

117TH CONGRESS
1ST SESSION

H. R. 5735

To amend title VI of the Social Security Act to allow States and local governments to use coronavirus relief funds provided under the American Rescue Plan Act for infrastructure projects, improve the Local Assistance and Tribal Consistency Fund, provide Tribal governments with more time to use Coronavirus Relief Fund payments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2021

Mr. JOHNSON of South Dakota (for himself, Ms. BOURDEAUX, Mr. SCALISE, Mr. CUELLAR, Mr. ALLEN, Ms. DELBENE, Mr. ROUZER, Ms. STRICKLAND, Mr. WEBER of Texas, Mr. HUFFMAN, Mr. PALAZZO, Mr. BISHOP of Georgia, Mr. BARR, Mr. MORELLE, Mr. MEUSER, Mr. SIRES, Mr. GIMENEZ, Mr. DELGADO, Mr. MCKINLEY, Ms. SCHRIER, Mr. MEIJER, Mr. SOTO, Mr. CARL, Mr. PAPPAS, Mr. CRAWFORD, Ms. MCCOLLUM, Mr. TIMMONS, Mr. GOTTHEIMER, Mr. WENSTRUP, Mr. KILMER, Mr. YOUNG, and Mr. O'HALLERAN) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend title VI of the Social Security Act to allow States and local governments to use coronavirus relief funds provided under the American Rescue Plan Act for infrastructure projects, improve the Local Assistance and Tribal Consistency Fund, provide Tribal governments with more time to use Coronavirus Relief Fund payments, 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 “State, Local, Tribal,
 5 and Territorial Fiscal Recovery, Infrastructure, and Dis-
 6 aster Relief Flexibility Act”.

7 **SEC. 2. AUTHORITY TO USE CORONAVIRUS RELIEF FUNDS**
 8 **FOR INFRASTRUCTURE PROJECTS.**

9 (a) IN GENERAL.—Title VI of the Social Security Act
 10 (42 U.S.C. 801 et seq.), as amended by section 40909 of
 11 the Infrastructure Investment and Jobs Act, is amended—

12 (1) in section 602—

13 (A) in subsection (a)(1), by inserting “(ex-
 14 cept as provided in subsection (c)(5))” after
 15 “December 31, 2024”; and

16 (B) in subsection (c)—

17 (i) in paragraph (1)—

18 (I) in the matter preceding sub-
 19 paragraph (A), by striking “para-
 20 graph (3)” and inserting “paragraphs
 21 (3), (4), and (5)”;

22 (II) by amending subparagraph

23 (C) to read as follows:

24 “(C) for the provision of government serv-
 25 ices up to an amount equal to the greater of—

1 “(i) the amount of the reduction in
2 revenue of such State, territory, or Tribal
3 government due to the COVID–19 public
4 health emergency relative to revenues col-
5 lected in the most recent full fiscal year of
6 the State, territory, or Tribal government
7 prior to the emergency; or

8 “(ii) \$10,000,000;”;

9 (III) in subparagraph (D), by
10 striking the period at the end and in-
11 sserting “; or”; and

12 (IV) by adding at the end the fol-
13 lowing new subparagraph:

14 “(E) to provide emergency relief from nat-
15 ural disasters or the negative economic impacts
16 of natural disasters, including temporary emer-
17 gency housing, food assistance, financial assist-
18 ance for lost wages, or other immediate needs.”;
19 and

20 (ii) by adding at the end the following
21 new paragraph:

22 “(5) AUTHORITY TO USE FUNDS FOR CERTAIN
23 INFRASTRUCTURE PROJECTS.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (C), notwithstanding any other provision

1 of law, a State, territory, or Tribal government
2 receiving a payment under this section may use
3 funds provided under such payment for projects
4 described in subparagraph (B), including, to the
5 extent consistent with guidance or rules issued
6 by the Secretary or the head of a Federal agen-
7 cy to which the Secretary has delegated author-
8 ity pursuant to subparagraph (C)(iv)—

9 “(i) in the case of a project eligible
10 under section 117 of title 23, United
11 States Code, or section 5309 or 6701 of
12 title 49, United States Code, to satisfy a
13 non-Federal share requirement applicable
14 to such a project; and

15 “(ii) in the case of a project eligible
16 for credit assistance under the TIFIA pro-
17 gram under chapter 6 of title 23, United
18 States Code—

19 “(I) to satisfy a non-Federal
20 share requirement applicable to such a
21 project; and

22 “(II) to repay a loan provided
23 under such program.

1 “(B) PROJECTS DESCRIBED.—A project
2 referred to in subparagraph (A) is any of the
3 following:

4 “(i) A project eligible under section
5 117 of title 23, United States Code.

6 “(ii) A project eligible under section
7 119 of title 23, United States Code.

8 “(iii) A project eligible under section
9 124 of title 23, United States Code, as
10 added by the Infrastructure Investment
11 and Jobs Act.

12 “(iv) A project eligible under section
13 133 of title 23, United States Code.

14 “(v) An activity to carry out section
15 134 of title 23, United States Code.

16 “(vi) A project eligible under section
17 148 of title 23, United States Code.

18 “(vii) A project eligible under section
19 149 of title 23, United States Code.

20 “(viii) A project eligible under section
21 151(f) of title 23, United States Code, as
22 added by the Infrastructure Investment
23 and Jobs Act.

24 “(ix) A project eligible under section
25 165 of title 23, United States Code.

1 “(x) A project eligible under section
2 167 of title 23, United States Code.

3 “(xi) A project eligible under section
4 173 of title 23, United States Code, as
5 added by the Infrastructure Investment
6 and Jobs Act.

7 “(xii) A project eligible under section
8 175 of title 23, United States Code, as
9 added by the Infrastructure Investment
10 and Jobs Act.

11 “(xiii) A project eligible under section
12 176 of title 23, United States Code, as
13 added by the Infrastructure Investment
14 and Jobs Act.

15 “(xiv) A project eligible under section
16 202 of title 23, United States Code.

17 “(xv) A project eligible under section
18 203 of title 23, United States Code.

19 “(xvi) A project eligible under section
20 204 of title 23, United States Code.

21 “(xvii) A project eligible under the
22 program for national infrastructure invest-
23 ments (commonly known as the ‘Rebuild-
24 ing American Infrastructure with Sustain-

1 ability and Equity (RAISE) grant pro-
2 gram’).

3 “(xviii) A project eligible for credit as-
4 sistance under the TIFIA program under
5 chapter 6 of title 23, United States Code.

6 “(xix) A project that furthers the
7 completion of a designated route of the Ap-
8 palachian Development Highway System
9 under section 14501 of title 40, United
10 States Code.

11 “(xx) A project eligible under section
12 5307 of title 49, United States Code.

13 “(xxi) A project eligible under section
14 5309 of title 49, United States Code.

15 “(xxii) A project eligible under section
16 5311 of title 49, United States Code.

17 “(xxiii) A project eligible under sec-
18 tion 5337 of title 49, United States Code.

19 “(xxiv) A project eligible under section
20 5339 of title 49, United States Code.

21 “(xxv) A project eligible under section
22 6703 of title 49, United States Code, as
23 added by the Infrastructure Investment
24 and Jobs Act.

1 “(xxvi) A project eligible under title I
2 of the Housing and Community Develop-
3 ment Act of 1974 (42 U.S.C. 5301 et
4 seq.).

5 “(xxvii) A project eligible under the
6 bridge replacement, rehabilitation, preser-
7 vation, protection, and construction pro-
8 gram under paragraph (1) under the head-
9 ing ‘HIGHWAY INFRASTRUCTURE PROGRAM’
10 under the heading ‘FEDERAL HIGHWAY
11 ADMINISTRATION’ under the heading ‘DE-
12 PARTMENT OF TRANSPORTATION’
13 under title VIII of division J of the Infra-
14 structure Investment and Jobs Act.

15 “(C) LIMITATIONS; APPLICATION OF RE-
16 QUIREMENTS.—

17 “(i) LIMITATION ON AMOUNTS TO BE
18 USED FOR INFRASTRUCTURE PROJECTS.—

19 “(I) IN GENERAL.—The total
20 amount that a State, territory, or
21 Tribal government may use from a
22 payment made under this section for
23 uses described in subparagraph (A)
24 shall not exceed the greater of—

25 “(aa) \$10,000,000; and

1 “(bb) 30 percent of such
2 payment.

3 “(II) RULE OF APPLICATION.—

4 The spending limitation under sub-
5 clause (I) shall not apply to any use
6 of funds permitted under paragraph
7 (1), and any such use of funds shall
8 be disregarded for purposes of apply-
9 ing such spending limitation.

10 “(ii) LIMITATION ON OPERATING EX-
11 PENSES.—Funds provided under a pay-
12 ment made under this section shall not be
13 used for operating expenses of a project
14 described in clauses (xx) through (xxiv) of
15 subparagraph (B).

16 “(iii) APPLICATION OF REQUIRE-
17 MENTS.—Except as otherwise determined
18 by the Secretary or the head of a Federal
19 agency to which the Secretary has dele-
20 gated authority pursuant to clause (iv) or
21 provided in this section—

22 “(I) the requirements of section
23 60102 of the Infrastructure Invest-
24 ment and Jobs Act shall apply to
25 funds provided under a payment made

1 under this section that are used pur-
2 suant to subparagraph (A) for a
3 project described in clause (xxvi) of
4 subparagraph (B) that relates to
5 broadband infrastructure;

6 “(II) the requirements of titles
7 23, 40, and 49 of the United States
8 Code, title I of the Housing and Com-
9 munity Development Act of 1974 (42
10 U.S.C. 5301 et seq.), and the Na-
11 tional Environmental Policy Act of
12 1969 (42 U.S.C. 4321 et seq.) shall
13 apply to funds provided under a pay-
14 ment made under this section that are
15 used for projects described in sub-
16 paragraph (B); and

17 “(III) a State government receiv-
18 ing a payment under this section may
19 use funds provided under such pay-
20 ment for projects described in clauses
21 (i) through (xxvii) of subparagraph
22 (B), as applicable, that—

23 “(aa) demonstrate progress
24 in achieving a state of good re-
25 pair as required by the State’s

1 asset management plan under
2 section 119(e) of title 23, United
3 States Code; and

4 “(bb) support the achieve-
5 ment of 1 or more performance
6 targets of the State established
7 under section 150 of title 23,
8 United States Code.

9 “(iv) OVERSIGHT.—The Secretary
10 may delegate oversight and administration
11 of the requirements described in clause (iii)
12 to the appropriate Federal agency.

13 “(v) SUPPLEMENT, NOT SUPPLANT.—
14 Amounts from a payment made under this
15 section that are used by a State, territory,
16 or Tribal government for uses described in
17 subparagraph (A) shall supplement, and
18 not supplant, other Federal, State, terri-
19 torial, Tribal, and local government funds
20 (as applicable) otherwise available for such
21 uses.

22 “(D) REPORTS.—The Secretary, in con-
23 sultation with the Secretary of Transportation,
24 shall provide periodic reports on the use of

1 funds by States, territories, and Tribal govern-
2 ments under subparagraph (A).

3 “(E) AVAILABILITY.—Funds provided
4 under a payment made under this section to a
5 State, territory, or Tribal government shall re-
6 main available for obligation for a use described
7 in subparagraph (A) through December 31,
8 2024, except that no amount of such funds may
9 be expended after September 30, 2026.”; and
10 (2) in subsection 603—

11 (A) in subsection (a), by inserting “(except
12 as provided in subsection (c)(6))” after “De-
13 cember 31, 2024”; and

14 (B) in subsection (c)—

15 (i) in paragraph (1)—

16 (I) in the matter preceding sub-
17 paragraph (A), by striking “para-
18 graphs (3) and (4)” and inserting
19 “paragraphs (3), (4), (5), and (6)”;

20 (II) by amending subparagraph

21 (C) to read as follows:

22 “(C) for the provision of government serv-
23 ices up to an amount equal to the greater of—

24 “(i) the amount of the reduction in
25 revenue of such metropolitan city, non-

1 entitlement unit of local government, or
2 county due to the COVID–19 public health
3 emergency relative to revenues collected in
4 the most recent full fiscal year of the met-
5 ropolitan city, nonentitlement unit of local
6 government, or county to the emergency;
7 or

8 “(ii) \$10,000,000;”;

9 (III) in subparagraph (D), by
10 striking the period at the end and in-
11 sserting “; or”; and

12 (IV) by adding at the end the fol-
13 lowing new subparagraph:

14 “(E) to provide emergency relief from nat-
15 ural disasters or the negative economic impacts
16 of natural disasters, including temporary emer-
17 gency housing, food assistance, financial assist-
18 ance for lost wages, or other immediate needs.”;
19 and

20 (ii) by adding at the end the following
21 new paragraph:

22 “(6) AUTHORITY TO USE FUNDS FOR CERTAIN
23 INFRASTRUCTURE PROJECTS.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), notwithstanding any other provision

1 of law, a metropolitan city, nonentitlement unit
2 of local government, or county receiving a pay-
3 ment under this section may use funds provided
4 under such payment for projects described in
5 subparagraph (B) of section 602(c)(5), includ-
6 ing, to the extent consistent with guidance or
7 rules issued by the Secretary or the head of a
8 Federal agency to which the Secretary has dele-
9 gated authority pursuant to subparagraph
10 (B)(iv)—

11 “(i) in the case of a project eligible
12 under section 117 of title 23, United
13 States Code, or section 5309 or 6701 of
14 title 49, United States Code, to satisfy a
15 non-Federal share requirement applicable
16 to such a project; and

17 “(ii) in the case of a project eligible
18 for credit assistance under the TIFIA pro-
19 gram under chapter 6 of title 23, United
20 States Code—

21 “(I) to satisfy a non-Federal
22 share requirement applicable to such a
23 project; and

24 “(II) to repay a loan provided
25 under such program.

1 “(B) LIMITATIONS; APPLICATION OF RE-
2 QUIREMENTS.—

3 “(i) LIMITATION ON AMOUNTS TO BE
4 USED FOR INFRASTRUCTURE PROJECTS.—

5 “(I) IN GENERAL.—The total
6 amount that a metropolitan city, non-
7 entitlement unit of local government,
8 or county may use from a payment
9 made under this section for uses de-
10 scribed in subparagraph (A) shall not
11 exceed the greater of—

12 “(aa) \$10,000,000; and

13 “(bb) 30 percent of such
14 payment.

15 “(II) RULE OF APPLICATION.—

16 The spending limitation under sub-
17 clause (I) shall not apply to any use
18 of funds permitted under paragraph
19 (1), and any such use of funds shall
20 be disregarded for purposes of apply-
21 ing such spending limitation.

22 “(ii) LIMITATION ON OPERATING EX-
23 PENSES.—Funds provided under a pay-
24 ment made under this section shall not be
25 used for operating expenses of a project

1 described in clauses (xx) through (xxiv) of
2 section 602(c)(5)(B).

3 “(iii) APPLICATION OF REQUIRE-
4 MENTS.—Except as otherwise determined
5 by the Secretary or the head of a Federal
6 agency to which the Secretary has dele-
7 gated authority pursuant to clause (iv) or
8 provided in this section—

9 “(I) the requirements of section
10 60102 of the Infrastructure Invest-
11 ment and Jobs Act shall apply to
12 funds provided under a payment made
13 under this section that are used pur-
14 suant to subparagraph (A) for a
15 project described in clause (xxvi) of
16 section 602(c)(5)(B) that relates to
17 broadband infrastructure; and

18 “(II) the requirements of titles
19 23, 40, and 49 of the United States
20 Code, title I of the Housing and Com-
21 munity Development Act of 1974 (42
22 U.S.C. 5301 et seq.), and the Na-
23 tional Environmental Policy Act of
24 1969 (42 U.S.C. 4321 et seq.) shall
25 apply to funds provided under a pay-

1 ment made under this section that are
2 used for projects described in section
3 602(c)(5)(B).

4 “(iv) OVERSIGHT.—The Secretary
5 may delegate oversight and administration
6 of the requirements described in clause (iii)
7 to the appropriate Federal agency.

8 “(v) SUPPLEMENT, NOT SUPPLANT.—
9 Amounts from a payment made under this
10 section that are used by a metropolitan
11 city, nonentitlement unit of local govern-
12 ment, or county for uses described in sub-
13 paragraph (A) shall supplement, and not
14 supplant, other Federal, State, territorial,
15 Tribal, and local government funds (as ap-
16 plicable) otherwise available for such uses.

17 “(C) REPORTS.—The Secretary, in con-
18 sultation with the Secretary of Transportation,
19 shall provide periodic reports on the use of
20 funds by metropolitan cities, nonentitlement
21 units of local government, or counties under
22 subparagraph (A).

23 “(D) AVAILABILITY.—Funds provided
24 under a payment made under this section to a
25 metropolitan city, nonentitlement unit of local

1 government, or county shall remain available
2 for obligation for a use described in subpara-
3 graph (A) through December 31, 2024, except
4 that no amount of such funds may be expended
5 after September 30, 2026.”.

6 (b) TECHNICAL AMENDMENTS.—Sections 602(c)(3)
7 and 603(c)(3) of title VI of the Social Security Act (42
8 U.S.C. 802(c)(3), 803(c)(3)) are each amended by striking
9 “paragraph (17) of”.

10 (c) GUIDANCE AND EFFECTIVE DATE.—

11 (1) GUIDANCE OR RULE.—Within 60 days of
12 the date of enactment of this Act, the Secretary of
13 the Treasury, in consultation with the Secretary of
14 Transportation, shall issue guidance or promulgate a
15 rule to carry out the amendments made by this sec-
16 tion, including updating reporting requirements on
17 the use of funds under this section.

18 (2) EFFECTIVE DATE.—The amendments made
19 by this section shall take effect upon the issuance of
20 guidance or the promulgation of a rule described in
21 paragraph (1).

22 (d) DEPARTMENT OF THE TREASURY ADMINISTRA-
23 TIVE EXPENSES.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, the unobligated balances from

1 amounts made available to the Secretary of the
2 Treasury (referred to in this subsection as the “Sec-
3 retary”) for administrative expenses pursuant to the
4 provisions specified in paragraph (2) shall be avail-
5 able to the Secretary (in addition to any other ap-
6 propriations provided for such purpose) for any ad-
7 ministrative expenses of the Department of the
8 Treasury determined by the Secretary to be nec-
9 essary to respond to the coronavirus emergency, in-
10 cluding any expenses necessary to implement any
11 provision of—

12 (A) the Coronavirus Aid, Relief, and Eco-
13 nomic Security Act (Public Law 116–136);

14 (B) division N of the Consolidated Appro-
15 priations Act, 2021 (Public Law 116–260);

16 (C) the American Rescue Plan Act (Public
17 Law 117–2); or

18 (D) title VI of the Social Security Act (42
19 U.S.C. 801 et seq.).

20 (2) PROVISIONS SPECIFIED.—The provisions
21 specified in this paragraph are the following:

22 (A) Sections 4003(f) and 4112(b) of the
23 Coronavirus Aid, Relief, and Economic Security
24 Act (Public Law 116–136).

1 (B) Section 421(f)(2) of division N of the
2 Consolidated Appropriations Act, 2021 (Public
3 Law 116–260).

4 (C) Sections 3201(a)(2)(B),
5 3206(d)(1)(A), and 7301(b)(5) of the American
6 Rescue Plan Act of 2021 (Public Law 117–2).

7 (D) Section 602(a)(2) of the Social Secu-
8 rity Act (42 U.S.C. 802(a)(2)).

9 **SEC. 3. LOCAL ASSISTANCE AND TRIBAL CONSISTENCY**
10 **FUND.**

11 Section 605 of the Social Security Act (42 U.S.C.
12 805) is amended to read as follows:

13 **“SEC. 605. LOCAL ASSISTANCE AND TRIBAL CONSISTENCY**
14 **FUND.**

15 “(a) APPROPRIATION.—In addition to amounts oth-
16 erwise available, there is appropriated for fiscal year 2021,
17 out of any money in the Treasury not otherwise appro-
18 priated, \$2,000,000,000 to remain available until Sep-
19 tember 30, 2023, with amounts to be obligated for each
20 of fiscal years 2022 and 2023 in accordance with sub-
21 section (b), for making payments under this section to eli-
22 gible revenue sharing recipients, eligible Tribal govern-
23 ments, and territories.

24 “(b) AUTHORITY TO MAKE PAYMENTS.—

1 “(1) ALLOCATIONS AND PAYMENTS TO ELIGI-
2 BLE REVENUE SHARING RECIPIENTS.—

3 “(A) ALLOCATIONS TO REVENUE SHARING
4 COUNTIES.—For each of fiscal years 2022 and
5 2023, the Secretary shall reserve \$742,500,000
6 of the total amount appropriated under sub-
7 section (a) to allocate to each revenue sharing
8 county and, except as provided in subparagraph
9 (B), pay to each revenue sharing county that is
10 an eligible revenue sharing county amounts that
11 are determined by the Secretary taking into ac-
12 count the amount of entitlement land in each
13 revenue sharing county and the economic condi-
14 tions of each revenue sharing county, using
15 such measurements of poverty, household in-
16 come, and unemployment over the most recent
17 20-year period as of September 30, 2021, to the
18 extent data are available, as well as other eco-
19 nomic indicators the Secretary determines ap-
20 propriate.

21 “(B) SPECIAL ALLOCATION RULES.—

22 “(i) REVENUE SHARING COUNTIES
23 WITH LIMITED GOVERNMENT FUNC-
24 TIONS.—In the case of an amount allo-
25 cated to a revenue sharing county under

1 subparagraph (A) that is a county with
2 limited government functions, the Sec-
3 retary shall allocate and pay such amount
4 to each eligible revenue sharing local gov-
5 ernment within such county with limited
6 government functions in an amount deter-
7 mined by the Secretary taking into account
8 the amount of entitlement land in each eli-
9 gible revenue sharing local government and
10 the population of such eligible revenue
11 sharing local government relative to the
12 total population of such county with lim-
13 ited government functions.

14 “(ii) ELIGIBLE REVENUE SHARING
15 COUNTY IN ALASKA.—In the case of the el-
16 igible revenue sharing county described in
17 subparagraph (f)(3)(C), the Secretary shall
18 pay the amount allocated to such eligible
19 revenue sharing county to the State of
20 Alaska. The State of Alaska shall dis-
21 tribute such payment to home rule cities
22 and general law cities (as such cities are
23 defined by the State) located within the
24 boundaries of the eligible revenue sharing

1 county for which the payment was re-
2 ceived.

3 “(C) PRO RATA ADJUSTMENT AUTHOR-
4 ITY.—The amounts otherwise determined for al-
5 location and payment under subparagraphs (A)
6 and (B) may be adjusted by the Secretary on
7 a pro rata basis to the extent necessary to en-
8 sure that all available funds are allocated and
9 paid to eligible revenue sharing recipients in ac-
10 cordance with the requirements specified in
11 each such subparagraph.

12 “(2) ALLOCATIONS AND PAYMENTS TO ELIGI-
13 BLE TRIBAL GOVERNMENTS.—For each of fiscal
14 years 2022 and 2023, the Secretary shall reserve
15 \$250,000,000 of the total amount appropriated
16 under subsection (a) to allocate and pay to eligible
17 Tribal governments in amounts that are determined
18 by the Secretary taking into account economic condi-
19 tions of each eligible Tribe.

20 “(3) ALLOCATIONS AND PAYMENTS TO TERRI-
21 TORIES.—For each of fiscal years 2022 and 2023,
22 the Secretary shall reserve \$7,500,000 of the total
23 amount appropriated under subsection (a) to allo-
24 cate and pay to each territory an amount which
25 bears the same proportion to the amount reserved in

1 this paragraph as the population of such territory
2 bears to the total population of all such territories.

3 “(c) USE OF PAYMENTS.—An eligible revenue shar-
4 ing recipient, an eligible Tribal government, or a territory
5 may use funds provided under a payment made under this
6 section for any governmental purpose other than a lob-
7 bying activity.

8 “(d) REPORTING REQUIREMENT.—Any eligible rev-
9 enue sharing recipient and any territory receiving a pay-
10 ment under this section shall provide to the Secretary peri-
11 odic reports providing a detailed accounting of the uses
12 of fund by such eligible revenue sharing recipient or terri-
13 tory, as applicable, and such other information as the Sec-
14 retary may require for the administration of this section.

15 “(e) RECOUPMENT.—Any eligible revenue sharing re-
16 cipient or any territory that has failed to submit a report
17 required under subsection (d) or failed to comply with sub-
18 section (c), shall be required to repay to the Secretary an
19 amount equal to—

20 “(1) in the case of a failure to comply with sub-
21 section (c), the amount of funds used in violation of
22 such subsection; and

23 “(2) in the case of a failure to submit a report
24 required under subsection (d), such amount as the
25 Secretary determines appropriate, but not to exceed

1 5 percent of the amount paid to the eligible revenue
2 sharing recipient or the territory under this section
3 for all fiscal years.

4 “(f) DEFINITIONS.—In this section:

5 “(1) COUNTY.—The term ‘county’ means a
6 county, parish, or other equivalent county division
7 (as defined by the Bureau of the Census) in 1 of the
8 50 States.

9 “(2) COUNTY WITH LIMITED GOVERNMENT
10 FUNCTIONS.—The term ‘county with limited govern-
11 ment functions’ means a county in which entitlement
12 land is located that is not an eligible revenue sharing
13 county.

14 “(3) ELIGIBLE REVENUE SHARING COUNTY.—
15 The term ‘eligible revenue sharing county’ means—

16 “(A) a unit of general local government (as
17 defined in section 6901(2) of title 31, United
18 States Code) that is a county in which entitle-
19 ment land is located and which is eligible for a
20 payment under section 6902(a) of title 31,
21 United States Code;

22 “(B) the District of Columbia; or

23 “(C) the combined area in Alaska that is
24 within the boundaries of a census area used by
25 the Secretary of Commerce in the decennial

1 census, but that is not included within the
2 boundary of a unit of general local government
3 described in subparagraph (A).

4 “(4) ELIGIBLE REVENUE SHARING LOCAL GOV-
5 ERNMENT.—The term ‘eligible revenue sharing local
6 government’ means a unit of general local govern-
7 ment (as defined in section 6901(2) of title 31,
8 United States Code) in which entitlement land is lo-
9 cated that is not a county or territory and which is
10 eligible for a payment under section 6902(a) of title
11 31, United States Code.

12 “(5) ELIGIBLE REVENUE SHARING RECIPI-
13 ENTS.—The term ‘eligible revenue sharing recipi-
14 ents’ means, collectively, eligible revenue sharing
15 counties and eligible revenue sharing local govern-
16 ments.

17 “(6) ELIGIBLE TRIBAL GOVERNMENT.—The
18 term ‘eligible Tribal government’ means the recog-
19 nized governing body of an eligible Tribe.

20 “(7) ELIGIBLE TRIBE.—The term ‘eligible
21 Tribe’ means any Indian or Alaska Native tribe,
22 band, nation, pueblo, village, community, component
23 band, or component reservation, individually identi-
24 fied (including parenthetically) in the list published
25 most recently as of March 11, 2021, pursuant to

1 section 104 of the Federally Recognized Indian
2 Tribe List Act of 1994 (25 U.S.C. 5131).

3 “(8) ENTITLEMENT LAND.—The term ‘entitle-
4 ment land’ has the meaning given to such term in
5 section 6901(1) of title 31, United States Code.

6 “(9) REVENUE SHARING COUNTY.—The term
7 ‘revenue sharing county’ means—

8 “(A) an eligible revenue sharing county; or

9 “(B) a county with limited government
10 functions.

11 “(10) SECRETARY.—The term ‘Secretary’
12 means the Secretary of the Treasury.

13 “(11) TERRITORY.—The term ‘territory’
14 means—

15 “(A) the Commonwealth of Puerto Rico;

16 “(B) the United States Virgin Islands;

17 “(C) Guam;

18 “(D) the Commonwealth of the Northern
19 Mariana Islands; or

20 “(E) American Samoa.”

21 **SEC. 4. EXTENSION OF AVAILABILITY OF CORONAVIRUS**
22 **RELIEF FUND PAYMENTS TO TRIBAL GOV-**
23 **ERNMENTS.**

24 Section 601(d)(3) of the Social Security Act (42
25 U.S.C. 801(d)(3)) is amended by inserting “(or, in the

1 case of costs incurred by a Tribal government, during the
2 period that begins on March 1, 2020, and ends on Decem-
3 ber 31, 2022)” before the period.

4 **SEC. 5. RESCISSION OF CORONAVIRUS RELIEF AND RECOV-**
5 **ERY FUNDS DECLINED BY STATES, TERRI-**
6 **TORIES, OR OTHER GOVERNMENTAL ENTI-**
7 **TIES.**

8 Title VI of the Social Security Act (42 U.S.C. 801
9 et seq.) is amended by adding at the end the following
10 new section:

11 **“SEC. 606. RESCISSION OF FUNDS DECLINED BY STATES,**
12 **TERRITORIES, OR OTHER GOVERNMENTAL**
13 **ENTITIES.**

14 “(a) RESCISSION.—

15 “(1) IN GENERAL.—Subject to paragraphs (2)
16 and (3), if a State, territory, or other governmental
17 entity provides notice to the Secretary of the Treas-
18 ury in the manner provided by the Secretary of the
19 Treasury that the State, territory, or other govern-
20 mental entity intends to decline all or a portion of
21 the amounts that are to be awarded to the State,
22 territory, or other governmental entity from funds
23 appropriated under this title, an amount equal to
24 the unaccepted amounts or portion of such amounts
25 allocated by the Secretary of the Treasury as of the

1 date of such notice that would have been awarded to
2 the State, territory, or other governmental entity
3 shall be rescinded from the applicable appropriation
4 account.

5 “(2) EXCLUSION.—Paragraph (1) shall not
6 apply with respect to funds that are to be paid to
7 a State under section 603 for distribution to non-
8 entitlement units of local government.

9 “(3) RULES OF CONSTRUCTION.—Paragraph
10 (1) shall not be construed as—

11 “(A) preventing a sub-State governmental
12 entity, including a nonentitlement unit of local
13 government, from notifying the Secretary of the
14 Treasury that the sub-State governmental enti-
15 ty intends to decline all or a portion of the
16 amounts that a State may distribute to the en-
17 tity from funds appropriated under this title; or

18 “(B) allowing a State to prohibit or other-
19 wise prevent a sub-State governmental entity
20 from providing such a notice.

21 “(b) USE FOR DEFICIT REDUCTION.—Amounts re-
22 scinded under subsection (a) shall be deposited in the gen-
23 eral fund of the Treasury for the sole purpose of deficit
24 reduction.

1 “(c) STATE OR OTHER GOVERNMENTAL ENTITY DE-
2 FINED.—In this section, the term ‘State, territory, or
3 other governmental entity’ means any entity to which a
4 payment may be made directly to the entity under this
5 title other than a Tribal government, as defined in sections
6 601(g), 602(g), and 604(d), and an eligible Tribal govern-
7 ment, as defined in section 605(f).”.

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