

DIVISION B—PUERTO RICO DISASTER TAX RELIEF ACT OF 2020

DIVISION C—BUDGETARY EFFECTS

1

REFERENCES

2

SEC. 3. Except as expressly provided otherwise, any

3

reference to “this Act” contained in any division of this

4

Act shall be treated as referring only to the provisions of

5

that division.

6

DIVISION A—EMERGENCY SUPPLE-

7

MENTAL APPROPRIATIONS FOR DIS-

8

ASTER RELIEF ACT, 2020

9

That the following sums are appropriated, out of any

10

money in the Treasury not otherwise appropriated, for the

11

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

12

poses, namely:

13

TITLE I

14

DEPARTMENT OF ENERGY

15

ENERGY PROGRAMS

16

CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY

17

RESPONSE

18

For an additional amount for “Cybersecurity, Energy

19

Security, and Emergency Response”, \$6,750,000, to re-

20

main available until expended, for necessary expenses re-

21

lated to providing technical assistance related to natural

22

disasters in U.S. territories, including technical assistance

23

related to electric grids: *Provided*, That such amount is

24

designated by the Congress as being for an emergency re-

1 requirement pursuant to section 251(b)(2)(A)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 ELECTRICITY

4 For an additional amount for “Electricity”,
5 \$15,000,000, to remain available until expended, for nec-
6 essary expenses related to providing technical assistance
7 related to natural disasters in U.S. territories, including
8 technical assistance related to electric grids: *Provided*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 TITLE II

14 DEPARTMENT OF EDUCATION

15 HURRICANE EDUCATION RECOVERY

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for “Hurricane Education
18 Recovery” for necessary expenses related to the con-
19 sequences of earthquakes occurring in calendar years
20 2019 and 2020 as of the date of enactment of this Act
21 in those areas for which a major disaster or emergency
22 has been declared under section 401 or 501 of the Robert
23 T. Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5170 and 5191) (referred to under this head-
25 ing as “covered disaster or emergency”), \$100,000,000,

1 to remain available through September 30, 2022, for as-
2 sisting in meeting the educational needs of individuals af-
3 fected by a covered disaster or emergency: *Provided*, That
4 such assistance shall be provided through any of the pro-
5 grams authorized under this heading in title VIII of sub-
6 division 1 of division B of the Bipartisan Budget Act of
7 2018 (Public Law 115–123; 132 Stat. 95), as amended
8 by section 201 of this Act, as determined by the Secretary
9 of Education, and subject to the terms and conditions that
10 applied to those programs, except that references to dates
11 and school years in such Act shall be deemed to be the
12 corresponding dates and school years for the covered dis-
13 aster or emergency: *Provided further*, That the Secretary
14 of Education may determine the amounts to be used for
15 each such program and shall notify the Committees on Ap-
16 propriations of the House of Representatives and the Sen-
17 ate of these amounts not later than 7 days prior to obliga-
18 tion: *Provided further*, That \$1,000,000 of the funds made
19 available under this heading, to remain available until ex-
20 pended, shall be transferred to the Office of the Inspector
21 General of the Department of Education for oversight of
22 activities supported with funds appropriated under this
23 heading, and up to \$500,000 of the funds made available
24 under this heading shall be for program administration:
25 *Provided further*, That such amount is designated by the

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

4 GENERAL PROVISIONS—THIS TITLE

5 SEC. 201. (a) The second proviso under the heading
6 “Department of Education—Hurricane Education Recov-
7 ery” under title VIII of subdivision 1 of division B of the
8 Bipartisan Budget Act of 2018 (Public Law 115–123; 132
9 Stat. 95) is amended—

10 (1) in paragraph (2)—

11 (A) in subparagraph (I), by striking “and”
12 after the semicolon;

13 (B) in subparagraph (J) by inserting
14 “and” at the end; and

15 (C) by adding at the end the following:

16 “(K) assistance provided to an eligible en-
17 tity under paragraph (1)(A) that was affected
18 by Hurricane Maria or earthquakes occurring
19 in calendar years 2019 and 2020 as of the date
20 of enactment of the ‘Emergency Supplemental
21 Appropriations for Disaster Relief Act, 2020’,
22 to assist with restarting school operations, in-
23 cluding assistance provided to an eligible entity
24 before the date of enactment of the ‘Emergency
25 Supplemental Appropriations for Disaster Re-

1 lief Act, 2020’, may be used by the eligible enti-
2 ty to pay the non-Federal share of a project de-
3 scribed in section 406 of the Robert T. Stafford
4 Disaster and Relief Emergency Act (42 U.S.C.
5 5172), notwithstanding section 102(e)(3)(A) of
6 title IV of division B of Public Law 109–148
7 (119 Stat. 2794);”;

8 (2) in paragraph (9), by striking “and” after
9 the semicolon;

10 (3) by redesignating paragraph (10) as para-
11 graph (11); and

12 (4) by inserting after paragraph (9) the fol-
13 lowing:

14 “(10) if the amount available under paragraph
15 (3) is insufficient to meet the need for such assist-
16 ance as demonstrated by applications submitted by
17 eligible entities, the Secretary may use additional
18 funds available under this heading to fully fund ap-
19 proved applications; and”.

20 (b) Amounts repurposed pursuant to the amendments
21 made by subsection (a) that were previously designated
22 by the Congress as an emergency requirement pursuant
23 to the Balanced Budget and Emergency Deficit Control
24 Act of 1985 are designated by the Congress as being for
25 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 SEC. 202. (a) Amounts previously made available for
4 activities authorized under “Department of Education—
5 Hurricane Education Recovery” in title VIII of subdivi-
6 sion 1 of division B of the Bipartisan Budget Act of 2018
7 (Public Law 115–123; 132 Stat. 95) may be used to ad-
8 dress unmet needs, as determined by the Secretary, for
9 that heading in this Act and in the Additional Supple-
10 mental Appropriations for Disaster Relief Act, 2019 (Pub-
11 lic Law 116–20; 133 Stat. 890). In addition, any funds
12 provided under the heading “Department of Education—
13 Hurricane Education Recovery” in this Act that are allo-
14 cated in response to a covered disaster or emergency may
15 be used interchangeably and without limitation for the
16 same activities related to Hurricanes Maria and Irma.

17 (b) Amounts repurposed pursuant to this section that
18 were previously designated by the Congress, respectively,
19 as an emergency requirement or as being for disaster relief
20 pursuant to the Balanced Budget and Emergency Deficit
21 Control Act are designated by the Congress as being for
22 an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985 or as being for disaster relief

1 pursuant to section 251(b)(2)(D) of the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 SEC. 203. Not later than 30 days after the date of
4 enactment of this Act, the Secretary of Education shall
5 provide a detailed spend plan of anticipated uses of funds
6 made available in this title, including estimated personnel
7 and administrative costs, to the Committees on Appropria-
8 tions of the House of Representatives and the Senate: *Pro-*
9 *vided*, That such plan shall be updated and submitted to
10 the Committees on Appropriations of the House of Rep-
11 resentatives and the Senate every 60 days until all funds
12 are expended or expire.

13 SEC. 204. Section 392 of the Higher Education Act
14 of 1965 (20 U.S.C. 1068a) is amended by adding at the
15 end the following:

16 “(d) WAIVER AUTHORITY WITH RESPECT TO INSTI-
17 TUTIONS LOCATED IN AN AREA AFFECTED BY HURRI-
18 CANE MARIA.—

19 “(1) WAIVER AUTHORITY.—Notwithstanding
20 any other provision of law, unless enacted with spe-
21 cific reference to this section, for any affected insti-
22 tution that was receiving assistance under this title
23 at the time of a covered hurricane disaster, the Sec-
24 retary shall, for each of the fiscal years 2020

1 through 2022 (and may, for each of the fiscal years
2 2023 and 2024)—

3 “(A) waive—

4 “(i) the eligibility data requirements
5 set forth in section 391(d);

6 “(ii) the wait-out period set forth in
7 section 313(d);

8 “(iii) the allotment requirements
9 under section 324; and

10 “(iv) the use of the funding formula
11 developed pursuant to section 326(f)(3);

12 “(B) waive or modify any statutory or reg-
13 ulatory provision to ensure that affected institu-
14 tions that were receiving assistance under this
15 title at the time of a covered hurricane disaster
16 are not adversely affected by any formula cal-
17 culation for fiscal year 2020 or for any of the
18 four succeeding fiscal years, as necessary; and

19 “(C) make available to each affected insti-
20 tution an amount that is not less than the
21 amount made available to such institution
22 under this title for fiscal year 2017, except that
23 for any fiscal year for which the funds appro-
24 priated for payments under this title are less
25 than the appropriated level for fiscal year 2017,

1 the amount made available to such institutions
2 shall be ratably reduced among the institutions
3 receiving funds under this title.

4 “(2) DEFINITIONS.—In this subsection:

5 “(A) AFFECTED INSTITUTION.—The term
6 ‘affected institution’ means an institution of
7 higher education that—

8 “(i) is—

9 “(I) a part A institution (which
10 term shall have the meaning given the
11 term ‘eligible institution’ under sec-
12 tion 312(b)); or

13 “(II) a part B institution, as
14 such term is defined in section
15 322(2), or as identified in section
16 326(e);

17 “(ii) is located in a covered area af-
18 fected by a hurricane disaster; and

19 “(iii) is able to demonstrate that, as a
20 result of the impact of a covered hurricane
21 disaster, the institution—

22 “(I) incurred physical damage;

23 “(II) has pursued collateral
24 source compensation from insurance,
25 the Federal Emergency Management

1 Agency, and the Small Business Ad-
2 ministration, as appropriate; and

3 “(III) was not able to fully re-
4 open in existing facilities or to fully
5 reopen to the pre-hurricane enroll-
6 ment levels during the 30-day period
7 beginning on September 7, 2017.

8 “(B) COVERED AREA AFFECTED BY A
9 HURRICANE DISASTER.—The term ‘covered area
10 affected by a hurricane disaster’ means an area
11 for which the President declared a major dis-
12 aster under section 401 of the Robert T. Staf-
13 ford Disaster Relief and Emergency Assistance
14 Act (42 U.S.C. 5170) as a result of Hurricane
15 Maria.

16 “(C) COVERED HURRICANE DISASTER.—
17 The term ‘covered hurricane disaster’ means a
18 major disaster that the President declared to
19 exist, in accordance with section 401 of the
20 Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5170), and
22 that was caused by Hurricane Maria or Hurri-
23 cane Irma.”.

1 TITLE III
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: *Provided*, 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-

1 curred in 2020 or a declaration of a major disaster that
2 occurred in 2020 pursuant to the Robert T. Stafford Dis-
3 aster Relief and Emergency Assistance Act (42 U.S.C.
4 5121 et seq.): *Provided*, That funds shall be awarded di-
5 rectly to the State, unit of general local government, or
6 Indian tribe (as such term is defined in section 102 of
7 the Housing and Community Development Act of 1974)
8 at the discretion of the Secretary: *Provided further*, That
9 in determining the amount allocated under this heading
10 for any grantee, the Secretary shall include an additional
11 amount for mitigation that is not less than 45 percent of
12 the amount allocated for such grantee for unmet needs:
13 *Provided further*, That the Secretary shall allocate for
14 grantees, based on the best available data, funds provided
15 for assistance under this heading no later than 60 days
16 after the date the disaster occurs, or the date of enactment
17 of this Act, whichever is later: *Provided further*, That the
18 Secretary may extend the deadline in the preceding pro-
19 viso by an additional 30 days if the Secretary jointly cer-
20 tifies with the Administrator of the Federal Emergency
21 Management Agency for each such extension, that the
22 Federal Emergency Management Agency has not made
23 sufficient information available to the Secretary regarding
24 relevant unmet recovery needs to make allocations in ac-
25 cordance with such deadlines: *Provided further*, That not

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

1 That the Secretary shall approve or disapprove a plan
2 amendment not later than 30 days after receipt of such
3 amendments or resubmission: *Provided further*, That the
4 Secretary shall ensure that all grant agreements necessary
5 for prompt disbursement of funds allocated to a grantee
6 are executed no later than 60 days after the date of ap-
7 proval of a grantee's plan: *Provided further*, That prior
8 to making any grant of funds provided under this heading
9 the Secretary, (1) must receive from the grantee informa-
10 tion that allows the Secretary to certify that such grantee
11 has in place proficient financial controls and procurement
12 processes and has established adequate procedures to pre-
13 vent any duplication of benefits as defined by section 312
14 of the Robert T. Stafford Disaster Relief and Emergency
15 Assistance Act (42 U.S.C. 5155), to ensure timely expend-
16 iture of funds, to maintain comprehensive websites regard-
17 ing all disaster recovery activities assisted with these
18 funds, and to detect and prevent waste, fraud, and abuse
19 of funds, and (2) shall certify in advance that such grantee
20 has in place such controls, processes and procedure: *Pro-*
21 *vided further*, That the Secretary shall not prohibit the
22 use of funds made available under this heading for non-
23 Federal share as authorized by section 105(a)(9) of the
24 Housing and Community Development Act of 1974 (42
25 U.S.C. 5305(a)(9)): *Provided further*, That with the

1 amounts made available under this heading, grantees may
2 establish grant programs to assist small businesses for
3 working capital purposes to aid in recovery: *Provided fur-*
4 *ther*, That with respect to any such duplication of benefits,
5 the Secretary shall act in accordance with section 1210
6 of the Disaster Recovery Reform Act of 2018 (division D
7 of Public Law 115–254; 132 Stat. 3442) and section 312
8 of the Robert T. Stafford Disaster Relief and Emergency
9 Assistance Act (42 U.S.C. 5155): *Provided further*, That
10 the Secretary shall require grantees to maintain on a pub-
11 lic website information containing common reporting cri-
12 teria established by the Department that permits individ-
13 uals and entities awaiting assistance and the general pub-
14 lic to see how all grant funds are used, including copies
15 of all relevant procurement documents, grantee adminis-
16 trative contracts and details of ongoing procurement proc-
17 esses, as determined by the Secretary: *Provided further*,
18 That such funds may not be used for activities reimburs-
19 able by, or for which funds have been made available by,
20 the Federal Emergency Management Agency or the Army
21 Corps of Engineers: *Provided further*, That funds allocated
22 under this heading shall not be considered relevant to the
23 non-disaster formula allocations made pursuant to section
24 106 of the Housing and Community Development Act of
25 1974 (42 U.S.C. 5306): *Provided further*, That a State,

1 unit of general local government, or Indian tribe may use
2 up to 5 percent of its allocation for administrative costs:
3 *Provided further*, That in administering the funds under
4 this heading, the Secretary of Housing and Urban Devel-
5 opment may waive, or specify alternative requirements for,
6 any provision of any statute or regulation that the Sec-
7 retary administers in connection with the obligation by the
8 Secretary or the use by the recipient of these funds (except
9 for any requirements related to fair housing, non-
10 discrimination, labor standards, the environment, and any
11 timelines specified under this heading), if the Secretary
12 finds that good cause exists for the waiver or alternative
13 requirement and such waiver or alternative requirement
14 would not be inconsistent with the overall purpose of title
15 I of the Housing and Community Development Act of
16 1974: *Provided further*, That, notwithstanding the pre-
17 ceding proviso, recipients of funds provided under this
18 heading that use such funds to supplement Federal assist-
19 ance provided under section 402, 403, 404, 406, 407,
20 408(c)(4), or 502 of the Robert T. Stafford Disaster Re-
21 lief and Emergency Assistance Act (42 U.S.C. 5121 et
22 seq.) may adopt, without review or public comment, any
23 environmental review, approval, or permit performed by
24 a Federal agency, and such adoption shall satisfy the re-
25 sponsibilities of the recipient with respect to such environ-

1 mental review, approval or permit: *Provided further*, That,
2 notwithstanding section 104(g)(2) of the Housing and
3 Community Development Act of 1974 (42 U.S.C.
4 5304(g)(2)), the Secretary may, upon receipt of a request
5 for release of funds and certification, immediately approve
6 the release of funds for an activity or project assisted
7 under this heading if the recipient has adopted an environ-
8 mental review, approval or permit under the preceding
9 proviso or the activity or project is categorically excluded
10 from review under the National Environmental Policy Act
11 of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That
12 the Secretary shall publish via notice in the Federal Reg-
13 ister any waiver, or alternative requirement, to any statute
14 or regulation that the Secretary administers pursuant to
15 title I of the Housing and Community Development Act
16 of 1974 no later than 5 days before the effective date of
17 such waiver or alternative requirement: *Provided further*,
18 That of the amounts made available under this heading,
19 up to \$5,000,000 shall be made available for capacity
20 building and technical assistance, including assistance on
21 contracting and procurement processes, to support States,
22 units of general local government, or Indian tribes (and
23 their subrecipients) that receive allocations pursuant to
24 this heading, or may receive similar allocations for disaster
25 recovery in future appropriations Acts: *Provided further*,

1 That of the amounts made available under this heading,
2 up to \$2,500,000 shall be transferred, in aggregate, to
3 “Department of Housing and Urban Development—Pro-
4 gram Office Salaries and Expenses—Community Planning
5 and Development” for necessary costs, including informa-
6 tion technology costs, of administering and overseeing the
7 obligation and expenditure of amounts under this heading:
8 *Provided further*, That the amount specified in the pre-
9 ceding proviso shall be combined with funds appropriated
10 under the same heading in prior appropriations Acts with-
11 out limitation: *Provided further*, That the Secretary shall
12 transmit each certification made under the authorities
13 provided in this Act to the Committees on Appropriations
14 of the House of Representatives and the Senate no later
15 than 3 days after making any such certification: *Provided*
16 *further*, That such amount is designated by the Congress
17 as being for an emergency requirement pursuant to sec-
18 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985: *Provided further*, That
20 amounts repurposed under this heading that were pre-
21 viously designated by the Congress as an emergency re-
22 quirement pursuant to the Balanced Budget and Emer-
23 gency Deficit Control Act are designated by the Congress
24 as 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 GENERAL PROVISIONS—THIS TITLE

4 SEC. 301. For an additional amount for “Department
5 of Housing and Urban Development—Community Plan-
6 ning and Development—Community Development Fund”,
7 \$1,260,000,000, to remain available until expended, which
8 amounts shall be allocated and used under the same au-
9 thority and conditions as the additional appropriations
10 under the heading “Department of Housing and Urban
11 Development—Community Planning and Development—
12 Community Development Fund” of title XI of the Addi-
13 tional Supplemental Appropriations for Disaster Relief
14 Act, 2019 (Public Law 116–20; 133 Stat. 896): *Provided*,
15 That not less than \$1,530,000,000 of the funds made
16 available in this section and under the heading “Depart-
17 ment of Housing and Urban Development—Community
18 Planning and Development—Community Development
19 Fund” of title XI of the Additional Supplemental Appro-
20 priations for Disaster Relief Act, 2019 (Public Law 116–
21 20) shall be allocated to grantees, no later than 60 days
22 after the date of enactment of this Act, for mitigation ac-
23 tivities in the most impacted and distressed areas resulting
24 from a major disaster that occurred in 2018 or 2019: *Pro-*
25 *vided further*, That such allocations shall be made in the

1 same proportion that the amount of funds each grantee
2 received under this section, under the heading “Depart-
3 ment of Housing and Urban Development—Community
4 Planning and Development—Community Development
5 Fund” of title XI of the Additional Supplemental Appro-
6 priations for Disaster Relief Act, 2019 (Public Law 116–
7 20), and under the same heading in division I of Public
8 Law 115–254 bears to the amount of all funds provided
9 to all grantees that received allocations for disasters that
10 occurred in 2018 or 2019: *Provided further*, That none
11 of the funds made available under this section or under
12 the heading “Department of Housing and Urban Develop-
13 ment—Community Planning and Development—Communi-
14 ty Development Fund” of title XI of the Additional Sup-
15 plemental Appropriations for Disaster Relief Act, 2019
16 (Public Law 116–20) may be used for any part of a major
17 disaster that was declared in 2020: *Provided further*, That
18 in administering funds made available under this section
19 and title XI of the Additional Supplemental Appropria-
20 tions for Disaster Relief Act, 2019 (Public Law 116–20),
21 the fourth proviso under the heading “Department of
22 Housing and Urban Development—Community Planning
23 and Development—Community Development Fund” in
24 Public Law 116–20 and the first proviso of section 1102
25 of such Public Law shall have no force or effect: *Provided*

1 *further*, That such amount is designated by the Congress
2 as being for an emergency requirement pursuant to sec-
3 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985: *Provided further*, That
5 amounts repurposed by this section that were previously
6 designated by the Congress as an emergency requirement
7 or as being for disaster relief pursuant to the Balanced
8 Budget and Emergency Deficit Control Act are 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 or as being
12 for disaster relief pursuant to section 251(b)(2)(D) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 SEC. 302. (a) Amounts previously made available for
16 activities authorized under title I of the Housing and Com-
17 munity Development Act of 1974 (42 U.S.C. 5301 et seq.)
18 related to disaster relief, long-term recovery, restoration
19 of infrastructure and housing, economic revitalization, and
20 mitigation in the most impacted and distressed areas re-
21 sulting from a major disaster, including funds provided
22 under the heading “Department of Housing and Urban
23 Development—Community Planning and Development—
24 Community Development Fund” in prior appropriations
25 Acts, that were allocated in response to Hurricanes Irma

1 and Maria, may be used interchangeably and without limi-
2 tation for the same activities funded under the heading
3 “Department of Housing and Urban Development—Com-
4 munity Planning and Development—Community Develop-
5 ment Fund” in this Act. In addition, any funds provided
6 under the heading “Department of Housing and Urban
7 Development—Community Planning and Development—
8 Community Development Fund” in this Act may be used
9 interchangeably and without limitation for the same activi-
10 ties in the most impacted and distressed areas related to
11 Hurricanes Irma and Maria.

12 (b)(1) Until the date on which the Secretary of Hous-
13 ing and Urban Development publishes a Federal Register
14 Notice implementing this provision—

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

1 (B) approval of any such revised plans shall in-
2 clude the execution of revised grant terms and con-
3 ditions as necessary.

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

7 (c) Amounts repurposed by this section that were pre-
8 viously designated by the Congress as an emergency re-
9 quirement or as being for disaster relief pursuant to the
10 Balanced Budget and Emergency Deficit Control Act are
11 designated by the Congress as being for an emergency re-
12 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985
14 or as being for disaster relief pursuant to section
15 251(b)(2)(D) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 SEC. 303. For funds appropriated under the heading
18 “Department of Housing and Urban Development—Com-
19 munity Planning and Development—Community Develop-
20 ment Fund” in subdivision 1 of division B of the Bipar-
21 tisan Budget Act of 2018 (Public Law 115–123) or the
22 Additional Supplemental Appropriations for Disaster Re-
23 lief Act, 2019 (Public Law 116–20), the Secretary shall
24 execute all grant agreements for disbursement of funds
25 allocated to a grantee no later than 60 days after the date

1 of approval of a grantee’s plan for the use of funds: *Pro-*
2 *vided*, That amounts repurposed by this section that were
3 previously designated as an emergency requirement or as
4 being for disaster relief pursuant to the Balanced Budget
5 and Emergency Deficit Control Act of 1985 are des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985
9 or as being for disaster relief pursuant to section
10 251(b)(2)(D) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 SEC. 304. (a) The Secretary of Housing and Urban
13 Development, the Secretary of Energy, the Administrator
14 of the Federal Emergency Management Agency, and other
15 Federal partners, shall complete the interagency consulta-
16 tion and coordination of Federal investments necessary for
17 the Secretary of Housing and Urban Development to de-
18 velop administrative requirements for funds provided for
19 enhanced or improved electrical power systems under the
20 heading “Department of Housing and Urban Develop-
21 ment—Community Planning and Development—Commu-
22 nity Development Fund” in title XI of subdivision 1 of
23 division B of the Bipartisan Budget Act of 2018 (Public
24 Law 115–123) no later than 30 days after the date of
25 enactment of this Act.

1 (b) With respect to amounts made available for en-
2 hanced or improved electrical power systems under the
3 heading “Department of Housing and Urban Develop-
4 ment—Community Planning and Development—Commu-
5 nity Development Fund” in title XI of subdivision 1 of
6 division B of the Bipartisan Budget Act of 2018 (Public
7 Law 115–123), the Secretary of Housing and Urban De-
8 velopment shall publish in the Federal Register the alloca-
9 tions to all eligible grantees, and the necessary administra-
10 tive requirements applicable to such allocations no later
11 than 60 days after the date of enactment of this Act.

12 (c) Amounts repurposed pursuant to this section that
13 were previously designated by the Congress as an emer-
14 gency requirement or as being for disaster relief pursuant
15 to the Balanced Budget and Emergency Deficit Control
16 Act of 1985 are designated by the Congress as being for
17 an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985 or as being for disaster relief
20 pursuant to section 251(b)(2)(D) of the Balanced Budget
21 and Emergency Deficit Control Act of 1985.

22 **TITLE IV—GENERAL PROVISIONS—THIS ACT**

23 **SEC. 401.** In addition to other amounts made avail-
24 able by section 309 of division A of the Additional Supple-
25 mental Appropriations for Disaster Relief Requirements

1 Act, 2017 (Public Law 115–72; 131 Stat. 1229), and by
2 section 104 of title I of the Additional Supplemental Ap-
3 propriations for Disaster Relief Act, 2019 (Public Law
4 116–20; 133 Stat. 874), there is appropriated to the Sec-
5 retary, out of any moneys in the Treasury not otherwise
6 appropriated, for the fiscal year ending September 30,
7 2020, \$40,000,000 to provide a grant to the Common-
8 wealth of Puerto Rico for disaster nutrition assistance in
9 response to a major earthquake disaster or emergency des-
10 igned by the President under the Robert T. Stafford
11 Disaster Relief and Emergency Assistance Act (42 U.S.C.
12 5121 et seq.): *Provided*, That the funds made available
13 to the Commonwealth of Puerto Rico under this section
14 shall remain available for obligation by the Commonwealth
15 until September 30, 2021, and shall be in addition to
16 funds otherwise made available: *Provided further*, That
17 such amount is designated by the Congress as being for
18 an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 SEC. 402. (a) Section 20601 of the Bipartisan Budg-
22 et Act of 2018 (Public Law 115–123) is amended by strik-
23 ing “and DR–4335–USVI” and inserting “DR–4335–
24 USVI, and for all major disasters declared under the Rob-
25 ert T. Stafford Disaster Relief and Recovery Act (42

1 U.S.C. 5122) for Puerto Rico or the United States Virgin
2 Islands during calendar year 2020”.

3 (b) Subsection (a) shall be applied as if it were in
4 effect beginning on January 1, 2020.

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

16 SEC. 403. Each amount appropriated or made avail-
17 able by this Act is in addition to amounts otherwise appro-
18 priated for the fiscal year involved.

19 SEC. 404. No part of any appropriation contained in
20 this Act shall remain available for obligation beyond the
21 current fiscal year unless expressly so provided herein.

22 SEC. 405. Unless otherwise provided for by this Act,
23 the additional amounts appropriated by this Act to appro-
24 priations accounts shall be available under the authorities

1 and conditions applicable to such appropriations accounts
2 for fiscal year 2020.

3 SEC. 406. Each amount designated in this Act by the
4 Congress as being for an emergency requirement pursuant
5 to section 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985 shall be available
7 (or rescinded or transferred, if applicable) only if the
8 President subsequently so designates all such amounts
9 and transmits such designations to the Congress.

10 SEC. 407. Any amount appropriated by this Act, des-
11 igned by the Congress as an emergency requirement
12 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
13 et and Emergency Deficit Control Act of 1985 and subse-
14 quently so designated by the President, and transferred
15 pursuant to transfer authorities provided by this Act shall
16 retain such designation.

17 This division may be cited as the “Emergency Sup-
18 plemental Appropriations for Disaster Relief Act, 2020”.

19 **DIVISION B—PUERTO RICO DISASTER TAX**
20 **RELIEF ACT OF 2020**

21 SHORT TITLE

22 SEC. 101.

23 This division may be cited as the “Puerto Rico Dis-
24 aster Tax Relief Act of 2020”.

25 QUALIFIED PUERTO RICO DISASTER ZONE DEFINED

26 SEC. 102.

1 For purposes of this division, the term “qualified
2 Puerto Rico disaster zone” means any area—

3 (1) with respect to which a major disaster was
4 declared by the President under section 401 of the
5 Robert T. Stafford Disaster Relief and Emergency
6 Assistance Act by reason of the earthquakes occur-
7 ring in or near Puerto Rico beginning on December
8 28, 2019, and ending on the date which is 60 days
9 after the date of the enactment of this Act, and

10 (2) which was determined by the President to
11 warrant individual or individual and public assist-
12 ance from the Federal Government under such Act
13 by reason of such earthquakes.

14 CHILD TAX CREDIT FOR PUERTO RICO AND OTHER

15 POSSESSIONS OF THE UNITED STATES

16 SEC. 103.

17 (a) PUERTO RICO.—

18 (1) SAME TREATMENT OF FAMILIES IN PUERTO
19 RICO WITH ONE CHILD OR TWO CHILDREN THAT IS
20 CURRENTLY PROVIDED TO FAMILIES IN PUERTO
21 RICO WITH THREE OR MORE CHILDREN.—Section
22 24(d) of the Internal Revenue Code of 1986 is
23 amended by adding at the end the following new
24 paragraph:

25 “(4) RESIDENTS OF PUERTO RICO.—In the case
26 of an individual who is a bona fide resident of Puer-

1 to Rico (within the meaning of section 937(a)) for
2 the taxable year, paragraph (1)(B)(ii) shall be ap-
3 plied by substituting ‘1 or more qualifying children’
4 for ‘3 or more qualifying children’.”.

5 (2) EFFECTIVE DATE.—The amendment made
6 by paragraph (1) shall apply to taxable years begin-
7 ning after December 31, 2019.

8 (b) MIRROR CODE POSSESSIONS.—The Secretary of
9 the Treasury shall pay to each possession of the United
10 States with a mirror code tax system amounts equal to
11 the loss to that possession by reason of the application
12 of section 24 of the Internal Revenue Code of 1986 with
13 respect to taxable years beginning after 2019. Such
14 amounts shall be determined by the Secretary of the
15 Treasury based on information provided by the govern-
16 ment of the respective possession.

17 (c) AMERICAN SAMOA.—The Secretary of the Treas-
18 ury shall pay to American Samoa amounts estimated by
19 the Secretary of the Treasury as being equal to the aggre-
20 gate benefits that would have been provided to the resi-
21 dents of American Samoa by reason of the application of
22 section 24 of such Code for taxable years beginning after
23 2019 if the provisions of such section had been in effect
24 in American Samoa. The preceding sentence shall not
25 apply unless American Samoa has a plan, which has been

1 approved by the Secretary of the Treasury, under which
2 American Samoa will promptly distribute such payments
3 to the residents of American Samoa in a manner which
4 replicates to the greatest degree practicable the benefits
5 that would have been so provided to each such resident.

6 (d) DEFINITIONS AND SPECIAL RULES.—

7 (1) IN GENERAL.—No credit shall be allowed
8 against United States income taxes for any taxable
9 year under section 24 of the Internal Revenue Code
10 of 1986 to any person—

11 (A) to whom a credit is allowed against
12 taxes imposed by a possession with a mirror
13 code tax system by reason of the application of
14 section 24 of such Code in such possession for
15 such taxable year, or

16 (B) who is eligible for a payment under a
17 plan described in subsection (c) with respect to
18 such taxable year.

19 (2) MIRROR CODE TAX SYSTEM.—For purposes
20 of this section, the term “mirror code tax system”
21 means, with respect to any possession of the United
22 States, the income tax system of such possession if
23 the income tax liability of the residents of such pos-
24 session under such system is determined by ref-

1 erence to the income tax laws of the United States
2 as if such possession were the United States.

3 (3) TREATMENT OF PAYMENTS.—For purposes
4 of section 1324(b)(2) of title 31, United States
5 Code, the payments under subsections (b) and (c)
6 shall be treated in the same manner as a refund due
7 from the credit allowed under section 24 of the In-
8 ternal Revenue Code of 1986.

9 APPLICATION OF EARNED INCOME TAX CREDIT IN
10 POSSESSIONS OF THE UNITED STATES

11 SEC. 104.

12 (a) IN GENERAL.—Chapter 77 of the Internal Rev-
13 enue Code of 1986 is amended by adding at the end the
14 following new section:

15 **“SEC. 7529. APPLICATION OF EARNED INCOME TAX CREDIT**
16 **TO POSSESSIONS OF THE UNITED STATES.**

17 “(a) PUERTO RICO.—

18 “(1) IN GENERAL.—With respect to calendar
19 year 2021 and each calendar year thereafter, the
20 Secretary shall, except as otherwise provided in this
21 subsection, make payments to Puerto Rico equal
22 to—

23 “(A) the specified matching amount for
24 such calendar year, plus

25 “(B) in the case of calendar years 2021
26 through 2025, the lesser of—

1 “(i) the expenditures made by Puerto
2 Rico during such calendar year for edu-
3 cation efforts with respect to individual
4 taxpayers and tax return preparers relat-
5 ing to the earned income tax credit, or

6 “(ii) \$1,000,000.

7 “(2) REQUIREMENT TO REFORM EARNED IN-
8 COME TAX CREDIT.—The Secretary shall not make
9 any payments under paragraph (1) with respect to
10 any calendar year unless Puerto Rico has in effect
11 an earned income tax credit for taxable years begin-
12 ning in or with such calendar year which (relative to
13 the earned income tax credit which was in effect for
14 taxable years beginning in or with calendar year
15 2019) increases the percentage of earned income
16 which is allowed as a credit for each group of indi-
17 viduals with respect to which such percentage is sep-
18 arately stated or determined in a manner designed
19 to substantially increase workforce participation.

20 “(3) SPECIFIED MATCHING AMOUNT.—For pur-
21 poses of this subsection—

22 “(A) IN GENERAL.—The term ‘specified
23 matching amount’ means, with respect to any
24 calendar year, the lesser of—

25 “(i) the excess (if any) of—

1 “(I) the cost to Puerto Rico of
2 the earned income tax credit for tax-
3 able years beginning in or with such
4 calendar year, over

5 “(II) the base amount for such
6 calendar year, or

7 “(ii) the product of 3, multiplied by
8 the base amount for such calendar year.

9 “(B) BASE AMOUNT.—

10 “(i) BASE AMOUNT FOR 2021.—In the
11 case of calendar year 2021, the term ‘base
12 amount’ means the greater of—

13 “(I) the cost to Puerto Rico of
14 the earned income tax credit for tax-
15 able years beginning in or with cal-
16 endar year 2019 (rounded to the
17 nearest multiple of \$1,000,000), or

18 “(II) \$200,000,000.

19 “(ii) INFLATION ADJUSTMENT.—In
20 the case of any calendar year after 2021,
21 the term ‘base amount’ means the dollar
22 amount determined under clause (i) in-
23 creased by an amount equal to—

24 “(I) such dollar amount, multi-
25 plied by—

1 “(II) the cost-of-living adjust-
2 ment determined under section 1(f)(3)
3 for such calendar year, determined by
4 substituting ‘calendar year 2020’ for
5 ‘calendar year 2016’ in subparagraph
6 (A)(ii) thereof.

7 Any amount determined under this clause
8 shall be rounded to the nearest multiple of
9 \$1,000,000.

10 “(4) RULES RELATED TO PAYMENTS AND RE-
11 PORTS.—

12 “(A) TIMING OF PAYMENTS.—The Sec-
13 retary shall make payments under paragraph
14 (1) for any calendar year—

15 “(i) after receipt of the report de-
16 scribed in subparagraph (B) for such cal-
17 endar year, and

18 “(ii) except as provided in clause (i),
19 within a reasonable period of time before
20 the due date for individual income tax re-
21 turns (as determined under the laws of
22 Puerto Rico) for taxable years which began
23 on the first day of such calendar year.

24 “(B) ANNUAL REPORTS.—With respect to
25 calendar year 2021 and each calendar year

1 thereafter, Puerto Rico shall provide to the Sec-
2 retary a report which shall include—

3 “(i) an estimate of the costs described
4 in paragraphs (1)(B)(i) and (3)(A)(i)(I)
5 with respect to such calendar year, and

6 “(ii) a statement of such costs with
7 respect to the preceding calendar year.

8 “(C) ADJUSTMENTS.—

9 “(i) IN GENERAL.—In the event that
10 any estimate of an amount is more or less
11 than the actual amount as later deter-
12 mined and any payment under paragraph
13 (1) was determined on the basis of such
14 estimate, proper payment shall be made
15 by, or to, the Secretary (as the case may
16 be) as soon as practicable after the deter-
17 mination that such estimate was inae-
18 curate. Proper adjustment shall be made in
19 the amount of any subsequent payments
20 made under paragraph (1) to the extent
21 that proper payment is not made under the
22 preceding sentence before such subsequent
23 payments.

24 “(ii) ADDITIONAL REPORTS.—The
25 Secretary may require such additional peri-

1 odic reports of the information described in
2 subparagraph (B) as the Secretary deter-
3 mines appropriate to facilitate timely ad-
4 justments under clause (i).

5 “(D) DETERMINATION OF COST OF
6 EARNED INCOME TAX CREDIT.—For purposes
7 of this subsection, the cost to Puerto Rico of
8 the earned income tax credit shall be deter-
9 mined by the Secretary on the basis of the laws
10 of Puerto Rico and shall include reductions in
11 revenues received by Puerto Rico by reason of
12 such credit and refunds attributable to such
13 credit, but shall not include any administrative
14 costs with respect to such credit.

15 “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-
16 TEMS.—

17 “(1) IN GENERAL.—With respect to calendar
18 year 2021 and each calendar year thereafter, the
19 Secretary shall, except as otherwise provided in this
20 subsection, make payments to the Virgin Islands,
21 Guam, and the Commonwealth of the Northern Mar-
22 iana Islands equal to—

23 “(A) 75 percent of the cost to such posses-
24 sion of the earned income tax credit for taxable

1 years beginning in or with such calendar year,
2 plus

3 “(B) in the case of calendar years 2021
4 through 2025, the lesser of—

5 “(i) the expenditures made by such
6 possession during such calendar year for
7 education efforts with respect to individual
8 taxpayers and tax return preparers relat-
9 ing to such earned income tax credit, or

10 “(ii) \$50,000.

11 “(2) APPLICATION OF CERTAIN RULES.—Rules
12 similar to the rules of subparagraphs (A), (B), (C),
13 and (D) of subsection (a)(4) shall apply for purposes
14 of this subsection.

15 “(c) AMERICAN SAMOA.—

16 “(1) IN GENERAL.—With respect to calendar
17 year 2021 and each calendar year thereafter, the
18 Secretary shall, except as otherwise provided in this
19 subsection, make payments to American Samoa
20 equal to—

21 “(A) the lesser of—

22 “(i) 75 percent of the cost to Amer-
23 ican Samoa of the earned income tax cred-
24 it for taxable years beginning in or with
25 such calendar year, or

1 “(ii) \$12,000,000, plus

2 “(B) in the case of calendar years 2021
3 through 2025, the lesser of—

4 “(i) the expenditures made by Amer-
5 ican Samoa during such calendar year for
6 education efforts with respect to individual
7 taxpayers and tax return preparers relat-
8 ing to such earned income tax credit, or

9 “(ii) \$50,000.

10 “(2) REQUIREMENT TO ENACT AND MAINTAIN
11 AN EARNED INCOME TAX CREDIT.—The Secretary
12 shall not make any payments under paragraph (1)
13 with respect to any calendar year unless American
14 Samoa has in effect an earned income tax credit for
15 taxable years beginning in or with such calendar
16 year which allows a refundable tax credit to individ-
17 uals on the basis of the taxpayer’s earned income
18 which is designed to substantially increase workforce
19 participation.

20 “(3) INFLATION ADJUSTMENT.—In the case of
21 any calendar year after 2021, the \$12,000,000
22 amount in paragraph (1)(A)(ii) shall be increased by
23 an amount equal to—

24 “(A) such dollar amount, multiplied by—

1 ceiling for Puerto Rico for calendar year 2020 shall be
2 increased by \$50,000,000.

3 (b) QUALIFIED PUERTO RICO DISASTER ZONES
4 TREATED AS DIFFICULT DEVELOPMENT AREAS.—

5 (1) IN GENERAL.—For purposes of section 42
6 of the Internal Revenue Code of 1986, in the case
7 of a qualified building placed in service in a qualified
8 Puerto Rico disaster zone (as defined in section
9 102), such area shall be treated as a difficult devel-
10 opment area under subclause (I) of section
11 42(d)(5)(B)(iii) but shall not be taken into account
12 for purposes of applying the limitation under sub-
13 clause (II) of such section.

14 (2) QUALIFIED BUILDING.—For purposes of
15 this subsection, the term “qualified building” means
16 any building which is allocated a housing credit dol-
17 lar amount during calendar year 2020 or 2021.

18 (3) OTHER DEFINITIONS.—Terms used in this
19 section which are also used in section 42 of the In-
20 ternal Revenue Code of 1986 shall have the same
21 meaning when used in this section as when used in
22 such section 42.

23 NEW MARKETS TAX CREDIT ALLOCATIONS FOR PUERTO
24 RICO
25 SEC. 106.

1 (a) IN GENERAL.—For purposes of section 45D of
2 the Internal Revenue Code of 1986—

3 (1) the new markets tax credit limitation other-
4 wise determined under subsection (f)(1) thereof for
5 each of 2020 and 2021 shall be increased by
6 \$500,000,000, to be allocated among specified com-
7 munity development entities to make qualified low-
8 income community investments in Puerto Rico, and

9 (2) section 45D(f)(3) shall be applied—

10 (A) separately with respect to the amounts
11 of the increases under paragraph (1), and

12 (B) solely with respect to the amounts of
13 the increases described in subparagraph (A),
14 the last sentence of such section shall not pre-
15 vent such amounts from being carried to cal-
16 endar year 2026.

17 (b) SPECIFIED COMMUNITY DEVELOPMENT ENTI-
18 TIES.—For purposes of this section, the term “specified
19 community development entity” means any qualified com-
20 munity development entity if such entity has a history of
21 making qualified low-income community investments in
22 federally declared disaster areas or Puerto Rico.

23 (c) OTHER DEFINITIONS.—Terms used in this sec-
24 tion which are also used in section 45D of the Internal

1 Revenue Code of 1986 shall have the same meaning when
2 used in this section as when used in such section 45D.

3 COVER OVER OF DISTILLED SPIRITS TAXES

4 SEC. 107.

5 (a) REPEAL OF LIMITATION ON COVER OVER OF
6 DISTILLED SPIRITS TAXES TO PUERTO RICO AND VIRGIN
7 ISLANDS.—

8 (1) IN GENERAL.—Section 7652 of the Internal
9 Revenue Code of 1986 is amended by striking sub-
10 section (f) and by redesignating subsections (g) and
11 (h) as subsections (f) and (g), respectively.

12 (2) CONFORMING AMENDMENT.—Section
13 7652(f)(1) of such Code, as redesignated by para-
14 graph (1), is amended by—

15 (A) striking subparagraph (B), and

16 (B) by striking “as if—” and all that fol-
17 lows through “the use and tax” and inserting
18 “as if the use and tax”.

19 (3) EFFECTIVE DATE.—The amendments made
20 by this subsection shall apply to distilled spirits
21 brought into the United States after December 31,
22 2019.

23 (b) TRANSFER TO PUERTO RICO CONSERVATION
24 TRUST FUND OF PORTION OF PUERTO RICO RUM COVER
25 OVER.—

1 (1) IN GENERAL.—Section 7652(e) of the Inter-
2 nal Revenue Code of 1986 is amended by redesignig-
3 nating paragraphs (3), (4), and (5) as paragraphs
4 (4), (5), and (6), respectively, and by inserting after
5 paragraph (2) the following new paragraph:

6 “(2) TRANSFER TO PUERTO RICO CONSERVA-
7 TION TRUST FUND OF PORTION OF RUM COVER
8 OVER.—

9 “(A) IN GENERAL.—From any amount
10 otherwise required to be covered over to the
11 treasury of Puerto Rico under this section with
12 respect to taxes collected on rum under section
13 5001(a)(1) or subsection (a) of this section, the
14 Secretary of the Treasury shall transfer to the
15 Puerto Rico Conservation Trust Fund an
16 amount equal to \$0.46 per proof gallon of rum
17 to which such cover over is attributable. Any
18 amount transferred under the preceding sen-
19 tence shall be treated for purposes of this sec-
20 tion (other than this paragraph) as having been
21 covered over to the treasury of Puerto Rico.

22 “(B) PUERTO RICO CONSERVATION TRUST
23 FUND.—For purposes of this section, the term
24 ‘Puerto Rico Conservation Trust Fund’ means
25 the fund established pursuant to a Memo-

1 randum of Understanding between the United
2 States Department of the Interior and the
3 Commonwealth of Puerto Rico, dated December
4 24, 1968.”.

5 (2) EFFECTIVE DATE.—The amendments made
6 by this section shall apply to rum brought into the
7 United States after December 31, 2019.

8 (c) COVER OVER DETERMINED WITHOUT REGARD
9 TO CERTAIN RATE REDUCTIONS.—

10 (1) IN GENERAL.—Section 7652 of the Internal
11 Revenue Code of 1986, as amended by subsection
12 (a)(1), is amended by adding at the end the fol-
13 lowing new subsection:

14 “(h) COVER OVER DETERMINED WITHOUT REGARD
15 TO CERTAIN RATE REDUCTIONS.—For purposes of sub-
16 sections (a)(3), (b)(3), and (e), the amount of taxes im-
17 posed and collected under section 5001(a)(1) shall be de-
18 termined without regard to section 5001(c).”.

19 (2) CONFORMING AMENDMENT.—Section
20 7652(e) of such Code, as amended by subsection
21 (b)(1), is amended by striking paragraph (6).

22 (3) EFFECTIVE DATE.—The amendments made
23 by this subsection shall take effect as if included in
24 section 13807 of Public Law 115–97.

1 EMPLOYEE RETENTION CREDIT WITH RESPECT TO INDI-
2 VIDUALS EMPLOYED IN THE QUALIFIED PUERTO
3 RICO DISASTER ZONE
4 SEC. 108.

5 (a) IN GENERAL.—The Secretary of the Treasury
6 shall pay to Puerto Rico the amount determined under
7 subsection (b) for the purpose of providing an employee
8 retention credit with respect to individuals employed in a
9 qualified Puerto Rico disaster zone (as defined in section
10 102). The preceding sentence shall not apply unless Puer-
11 to Rico has a plan for implementing such employee reten-
12 tion credit—

13 (1) which is similar to the plan approved under
14 section 504(d)(1)(B) of the Disaster Tax Relief and
15 Airport and Airway Extension Act of 2017,

16 (2) under which Puerto Rico will promptly dis-
17 tribute such payments to its residents, and

18 (3) which has been approved by the Secretary
19 of the Treasury for purposes of this section.

20 (b) DETERMINATION OF PAYMENT AMOUNT.—

21 (1) IN GENERAL.—The amount determined
22 under this subsection is the product of—

23 (A) the aggregate amount of payments
24 made under section 504(d)(1)(B) of the Dis-

1 aster Tax Relief and Airport and Airway Exten-
2 sion Act of 2017, multiplied by

3 (B) the population adjustment ratio.

4 (2) POPULATION ADJUSTMENT RATIO.—For
5 purposes of this subsection, the term population ad-
6 justment ratio means the ratio of—

7 (A) the number of individuals estimated by
8 the Secretary of the Treasury to have been
9 present in the qualified Puerto Rico disaster
10 zone (as defined in section 102), over

11 (B) the number of individuals estimated by
12 the Secretary of the Treasury to have been
13 present in the Hurricane Maria disaster zone
14 (as defined in section 501(e) of the Disaster
15 Tax Relief and Airport and Airway Extension
16 Act of 2017).

17 (c) REPORT TO CONGRESS.—Not later than 90 days
18 after substantially all of the employee retention credits
19 under this section have been paid or allowed to taxpayers
20 in Puerto Rico, the Secretary of the Treasury of Puerto
21 Rico shall submit a written report to Congress docu-
22 menting the implementation of such credits.

1 **DIVISION C—BUDGETARY EFFECTS**

2 BUDGETARY EFFECTS

3 SEC. 101. (a) IN GENERAL.—The budgetary effects
4 of division B and each succeeding division shall not be en-
5 tered on either PAYGO scorecard maintained pursuant to
6 section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

7 (b) SENATE PAYGO SCORECARDS.—The budgetary
8 effects of division B and each succeeding division shall not
9 be entered on any PAYGO scorecard maintained for pur-
10 poses of section 4106 of H. Con. Res. 71 (115th Con-
11 gress).

12 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
13 Notwithstanding Rule 3 of the Budget Scorekeeping
14 Guidelines set forth in the joint explanatory statement of
15 the committee of conference accompanying Conference Re-
16 port 105–217 and section 250(c)(8) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985, the
18 budgetary effects of division B and each succeeding divi-
19 sion shall not be estimated—

20 (1) for purposes of section 251 of such Act; and

21 (2) for purposes of paragraph (4)(C) of section
22 3 of the Statutory Pay-As-You-Go Act of 2010 as
23 being included in an appropriation Act.

○