AMENDMENT NO. ________  Calendar No. ______

Purpose: In the nature of a substitute.


H. R. 4373

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2022, and for other purposes.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by __________

Viz:

1. Strike all after the enacting clause and insert the following:

2. That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:
TITLE I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, $10,000,000,000, to remain available until September 30, 2025, to prevent, prepare for, and respond to coronavirus, including for necessary expenses with respect to the research and development, manufacturing, production, purchase, and distribution of vaccines, therapeutics, diagnostics, and medical products, services, and supplies: Provided, That of the amount provided under this heading in this Act, up to $9,250,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of advanced research and development, manufacturing, production, and purchase, at the discretion of the Secretary of Health and Human Services, of vaccines, therapeutics, diagnostics, and supplies necessary for the administration of such vaccines, therapeutics, and diagnostics: Provided further, That from the amount made available in the preceding proviso, not less than
$5,000,000,000,000 shall be available for necessary expenses to research, develop, manufacture, produce, purchase, and administer therapeutics: Provided further, That from the amount made available under this heading in this Act, not less than $750,000,000 shall be available for research and clinical trials related to research on, clinical trials for, and development and procurement of, vaccines for emerging coronavirus variants, and to support the sustainment and expansion of vaccine manufacturing capacity, including fill-finish capacity: Provided further, That products, supplies, and equipment purchased with amounts provided under this heading in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2(a) of the Public Health Service Act: Provided further, That amounts provided under this heading in this Act may be used for the construction, alteration, or renovation of non-federally owned U.S.-based facilities for the production of vaccines, therapeutics, diagnostics, and ancillary medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: Provided further, That amounts provided under this heading in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Countermeasure Process Fund, of the Public
Health Service Act: Provided further, That the transfer authority provided under this heading in this Act is in addition to any other transfer authority provided by law: Provided further, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 2 days in advance of any obligation in excess of $50,000,000, including but not limited to contracts and interagency agreements, from amounts provided under this heading in this Act: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days after the date of enactment of this Act, and every 30 days thereafter until all amounts provided under this heading in this Act have been expended, detailing obligations of such amounts in excess of $20,000,000, with annotation of which Department or agency, and component thereof is managing the contract; the current inventory of COVID–19 vaccines, therapeutics, and diagnostics; and the distribution of COVID–19 vaccines, therapeutics, and diagnostics during the previous month, reported by State and other jurisdiction.
GENERAL PROVISIONS—THIS TITLE
(INCLUDING TRANSFER OF FUNDS)

Sec. 1101. Funds appropriated by this title under the heading “Public Health and Social Services Emergency Fund” may be transferred to, and merged with, other appropriation accounts under the heading “National Institutes of Health” to prevent, prepare for, and respond to coronavirus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority provided by law: Provided further, That, upon a determination that all or part of the funds transferred from an appropriation by this Act are not necessary, such amounts may be transferred back to that appropriation: Provided further, That none of the funds made available by this Act may be transferred pursuant to the authority in section 205 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2022 or section 241(a) of the Public Health Service Act.

Sec. 1102. Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of an-
anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That such plans shall be updated and submitted to such Committees every 60 days until all funds are expended: Provided further, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds $5,000,000 which has not previously been reported, including the amount of each such obligation: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate shall be briefed on obligations quarterly until all funds are expended.

SEC. 1103. Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide biweekly obligation reports, including anticipated use of funds made available in this title, to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That such reports shall be updated and submitted biweekly to the Committees until all funds are expended.

SEC. 1104. Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide monthly reports on obligations made with these supplemental funds related to: (1)
research; (2) advanced development; (3) procurement; or (4) administration activities to the Committees on Appropriations of the House of Representatives and the Senate and the Committee on Energy and Commerce of the House of Representatives and Committee on Health, Education, Labor, and Pensions of the Senate: Provided, That such report shall include for procurement contracts: (1) recipient; (2) total number of units purchased; (3) delivery dates; (4) any options on such contracts; and (5) location of manufactured product: Provided further, That such report shall include projections of the supply of and domestic need for vaccines, therapeutics, tests, and ancillary medical supplies over the next 90 days to prepare for and respond to coronavirus, to the extent such information is available: Provided further, That such reports shall be updated and submitted monthly to the Committees until all funds are expended.

TITLE II

GENERAL PROVISIONS—THIS ACT

Sec. 1201. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

Sec. 1202. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.
Sec. 1203. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

Sec. 1204. Each amount provided by this Act is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

Sec. 1205. In this Act, the term “coronavirus” means SARS–CoV–2 or another coronavirus with pandemic potential.

Sec. 1206. (a) Of the unobligated balances from amounts made available to the Department of Agriculture in section 1001(a) of subtitle A of title I of the American Rescue Plan Act of 2021 (Public Law 117–2), $1,000,000,000 are hereby permanently rescinded.

(b) Of the unobligated balances from amounts made available to the Small Business Administration in section 5005 of the American Rescue Plan Act of 2021 (Public Law 117–2) and in section 323(d)(1)(H) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) to carry out section 324 of such division of such Act, $1,930,000,000 are hereby permanently rescinded.
(c)(1) Of the unobligated balances from amounts made available in section 3301(a)(2)(A) of subtitle C of title III of the American Rescue Plan Act (Public Law 117–2), the following are hereby permanently rescinded—

(A) $200,000,000 for technical assistance pursuant to section 3009(e) of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5708(e)); and

(B) $2,137,919,871 from amounts allocated under section 3003(b) of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5702(b)):

Provided, That the rescission shall be taken first from the last 1/3 of the allocated amounts for all participating States on a pro rata basis: Provided further, That the rescission shall be taken next from the second 1/3 of the allocated amounts for all participating States on a pro rata basis: Provided further, That amounts originally apportioned pursuant to section 3003(c)(1)(A)(i) of such Act (12 U.S.C. 5702(c)(1)(A)(i)) and rescinded under this paragraph shall not be reapportioned: Provided further, That, notwithstanding section 3003(c)(3) of such Act (12 U.S.C. 5702(c)), each participating State may use funds allocated to the participating State for paying administrative costs incurred by the par-
ticipating State in implementing an approved State program in an amount not to exceed 5 percent of amounts allocated: Provided further, That amounts rescinded under this paragraph shall not modify or otherwise reduce amounts allocated under subsections (d), (e), and (f) of section 3003 of such Act (12 U.S.C. 5702).

(2) Section 3009(e) of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5708(e)) is amended by striking “$500,000,000” and inserting “$300,000,000”.

(3) In this subsection—

(A) the terms “allocated amounts”, “last 1/3”, and “second 1/3” have the meanings given those terms in section 3003(c)(6) of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5702(c)(6)); and

(B) the term “participating State” has the meaning given the term in section 3002 of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5701).

(d)(1) Of the unobligated balances from amounts made available in subsection (a) of section 605 of title VI of the Social Security Act (42 U.S.C. 805) and reserved pursuant to subsection (b) of such section for the Local
Assistance and Tribal Consistency Fund, $887,000,000 are hereby permanently rescinded.

(2) Section 605 of the Social Security Act (42 U.S.C. 805) is amended—

(A) in subsection (a), by striking “$2,000,000,000” and all that follows through the period and inserting “$1,113,000,000 to remain available until September 30, 2023, with amounts to be obligated in fiscal year 2022 or 2023 in accordance with subsection (b), for making payments under this section to eligible revenue sharing recipients, eligible Tribal governments, and territories.”;

and

(B) by striking subsections (b) through (f) and inserting the following:

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) ALLOCATIONS AND PAYMENTS TO ELIGIBLE REVENUE SHARING RECIPIENTS.—

“(A) ALLOCATIONS TO REVENUE SHARING COUNTIES.—The Secretary shall reserve $826,402,500 of the total amount appropriated under subsection (a) to allocate to each revenue sharing county and, except as provided in subparagraph (B), pay to each revenue sharing county that is an eligible revenue sharing coun-
ty amounts that are determined by the Secretary taking into account the amount of entitlement land in each revenue sharing county and the economic conditions of each revenue sharing county, using such measurements of poverty, household income, and unemployment over the most recent 20-year period as of September 30, 2021, to the extent data are available, as well as other economic indicators the Secretary determines appropriate.

“(B) Special allocation rules.—

“(i) Revenue sharing counties with limited government functions.—In the case of an amount allocated to a revenue sharing county under subparagraph (A) that is a county with limited government functions, the Secretary shall allocate and pay such amount to each eligible revenue sharing local government within such county with limited government functions in an amount determined by the Secretary taking into account the amount of entitlement land in each eligible revenue sharing local government and the population of such eligible revenue
sharing local government relative to the
total population of such county with lim-
ited government functions.

“(ii) Eligible revenue sharing
COUNTY IN ALASKA.—In the case of the el-
igible revenue sharing county described in
subparagraph (f)(3)(C), the Secretary shall
pay the amount allocated to such eligible
revenue sharing county to the State of
Alaska. The State of Alaska shall dis-
tribute such payment to home rule cities
and general law cities (as such cities are
defined by the State) located within the
boundaries of the eligible revenue sharing
county for which the payment was re-
ceived.

“(C) Pro rata adjustment author-
ity.—The amounts otherwise determined for al-
location and payment under subparagraphs (A)
and (B) may be adjusted by the Secretary on
a pro rata basis to the extent necessary to en-
sure that all available funds are allocated and
paid to eligible revenue sharing recipients in ac-
cordance with the requirements specified in
each such subparagraph.
“(2) ALLOCATIONS AND PAYMENTS TO ELIGIBLE TRIBAL GOVERNMENTS.—The Secretary shall reserve $278,250,000 of the total amount appropriated under subsection (a) to allocate and pay to eligible Tribal governments in amounts that are determined by the Secretary taking into account economic conditions of each eligible Tribe.

“(3) ALLOCATIONS AND PAYMENTS TO TERRITORIES.—The Secretary shall reserve $8,347,500 of the total amount appropriated under subsection (a) to allocate and pay to each territory an amount which bears the same proportion to the amount reserved in this paragraph as the population of such territory bears to the total population of all such territories.

“(c) USE OF PAYMENTS.—An eligible revenue sharing recipient, an eligible Tribal government, or a territory may use funds provided under a payment made under this section for any governmental purpose other than a lobbying activity.

“(d) REPORTING REQUIREMENT.—Any eligible revenue sharing recipient and any territory receiving a payment under this section shall provide to the Secretary periodic reports providing a detailed accounting of the uses of fund by such eligible revenue sharing recipient or terri-
ory, as applicable, and such other information as the Sec-
retary may require for the administration of this section.

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

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

“(2) in the case of a failure to submit a report
required under subsection (d), such amount as the
Secretary determines appropriate, but not to exceed
5 percent of the amount paid to the eligible revenue
sharing recipient or the territory under this section.

“(f) DEFINITIONS.—In this section:

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

“(2) COUNTY WITH LIMITED GOVERNMENT
FUNCTIONS.—The term ‘county with limited govern-
ment functions’ means a county in which entitlement
land is located that is not an eligible revenue sharing
county.
“(3) **Eligible Revenue Sharing County.**—

The term ‘eligible revenue sharing county’ means—

“(A) a unit of general local government (as defined in section 6901(2) of title 31, United States Code) that is a county in which entitlement land is located and which is eligible for a payment under section 6902(a) of title 31, United States Code;

“(B) the District of Columbia; or

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

“(4) **Eligible Revenue Sharing Local Government.**—The term ‘eligible revenue sharing local government’ means a unit of general local government (as defined in section 6901(2) of title 31, United States Code) in which entitlement land is located that is not a county or territory and which is eligible for a payment under section 6902(a) of title 31, United States Code.

“(5) **Eligible Revenue Sharing Recipients.**—The term ‘eligible revenue sharing recipi-
ents’ means, collectively, eligible revenue sharing counties and eligible revenue sharing local governments.

“(6) ELIGIBLE TRIBAL GOVERNMENT.—The term ‘eligible Tribal government’ means the recognized governing body of an eligible Tribe.

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

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

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

“(A) an eligible revenue sharing county; or

“(B) a county with limited government functions.

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

“(A) the Commonwealth of Puerto Rico;
“(B) the United States Virgin Islands;
“(C) Guam;
“(D) the Commonwealth of the Northern Mariana Islands; or
“(E) American Samoa.”.

(e) Of the unobligated balances from amounts made available to the Department of Education in section 2003 of part 1 of subtitle A of title II of the American Rescue Plan Act of 2021 (Public Law 117–2), $500,000,000 are hereby permanently rescinded.

(f) Of the unobligated balances from amounts made available to the Department of Transportation in section 7202(a) of title VII of the American Rescue Plan Act of 2021 (Public Law 117–2), $2,310,000,000 are hereby permanently rescinded.

(g)(1) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this section and sections 1209 through 1211 shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(2) SENATE PAYGO SCORECARDS.—The budgetary effects of this section and sections 1209 through 1211
shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(3) **Classification of Budgetary Effects.**—

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section and sections 1209 through 1211 shall not be estimated—

(A) for purposes of section 251 of such Act;

(B) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

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

Sec. 1207. (a) Of the unobligated balances from amounts made available to the Department of Agriculture under the heading “Agricultural Programs—Office of the Secretary” in title I of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), $600,000,000 are hereby permanently rescinded.
(b) Of the unobligated balances from amounts made available to the Small Business Administration under the heading “Disaster Loans Program Account” in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), $900,000,000 are hereby permanently rescinded.

e) The amounts rescinded pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 1208. For payment to Ann Garland Young, beneficiary of Don Young, late a Representative from the State of Alaska, $174,000.

SEC. 1209. (a) In General.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended—

(1) in section 602—

(A) in subsection (a)(1), by inserting “(except as provided in subsection (e)(5))” after “December 31, 2024”; and

(B) in subsection (e)—
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(i) in paragraph (1)—

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

(II) by amending subparagraph
(C) to read as follows:

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

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

“(ii) $10,000,000;”;

(III) in subparagraph (D), by
striking the period at the end and in-
serting ‘‘; or’’; and

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

“(E) to provide emergency relief from nat-
ural disasters or the negative economic impacts
of natural disasters, including temporary emer-
ergency housing, food assistance, financial assistance for lost wages, or other immediate needs.”;
and
(ii) by adding at the end the following new paragraph:
“(5) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—
“(A) IN GENERAL.—Subject to subparagraph (C), notwithstanding any other provision of law, a State, territory, or Tribal government receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B), including, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (C)(iv)—
“(i) in the case of a project eligible under section 117 of title 23, United States Code, or section 5309 or 6701 of title 49, United States Code, to satisfy a non-Federal share requirement applicable to such a project; and
“(ii) in the case of a project eligible for credit assistance under the TIFIA pro-
gram under chapter 6 of title 23, United States Code—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

“(xvii) A project eligible under the program for national infrastructure investments (commonly known as the ‘Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program’).

“(xviii) A project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code.

“(xix) A project that furthers the completion of a designated route of the Appalachian Development Highway System under section 14501 of title 40, United States Code.


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

“(xxii) A project eligible under section 5311 of title 49, United States Code.
“(xxiii) A project eligible under section 5337 of title 49, United States Code.

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

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

“(xxvi) A project eligible under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

“(xxvii) A project eligible under the bridge replacement, rehabilitation, preservation, protection, and construction program under paragraph (1) under the heading ‘HIGHWAY INFRASTRUCTURE PROGRAM’ under the heading ‘FEDERAL HIGHWAY ADMINISTRATION’ under the heading ‘DEPARTMENT OF TRANSPORTATION’ under title VIII of division J of the Infrastructure Investment and Jobs Act.

“(C) LIMITATIONS; APPLICATION OF REQUIREMENTS.—
“(i) LIMITATION ON AMOUNTS TO BE USED FOR INFRASTRUCTURE PROJECTS.—

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

“(aa) $10,000,000; and

“(bb) 30 percent of such payment.

“(II) RULE OF APPLICATION.—The spending limitation under subclause (I) shall not apply to any use of funds permitted under paragraph (1), and any such use of funds shall be disregarded for purposes of applying such spending limitation.

“(ii) LIMITATION ON OPERATING EXPENSES.—Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of subparagraph (B).
“(iii) Application of requirements.—Except as otherwise determined by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to clause (iv) or provided in this section—

“(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a project described in clause (xvi) of subparagraph (B) that relates to broadband infrastructure;

“(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to funds provided under a payment made under this section that are
used for projects described in subparagraph (B); and

“(III) a State government receiving a payment under this section may use funds provided under such payment for projects described in clauses (i) through (xxvii) of subparagraph (B), as applicable, that—

“(aa) demonstrate progress in achieving a state of good repair as required by the State’s asset management plan under section 119(e) of title 23, United States Code; and

“(bb) support the achievement of 1 or more performance targets of the State established under section 150 of title 23, United States Code.

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

“(v) SUPPLEMENT, NOT SUPPLANT.— Amounts from a payment made under this
section that are used by a State, territory, or Tribal government for uses described in subparagraph (A) shall supplement, and not supplant, other Federal, State, territorial, Tribal, and local government funds (as applicable) otherwise available for such uses.

“(D) REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide periodic reports on the use of funds by States, territories, and Tribal governments under subparagraph (A).

“(E) AVAILABILITY.—Funds provided under a payment made under this section to a State, territory, or Tribal government shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026.”; and

(2) in subsection 603—

(A) in subsection (a), by inserting “(except as provided in subsection (c)(6))” after “December 31, 2024”; and

(B) in subsection (c)—

(i) in paragraph (1)—
(I) in the matter preceding subparagraph (A), by striking “paragraphs (3) and (4)” and inserting “paragraphs (3), (4), (5), and (6)”;

(II) by amending subparagraph (C) to read as follows:

“(C) for the provision of government services up to an amount equal to the greater of—

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

“(ii) $10,000,000;”;

(III) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(IV) by adding at the end the following new subparagraph:

“(E) to provide emergency relief from natural disasters or the negative economic impacts
of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs.”;
and
(ii) by adding at the end the following
new paragraph:
“(6) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—
“(A) IN GENERAL.—Subject to subparagraph (B), notwithstanding any other provision of law, a metropolitan city, nonentitlement unit of local government, or county receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B) of section 602(c)(5), including, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (B)(iv)—
“(i) in the case of a project eligible under section 117 of title 23, United States Code, or section 5309 or 6701 of title 49, United States Code, to satisfy a
non-Federal share requirement applicable to such a project; and

“(ii) in the case of a project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code—

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

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

“(B) LIMITATIONS; APPLICATION OF REQUIREMENTS.—

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

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

“(aa) $10,000,000; and

“(bb) 30 percent of such payment.
“(II) Rule of Application.—

The spending limitation under subclause (I) shall not apply to any use of funds permitted under paragraph (1), and any such use of funds shall be disregarded for purposes of applying such spending limitation.

“(ii) Limitation on Operating Expenses.—Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of section 602(c)(5)(B).

“(iii) Application of Requirements.—Except as otherwise determined by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to clause (iv) or provided in this section—

“(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a
project described in clause (xxvi) of
section 602(c)(5)(B) that relates to
broadband infrastructure; and

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

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

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

“(C) REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide periodic reports on the use of funds by metropolitan cities, nonentitlement units of local government, or counties under subparagraph (A).

“(D) AVAILABILITY.—Funds provided under a payment made under this section to a metropolitan city, nonentitlement unit of local government, or county shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026.”.

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

(c) GUIDANCE AND EFFECTIVE DATE.—

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

(2) Effective Date.—The amendments made by this section shall take effect upon the issuance of guidance or the promulgation of a rule described in paragraph (1).

(d) Department of the Treasury Administrative Expenses.—

(1) In General.—Notwithstanding any other provision of law, the unobligated balances from amounts made available to the Secretary of the Treasury (referred to in this subsection as the “Secretary”) for administrative expenses pursuant to the provisions specified in paragraph (2) shall be available to the Secretary (in addition to any other appropriations provided for such purpose) for any administrative expenses of the Department of the Treasury determined by the Secretary to be necessary to respond to the coronavirus emergency, including any expenses necessary to implement any provision of—

(A) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);
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(B) division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

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

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

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

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

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

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

(D) Section 602(a)(2) of the Social Security Act (42 U.S.C. 802(a)(2)).

SEC. 1210. Section 601(d)(3) of the Social Security Act (42 U.S.C. 801(d)(3)) is amended by inserting “(or, in the case of costs incurred by a Tribal government, during the period that begins on March 1, 2020, and ends on December 31, 2022)” before the period.
Sec. 1211. Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

"SEC. 606. RESCISSION OF FUNDSDECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES.

"(a) RESCISSION.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), if a State, territory, or other governmental entity provides notice to the Secretary of the Treasury in the manner provided by the Secretary of the Treasury that the State, territory, or other governmental entity intends to decline all or a portion of the amounts that are to be awarded to the State, territory, or other governmental entity from funds appropriated under this title, an amount equal to the unaccepted amounts or portion of such amounts allocated by the Secretary of the Treasury as of the date of such notice that would have been awarded to the State, territory, or other governmental entity shall be rescinded from the applicable appropriation account.

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

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

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

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

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

“(c) STATE OR OTHER GOVERNMENTAL ENTITY DE-
FINED.—In this section, the term ‘State, territory, or
other governmental entity’ means any entity to which a
payment may be made directly to the entity under this
title other than a Tribal government, as defined in sections
601(g), 602(g), and 604(d), and an eligible Tribal govern-
ment, as defined in section 605(f).”.
This Act may be cited as the “Bipartisan COVID Supplemental Appropriations Act, 2022”.

April 4, 2022 (1:52 p.m.)