

117TH CONGRESS  
1ST SESSION

# S. 3011

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 SENATE OF THE UNITED STATES

OCTOBER 19, 2021

Mr. CORNYN (for himself, Mr. PADILLA, Mr. WYDEN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. KELLY, Mr. KENNEDY, and Mrs. SHAHEEN) introduced the following bill; which was read twice, considered, read the third time, and passed

---

## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “State, Local, Tribal,  
3 and Territorial Fiscal Recovery, Infrastructure, and Dis-  
4 aster Relief Flexibility Act”.

5 **SEC. 2. AUTHORITY TO USE CORONAVIRUS RELIEF FUNDS**  
6 **FOR INFRASTRUCTURE PROJECTS.**

7 (a) IN GENERAL.—Title VI of the Social Security Act  
8 (42 U.S.C. 801 et seq.), as amended by section 40909 of  
9 the Infrastructure Investment and Jobs Act, is amended—

10 (1) in section 602—

11 (A) in subsection (a)(1), by inserting “(ex-  
12 cept as provided in subsection (c)(5))” after  
13 “December 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 graph (3)” and inserting “paragraphs  
19 (3), (4), and (5)”;

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 State, territory, or Tribal  
26 government due to the COVID–19 public

1 health emergency relative to revenues col-  
 2 lected in the most recent full fiscal year of  
 3 the State, territory, or Tribal government  
 4 prior to the emergency; or

5 “(ii) \$10,000,000;”;

6 (III) in subparagraph (D), by  
 7 striking the period at the end and in-  
 8 serting “; or”; and

9 (IV) by adding at the end the fol-  
 10 lowing new subparagraph:

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

17 (ii) by adding at the end the following  
 18 new paragraph:

19 “(5) AUTHORITY TO USE FUNDS FOR CERTAIN  
 20 INFRASTRUCTURE PROJECTS.—

21 “(A) IN GENERAL.—Subject to subpara-  
 22 graph (C), notwithstanding any other provision  
 23 of law, a State, territory, or Tribal government  
 24 receiving a payment under this section may use  
 25 funds provided under such payment for projects

1 described in subparagraph (B), including, to the  
2 extent consistent with guidance or rules issued  
3 by the Secretary or the head of a Federal agen-  
4 cy to which the Secretary has delegated author-  
5 ity pursuant to subparagraph (C)(iv)—

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

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

16 “(I) to satisfy a non-Federal  
17 share requirement applicable to such a  
18 project; and

19 “(II) to repay a loan provided  
20 under such program.

21 “(B) PROJECTS DESCRIBED.—A project  
22 referred to in subparagraph (A) is any of the  
23 following:

24 “(i) A project eligible under section  
25 117 of title 23, United States Code.

1           “(ii) A project eligible under section  
2 119 of title 23, United States Code.

3           “(iii) A project eligible under section  
4 124 of title 23, United States Code, as  
5 added by the Infrastructure Investment  
6 and Jobs Act.

7           “(iv) A project eligible under section  
8 133 of title 23, United States Code.

9           “(v) An activity to carry out section  
10 134 of title 23, United States Code.

11           “(vi) A project eligible under section  
12 148 of title 23, United States Code.

13           “(vii) A project eligible under section  
14 149 of title 23, United States Code.

15           “(viii) A project eligible under section  
16 151(f) of title 23, United States Code, as  
17 added by the Infrastructure Investment  
18 and Jobs Act.

19           “(ix) A project eligible under section  
20 165 of title 23, United States Code.

21           “(x) A project eligible under section  
22 167 of title 23, United States Code.

23           “(xi) A project eligible under section  
24 173 of title 23, United States Code, as

1 added by the Infrastructure Investment  
2 and Jobs Act.

3 “(xii) A project eligible under section  
4 175 of title 23, United States Code, as  
5 added by the Infrastructure Investment  
6 and Jobs Act.

7 “(xiii) A project eligible under section  
8 176 of title 23, United States Code, as  
9 added by the Infrastructure Investment  
10 and Jobs Act.

11 “(xiv) A project eligible under section  
12 202 of title 23, United States Code.

13 “(xv) A project eligible under section  
14 203 of title 23, United States Code.

15 “(xvi) A project eligible under section  
16 204 of title 23, United States Code.

17 “(xvii) A project eligible under the  
18 program for national infrastructure invest-  
19 ments (commonly known as the ‘Rebuild-  
20 ing American Infrastructure with Sustain-  
21 ability and Equity (RAISE) grant pro-  
22 gram’).

23 “(xviii) A project eligible for credit as-  
24 sistance under the TIFLA program under  
25 chapter 6 of title 23, United States Code.

1           “(xix) A project that furthers the  
2 completion of a designated route of the Ap-  
3 palachian Development Highway System  
4 under section 14501 of title 40, United  
5 States Code.

6           “(xx) A project eligible under section  
7 5307 of title 49, United States Code.

8           “(xxi) A project eligible under section  
9 5309 of title 49, United States Code.

10          “(xxii) A project eligible under section  
11 5311 of title 49, United States Code.

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

14          “(xxiv) A project eligible under section  
15 5339 of title 49, United States Code.

16          “(xxv) A project eligible under section  
17 6703 of title 49, United States Code, as  
18 added by the Infrastructure Investment  
19 and Jobs Act.

20          “(xxvi) A project eligible under title I  
21 of the Housing and Community Develop-  
22 ment Act of 1974 (42 U.S.C. 5301 et  
23 seq.).

24          “(xxvii) A project eligible under the  
25 bridge replacement, rehabilitation, preser-

1 vation, protection, and construction pro-  
 2 gram under paragraph (1) under the head-  
 3 ing ‘HIGHWAY INFRASTRUCTURE PROGRAM’  
 4 under the heading ‘FEDERAL HIGHWAY  
 5 ADMINISTRATION’ under the heading ‘DE-  
 6 PARTMENT OF TRANSPORTATION’  
 7 under title VIII of division J of the Infra-  
 8 structure Investment and Jobs Act.

9 “(C) LIMITATIONS; APPLICATION OF RE-  
 10 QUIREMENTS.—

11 “(i) LIMITATION ON AMOUNTS TO BE  
 12 USED FOR INFRASTRUCTURE PROJECTS.—

13 “(I) IN GENERAL.—The total  
 14 amount that a State, territory, or  
 15 Tribal government may use from a  
 16 payment made under this section for  
 17 uses described in subparagraph (A)  
 18 shall not exceed the greater of—

19 “(aa) \$10,000,000; and

20 “(bb) 30 percent of such  
 21 payment.

22 “(II) RULE OF APPLICATION.—

23 The spending limitation under sub-  
 24 clause (I) shall not apply to any use  
 25 of funds permitted under paragraph

1 (1), and any such use of funds shall  
2 be disregarded for purposes of apply-  
3 ing such spending limitation.

4 “(ii) LIMITATION ON OPERATING EX-  
5 PENSES.—Funds provided under a pay-  
6 ment made under this section shall not be  
7 used for operating expenses of a project  
8 described in clauses (xx) through (xxiv) of  
9 subparagraph (B).

10 “(iii) APPLICATION OF REQUIRE-  
11 MENTS.—Except as otherwise determined  
12 by the Secretary or the head of a Federal  
13 agency to which the Secretary has dele-  
14 gated authority pursuant to clause (iv) or  
15 provided in this section—

16 “(I) the requirements of section  
17 60102 of the Infrastructure Invest-  
18 ment and Jobs Act shall apply to  
19 funds provided under a payment made  
20 under this section that are used pur-  
21 suant to subparagraph (A) for a  
22 project described in clause (xxvi) of  
23 subparagraph (B) that relates to  
24 broadband infrastructure;

1           “(II) the requirements of titles  
2           23, 40, and 49 of the United States  
3           Code, title I of the Housing and Com-  
4           munity Development Act of 1974 (42  
5           U.S.C. 5301 et seq.), and the Na-  
6           tional Environmental Policy Act of  
7           1969 (42 U.S.C. 4321 et. seq) shall  
8           apply to funds provided under a pay-  
9           ment made under this section that are  
10          used for projects described in sub-  
11          paragraph (B); and

12           “(III) a State government receiv-  
13          ing a payment under this section may  
14          use funds provided under such pay-  
15          ment for projects described in clauses  
16          (i) through (xxvii) of subparagraph  
17          (B), as applicable, that—

18                   “(aa) demonstrate progress  
19                   in achieving a state of good re-  
20                   pair as required by the State’s  
21                   asset management plan under  
22                   section 119(e) of title 23, United  
23                   States Code; and

24                   “(bb) support the achieve-  
25                   ment of 1 or more performance

1 targets of the State established  
2 under section 150 of title 23,  
3 United States Code.

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 State, territory,  
11 or Tribal government for uses described in  
12 subparagraph (A) shall supplement, and  
13 not supplant, other Federal, State, terri-  
14 torial, Tribal, and local government funds  
15 (as applicable) otherwise available for such  
16 uses.

17 “(D) REPORTS.—The Secretary, in con-  
18 sultation with the Secretary of Transportation,  
19 shall provide periodic reports on the use of  
20 funds by States, territories, and Tribal govern-  
21 ments under subparagraph (A).

22 “(E) AVAILABILITY.—Funds provided  
23 under a payment made under this section to a  
24 State, territory, or Tribal government shall re-  
25 main available for obligation for a use described

1 in subparagraph (A) through December 31,  
2 2024, except that no amount of such funds may  
3 be expended after September 30, 2026.”; and  
4 (2) in subsection 603—

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

8 (B) in subsection (c)—

9 (i) in paragraph (1)—

10 (I) in the matter preceding sub-  
11 paragraph (A), by striking “para-  
12 graphs (3) and (4)” and inserting  
13 “paragraphs (3), (4), (5), and (6)”;

14 (II) by amending subparagraph

15 (C) to read as follows:

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

18 “(i) the amount of the reduction in  
19 revenue of such metropolitan city, non-  
20 entitlement unit of local government, or  
21 county due to the COVID–19 public health  
22 emergency relative to revenues collected in  
23 the most recent full fiscal year of the met-  
24 ropolitan city, nonentitlement unit of local

1 government, or county to the emergency;

2 or

3 “(ii) \$10,000,000;”;

4 (III) in subparagraph (D), by  
5 striking the period at the end and in-  
6 serting “; or”; and

7 (IV) by adding at the end the fol-  
8 lowing new subparagraph:

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

15 (ii) by adding at the end the following  
16 new paragraph:

17 “(6) AUTHORITY TO USE FUNDS FOR CERTAIN  
18 INFRASTRUCTURE PROJECTS.—

19 “(A) IN GENERAL.—Subject to subpara-  
20 graph (B), notwithstanding any other provision  
21 of law, a metropolitan city, nonentitlement unit  
22 of local government, or county receiving a pay-  
23 ment under this section may use funds provided  
24 under such payment for projects described in  
25 subparagraph (B) of section 602(c)(5), includ-

1 ing, to the extent consistent with guidance or  
2 rules issued by the Secretary or the head of a  
3 Federal agency to which the Secretary has dele-  
4 gated authority pursuant to subparagraph  
5 (B)(iv)—

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

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

16 “(I) to satisfy a non-Federal  
17 share requirement applicable to such a  
18 project; and

19 “(II) to repay a loan provided  
20 under such program.

21 “(B) LIMITATIONS; APPLICATION OF RE-  
22 QUIREMENTS.—

23 “(i) LIMITATION ON AMOUNTS TO BE  
24 USED FOR INFRASTRUCTURE PROJECTS.—

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

8                   “(aa) \$10,000,000; and

9                   “(bb) 30 percent of such  
 10 payment.

11           “(II) RULE OF APPLICATION.—

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

18           “(ii) LIMITATION ON OPERATING EX-  
 19 PENSES.—Funds provided under a pay-  
 20 ment made under this section shall not be  
 21 used for operating expenses of a project  
 22 described in clauses (xx) through (xxiv) of  
 23 section 602(c)(5)(B).

24           “(iii) APPLICATION OF REQUIRE-  
 25 MENTS.—Except as otherwise determined

1 by the Secretary or the head of a Federal  
2 agency to which the Secretary has dele-  
3 gated authority pursuant to clause (iv) or  
4 provided in this section—

5 “(I) the requirements of section  
6 60102 of the Infrastructure Invest-  
7 ment and Jobs Act shall apply to  
8 funds provided under a payment made  
9 under this section that are used pur-  
10 suant to subparagraph (A) for a  
11 project described in clause (xxvi) of  
12 section 602(c)(5)(B) that relates to  
13 broadband infrastructure; and

14 “(II) the requirements of titles  
15 23, 40, and 49 of the United States  
16 Code, title I of the Housing and Com-  
17 munity Development Act of 1974 (42  
18 U.S.C. 5301 et seq.), and the Na-  
19 tional Environmental Policy Act of  
20 1969 (42 U.S.C. 4321 et. seq) shall  
21 apply to funds provided under a pay-  
22 ment made under this section that are  
23 used for projects described in section  
24 602(c)(5)(B).

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

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

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

20          “(D) AVAILABILITY.—Funds provided  
21          under a payment made under this section to a  
22          metropolitan city, nonentitlement unit of local  
23          government, or county shall remain available  
24          for obligation for a use described in subpara-  
25          graph (A) through December 31, 2024, except

1           that no amount of such funds may be expended  
2           after September 30, 2026.”.

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

7           (c) GUIDANCE AND EFFECTIVE DATE.—

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

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

19           (d) DEPARTMENT OF THE TREASURY ADMINISTRA-  
20 TIVE EXPENSES.—

21           (1) IN GENERAL.—Notwithstanding any other  
22 provision of law, the unobligated balances from  
23 amounts made available to the Secretary of the  
24 Treasury (referred to in this subsection as the “Sec-  
25 retary”) for administrative expenses pursuant to the

1 provisions specified in paragraph (2) shall be avail-  
2 able to the Secretary (in addition to any other ap-  
3 propriations provided for such purpose) for any ad-  
4 ministrative expenses of the Department of the  
5 Treasury determined by the Secretary to be nec-  
6 essary to respond to the coronavirus emergency, in-  
7 cluding any expenses necessary to implement any  
8 provision of—

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

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

13 (C) the American Rescue Plan Act (Public  
14 Law 117–2); or

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

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

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

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

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

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

6 **SEC. 3. LOCAL ASSISTANCE AND TRIBAL CONSISTENCY**  
 7 **FUND.**

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

10 **“SEC. 605. LOCAL ASSISTANCE AND TRIBAL CONSISTENCY**  
 11 **FUND.**

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

21 “(b) AUTHORITY TO MAKE PAYMENTS.—

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

24 “(A) ALLOCATIONS TO REVENUE SHARING  
 25 COUNTIES.—For each of fiscal years 2022 and

1           2023, the Secretary shall reserve \$742,500,000  
2           of the total amount appropriated under sub-  
3           section (a) to allocate to each revenue sharing  
4           county and, except as provided in subparagraph  
5           (B), pay to each revenue sharing county that is  
6           an eligible revenue sharing county amounts that  
7           are determined by the Secretary taking into ac-  
8           count the amount of entitlement land in each  
9           revenue sharing county and the economic condi-  
10          tions of each revenue sharing county, using  
11          such measurements of poverty, household in-  
12          come, and unemployment over the most recent  
13          20-year period as of September 30, 2021, to the  
14          extent data are available, as well as other eco-  
15          nomic indicators the Secretary determines ap-  
16          propriate.

17                   “(B) SPECIAL ALLOCATION RULES.—

18                           “(i) REVENUE SHARING COUNTIES  
19                           WITH LIMITED GOVERNMENT FUNC-  
20                           TIONS.—In the case of an amount allo-  
21                           cated to a revenue sharing county under  
22                           subparagraph (A) that is a county with  
23                           limited government functions, the Sec-  
24                           retary shall allocate and pay such amount  
25                           to each eligible revenue sharing local gov-

1           ernment within such county with limited  
2           government functions in an amount deter-  
3           mined by the Secretary taking into account  
4           the amount of entitlement land in each eli-  
5           gible revenue sharing local government and  
6           the population of such eligible revenue  
7           sharing local government relative to the  
8           total population of such county with lim-  
9           ited government functions.

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

23           “(C) PRO RATA ADJUSTMENT AUTHOR-  
24           ITY.—The amounts otherwise determined for al-  
25           location and payment under subparagraphs (A)

1           and (B) may be adjusted by the Secretary on  
2           a pro rata basis to the extent necessary to en-  
3           sure that all available funds are allocated and  
4           paid to eligible revenue sharing recipients in ac-  
5           cordance with the requirements specified in  
6           each such subparagraph.

7           “(2) ALLOCATIONS AND PAYMENTS TO ELIGI-  
8           BLE TRIBAL GOVERNMENTS.—For each of fiscal  
9           years 2022 and 2023, the Secretary shall reserve  
10          \$250,000,000 of the total amount appropriated  
11          under subsection (a) to allocate and pay to eligible  
12          Tribal governments in amounts that are determined  
13          by the Secretary taking into account economic condi-  
14          tions of each eligible Tribe.

15          “(3) ALLOCATIONS AND PAYMENTS TO TERRI-  
16          TORIES.—For each of fiscal years 2022 and 2023,  
17          the Secretary shall reserve \$7,500,000 of the total  
18          amount appropriated under subsection (a) to allo-  
19          cate and pay to each territory an amount which  
20          bears the same proportion to the amount reserved in  
21          this paragraph as the population of such territory  
22          bears to the total population of all such territories.

23          “(c) USE OF PAYMENTS.—An eligible revenue shar-  
24          ing recipient, an eligible Tribal government, or a territory  
25          may use funds provided under a payment made under this

1 section for any governmental purpose other than a lob-  
2 bying activity.

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

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

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

18               “(2) in the case of a failure to submit a report  
19 required under subsection (d), such amount as the  
20 Secretary determines appropriate, but not to exceed  
21 5 percent of the amount paid to the eligible revenue  
22 sharing recipient or the territory under this section  
23 for all fiscal years.

24       “(f) DEFINITIONS.—In this section:

1           “(1) COUNTY.—The term ‘county’ means a  
2 county, parish, or other equivalent county division  
3 (as defined by the Bureau of the Census) in 1 of the  
4 50 States.

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

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

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

18           “(B) the District of Columbia; or

19           “(C) the combined area in Alaska that is  
20 within the boundaries of a census area used by  
21 the Secretary of Commerce in the decennial  
22 census, but that is not included within the  
23 boundary of a unit of general local government  
24 described in subparagraph (A).

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

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

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

17          “(7) ELIGIBLE TRIBE.—The term ‘eligible  
18          Tribe’ means any Indian or Alaska Native tribe,  
19          band, nation, pueblo, village, community, component  
20          band, or component reservation, individually identi-  
21          fied (including parenthetically) in the list published  
22          most recently as of March 11, 2021, pursuant to  
23          section 104 of the Federally Recognized Indian  
24          Tribe List Act of 1994 (25 U.S.C. 5131).

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

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

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

7                   “(B) a county with limited government  
8           functions.

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

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

13                   “(A) the Commonwealth of Puerto Rico;

14                   “(B) the United States Virgin Islands;

15                   “(C) Guam;

16                   “(D) the Commonwealth of the Northern  
17          Mariana Islands; or

18                   “(E) American Samoa.”.

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

22          Section 601(d)(3) of the Social Security Act (42  
23   U.S.C. 801(d)(3)) is amended by inserting “(or, in the  
24   case of costs incurred by a Tribal government, during the

1 period that begins on March 1, 2020, and ends on Decem-  
2 ber 31, 2022)” before the period.

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

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

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

13 “(a) RESCISSION.—

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

1 the State, territory, or other governmental entity  
2 shall be rescinded from the applicable appropriation  
3 account.

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

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

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

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

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

24 “(c) STATE OR OTHER GOVERNMENTAL ENTITY DE-  
25 FINED.—In this section, the term ‘State, territory, or

1 other governmental entity' means any entity to which a  
2 payment may be made directly to the entity under this  
3 title other than a Tribal government, as defined in sections  
4 601(g), 602(g), and 604(d), and an eligible Tribal govern-  
5 ment, as defined in section 605(f).”.

○