3)(A) of title IV of division B of Public 15 Law 109–148 (119 Stat. 2794); and

"(L) any duplicative Federal assistance
provided under this heading to an eligible entity
may be retained by the entity and used for
other activities to restart school operations in
accordance with this paragraph;";

(2) in paragraph (9), by striking "and" afterthe semicolon;

23 (3) by redesignating paragraph (10) as para24 graph (11); and

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1 (4) by inserting after paragraph (9) the fol-2 lowing:

"(10) amounts available under paragraph (4)
that exceed the amount required to meet the need
for such funds as determined by the Secretary no
later than 30 days after the date of enactment of
the 'Emergency Supplemental Appropriations for
Disaster Relief Act, 2020', shall be available to carry
out paragraph (3); and".

10 (b) Amounts repurposed pursuant to the amendments made by subsection (a) that were previously designated 11 12 by the Congress as an emergency requirement pursuant 13 to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as being for 14 15 requirement pursuant to section an emergency 251(b)(2)(A)(i) of the Balanced Budget and Emergency 16 17 Deficit Control Act of 1985.

18 SEC. 102. (a) Amounts previously made available for activities authorized under "Department of Education-19 20Hurricane Education Recovery" in title VIII of subdivi-21 sion 1 of division B of the Bipartisan Budget Act of 2018 22 (Public Law 115–123; 132 Stat. 95) that were allocated 23 in response to Hurricanes Maria and Irma may be used 24 interchangeably and without limitation for that heading 25 in this Act. In addition, any funds provided under the

heading "Department of Education—Hurricane Edu cation Recovery" in this Act that are allocated in response
 to a covered disaster or emergency may be used inter changeably and without limitation for the same activities
 related to Hurricanes Maria and Irma.

6 (b) Amounts repurposed pursuant to this section that 7 were previously designated by the Congress, respectively, 8 as an emergency requirement or as being for disaster relief 9 pursuant to the Balanced Budget and Emergency Deficit 10 Control Act are designated by the Congress as being for 11 requirement section an emergency pursuant to 251(b)(2)(A)(i) of the Balanced Budget and Emergency 12 Deficit Control Act of 1985 or as being for disaster relief 13 pursuant to section 251(b)(2)(D) of the Balanced Budget 14 15 and Emergency Deficit Control Act of 1985.

16 SEC. 103. Not later than 30 days after the date of enactment of this Act, the Secretary of Education shall 17 provide a detailed spend plan of anticipated uses of funds 18 made available in this title, including estimated personnel 19 and administrative costs, to the Committees on Appropria-2021 tions of the House of Representatives and of the Senate: 22 *Provided*, That such plans shall be updated and submitted 23 to the Committees on Appropriations of the House of Rep-24 resentatives and of the Senate every 60 days until all 25 funds are expended or expire.

1	TITLE II
2	DEPARTMENT OF TRANSPORTATION
3	Federal Highway Administration
4	EMERGENCY RELIEF PROGRAM
5	For an additional amount for the Emergency Relief
6	Program as authorized under section 125 of title 23,
7	United States Code, \$1,250,000,000, to remain available
8	until expended: <i>Provided</i> , That such amount is designated
9	by the Congress as being for an emergency requirement
10	pursuant to section $251(b)(2)(A)(i)$ of the Balanced Budg-
11	et and Emergency Deficit Control Act of 1985.
12	DEPARTMENT OF HOUSING AND URBAN
13	DEVELOPMENT
14	Community Planning and Development
15	COMMUNITY DEVELOPMENT FUND
16	(INCLUDING TRANSFERS OF FUNDS)
17	For an additional amount for "Community Develop-
18	ment Fund", \$2,000,000,000, to remain available until
19	expended, for necessary expenses for activities authorized
20	under title I of the Housing and Community Development
21	Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster
22	relief, long-term recovery, restoration of infrastructure
23	and housing, economic revitalization, and mitigation in the
24	most impacted and distressed areas resulting from an
25	emergency declaration relating to earthquakes that oc-

curred in 2020 or a major disaster that occurred in 2020 1 pursuant to the Robert T. Stafford Disaster Relief and 2 3 Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That funds shall be awarded directly to the State. 4 5 unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Commu-6 7 nity Development Act of 1974) at the discretion of the Secretary: Provided further, That in determining the 8 9 amount allocated under this heading for any grantee, the 10 Secretary shall include an additional amount for mitigation that is not less than 45 percent of the amount allo-11 12 cated for such grantee for unmet needs: Provided further, 13 That the Secretary shall allocate for grantees, based on the best available data, all funds provided for assistance 14 15 under this heading no later than 60 days after the date of the enactment of this Act: Provided further, That the 16 Secretary may extend the deadline in the previous proviso 17 by an additional 30 days if the Secretary jointly certifies 18 with the Administrator of the Federal Emergency Man-19 20 agement Agency for each such extension, that the Federal 21 Emergency Management Agency has not made sufficient 22 information available to the Secretary regarding relevant 23 unmet recovery needs to make allocations in accordance 24 with such deadlines: *Provided further*, That not later than 25 5 days after making any such certification, the Secretary H:\XML\FY20\SUPP\PR1\A.XML

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shall transmit to the Committees on Appropriations of the 1 House of Representatives and of the Senate, and publish 2 in the Federal Register such certification: Provided fur-3 4 ther, That not later than 90 days after the allocation of 5 funds made to a grantee under this heading and before the Secretary obligates any of such funds for a grantee, 6 7 the grantee shall submit a plan to the Secretary for ap-8 proval detailing the proposed use of all funds, including 9 criteria for eligibility and how the use of these funds will 10 address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation 11 in the most impacted and distressed areas: Provided fur-12 13 ther, That the Secretary shall approve or disapprove such plan not later than 60 days after submission of the plan 14 15 to the Secretary, and shall immediately notify the applicant of the Secretary's decision: *Provided further*, That if 16 the Secretary disapproves a plan, not later than 3 days 17 after such disapproval the Secretary shall inform the ap-18 plicant in writing of (A) the reasons for disapproval, and 19 20 (B) actions that the applicant could take to meet the cri-21 teria for approval: *Provided further*, That the Secretary 22 shall, for a period of not less than 45 days following the 23 date of disapproval, permit amendments to, or the resub-24 mission of, any plan that is disapproved, and the Secretary 25 shall approve or disapprove a plan amendment not later

than 30 days after receipt of such amendments or resub-1 mission: *Provided further*, That the Secretary shall ensure 2 that all grant agreements necessary for prompt disburse-3 4 ment of funds allocated to a grantee are executed no later 5 than 60 days after the date of approval of a grantee's plan: *Provided further*, That prior to making any grant 6 7 of funds provided under this heading, the Secretary must 8 receive from the grantee information that allows the Sec-9 retary to certify that such grantee has in place proficient 10 financial controls and procurement processes and has established adequate procedures to prevent any duplication 11 12 of benefits as defined by section 312 of the Robert T. Staf-13 ford Disaster Relief and Emergency Assistance Act (42) U.S.C. 5155), to ensure timely expenditure of funds, to 14 15 maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect 16 17 and prevent waste, fraud, and abuse of funds: Provided *further*, That the Secretary shall not prohibit the use of 18 19 funds made available under this heading for non-Federal share as authorized by section 105(a)(9) of the Housing 2021 and Community Development Act of 1974 (42 U.S.C. 22 5305(a)(9): Provided further, That with the amounts 23 made available under this heading, grantees may establish 24 grant programs to assist small businesses for working cap-25 ital purposes to aid in recovery: *Provided further*, That as

a condition of making any grant, the Secretary shall cer-1 tify in advance that such grantee has in place proficient 2 3 financial controls and procurement processes and has established adequate procedures to prevent any duplication 4 of benefits as defined by section 312 of the Robert T. Staf-5 ford Disaster Relief and Emergency Assistance Act (42) 6 7 U.S.C. 5155), to ensure timely expenditure of funds, to 8 maintain comprehensive websites regarding all disaster re-9 covery activities assisted with these funds, and to detect 10 and prevent waste, fraud, and abuse of funds: Provided *further*, That with respect to any such duplication of bene-11 fits, the Secretary shall act in accordance with section 12 13 1210 of Public Law 115–254 (132 Stat. 3442) and section 312 of the Robert T. Stafford Disaster Relief and Emer-14 15 gency Assistance Act (42 U.S.C. 5155): Provided further, That the Secretary shall require grantees to maintain on 16 17 a public website information containing common reporting 18 criteria established by the Department that permits indi-19 viduals and entities awaiting assistance and the general public to see how all grant funds are used, including copies 20 21 of all relevant procurement documents, grantee adminis-22 trative contracts and details of ongoing procurement proc-23 esses, as determined by the Secretary: *Provided further*, 24 That such funds may not be used for activities reimbursed 25 by, or for which funds have been made available by, the

Federal Emergency Management Agency or the Army 1 Corps of Engineers, in excess of the authorized amount 2 3 of the project or its components: *Provided further*, That 4 funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pur-5 suant to section 106 of the Housing and Community De-6 7 velopment Act of 1974 (42 U.S.C. 5306): Provided fur-8 ther, That a State, unit of general local government, or 9 Indian tribe may use up to 5 percent of its allocation for administrative costs: Provided further, That in admin-10 istering the funds under this heading, the Secretary of 11 12 Housing and Urban Development may waive, or specify 13 alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection 14 15 with the obligation by the Secretary or the use by the recipient of these funds (except for any requirements related 16 to fair housing, nondiscrimination, labor standards, the 17 18 environment, and any timelines specified under this heading), if the Secretary finds that good cause exists for the 19 waiver or alternative requirement and such waiver or al-20 21 ternative requirement would not be inconsistent with the 22 overall purpose of title I of the Housing and Community 23 Development Act of 1974: Provided further, That, notwith-24 standing the preceding proviso, recipients of funds pro-25 vided under this heading that use such funds to supple-

ment Federal assistance provided under section 402, 403, 1 2 404, 406, 407, 408(c)(4), or 502 of the Robert T. Stafford 3 Disaster Relief and Emergency Assistance Act (42 U.S.C. 4 5121 et seq.) may adopt, without review or public com-5 ment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall sat-6 7 isfy the responsibilities of the recipient with respect to 8 such environmental review, approval or permit: Provided 9 *further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42) 10 U.S.C. 5304(g)(2), the Secretary may, upon receipt of 11 12 a request for release of funds and certification, imme-13 diately approve the release of funds for an activity or project assisted under this heading if the recipient has 14 15 adopted an environmental review, approval or permit under the preceding proviso or the activity or project is 16 17 categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): 18 Provided further, That the Secretary shall publish via no-19 tice in the Federal Register any waiver, or alternative re-20 21 quirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Com-22 23 munity Development Act of 1974 no later than 5 days be-24 fore the effective date of such waiver or alternative requirement: Provided further, That of the amounts made 25

available under this heading, up to \$5,000,000 shall be 1 2 made available for capacity building and technical assist-3 ance, including assistance on contracting and procurement 4 processes, to support States, units of general local govern-5 ment, or Indian tribes (and their subrecipients) that receive allocations pursuant to this heading, or may receive 6 7 similar allocations for disaster recovery in future appro-8 priations Acts: *Provided further*, That of the amounts 9 made available under this heading, up to \$2,500,000 shall be transferred, in aggregate, to "Department of Housing 10 and Urban Development—Program Office Salaries and 11 Expenses—Community Planning and Development" for 12 necessary costs, including information technology costs, of 13 administering and overseeing the obligation and expendi-14 15 ture of amounts under this heading: Provided further, 16 That the amount specified in the preceding proviso shall be combined with funds appropriated under the same 17 heading in prior appropriations Acts without limitation: 18 *Provided further*, That the Secretary shall transmit each 19 certification made under the authorities provided in this 20 21 Act to the Committees on Appropriations of the House 22 of Representatives and of the Senate no later than 3 days 23 after making any such certification: *Provided further*, That 24 such amount is designated by the Congress as being for 25 an emergency requirement pursuant to section

251(b)(2)(A)(i) of the Balanced Budget and Emergency 1 Deficit Control Act of 1985: Provided further, That 2 3 amounts repurposed under this heading that were pre-4 viously designated by the Congress as an emergency re-5 quirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress 6 7 an emergency requirement pursuant to section as 8 251(b)(2)(A)(i) of the Balanced Budget and Emergency 9 Deficit Control Act of 1985.

## 10 GENERAL PROVISIONS—THIS TITLE

11 SEC. 201. (a) Amounts previously made available for 12 activities authorized under title I of the Housing and Com-13 munity Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration 14 15 of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas re-16 17 sulting from a major disaster, including funds provided under the heading "Department of Housing and Urban 18 Development—Community Planning and Development— 19 Community Development Fund" in prior appropriations 20 21 Acts, that were allocated in response to Hurricanes Irma 22 and Maria, may be used interchangeably and without limi-23 tation for the same activities funded under the heading 24 "Department of Housing and Urban Development—Community Planning and Development—Community Develop-25

ment Fund" in this Act. In addition, any funds provided
 under the heading "Department of Housing and Urban
 Development—Community Planning and Development—
 Community Development Fund" in this Act may be used
 interchangeably and without limitation for the same activi ties in the most impacted and distressed areas related to
 Hurricanes Irma and Maria.

8 (b)(1) Until the date on which the Department of
9 Housing and Urban Development publishes a Federal
10 Register Notice implementing this provision—

11 (A) grantees may submit for approval by the 12 Department of Housing and Urban Development re-13 vised plans for the use of funds related to Hurri-14 canes Irma and Maria that expand the eligible bene-15 ficiaries of existing programs contained in such pre-16 viously approved plans to include those activities 17 funded under the heading "Department of Housing 18 and Urban Development—Community Planning and Development—Community Development Fund" in 19 20 this Act; and

(B) approval of any such revised plans shall include the execution of revised grant terms and conditions as necessary.

(2) Beginning on the date of the publication of
 the implementing Notice, any plan revisions shall
 follow the requirements contained in such Notice.

4 (c) Amounts repurposed by this section that were pre-5 viously designated by the Congress as an emergency requirement or as being for disaster relief pursuant to the 6 7 Balanced Budget and Emergency Deficit Control Act are 8 designated by the Congress as being for an emergency re-9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-10 anced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 11 251(b)(2)(D) of the Balanced Budget and Emergency 12 13 Deficit Control Act of 1985.

14 SEC. 202. For funds appropriated under the heading 15 "Department of Housing and Urban Development—Community Planning and Development—Community Develop-16 ment Fund" in Public Law 115–123 or Public Law 116– 17 18 20, the Secretary shall execute all grant agreements for 19 disbursement of funds allocated to a grantee no later than 20 60 days after the date of approval of a grantee's plan for 21 the use of funds: *Provided*, That amounts repurposed by this section that were previously designated as an emer-22 23 gency requirement or as being for disaster relief pursuant 24 to the Balanced Budget and Emergency Deficit Control 25 Act of 1985 are designated by the Congress as being for

an emergency requirement pursuant to section
 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 Deficit Control Act of 1985 or as being for disaster relief
 pursuant to section 251(b)(2)(D) of the Balanced Budget
 and Emergency Deficit Control Act of 1985.

6 SEC. 203. (a) The Secretary of Housing and Urban 7 Development, the Secretary of Energy, the Administrator 8 of the Federal Emergency Management Administration, 9 and other Federal partners, shall complete the interagency consultation and coordination of Federal investments nec-10 essary for the Secretary of Housing and Urban Develop-11 12 ment to develop administrative requirements for funds provided for enhanced or improved electrical power sys-13 tems under the heading "Department of Housing and 14 15 Urban Development—Community Planning and Development—Community Development Fund" of division B of 16 Public Law 115–123 no later than 30 days after the date 17 18 of enactment of this Act.

(b) Of all amounts made available for enhanced or
improved electrical power systems under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" of division B of Public Law 115–123, the
Secretary of Housing and Urban Development shall publish in the Federal Register the allocations to all eligible

grantees, and the necessary administrative requirements
 applicable to such allocations no later than 60 days after
 the date of enactment of this Act.

4 (c) Amounts repurposed by this section that were pre-5 viously designated by the Congress as an emergency requirement or as being for disaster relief pursuant to the 6 7 Balanced Budget and Emergency Deficit Control Act of 8 1985 are designated by the Congress as being for an emer-9 gency requirement pursuant to section 251(b)(2)(A)(i) of 10 the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 11 12 251(b)(2)(D) of the Balanced Budget and Emergency 13 Deficit Control Act of 1985.

14 TITLE III—GENERAL PROVISIONS—THIS ACT

15 SEC. 301. Each amount appropriated or made avail16 able by this Act is in addition to amounts otherwise appro17 priated for the fiscal year involved.

18 SEC. 302. No part of any appropriation contained in
19 this Act shall remain available for obligation beyond the
20 current fiscal year unless expressly so provided herein.

SEC. 303. Unless otherwise provided for by this Act,
the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities
and conditions applicable to such appropriations accounts
for fiscal year 2020.

1 SEC. 304. Each amount designated in this Act by the 2 Congress as being for an emergency requirement pursuant 3 to section 251(b)(2)(A)(i) of the Balanced Budget and 4 Emergency Deficit Control Act of 1985 shall be available 5 (or rescinded or transferred, if applicable) only if the 6 President subsequently so designates all such amounts 7 and transmits such designations to the Congress.

8 SEC. 305. Any amount appropriated by this Act, des-9 ignated by the Congress as an emergency requirement 10 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-11 et and Emergency Deficit Control Act of 1985 and subse-12 quently so designated by the President, and transferred 13 pursuant to transfer authorities provided by this Act shall 14 retain such designation.

15 This Act may be cited as the "Emergency Supple-16 mental Appropriations for Disaster Relief Act, 2020".