H.R. 11

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 Representatives of the United States of America in Congress assembled,

2 That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:
For an additional amount for “Hurricane Education Recovery” for necessary expenses related to the consequences of earthquakes occurring in calendar years 2019 and 2020 or a major disaster occurring in 2020 in those areas for which a major disaster or emergency has been declared under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) (referred to under this heading as “covered disaster or emergency”), $100,000,000, to remain available through September 30, 2022, for assisting in meeting the educational needs of individuals affected by a covered disaster or emergency: Provided, That such assistance shall be provided through any of the programs authorized under this heading in title VIII of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115–123; 132 Stat. 95), as amended by section 101, as determined by the Secretary of Education, and subject to the terms and conditions that applied to those programs, except that references to dates and school years in such Act shall be deemed to be the corresponding dates and school years for the covered dis-
Provided further, That the Secretary of Education may determine the amounts to be used for each such program and shall notify the Committees on Appropriations of the House of Representatives and the Senate of these amounts not later than 7 days prior to obligation: Provided further, That $1,000,000 of the funds made available under this heading, to remain available until expended, shall be transferred to the Office of the Inspector General of the Department of Education for oversight of activities supported with funds appropriated under this heading, and up to $500,000 of the funds made available under this heading shall be for program administration: Provided further, That such amount is 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.

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—

(1) in paragraph (2)—

(A) in subparagraph (I), by striking “and” after the semicolon; and
(B) by adding at the end, the following:

“(K) assistance provided to an eligible entity under paragraph (1)(A) to assist with restarting school operations, including assistance provided to an eligible entity before the date of enactment of the ‘Emergency Supplemental Appropriations for Disaster Relief Act, 2020’, may be used by the eligible entity for a purpose described in section 406 of the Robert T. Stafford Disaster and Relief Emergency Act (42 U.S.C. 5172), including to pay the non-Federal share of a project that is otherwise assisted under such section, notwithstanding section 102(e)(3)(A) of title IV of division B of Public 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” after the semicolon;

(3) by redesignating paragraph (10) as paragraph (11); and
(4) by inserting after paragraph (9) the follow-

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“(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”.
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(b) Amounts repurposed pursuant to the amendments made by subsection (a) that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control 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.

SEC. 102. (a) Amounts previously made available for activities authorized under “Department of Education—Hurricane Education Recovery” in title VIII of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115–123; 132 Stat. 95) that were allocated in response to Hurricanes Maria and Irma may be used interchangeably and without limitation for that heading 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.

(b) Amounts repurposed pursuant to this section that
were previously designated by the Congress, respectively,
as an emergency requirement or as being for disaster relief
pursuant to the Balanced Budget and Emergency Deficit
Control Act 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

SEC. 103. Not later than 30 days after the date of
enactment of this Act, the Secretary of Education shall
provide a detailed spend plan of anticipated uses of funds
made available in this title, including estimated personnel
and administrative costs, to the Committees on Appropria-
tions of the House of Representatives and of the Senate:

Provided, That such plans shall be updated and submitted
to the Committees on Appropriations of the House of Rep-
presentatives and of the Senate every 60 days until all
funds are expended or expire.
TITLE II

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $1,250,000,000, to remain available until expended: Provided, That such amount is 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.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Community Development Fund”, $2,000,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from an emergency declaration relating to earthquakes that oc-
curred in 2020 or a major disaster that occurred in 2020 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That funds shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974) at the discretion of the Secretary: Provided further, That in determining the amount allocated under this heading for any grantee, the Secretary shall include an additional amount for mitigation that is not less than 45 percent of the amount allocated for such grantee for unmet needs: Provided further, That the Secretary shall allocate for grantees, based on the best available data, all funds provided for assistance under this heading no later than 60 days after the date of the enactment of this Act: Provided further, That the Secretary may extend the deadline in the previous proviso by an additional 30 days if the Secretary jointly certifies with the Administrator of the Federal Emergency Management Agency for each such extension, that the Federal Emergency Management Agency has not made sufficient information available to the Secretary regarding relevant unmet recovery needs to make allocations in accordance with such deadlines: Provided further, That not later than 5 days after making any such certification, the Secretary
shall transmit to the Committees on Appropriations of the House of Representatives and of the Senate, and publish in the Federal Register such certification: Provided further, That not later than 90 days after the allocation of funds made to a grantee under this heading and before the Secretary obligates any of such funds for a grantee, the grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas: Provided further, That the Secretary shall approve or disapprove such plan not later than 60 days after submission of the plan to the Secretary, and shall immediately notify the applicant of the Secretary’s decision: Provided further, That if the Secretary disapproves a plan, not later than 3 days after such disapproval the Secretary shall inform the applicant in writing of (A) the reasons for disapproval, and (B) actions that the applicant could take to meet the criteria for approval: Provided further, That the Secretary shall, for a period of not less than 45 days following the date of disapproval, permit amendments to, or the resubmission of, any plan that is disapproved, and the Secretary shall approve or disapprove a plan amendment not later
than 30 days after receipt of such amendments or resub-
mission: *Provided further*, That the Secretary shall ensure
that all grant agreements necessary for prompt disburse-
ment of funds allocated to a grantee are executed no later
than 60 days after the date of approval of a grantee’s
plan: *Provided further*, That prior to making any grant
of funds provided under this heading, the Secretary must
receive from the grantee information that allows the Sec-
retary to certify that such grantee has in place proficient
financial controls and procurement processes and has es-
established adequate procedures to prevent any duplication
of benefits as defined by section 312 of the Robert T. Staff-
ford Disaster Relief and Emergency Assistance Act (42
U.S.C. 5155), to ensure timely expenditure of funds, to
maintain comprehensive websites regarding all disaster re-
covery activities assisted with these funds, and to detect
and prevent waste, fraud, and abuse of funds: *Provided
further*, That the Secretary shall not prohibit the use of
funds made available under this heading for non-Federal
share as authorized by section 105(a)(9) of the Housing
and Community Development Act of 1974 (42 U.S.C.
5305(a)(9)): *Provided further*, That with the amounts
made available under this heading, grantees may establish
grant programs to assist small businesses for working cap-
ital purposes to aid in recovery: *Provided further*, That as
a condition of making any grant, the Secretary shall cer-
tify in advance that such grantee has in place proficient
financial controls and procurement processes and has es-
tablished adequate procedures to prevent any duplication
of benefits as defined by section 312 of the Robert T. Staff-
ford Disaster Relief and Emergency Assistance Act (42
U.S.C. 5155), to ensure timely expenditure of funds, to
maintain comprehensive websites regarding all disaster re-
covery activities assisted with these funds, and to detect
and prevent waste, fraud, and abuse of funds: Provided

*Further*, That with respect to any such duplication of bene-
fits, the Secretary shall act in accordance with section
1210 of Public Law 115–254 (132 Stat. 3442) and section
312 of the Robert T. Stafford Disaster Relief and Emer-
gency Assistance Act (42 U.S.C. 5155): Provided further,

That the Secretary shall require grantees to maintain on
a public website information containing common reporting
criteria established by the Department that permits indi-
viduals and entities awaiting assistance and the general
public to see how all grant funds are used, including copies
of all relevant procurement documents, grantee adminis-
trative contracts and details of ongoing procurement proc-
esses, as determined by the Secretary: Provided further,

That such funds may not be used for activities reimbursed
by, or for which funds have been made available by, the
Federal Emergency Management Agency or the Army Corps of Engineers, in excess of the authorized amount of the project or its components: Provided further, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): Provided further, That a State, unit of general local government, or Indian tribe may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for any requirements related to fair housing, nondiscrimination, labor standards, the environment, and any timelines specified under this heading), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supple-
ment Federal assistance provided under section 402, 403, 404, 406, 407, 408(e)(4), or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: Provided further, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: Provided further, That of the amounts made
available under this heading, up to $5,000,000 shall be
made available for capacity building and technical assist-
ance, including assistance on contracting and procurement
processes, to support States, units of general local govern-
ment, or Indian tribes (and their subrecipients) that re-
ceive allocations pursuant to this heading, or may receive
similar allocations for disaster recovery in future appro-
priations Acts: Provided further, That of the amounts
made available under this heading, up to $2,500,000 shall
be transferred, in aggregate, to “Department of Housing
and Urban Development—Program Office Salaries and
Expenses—Community Planning and Development” for
necessary costs, including information technology costs, of
administering and overseeing the obligation and expendi-
ture of amounts under this heading: Provided further,
That the amount specified in the preceding proviso shall
be combined with funds appropriated under the same
heading in prior appropriations Acts without limitation:
Provided further, That the Secretary shall transmit each
certification made under the authorities provided in this
Act to the Committees on Appropriations of the House
of Representatives and of the Senate no later than 3 days
after making any such certification: Provided further, That
such amount is 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: Provided further, That amounts repurposed under this heading that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

Sec. 201. (a) Amounts previously made available for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster, including funds provided under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” in prior appropriations Acts, that were allocated in response to Hurricanes Irma and Maria, may be used interchangeably and without limitation for the same activities funded under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Develop-
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 activities in the most impacted and distressed areas related to Hurricanes Irma and Maria.

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

(A) grantees may submit for approval by the Department of Housing and Urban Development revised plans for the use of funds related to Hurricanes Irma and Maria that expand the eligible beneficiaries of existing programs contained in such previously approved plans to include those activities funded under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” in 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.

c) Amounts repurposed by this section that were previously designated by the Congress as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control Act 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.

Sec. 202. For funds appropriated under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” in Public Law 115–123 or Public Law 116–20, the Secretary shall execute all grant agreements for disbursement of funds allocated to a grantee no later than 60 days after the date of approval of a grantee’s plan for the use of funds: Provided, That amounts repurposed by this section that were previously designated as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control 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.

Sec. 203. (a) The Secretary of Housing and Urban Development, the Secretary of Energy, the Administrator of the Federal Emergency Management Administration, and other Federal partners, shall complete the interagency consultation and coordination of Federal investments necessary for the Secretary of Housing and Urban Development to develop administrative requirements for funds provided 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 no later than 30 days after the date 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.

(c) Amounts repurposed by this section that were previously designated by the Congress as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control 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.

TITLE III—GENERAL PROVISIONS—THIS ACT

Sec. 301. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

Sec. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the 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.
SEC. 304. Each amount designated in this Act 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 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 305. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

This Act may be cited as the “Emergency Supplemental Appropriations for Disaster Relief Act, 2020”.