

Comparing the base document H.R. 2157, as introduced, with the Rules Committee Print 116-12, as modified

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That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2019, and for other purposes, namely:

## Title I

### Department of Agriculture

#### Sec. 101.

In addition to other amounts made available by section 309 of division A of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-72; 131 Stat. 1229), there is hereby appropriated \$600,000,000 for the Secretary of Agriculture to provide a grant to the Commonwealth of Puerto Rico for disaster nutrition assistance in response to Presidentially declared major disasters and emergencies: *Provided*, That the funds made available to the Commonwealth of Puerto Rico under this section shall remain available for obligation by the Commonwealth until September 30, 2020, and shall be in addition to funds otherwise made available: *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.

#### Sec. 102.

In addition to amounts otherwise made available, out of the funds made available under section 18 of the Food and Nutrition Act of 2008, \$25,200,000 shall be available for the Secretary to provide a grant to the Commonwealth of the Northern Mariana Islands for disaster nutrition assistance in response to the Presidentially declared major disasters and emergencies: *Provided*, That funds made available to the Commonwealth of the Northern Mariana Islands under this section shall remain available for obligation by the Commonwealth until September 30, 2020: *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.

#### Sec. 103.

For purposes of administering title I of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115-123), losses to agricultural producers resulting from hurricanes shall also include losses of peach and blueberry crops in calendar year 2017 due to extreme cold: *Provided*, That the amounts provided by this section 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: *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 of 1985 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.

**Sec. 104.**

(a)

(1) Except as provided in paragraph (2), a person or legal entity is not eligible to receive a payment under the Market Facilitation Program established pursuant to the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) if the average adjusted gross income of such person or legal entity is greater than \$900,000.

(2) Paragraph (1) shall not apply to a person or legal entity if at least 75 percent of the adjusted gross income of such person or legal entity is derived from farming, ranching, or forestry related activities.

(b) A person or legal entity may not receive a payment under the Market Facilitation Program described in subsection (a)(1), directly or indirectly, of more than \$125,000.

(c) In this section, the term "average adjusted gross income" has the meaning given the term defined in section 760.1502 of title 7 Code of Federal Regulations (as in effect July 18, 2018).

(d) The amount provided by this section 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.

**Sec. 105.**

There is hereby appropriated \$5,000,000, to remain available until September 30, 2020, for the Secretary of Agriculture to conduct an independent study, including a survey of participants, to compare the impact of the additional benefits provided by section 309 of Public Law 115–72 to the food insecurity, health status, and well-being of low-income residents in Puerto Rico without such additional benefits: *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.

**Sec. 106.**

In addition to amounts otherwise made available, out of the funds made available under section 18 of the Food and Nutrition Act of 2008, \$5,000,000 shall be available for the Secretary to provide a grant to American Samoa for disaster nutrition assistance in response to the Presidentially declared major disasters and emergencies: *Provided*, That funds made available to the territory under this section shall remain available for obligation by the territory until September 30, 2020: *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.

**Sec. 107.**

For an additional amount for the "Emergency Conservation Program", for necessary expenses related to the consequences of Hurricanes Michael and Florence and of wildfires occurring in calendar year 2018, and other natural disasters, \$500,000,000, 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.

## Title II

# DEPARTMENT OF COMMERCE

## Title III

# DEPARTMENT OF DEFENSE

## Title IV

# CORPS OF ENGINEERS—CIVIL

## Title V

# DEPARTMENT OF HOMELAND SECURITY

### Sec. 501.

(a) **IN GENERAL.**— The Federal share of assistance provided for DR–4336–PR, DR–4339–PR, DR–4340–USVI and DR–4335–USVI under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b and 5173) shall be 100 percent of the eligible costs under such sections.

(b) **APPLICABILITY.**— The Federal share provided by subsection (a) shall apply to disaster assistance applied for before, on, or after the date of enactment of this Act.

### Sec. 502.

The Administrator of the Federal Emergency Management Agency shall provide assistance, pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for critical services as defined in section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the duration of the recovery for incidents DR–4404, DR–4396, and DR–4398 to—

- (1) replace or restore the function of a facility or system to industry standards without regard to the pre-disaster condition of the facility or system; and
- (2) replace or restore components of the facility or system not damaged by the disaster where necessary to fully effectuate the replacement or restoration of disaster-damaged components to restore the function of the facility or system to industry standards.

### Sec. 503.

Section 20601 of Public Law 115–123 (132 Stat. 85) is amended by striking "may" and inserting "shall". *Provided* , That the amounts provided by this section 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: *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 of 1985 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.

### Sec. 504.

(a) **IN GENERAL.**— The President shall make a contribution under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for each eligible rural medical facility that was damaged or destroyed by a major disaster during calendar year 2015, regardless of whether the operations of such medical facility were subsequently carried out in a temporary replacement facility. Such contribution shall be sufficient to provide for a full permanent replacement of each such medical facility to the resiliency standards described in subsection (b).

(b) **RESILIENCY STANDARDS.**— A permanent replacement facility provided for under this section shall meet—

- (1) the definition of resilient developed pursuant to section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)); and
- (2) any relevant consensus-based codes, specifications, and standards.

(c) **TEMPORARY REPLACEMENT FACILITY.**— In any case in which the President, acting through the Federal Emergency Management Agency, has provided funding to lease or purchase a temporary replacement facility to house the operations of an eligible rural medical facility for which a permanent replacement facility is required under this section, the President shall continue such funding until a permanent replacement facility is operational, including for any period of time for which funding has not otherwise been provided.

(d) **HOSPITAL SUCCESSOR ENTITY.**— A transfer in ownership of an eligible rural medical facility or of a permanent replacement facility, or the execution of a transaction by the owner of an eligible rural medical facility resulting in different ownership of a permanent replacement facility, shall not affect the requirement in subsection (a) to provide for a full replacement of the facility for which funds are provided under this section, provided that such funds are provided to an entity otherwise eligible for assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

(e) **DEFINITION OF ELIGIBLE RURAL MEDICAL FACILITY.**— In this section, the term "eligible rural medical facility" means a private nonprofit hospital facility—

(1) located in a county with a population below 40,000, as determined by the most recent decennial census;

(2) that sustained damage during calendar year 2015 that was eligible for financial assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172); and

(3) that was closed following damage sustained during a major disaster and remains closed as of the date of enactment of this Act.

(f) The amounts provided by this section 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. 505.**

(a) **IN GENERAL.**— The President shall make a contribution under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) to the applicable State or local government for each eligible hydroelectric facility that was damaged or destroyed by a major disaster during calendar year 2015 to carry out the improvements for which such contribution was provided under this section.

(b) **CONTRIBUTION.**— Each contribution provided for improvements to an eligible hydroelectric facility under subsection (a) shall be sufficient to—

(1) rebuild canal embankments to meet all applicable guidelines in the Engineering Guidelines for the Evaluation of Hydropower Projects prepared by the Federal Energy Regulatory Commission;

(2) restore all other water-control and retaining structures to meet all applicable such Engineering Guidelines; and

(3) provide for either—

(A) the restoration of the eligible hydroelectric facility to full operation of its function as a primary water source and hydroelectric power supply; or

(B) the establishment of an alternative primary water source and the restoration of the full operation of the hydroelectric power supply function of the eligible hydroelectric facility pursuant to the requirements of subsection (c).

(c) **ALTERNATIVE CONTRIBUTION.**— A contribution may cover the establishment of an alternative primary water source under subsection (b)(3)(B) only if—

(1) the water source could provide redundancy to the water supply provided by an eligible hydroelectric facility;

(2) the water source is approved by any applicable regulatory agencies; and

(3) the cost of the establishment of such water source and the restoration of the full operation of the hydroelectric power supply function of the eligible hydroelectric facility is less than the cost of restoring the eligible hydroelectric facility to full operation as described under subsection (b)(3)(A).

(d) **RESILIENCY STANDARDS.**— An improvement carried out under this section shall meet the definition of resilient developed pursuant to section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)).

(e) DEFINITION OF ELIGIBLE HYDROELECTRIC FACILITY.— In this section, the term "eligible hydroelectric facility" means a hydroelectric facility that—

- (1) is part of a system that provides the primary water source for more than 200,000 people;
- (2) sustained damage eligible for financial assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172);
- (3) is licensed by the Federal Energy Regulatory Commission under part I of the Federal Power Act (16 U.S.C. 792 et seq.); and
- (4) has been assigned a significant hazard potential classification in accordance with chapter 1 of the Engineering Guidelines for the Evaluation of Hydropower Projects prepared by the Federal Energy Regulatory Commission.

(f) The amounts provided by this section 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.

## Title VI

# DEPARTMENT OF THE INTERIOR

### Sec. 601.

Not later than 45 days after the date of enactment of this Act, the agencies receiving funds appropriated by this title shall provide a detailed operating plan of anticipated uses of funds made available in this title by State and Territory, and by program, project, and activity, to the Committees on Appropriations: *Provided* , That no such funds shall be obligated before the operating plans are provided to the Committees: *Provided further* , That such plans shall be updated, including obligations to date, and submitted to the Committees on Appropriations every 60 days until all such funds are expended.

## Title VII

# DEPARTMENT OF LABOR

### Sec. 701.

(a) Section 1108(g)(5) of the Social Security Act (42 U.S.C. 1308(g)(5)) is amended—

- (1) in subparagraph (A), by striking “and (E)” and inserting “(E), and (F)”;
- (2) in subparagraph (C), in the matter preceding clause (i), by striking “and (E)” and inserting “and (F)”;
- (3) by redesignating subparagraph (E) as subparagraph (F);
- (4) by inserting after subparagraph (D), the following:

“(E) Subject to subparagraph (F), for the period beginning January 1, 2019, and ending September 30, 2019, the amount of the increase otherwise provided under subparagraph (A) for the Northern Mariana Islands shall be further increased by \$36,000,000.”; and

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

- (A) by striking "title XIX, during" and inserting “title XIX—  
“(i) during”;
- (B) by striking "and (D)" and inserting ", (D), and (E)";

(C) by striking "and the Virgin Islands" each place it appears and inserting ", the Virgin Islands, and the Northern Mariana Islands";

(D) by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(ii) for the period beginning January 1, 2019, and ending September 30, 2019, with respect to payments to Guam and American Samoa from the additional funds provided under subparagraph (A), the Secretary shall increase the Federal medical assistance percentage or other rate that would otherwise apply to such payments to 100 percent."

(b) The amounts provided by the amendments made by subsection (a) 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. 702.**

Not later than 30 days after the date of enactment of this Act, the Secretaries of Labor, Health and Human Services, and 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 Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until all funds are expended or expire.

**Sec. 703.**

The second proviso under the heading "Hurricane Education Recovery" under the heading "Department of Education" 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 this heading, including assistance provided to an eligible entity before the date of enactment of the Supplemental Appropriations Act, 2019, 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), notwithstanding section 102(e)(3) of title IV of division B of Public Law 109–148 (119 Stat. 2794), if the eligible entity will receive funds for that purpose under such section 406; 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 following:

"(10) amounts available under paragraph (4) that exceed the amount required to meet the need for such funds as determined by the Secretary as of December 31, 2018, shall be available to carry out paragraph (3); and":

*Provided*, That amounts repurposed pursuant to this section 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 being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## Title VIII

# LEGISLATIVE BRANCH

## **Title IX**

### **DEPARTMENT OF DEFENSE**

## **Title X**

### **DEPARTMENT OF TRANSPORTATION**

#### **Sec. 1001.**

(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 section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and any mitigation funding provided under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" of Public Law 115–123, that were allocated in response to Hurricane Matthew, may be used interchangeably and without limitation for the same activities in the most impacted and distressed areas related to Hurricane Florence. In addition, any funds provided under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" in this Act or in division I of Public Law 115–254 that are allocated in response to Hurricane Florence may be used interchangeably and without limitation for the same activities in the most impacted and distressed areas related to Hurricane Matthew. Until HUD publishes the Federal Register Notice implementing this provision, grantees may submit for HUD approval revised plans for the use of funds related to Hurricane Matthew that expand the eligible beneficiaries of existing programs contained in such previously approved plans to include those impacted by Hurricane Florence. Approval of any such revised plans shall include the execution of revised grant terms and conditions as necessary. Once the implementing Notice is published, any additional action plan revisions shall follow the requirements contained therein.

(b) Amounts made available for administrative costs 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 under this Act or any future Act, and amounts previously provided under section 420 of division L of Public Law 114–113, section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" of division B of Public Law 115–56, Public Law 115–123, and Public Law 115–254, shall be available for eligible administrative costs of the grantee related to any disaster relief funding identified in this subsection without regard to the particular disaster appropriation from which such funds originated.

(c) The additional uses pursuant to this section for amounts 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 and Emergency Deficit Control Act of 1985.

## **Title XI**

# GENERAL PROVISIONS—THIS ACT

## Sec. 1101.

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

## Sec. 1102.

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. 1103.

Unless otherwise provided for by this Act, the additional amounts appropriated by this division to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2019.

## Sec. 1104.

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. 1105.

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 division shall retain such designation.

## Sec. 1106.

Of all amounts made available for mitigation activities under the heading "Department of Housing and Urban Development—Community Development Fund" in Public Law 115–123, the Secretary shall publish in the Federal Register the allocations to all eligible grantees, and the necessary administrative requirements applicable to such allocations within 90 days after enactment of this Act:

(1) For any plans or amendments addressing the use of any funds provided under Public Law 115–123 and received by the Secretary prior to December 22, 2018, the Secretary shall review pending amendments within 15 days of enactment of this Act and pending plans within 30 days of enactment of this Act.

(2) After the date of this Act, the Secretary may not apply the statutory waiver or alternative requirement authority provided by Public Law 115–123 to extend or otherwise alter existing statutory and regulatory provisions governing the timeline for review of required grantee plans.

*Provided* , That the amounts provided by this section 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: *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 of 1985 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.

## Sec. 1107.

*(a) FINANCING.— Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "May 31, 2019" and inserting "September 30, 2019".*

*(b) PROGRAM EXPIRATION.— Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "May 31, 2019" and inserting "September 30, 2019".*

*(c) RETROACTIVE EFFECTIVE DATE.— If this Act is enacted after September 30, 2019, the amendments made by subsections (a) and (b) shall take effect as if enacted on September 30, 2019.*



This Act may be cited as the "Supplemental Appropriations Act, 2019".

