

116TH CONGRESS
2D SESSION

H. R. 6914

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

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2020

Mr. SMITH of New Jersey (for himself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “New Jersey, New
5 York, and Highly Impacted States COVID–19 Relief
6 Fund Act”.

1 **SEC. 2. CORONAVIRUS STATE AND LOCAL FISCAL RELIEF**
2 **FUNDS.**

3 The following sums are hereby appropriated, out of
4 any money in the Treasury not otherwise appropriated,
5 for the fiscal year ending September 30, 2020, and for
6 other purposes, namely:

7 **DEPARTMENT OF THE TREASURY**
8 **OFFICE OF INSPECTOR GENERAL**
9 **SALARIES AND EXPENSES**

10 For an additional amount for “Salaries and Ex-
11 penses”, \$15,000,000, to remain available until expended,
12 to conduct monitoring and oversight of the receipt, dis-
13 bursement, and use of funds made available under the
14 “Coronavirus State Fiscal Relief Fund” and the
15 “Coronavirus Local Fiscal Relief Fund” (collectively,
16 “Fiscal Relief Funds”): *Provided*, That, if the Inspector
17 General of the Department of the Treasury determines
18 that an entity receiving a payment from amounts provided
19 by the Fiscal Relief Funds has failed to comply with the
20 provisions governing the use of such funding, the Inspec-
21 tor General shall transmit any relevant information re-
22 lated to such determination to the Committees on Appro-
23 priations of the House of Representatives and the Senate
24 not later than 5 days after any such determination is
25 made: *Provided further*, That such amount is designated
26 by the Congress as being for an emergency requirement

1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
2 et and Emergency Deficit Control Act of 1985.

3 CORONAVIRUS STATE FISCAL RELIEF FUND

4 For making payments to States, territories, and Trib-
5 al governments to mitigate the fiscal effects stemming
6 from the public health emergency with respect to the
7 Coronavirus Disease (COVID–19), \$300,000,000,000 to
8 remain available until expended, which shall be in addition
9 to any other amounts available for making payments to
10 States, territories, and Tribal governments for any pur-
11 pose (including payments made under section 601 of the
12 Social Security Act), of which:

13 (1) \$10,000,000,000 shall be for making pay-
14 ments to the District of Columbia, Commonwealth of
15 Puerto Rico, United States Virgin Islands, Guam,
16 Commonwealth of the Northern Mariana Islands,
17 and American Samoa: *Provided*, That of the amount
18 made available in this paragraph, half shall be allo-
19 cated equally among each entity specified in this
20 paragraph, and half shall be allocated as an addi-
21 tional amount to each such entity in an amount
22 which bears the same proportion to half of the total
23 amount provided under this paragraph as the rel-
24 ative population of each such entity bears to the
25 total population of all such entities;

1 (2) \$10,000,000,000 shall be for making pay-
2 ments to Tribal governments: *Provided*, That pay-
3 ments of amounts made available in this paragraph
4 shall be made to each Tribal Government in an
5 amount determined by the Secretary of the Treas-
6 ury, in consultation with the Secretary of the Inte-
7 rior and Indian Tribes, that is based on increased
8 aggregate expenditures of each such Tribal govern-
9 ment (or a tribally owned entity of such Tribal gov-
10 ernment) in fiscal year 2020 relative to aggregate
11 expenditures in fiscal year 2019 by the Tribal gov-
12 ernment (or tribally owned entity) and determined in
13 such manner as the Secretary determines appro-
14 priate to ensure that all amounts available pursuant
15 to the preceding proviso for fiscal year 2020 are dis-
16 tributed to Tribal governments;

17 (3) \$280,000,000,000 shall be for making pay-
18 ments to each of the 50 States, of which—

19 (A) \$40,000,000,000 shall be allocated
20 equally between each of the 50 States;

21 (B) \$140,000,000,000 shall be allocated as
22 an additional amount to each such entity in an
23 amount which bears the same proportion to the
24 total amount provided under this subparagraph

1 as the relative population of each such entity
2 bears to the total population of all such entities;

3 (C) \$100,000,000,000 shall be allocated as
4 additional amounts among each of the 50
5 States, the District of Columbia, and the Five
6 Territories in an amount which bears the same
7 proportion to the total amount provided under
8 this subparagraph as the relative prevalence of
9 COVID–19 within each such entity bears to the
10 total prevalence of COVID–19 within all such
11 entities: *Provided*, That the relative prevalence
12 of COVID–19 shall be calculated using the
13 most recent data on the number of confirmed
14 and probable cases as published on the internet
15 by the Centers for Disease Control and Preven-
16 tion for each entity specified in the preceding
17 proviso;

18 *Provided further*, That any entity receiving a payment
19 from funds made available under this heading in this Act
20 shall only use such amounts to respond to, mitigate, cover
21 costs or replace foregone revenues not projected on Janu-
22 ary 31, 2020 stemming from the public health emergency,
23 or its negative economic impacts, with respect to the
24 Coronavirus Disease (COVID–19): *Provided further*, That
25 if the Inspector General of the Department of the Treas-

1 ury determines that an entity receiving a payment from
2 amounts provided under this heading has failed to comply
3 with the preceding proviso, the amount equal to the
4 amount of funds used in violation of such subsection shall
5 be booked as a debt of such entity owed to the Federal
6 Government, and any amounts recovered under this sub-
7 section shall be deposited into the general fund of the
8 Treasury as discretionary offsetting receipts: *Provided fur-*
9 *ther*, That for purposes of the preceding provisos under
10 this heading in this Act, the population of each entity de-
11 scribed in any such proviso shall be determined based on
12 the most recent year for which data are available from
13 the Bureau of the Census, or in the case of an Indian
14 tribe, shall be determined based on data certified by the
15 Tribal government: *Provided further*, That as used under
16 this heading in this Act, the terms “Tribal government”
17 and “Indian Tribe” have the same meanings as specified
18 in section 601(g) of the Social Security Act (42 U.S.C.
19 601(g)), as added by section 5001 of the CARES Act
20 (Public Law 116–136), and the term “State” means one
21 of the 50 States: *Provided further*, That the Secretary of
22 Treasury shall make all payments required pursuant to
23 paragraphs (1), (2), and (3) not later than 30 days after
24 the date of enactment of this Act. *Provided further*, That
25 such amount is designated by the Congress as being for

1 an emergency requirement pursuant to section
 2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 3 Deficit Control Act of 1985.

4 CORONAVIRUS LOCAL FISCAL RELIEF FUND

5 For making payments to metropolitan cities, coun-
 6 ties, and other units of general local government to miti-
 7 gate the fiscal effects stemming from the public health
 8 emergency with respect to the Coronavirus Disease
 9 (COVID–19), \$200,000,000,000, to remain available until
 10 expended, which shall be in addition to any other amounts
 11 available for making payments to metropolitan cities,
 12 counties, and other units of general local government (in-
 13 cluding payments made under section 601 of the Social
 14 Security Act), of which—

15 (1) \$100,000,000,000 shall be for making pay-
 16 ments to metropolitan cities and other units of gen-
 17 eral local government (as those terms are defined in
 18 section 102 of the Housing and Community Devel-
 19 opment Act of 1974 (42 U.S.C. 5302)), of which—

20 (A) \$750,000,000 shall be allocated pursu-
 21 ant to the formula under section 106(b)(1) of
 22 the Housing and Community Development Act
 23 of 1974 (42 U.S.C. 5306(b)(1)) to metropolitan
 24 cities (as defined in section 102(a)(4) of such
 25 Act (42 U.S.C. 5302(a)(4)), including metro-

1 politan cities that have relinquished or deferred
2 their status as a metropolitan city as of the
3 date of enactment of this Act: *Provided*, That
4 the funds provided under this subparagraph
5 shall be paid not later than 30 days after the
6 date of enactment of this Act; and

7 (B) \$250,000,000 shall be distributed to
8 each State (as that term is defined in section
9 102 of the Housing and Community Develop-
10 ment Act of 1974 (42 U.S.C. 5302)) for use by
11 units of general local government, other than
12 counties or parishes, in nonentitlement areas
13 (as defined in such section 102) of such States
14 in an amount which bears the same proportion
15 to the total amount provided under this sub-
16 paragraph as the total population of such units
17 of general local government within the State
18 bears to the total population of all such units
19 of general local government in all such States:
20 *Provided*, That the funds provided under this
21 subparagraph and allocated to each such unit of
22 general local government shall be distributed to
23 each such unit of general local government not
24 later than 30 days after the date of enactment
25 of this Act: *Provided further*, That if a State

1 has not elected to distribute amounts allocated
2 under this paragraph, the Secretary of the
3 Treasury shall pay the applicable amounts
4 under this subparagraph to such units of gen-
5 eral local government in the State not later
6 than 30 days after the date on which the State
7 would otherwise have received the amounts
8 from the Secretary; and

9 (2) \$100,000,000,000 shall be paid directly to
10 counties within the 50 States, the District of Colum-
11 bia, the Commonwealth of Puerto Rico, the United
12 States Virgin Islands, Guam, the Commonwealth of
13 the Northern Mariana Islands, and American Samoa
14 in an amount which bears the same proportion to
15 the total amount provided under this paragraph as
16 the relative population of each such county bears to
17 the total population of all such entities: *Provided*,
18 That the funds provided under this paragraph and
19 allocated to each such county shall be distributed to
20 each such county not later than 30 days after the
21 date of enactment of this Act: *Provided further*, That
22 no county that is an “urban county” (as defined in
23 section 102 of the Housing and Community Devel-
24 opment Act of 1974 (42 U.S.C. 5302)) shall receive
25 less than the amount the county would otherwise re-

1 ceive if the amount distributed under this paragraph
2 were allocated to metropolitan cities and urban
3 counties under section 106(b) of the Housing and
4 Community Development Act of 1974 (42 U.S.C.
5 5306(b)): *Provided further*, That in the case of an
6 amount to be paid to a county that is not a unit of
7 general local government, the amount shall instead
8 be paid to the State in which such county is located,
9 and such State shall distribute such amount to units
10 of general local government within such county in an
11 amounts that bear the same proportion as the popu-
12 lation of such units of general local government bear
13 to the total population of such county:
14 *Provided further*, That any entity receiving a payment
15 from funds made available under this heading in this Act
16 shall only use such amounts to respond to, mitigate, cover
17 costs or replace foregone revenues not projected on Janu-
18 ary 31, 2020 stemming from the public health emergency,
19 or its negative economic impacts, with respect to the
20 Coronavirus Disease (COVID–19): *Provided further*, That
21 if the Inspector General of the Department of the Treas-
22 ury determines that an entity receiving a payment from
23 amounts provided under this heading has failed to comply
24 with the preceding proviso, the amount equal to the
25 amount of funds used in violation of such subsection shall

1 be booked as a debt of such entity owed to the Federal
2 Government, and any amounts recovered under this sub-
3 section shall be deposited into the general fund of the
4 Treasury as discretionary offsetting receipts: *Provided fur-*
5 *ther*, That nothing in paragraph (1) or (2) shall be con-
6 strued as prohibiting a unit of general local government
7 that has formed a consolidated government, or that is geo-
8 graphically contained (in full or in part) within the bound-
9 aries of another unit of general local government from re-
10 ceiving a distribution under each of subparagraphs (A)
11 and (B) under paragraph (1) or under paragraph (2), as
12 applicable, based on the respective formulas specified con-
13 tained therein: *Provided further*, That the amounts other-
14 wise determined for distribution to units of local govern-
15 ment under each of subparagraphs (A) and (B) under
16 paragraph (1) and under paragraph (2) shall each be ad-
17 justed by the Secretary of the Treasury on a pro rata basis
18 to the extent necessary to comply with the amount appro-
19 priated and the requirements specified in each paragraph
20 and subparagraph, as applicable: *Provided further*, That
21 as used under this heading in this Act, the term “county”
22 means a county, parish, or other equivalent county divi-
23 sion (as defined by the Bureau of the Census): *Provided*
24 *further*, That for purposes of the preceding provisos under
25 this heading in this Act, the population of an entity shall

1 be determined based on the most recent year for which
2 data are available from the Bureau of the Census: *Pro-*
3 *vided further*, That such amount is designated by Congress
4 as being for an emergency requirement pursuant to sec-
5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985.

7 **SEC. 3. OTHER REQUIREMENTS.**

8 Amounts appropriated for fiscal year 2020 under this
9 Act shall be subject to the requirements contained in Pub-
10 lic Law 116–94 for funds for programs authorized under
11 sections 330 through 340 of the Public Health Service Act
12 (42 U.S.C. 254 through 256).

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