

HC-1

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: \_\_\_\_\_

IN THE

SENATE OF THE UNITED STATES

**AMENDMENT N<sup>o</sup> 0205**

By: Leahy

To: Amor No 201

Refer 14 to the Committee \_\_\_\_\_

**Page(s)**

GPO: 2018 33-682 (mac)

ess.

(title) \_\_\_\_\_

Refer \_\_\_\_\_

nd

AMENDMENT intended to be proposed by Mr. Leahy to the amendment (No.201) proposed by Mr. Shelby.

Viz:

Strike all after page 55, line 6 through page 62, line 6 and insert the following:

2 7                   “(INCLUDING TRANSFERS OF FUNDS)

3 8           “For an additional amount for ‘Community Develop-

4 9 ment Fund’, \$1,491,000,000 to remain available until ex-

5 10 pended, for necessary expenses for activities authorized

6 11 under title I of the Housing and Community Development

7 12 Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster

8 13 relief, long-term recovery, restoration of infrastructure

1 and housing, economic revitalization, and mitigation in the  
2 most impacted and distressed areas resulting from a  
3 major disaster that occurred in 2018 (except as otherwise  
4 provided under this heading) pursuant to the Robert T.  
5 Stafford Disaster Relief and Emergency Assistance Act  
6 (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be  
7 awarded directly to the State, unit of general local govern-  
8 ment, or Indian tribe (as such term is defined in section  
9 102 of the Housing and Community Development Act of  
10 1974) at the discretion of the Secretary: *Provided further*,  
11 That of the amounts made available under this heading  
12 the Secretary shall allocate an amount necessary to ad-  
13 dress unmet needs for restoration of infrastructure for  
14 grantees that received allocations for disasters that oc-  
15 curred in 2017 under this heading of division B of Public  
16 Law 115–56 and title XI of subdivision 1 of division B  
17 of Public Law 115–123: *Provided further*, That of the  
18 amounts provided in the previous proviso, the Secretary’s  
19 determination of unmet needs for restoration of infra-  
20 structure shall not take into account mitigation-specific al-  
21 locations: *Provided further*, That any funds made available  
22 under this heading and under the same heading in Public  
23 Law 115–254 that remain available, after the funds under  
24 such headings have been allocated for necessary expenses  
25 for activities authorized under such headings, shall be allo-

1 cated to grantees receiving awards for disasters that oc-  
2 curred in 2018, for mitigation activities in the most im-  
3 pacted and distressed areas resulting from a major dis-  
4 aster that occurred in 2018: *Provided further*, That alloca-  
5 tions under the previous proviso shall be made in the same  
6 proportion that the amount of funds each grantee received  
7 or will receive under this heading for unmet needs related  
8 to disasters that occurred in 2018 and the same heading  
9 in division I of Public Law 115–254 bears to the amount  
10 of all funds provided to all grantees that received alloca-  
11 tions for disasters that occurred in 2018: *Provided further*,  
12 That of the amounts made available under the text pre-  
13 ceding the first proviso under this heading and under the  
14 same heading in Public Law 115–254, the Secretary shall  
15 allocate to all such grantees an aggregate amount not less  
16 than 33 percent of the sum of such amounts of funds with-  
17 in 120 days after the enactment of this Act based on the  
18 best available data, and shall allocate no less than 100  
19 percent of such funds by no later than 180 days after the  
20 enactment of this Act: *Provided further*, That the Sec-  
21 retary shall not prohibit the use of funds made available  
22 under this heading and the same heading in Public Law  
23 115–254 for non-Federal share as authorized by section  
24 105(a)(9) of the Housing and Community Development  
25 Act of 1974 (42 U.S.C. 5305(a)(9)): *Provided further*,

1 That of the amounts made available under this heading,  
2 grantees may establish grant programs to assist small  
3 businesses for working capital purposes to aid in recovery:  
4 *Provided further*, That as a condition of making any grant,  
5 the Secretary shall certify in advance that such grantee  
6 has in place proficient financial controls and procurement  
7 processes and has established adequate procedures to pre-  
8 vent any duplication of benefits as defined by section 312  
9 of the Robert T. Stafford Disaster Relief and Emergency  
10 Assistance Act (42 U.S.C. 5155), to ensure timely expend-  
11 iture of funds, to maintain comprehensive websites regard-  
12 ing all disaster recovery activities assisted with these  
13 funds, and to detect and prevent waste, fraud, and abuse  
14 of funds: *Provided further*, That with respect to any such  
15 duplication of benefits, the Secretary shall act in accord-  
16 ance with section 1210 of Public Law 115–254 (132 Stat.  
17 3442) and section 312 of the Robert T. Stafford Disaster  
18 Relief and Emergency Assistance Act (42 U.S.C. 5155):  
19 *Provided further*, That the Secretary shall require grantees  
20 to maintain on a public website information containing  
21 common reporting criteria established by the Department  
22 that permits individuals and entities awaiting assistance  
23 and the general public to see how all grant funds are used,  
24 including copies of all relevant procurement documents,  
25 grantee administrative contracts and details of ongoing

1 procurement processes, as determined by the Secretary:  
2 *Provided further*, That prior to the obligation of funds a  
3 grantee shall submit a plan to the Secretary for approval  
4 detailing the proposed use of all funds, including criteria  
5 for eligibility and how the use of these funds will address  
6 long-term recovery and restoration of infrastructure and  
7 housing, economic revitalization, and mitigation in the  
8 most impacted and distressed areas: *Provided further*,  
9 That such funds may not be used for activities reimbursed  
10 by, or for which funds have been made available by, the  
11 Federal Emergency Management Agency or the Army  
12 Corps of Engineers, in excess of the authorized amount  
13 of the project or its components: *Provided further*, That  
14 funds allocated under this heading shall not be considered  
15 relevant to the non-disaster formula allocations made pur-  
16 suant to section 106 of the Housing and Community De-  
17 velopment Act of 1974 (42 U.S.C. 5306): *Provided fur-*  
18 *ther*, That a State, unit of general local government, or  
19 Indian tribe may use up to 5 percent of its allocation for  
20 administrative costs: *Provided further*, That the first pro-  
21 viso under this heading in the Supplemental Appropria-  
22 tions for Disaster Relief Requirements Act, 2018 (division  
23 I of Public Law 115–254) is amended by striking ‘State  
24 or unit of general local government’ and inserting ‘State,  
25 unit of general local government, or Indian tribe (as such

1 term is defined in section 102 of the Housing and Commu-  
2 nity Development Act of 1974 (42 U.S.C. 5302)): *Pro-*  
3 *vided further*, That the sixth proviso under this heading  
4 in the Supplemental Appropriations for Disaster Relief  
5 Requirements Act, 2018 (division I of Public Law 115–  
6 254) is amended by striking ‘State or subdivision thereof’  
7 and inserting ‘State, unit of general local government, or  
8 Indian tribe (as such term is defined in section 102 of  
9 the Housing and Community Development Act of 1974  
10 (42 U.S.C. 5302))’: *Provided further*, That in admin-  
11 istering the funds under this heading, the Secretary of  
12 Housing and Urban Development may waive, or specify  
13 alternative requirements for, any provision of any statute  
14 or regulation that the Secretary administers in connection  
15 with the obligation by the Secretary or the use by the re-  
16 cipient of these funds (except for requirements related to  
17 fair housing, nondiscrimination, labor standards, and the  
18 environment), if the Secretary finds that good cause exists  
19 for the waiver or alternative requirement and such waiver  
20 or alternative requirement would not be inconsistent with  
21 the overall purpose of title I of the Housing and Commu-  
22 nity Development Act of 1974: *Provided further*, That,  
23 notwithstanding the preceding proviso, recipients of funds  
24 provided under this heading that use such funds to supple-  
25 ment Federal assistance provided under section 402, 403,

1 404, 406, 407, 408 (c)(4), or 502 of the Robert T. Staf-  
2 ford Disaster Relief and Emergency Assistance Act (42  
3 U.S.C. 5121 et seq.) may adopt, without review or public  
4 comment, any environmental review, approval, or permit  
5 performed by a Federal agency, and such adoption shall  
6 satisfy the responsibilities of the recipient with respect to  
7 such environmental review, approval or permit: *Provided*  
8 *further*, That, notwithstanding section 104(g)(2) of the  
9 Housing and Community Development Act of 1974 (42  
10 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of  
11 a request for release of funds and certification, imme-  
12 diately approve the release of funds for an activity or  
13 project assisted under this heading if the recipient has  
14 adopted an environmental review, approval or permit  
15 under the preceding proviso or the activity or project is  
16 categorically excluded from review under the National En-  
17 vironmental 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 quirement, to any statute or regulation that the Secretary  
21 administers pursuant to title I of the Housing and Com-  
22 munity Development Act of 1974 no later than 5 days be-  
23 fore the effective date of such waiver or alternative re-  
24 quirement: *Provided further*, That of the amounts made  
25 available under this heading, up to \$5,000,000 shall be

1 made available for capacity building and technical assist-  
2 ance, including assistance on contracting and procurement  
3 processes, to support States, units of general local govern-  
4 ment, or Indian tribes (and their subrecipients) that re-  
5 ceive allocations pursuant to this heading, received dis-  
6 aster recovery allocations under the same heading in Pub-  
7 lic Law 115–254, or may receive similar allocations for  
8 disaster recovery in future appropriations Acts: *Provided*  
9 *further*, That of the amounts made available under this  
10 heading and under the same heading in Public Law 115–  
11 254, up to \$2,500,000 shall be transferred, in aggregate,  
12 to ‘Department of Housing and Urban Development—  
13 Program Office Salaries and Expenses—Community Plan-  
14 ning and Development’ for necessary costs, including in-  
15 formation technology costs, of administering and over-  
16 seeing the obligation and expenditure of amounts under  
17 this heading: *Provided further*, That the amount specified  
18 in the preceding proviso shall be combined with funds ap-  
19 propriated under the same heading and for the same pur-  
20 pose in Public Law 115–254 and the aggregate of such  
21 amounts shall be available for any of the same such pur-  
22 poses specified under this heading or the same heading  
23 in Public Law 115–254 without limitation: *Provided fur-*  
24 *ther*, That such amount is designated by the Congress as  
25 being for an emergency requirement pursuant to section



1 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
2 Deficit Control Act of 1985.”;

3 (2) at the appropriate place under title X, in-  
4 sert the following:

5 “SEC. \_\_\_\_\_. Of all amounts made available for miti-  
6 gation activities under the heading ‘Department of Hous-  
7 ing and Urban Development—Community Development  
8 Fund’ in Public Law 115–123, the Secretary shall publish  
9 in the Federal Register the allocations to all eligible grant-  
10 ees, and the necessary administrative requirements appli-  
11 cable to such allocations within 90 days after enactment  
12 of this Act;

13 “(1) For any plans or amendments addressing  
14 the use of any funds provided under Public Law  
15 115–123 and received by the Secretary prior to De-  
16 cember 22, 2018, the Secretary shall review pending  
17 amendments within 15 days of enactment of this Act  
18 and pending plans within 30 days of enactment of  
19 this Act;

20 “(2) After the date of this Act, the Secretary  
21 may not apply the statutory waiver or alternative re-  
22 quirement authority provided by Public Law 115–  
23 123 to extend or otherwise alter existing statutory  
24 and regulatory provisions governing the timeline for  
25 review of required grantee plans.”;

1           (3) at the appropriate place under title VI, in-  
2           sert the following new paragraph:

3           “In addition, for an additional amount for ‘State and  
4 Tribal Assistance Grants’, \$250,000,000, to remain avail-  
5 able until expended, of which \$130,500,000 shall be for  
6 capitalization grants for the Clean Water State Revolving  
7 Funds under title VI of the Federal Water Pollution Con-  
8 trol Act, and of which \$119,500,000 shall be for capital-  
9 ization grants under section 1452 of the Safe Drinking  
10 Water Act: *Provided*, That notwithstanding section 604(a)  
11 of the Federal Water Pollution Control Act and section  
12 1452(a)(1)(D) of the Safe Drinking Water Act, funds ap-  
13 propriated herein shall be provided to States or Territories  
14 in EPA Regions 2, 4 and 6 in amounts determined by  
15 the Administrator for wastewater and drinking water  
16 treatment works and facilities impacted by Hurricanes  
17 Harvey, Irma, and Maria: *Provided further*, That, for Re-  
18 gion 2, such funds allocated from funds appropriated here-  
19 in shall not be subject to the matching or cost share re-  
20 quirements of sections 602(b)(2), 602(b)(3) of the Federal  
21 Water Pollution Control Act nor the matching require-  
22 ments of section 1452(e) of the Safe Drinking Water Act:  
23 *Provided further*, That, for Region 2, notwithstanding the  
24 requirements of section 603(i) of the Federal Water Pollu-  
25 tion Control Act and section 1452(d) of the Safe Drinking

1 Water Act, each State and Territory shall use the full  
2 amount of its capitalization grants allocated from funds  
3 appropriated herein to provide additional subsidization to  
4 eligible recipients in the form of forgiveness of principal,  
5 negative interest loans or grants or any combination of  
6 these: *Provided further*, That, for Regions 4 and 6, not-  
7 withstanding the requirements of section 603(i) of the  
8 Federal Water Pollution Control Act and section 1452(d)  
9 of the Safe Drinking Water Act, for the funds allocated,  
10 each State shall use not less than 20 percent but not more  
11 than 30 percent amount of its capitalization grants allo-  
12 cated from funds appropriated herein to provide additional  
13 subsidization to eligible recipients in the form of forgive-  
14 ness of principal, negative interest loans or grants or any  
15 combination of these: *Provided further*, That the Adminis-  
16 trator shall retain \$37,300,000 of the funds appropriated  
17 herein for grants to any state or territory that has not  
18 established a water pollution control revolving fund pursu-  
19 ant to title VI of the Federal Water Pollution Control Act  
20 or section 1452 of the Safe Drinking Water Act for drink-  
21 ing water facilities and waste water treatment plants im-  
22 pacted by Hurricanes Irma and Maria: *Provided further*,  
23 That the funds appropriated herein shall only be used for  
24 eligible projects whose purpose is to reduce flood damage  
25 risk and vulnerability or to enhance resiliency to rapid hy-

1 hydrologic change or a natural disaster at treatment works  
2 as defined by section 212 of the Federal Water Pollution  
3 Control Act or any eligible facilities under section 1452  
4 of the Safe Drinking Water Act, and for other eligible  
5 tasks at such treatment works or facilities necessary to  
6 further such purposes: *Provided further*, That, for Region  
7 2, notwithstanding section 603(d)(2) of the Federal Water  
8 Pollution Control Act and section 1452(f)(2) of the Safe  
9 Drinking Water Act, funds allocated from funds appro-  
10 priated herein may be used to make loans or to buy, refi-  
11 nance or restructure the debt obligations of eligible recipi-  
12 ents only where such debt was incurred on or after Sep-  
13 tember 20, 2017: *Provided further*, That the Adminis-  
14 trator of the Environmental Protection Agency may retain  
15 up to \$1,000,000 of the funds appropriated herein for  
16 management and oversight: *Provided further*, That such  
17 amount is designated by the Congress as being for an  
18 emergency requirement pursuant to section  
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
20 Deficit Control Act of 1985.”; and

21 (4) at the appropriate place under title VII, in-  
22 sert the following:

23 “GENERAL PROVISIONS—THIS TITLE

24 “SEC. \_\_\_\_\_. (a) Section 1108(g)(5) of the Social Se-  
25 curity Act (42 U.S.C. 1308(g)(5)) is amended—

1           “(1) in subparagraph (A), by striking ‘and (E)’  
2 and inserting ‘(E), and (F)’;

3           “(2) in subparagraph (C), in the matter pre-  
4 ceding clause (i), by striking ‘and (E)’ and inserting  
5 ‘and (F)’;

6           “(3) by redesignating subparagraph (E) as sub-  
7 paragraph (F);

8           “(4) by inserting after subparagraph (D), the  
9 following:

10           “(E) Subject to subparagraph (F), for the  
11 period beginning January 1, 2019, and ending  
12 September 30, 2019, the amount of the in-  
13 crease otherwise provided under subparagraph  
14 (A) for the Northern Mariana Islands shall be  
15 further increased by \$36,000,000.’; and

16           “(5) in subparagraph (F) (as redesignated by  
17 paragraph (3) of this section)—

18           “(A) by striking ‘title XIX, during’ and in-  
19 serting “title XIX—

20           “(i) during’;

21           “(B) by striking ‘and (D)’ and inserting ‘,  
22 (D), and (E)’;

23           “(C) by striking ‘and the Virgin Islands’  
24 each place it appears and inserting ‘, the Virgin  
25 Islands, and the Northern Mariana Islands’;

1           “(D) by striking the period at the end and  
2           inserting ‘; and’; and

3           “(E) by adding at the end the following:

4                   “(ii) for the period beginning Janu-  
5                   ary 1, 2019, and ending September 30,  
6                   2019, with respect to payments to Guam  
7                   and American Samoa from the additional  
8                   funds provided under subparagraph (A),  
9                   the Secretary shall increase the Federal  
10                  medical assistance percentage or other rate  
11                  that would otherwise apply to such pay-  
12                  ments to 100 percent.’.

13          “(b) The amounts provided by the amendments made  
14          by subsection (a) are designated by the Congress as being  
15          for an emergency requirement pursuant to section  
16          251(b)(2)(A)(i) of the Balanced Budget and Emergency  
17          Deficit Control Act of 1985.”.