

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

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 fol-
- 2 lowing:
- 3 That the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the
- 5 fiscal year ending September 30, 2022, and for other pur-
- 6 poses, namely:

1 TITLE I
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 OFFICE OF THE SECRETARY
5 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
6 FUND
7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Public Health and So-
9 cial Services Emergency Fund”, \$10,000,000,000, to re-
10 main available until September 30, 2025, to prevent, pre-
11 pare for, and respond to coronavirus, including for nec-
12 essary expenses with respect to the research and develop-
13 ment, manufacturing, production, purchase, and distribu-
14 tion of vaccines, therapeutics, diagnostics, and medical
15 products, services, and supplies: *Provided*, That of the
16 amount provided under this heading in this Act, up to
17 \$9,250,000,000 shall be available to the Biomedical Ad-
18 vanced Research and Development Authority for necessary
19 expenses of advanced research and development, manufac-
20 turing, production, and purchase, at the discretion of the
21 Secretary of Health and Human Services, of vaccines,
22 therapeutics, diagnostics, and supplies necessary for the
23 administration of such vaccines, therapeutics, and
24 diagnostics: *Provided further*, That from the amount made
25 available in the preceding proviso, not less than

1 \$5,000,000,000 shall be available for necessary expenses
2 to research, develop, manufacture, produce, purchase, and
3 administer therapeutics: *Provided further*, That from the
4 amount made available under this heading in this Act, not
5 less than \$750,000,000 shall be available for research and
6 clinical trials related to research on, clinical trials for, and
7 development and procurement of, vaccines for emerging
8 coronavirus variants, and to support the sustainment and
9 expansion of vaccine manufacturing capacity, including
10 fill-finish capacity: *Provided further*, That products, sup-
11 plies, and equipment purchased with amounts provided
12 under this heading in this Act may, at the discretion of
13 the Secretary of Health and Human Services, be deposited
14 in the Strategic National Stockpile under section 319F–
15 2(a) of the Public Health Service Act: *Provided further*,
16 That amounts provided under this heading in this Act may
17 be used for the construction, alteration, or renovation of
18 non-federally owned U.S.-based facilities for the produc-
19 tion of vaccines, therapeutics, diagnostics, and ancillary
20 medical supplies where the Secretary determines that such
21 a contract is necessary to secure sufficient amounts of
22 such supplies: *Provided further*, That amounts provided
23 under this heading in this Act may be transferred to, and
24 merged with, the fund authorized by section 319F–4, the
25 Covered Countermeasure Process Fund, of the Public

1 Health Service Act: *Provided further*, That the transfer
2 authority provided under this heading in this Act is in ad-
3 dition to any other transfer authority provided by law:
4 *Provided further*, That the Secretary shall notify the Com-
5 mittees on Appropriations of the House of Representatives
6 and the Senate at least 2 days in advance of any obligation
7 in excess of \$50,000,000, including but not limited to con-
8 tracts and interagency agreements, from amounts pro-
9 vided under this heading in this Act: *Provided further*,
10 That the Secretary shall provide a report to the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate not later than 30 days after the date of
13 enactment of this Act, and every 30 days thereafter until
14 all amounts provided under this heading in this Act have
15 been expended, detailing obligations of such amounts in
16 excess of \$20,000,000, with annotation of which Depart-
17 ment or agency, and component thereof is managing the
18 contract; the current inventory of COVID–19 vaccines,
19 therapeutics, and diagnostics; and the distribution of
20 COVID–19 vaccines, therapeutics, and diagnostics during
21 the previous month, reported by State and other jurisdic-
22 tion.

1 GENERAL PROVISIONS—THIS TITLE

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 1101. Funds appropriated by this title under
4 the heading “Public Health and Social Services Emer-
5 gency Fund” may be transferred to, and merged with,
6 other appropriation accounts under the heading “National
7 Institutes of Health” to prevent, prepare for, and respond
8 to coronavirus: *Provided*, That the Committees on Appro-
9 priations of the House of Representatives and the Senate
10 shall be notified 10 days in advance of any such transfer:
11 *Provided further*, That the transfer authority provided by
12 this section is in addition to any other transfer authority
13 provided by law: *Provided further*, That, upon a deter-
14 mination that all or part of the funds transferred from
15 an appropriation by this Act are not necessary, such
16 amounts may be transferred back to that appropriation:
17 *Provided further*, That none of the funds made available
18 by this Act may be transferred pursuant to the authority
19 in section 205 of the Departments of Labor, Health and
20 Human Services, and Education, and Related Agencies
21 Appropriations Act, 2022 or section 241(a) of the Public
22 Health Service Act.

23 SEC. 1102. Not later than 30 days after the date of
24 enactment of this Act, the Secretary of Health and
25 Human Services shall provide a detailed spend plan of an-

1 ticipated uses of funds made available in this title, includ-
2 ing estimated personnel and administrative costs, to the
3 Committees on Appropriations of the House of Represent-
4 atives and the Senate: *Provided*, That such plans shall be
5 updated and submitted to such Committees every 60 days
6 until all funds are expended: *Provided further*, That the
7 spend plans shall be accompanied by a listing of each con-
8 tract obligation incurred that exceeds \$5,000,000 which
9 has not previously been reported, including the amount of
10 each such obligation: *Provided further*, That the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate shall be briefed on obligations quarterly
13 until all funds are expended.

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

22 SEC. 1104. Not later than 30 days after the date of
23 enactment of this Act, the Secretary of Health and
24 Human Services shall provide monthly reports on obliga-
25 tions made with these supplemental funds related to: (1)

1 research; (2) advanced development; (3) procurement; or
2 (4) administration activities to the Committees on Appro-
3 priations of the House of Representatives and the Senate
4 and the Committee on Energy and Commerce of the
5 House of Representatives and Committee on Health, Edu-
6 cation, Labor, and Pensions of the Senate: *Provided*, That
7 such report shall include for procurement contracts: (1)
8 recipient; (2) total number of units purchased; (3) delivery
9 dates; (4) any options on such contracts; and (5) location
10 of manufactured product: *Provided further*, That such re-
11 port shall include projections of the supply of and domestic
12 need for vaccines, therapeutics, tests, and ancillary med-
13 ical supplies over the next 90 days to prepare for and re-
14 spond to coronavirus, to the extent such information is
15 available: *Provided further*, That such reports shall be up-
16 dated and submitted monthly to the Committees until all
17 funds are expended.

18 TITLE II

19 GENERAL PROVISIONS—THIS ACT

20 SEC. 1201. Each amount appropriated or made avail-
21 able by this Act is in addition to amounts otherwise appro-
22 priated for the fiscal year involved.

23 SEC. 1202. No part of any appropriation contained
24 in this Act shall remain available for obligation beyond
25 the current fiscal year unless expressly so provided herein.

1 SEC. 1203. Unless otherwise provided for by this Act,
2 the additional amounts appropriated by this Act to appro-
3 priations accounts shall be available under the authorities
4 and conditions applicable to such appropriations accounts
5 for fiscal year 2022.

6 SEC. 1204. Each amount provided by this Act is des-
7 ignated by the Congress as being for an emergency re-
8 quirement pursuant to section 4001(a)(1) and section
9 4001(b) of S. Con. Res. 14 (117th Congress), the concur-
10 rent resolution on the budget for fiscal year 2022.

11 SEC. 1205. In this Act, the term “coronavirus”
12 means SARS-CoV-2 or another coronavirus with pan-
13 demic potential.

14 SEC. 1206. (a) Of the unobligated balances from
15 amounts made available to the Department of Agriculture
16 in section 1001(a) of subtitle A of title I of the American
17 Rescue Plan Act of 2021 (Public Law 117-2),
18 \$1,000,000,000 are hereby permanently rescinded.

19 (b) Of the unobligated balances from amounts made
20 available to the Small Business Administration in section
21 5005 of the American Rescue Plan Act of 2021 (Public
22 Law 117-2) and in section 323(d)(1)(H) of division N of
23 the Consolidated Appropriations Act, 2021 (Public Law
24 116-260) to carry out section 324 of such division of such
25 Act, \$1,930,000,000 are hereby permanently rescinded.

1 (c)(1) Of the unobligated balances from amounts
2 made available in section 3301(a)(2)(A) of subtitle C of
3 title III of the American Rescue Plan Act (Public Law
4 117–2), the following are hereby permanently rescinded—

5 (A) \$200,000,000 for technical assistance pur-
6 suant to section 3009(e) of the State Small Business
7 Credit Initiative Act of 2010 (12 U.S.C. 5708(e));
8 and

9 (B) \$2,137,919,871 from amounts allocated
10 under section 3003(b) of the State Small Business
11 Credit Initiative Act of 2010 (12 U.S.C. 5702(b)):
12 *Provided*, That the rescission shall be taken first
13 from the last 1/3 of the allocated amounts for all
14 participating States on a pro rata basis: *Provided*
15 *further*, That the rescission shall be taken next from
16 the second 1/3 of the allocated amounts for all par-
17 ticipating States on a pro rata basis: *Provided fur-*
18 *ther*, That amounts originally apportioned pursuant
19 to section 3003(c)(1)(A)(i) of such Act (12 U.S.C.
20 5702(e)(1)(A)(i)) and rescinded under this para-
21 graph shall not be reapportioned: *Provided further*,
22 That, notwithstanding section 3003(c)(3) of such
23 Act (12 U.S.C. 5702(e)), each participating State
24 may use funds allocated to the participating State
25 for paying administrative costs incurred by the par-

1 participating State in implementing an approved State
2 program in an amount not to exceed 5 percent of
3 amounts allocated: *Provided further*, That amounts
4 rescinded under this paragraph shall not modify or
5 otherwise reduce amounts allocated under sub-
6 sections (d), (e), and (f) of section 3003 of such Act
7 (12 U.S.C. 5702).

8 (2) Section 3009(e) of the State Small Business
9 Credit Initiative Act of 2010 (12 U.S.C. 5708(e)) is
10 amended by striking “\$500,000,000” and inserting
11 “\$300,000,000”.

12 (3) In this subsection—

13 (A) the terms “allocated amounts”, “last 1/3”,
14 and “second 1/3” have the meanings given those
15 terms in section 3003(c)(6) of the State Small Busi-
16 ness Credit Initiative Act of 2010 (12 U.S.C.
17 5702(e)(6)); and

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

22 (d)(1) Of the unobligated balances from amounts
23 made available in subsection (a) of section 605 of title VI
24 of the Social Security Act (42 U.S.C. 805) and reserved
25 pursuant to subsection (b) of such section for the Local

1 Assistance and Tribal Consistency Fund, \$887,000,000
2 are hereby permanently rescinded.

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

5 (A) in subsection (a), by striking
6 “\$2,000,000,000” and all that follows through the
7 period and inserting “\$1,113,000,000 to remain
8 available until September 30, 2023, with amounts to
9 be obligated in fiscal year 2022 or 2023 in accord-
10 ance with subsection (b), for making payments
11 under this section to eligible revenue sharing recipi-
12 ents, eligible Tribal governments, and territories.”;
13 and

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

16 “(b) AUTHORITY TO MAKE PAYMENTS.—

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

19 “(A) ALLOCATIONS TO REVENUE SHARING
20 COUNTIES.—The Secretary shall reserve
21 \$826,402,500 of the total amount appropriated
22 under subsection (a) to allocate to each revenue
23 sharing county and, except as provided in sub-
24 paragraph (B), pay to each revenue sharing
25 county that is an eligible revenue sharing coun-

1 ty amounts that are determined by the Sec-
2 retary taking into account the amount of enti-
3 tlement land in each revenue sharing county
4 and the economic conditions of each revenue
5 sharing county, using such measurements of
6 poverty, household income, and unemployment
7 over the most recent 20-year period as of Sep-
8 tember 30, 2021, to the extent data are avail-
9 able, as well as other economic indicators the
10 Secretary determines appropriate.

11 “(B) SPECIAL ALLOCATION RULES.—

12 “(i) REVENUE SHARING COUNTIES
13 WITH LIMITED GOVERNMENT FUNC-
14 TIONS.—In the case of an amount allo-
15 cated to a revenue sharing county under
16 subparagraph (A) that is a county with
17 limited government functions, the Sec-
18 retary shall allocate and pay such amount
19 to each eligible revenue sharing local gov-
20 ernment within such county with limited
21 government functions in an amount deter-
22 mined by the Secretary taking into account
23 the amount of entitlement land in each eli-
24 gible revenue sharing local government and
25 the population of such eligible revenue

1 sharing local government relative to the
2 total population of such county with lim-
3 ited government functions.

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

17 “(C) PRO RATA ADJUSTMENT AUTHOR-
18 ITY.—The amounts otherwise determined for al-
19 location and payment under subparagraphs (A)
20 and (B) may be adjusted by the Secretary on
21 a pro rata basis to the extent necessary to en-
22 sure that all available funds are allocated and
23 paid to eligible revenue sharing recipients in ac-
24 cordance with the requirements specified in
25 each such subparagraph.

1 “(2) ALLOCATIONS AND PAYMENTS TO ELIGI-
2 BLE TRIBAL GOVERNMENTS.—The Secretary shall
3 reserve \$278,250,000 of the total amount appro-
4 priated under subsection (a) to allocate and pay to
5 eligible Tribal governments in amounts that are de-
6 termined by the Secretary taking into account eco-
7 nomic conditions of each eligible Tribe.

8 “(3) ALLOCATIONS AND PAYMENTS TO TERRI-
9 TORIES.—The Secretary shall reserve \$8,347,500 of
10 the total amount appropriated under subsection (a)
11 to allocate and pay to each territory an amount
12 which bears the same proportion to the amount re-
13 served in this paragraph as the population of such
14 territory bears to the total population of all such ter-
15 ritories.

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

21 “(d) REPORTING REQUIREMENT.—Any eligible rev-
22 enue sharing recipient and any territory receiving a pay-
23 ment under this section shall provide to the Secretary peri-
24 odic reports providing a detailed accounting of the uses
25 of fund by such eligible revenue sharing recipient or terri-

1 tory, as applicable, and such other information as the Sec-
2 retary may require for the administration of this section.

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

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

11 “(2) in the case of a failure to submit a report
12 required under subsection (d), such amount as the
13 Secretary determines appropriate, but not to exceed
14 5 percent of the amount paid to the eligible revenue
15 sharing recipient or the territory under this section.

16 “(f) DEFINITIONS.—In this section:

17 “(1) COUNTY.—The term ‘county’ means a
18 county, parish, or other equivalent county division
19 (as defined by the Bureau of the Census) in 1 of the
20 50 States.

21 “(2) COUNTY WITH LIMITED GOVERNMENT
22 FUNCTIONS.—The term ‘county with limited govern-
23 ment functions’ means a county in which entitlement
24 land is located that is not an eligible revenue sharing
25 county.

1 “(3) ELIGIBLE REVENUE SHARING COUNTY.—

2 The term ‘eligible revenue sharing county’ means—

3 “(A) a unit of general local government (as
4 defined in section 6901(2) of title 31, United
5 States Code) that is a county in which entitle-
6 ment land is located and which is eligible for a
7 payment under section 6902(a) of title 31,
8 United States Code;

9 “(B) the District of Columbia; or

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

16 “(4) ELIGIBLE REVENUE SHARING LOCAL GOV-
17 ERNMENT.—The term ‘eligible revenue sharing local
18 government’ means a unit of general local govern-
19 ment (as defined in section 6901(2) of title 31,
20 United States Code) in which entitlement land is lo-
21 cated that is not a county or territory and which is
22 eligible for a payment under section 6902(a) of title
23 31, United States Code.

24 “(5) ELIGIBLE REVENUE SHARING RECIPI-
25 ENTS.—The term ‘eligible revenue sharing recipi-

1 ents’ means, collectively, eligible revenue sharing
2 counties and eligible revenue sharing local govern-
3 ments.

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

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

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

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

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

21 “(B) a county with limited government
22 functions.

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

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

3 “(A) the Commonwealth of Puerto Rico;

4 “(B) the United States Virgin Islands;

5 “(C) Guam;

6 “(D) the Commonwealth of the Northern
7 Mariana Islands; or

8 “(E) American Samoa.”.

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

14 (f) Of the unobligated balances from amounts made
15 available to the Department of Transportation in section
16 7202(a) of title VII of the American Rescue Plan Act of
17 2021 (Public Law 117–2), \$2,310,000,000 are hereby
18 permanently rescinded.

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

24 (2) SENATE PAYGO SCORECARDS.—The budgetary
25 effects of this section and sections 1209 through 1211

1 shall not be entered on any PAYGO scorecard maintained
2 for purposes of section 4106 of H. Con. Res. 71 (115th
3 Congress).

4 (3) CLASSIFICATION OF BUDGETARY EFFECTS.—
5 Notwithstanding Rule 3 of the Budget Scorekeeping
6 Guidelines set forth in the joint explanatory statement of
7 the committee of conference accompanying Conference Re-
8 port 105–217 and section 250(c)(8) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985, the
10 budgetary effects of this section and sections 1209
11 through 1211 shall not be estimated—

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

13 (B) for purposes of an allocation to the Com-
14 mittee on Appropriations pursuant to section 302(a)
15 of the Congressional Budget Act of 1974; and

16 (C) for purposes of paragraph (4)(C) of section
17 3 of the Statutory Pay-As-You-Go Act of 2010 as
18 being included in an appropriation Act.

19 SEC. 1207. (a) Of the unobligated balances from
20 amounts made available to the Department of Agriculture
21 under the heading “Agricultural Programs—Office of the
22 Secretary” in title I of division B of the Coronavirus Aid,
23 Relief, and Economic Security Act (Public Law 116–136),
24 \$600,000,000 are hereby permanently rescinded.

1 (b) Of the unobligated balances from amounts made
2 available to the Small Business Administration under the
3 heading “Disaster Loans Program Account” in title II of
4 division B of the Paycheck Protection Program and
5 Health Care Enhancement Act (Public Law 116–139),
6 \$900,000,000 are hereby permanently rescinded.

7 (c) The amounts rescinded pursuant to this section
8 that were previously designated by the Congress as an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985 are designated by the Con-
12 gress as an emergency requirement pursuant to section
13 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th
14 Congress), the concurrent resolution on the budget for fis-
15 cal year 2022.

16 SEC. 1208. For payment to Ann Garland Young, ben-
17 efiary of Don Young, late a Representative from the
18 State of Alaska, \$174,000.

19 SEC. 1209. (a) IN GENERAL.—Title VI of the Social
20 Security Act (42 U.S.C. 801 et seq.) is amended—

21 (1) in section 602—

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

25 (B) in subsection (c)—

1 (i) in paragraph (1)—

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

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

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

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

17 “(ii) \$10,000,000;”;

18 (III) in subparagraph (D), by
19 striking the period at the end and in-
20 serting “; or”; and

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

23 “(E) to provide emergency relief from nat-
24 ural disasters or the negative economic impacts
25 of natural disasters, including temporary emer-

1 agency housing, food assistance, financial assist-
2 ance for lost wages, or other immediate needs.”;
3 and

4 (ii) by adding at the end the following
5 new paragraph:

6 “(5) AUTHORITY TO USE FUNDS FOR CERTAIN
7 INFRASTRUCTURE PROJECTS.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (C), notwithstanding any other provision
10 of law, a State, territory, or Tribal government
11 receiving a payment under this section may use
12 funds provided under such payment for projects
13 described in subparagraph (B), including, to the
14 extent consistent with guidance or rules issued
15 by the Secretary or the head of a Federal agen-
16 cy to which the Secretary has delegated author-
17 ity pursuant to subparagraph (C)(iv)—

18 “(i) in the case of a project eligible
19 under section 117 of title 23, United
20 States Code, or section 5309 or 6701 of
21 title 49, United States Code, to satisfy a
22 non-Federal share requirement applicable
23 to such a project; and

24 “(ii) in the case of a project eligible
25 for credit assistance under the TIFIA pro-

1 gram under chapter 6 of title 23, United
2 States Code—

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

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

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

11 “(i) A project eligible under section
12 117 of title 23, United States Code.

13 “(ii) A project eligible under section
14 119 of title 23, United States Code.

15 “(iii) A project eligible under section
16 124 of title 23, United States Code, as
17 added by the Infrastructure Investment
18 and Jobs Act.

19 “(iv) A project eligible under section
20 133 of title 23, United States Code.

21 “(v) An activity to carry out section
22 134 of title 23, United States Code.

23 “(vi) A project eligible under section
24 148 of title 23, United States Code.

1 “(vii) A project eligible under section
2 149 of title 23, United States Code.

3 “(viii) A project eligible under section
4 151(f) of title 23, United States Code, as
5 added by the Infrastructure Investment
6 and Jobs Act.

7 “(ix) A project eligible under section
8 165 of title 23, United States Code.

9 “(x) A project eligible under section
10 167 of title 23, United States Code.

11 “(xi) A project eligible under section
12 173 of title 23, United States Code, as
13 added by the Infrastructure Investment
14 and Jobs Act.

15 “(xii) A project eligible under section
16 175 of title 23, United States Code, as
17 added by the Infrastructure Investment
18 and Jobs Act.

19 “(xiii) A project eligible under section
20 176 of title 23, United States Code, as
21 added by the Infrastructure Investment
22 and Jobs Act.

23 “(xiv) A project eligible under section
24 202 of title 23, United States Code.

1 “(xv) A project eligible under section
2 203 of title 23, United States Code.

3 “(xvi) A project eligible under section
4 204 of title 23, United States Code.

5 “(xvii) A project eligible under the
6 program for national infrastructure invest-
7 ments (commonly known as the ‘Rebuild-
8 ing American Infrastructure with Sustain-
9 ability and Equity (RAISE) grant pro-
10 gram’).

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

14 “(xix) A project that furthers the
15 completion of a designated route of the Ap-
16 palachian Development Highway System
17 under section 14501 of title 40, United
18 States Code.

19 “(xx) A project eligible under section
20 5307 of title 49, United States Code.

21 “(xxi) A project eligible under section
22 5309 of title 49, United States Code.

23 “(xxii) A project eligible under section
24 5311 of title 49, United States Code.

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

3 “(xxiv) A project eligible under section
4 5339 of title 49, United States Code.

5 “(xxv) A project eligible under section
6 6703 of title 49, United States Code, as
7 added by the Infrastructure Investment
8 and Jobs Act.

9 “(xxvi) A project eligible under title I
10 of the Housing and Community Develop-
11 ment Act of 1974 (42 U.S.C. 5301 et
12 seq.).

13 “(xxvii) A project eligible under the
14 bridge replacement, rehabilitation, preser-
15 vation, protection, and construction pro-
16 gram under paragraph (1) under the head-
17 ing ‘HIGHWAY INFRASTRUCTURE PROGRAM’
18 under the heading ‘FEDERAL HIGHWAY
19 ADMINISTRATION’ under the heading ‘DE-
20 PARTMENT OF TRANSPORTATION’
21 under title VIII of division J of the Infra-
22 structure Investment and Jobs Act.

23 “(C) LIMITATIONS; APPLICATION OF RE-
24 QUIREMENTS.—

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

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

9 “(aa) \$10,000,000; and

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

12 “(II) RULE OF APPLICATION.—

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

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

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

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

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

1 used for projects described in sub-
2 paragraph (B); and

3 “(III) a State government receiv-
4 ing a payment under this section may
5 use funds provided under such pay-
6 ment for projects described in clauses
7 (i) through (xxvii) of subparagraph
8 (B), as applicable, that—

9 “(aa) demonstrate progress
10 in achieving a state of good re-
11 pair as required by the State’s
12 asset management plan under
13 section 119(e) of title 23, United
14 States Code; and

15 “(bb) support the achieve-
16 ment of 1 or more performance
17 targets of the State established
18 under section 150 of title 23,
19 United States Code.

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

24 “(v) SUPPLEMENT, NOT SUPPLANT.—
25 Amounts from a payment made under this

1 section that are used by a State, territory,
2 or Tribal government for uses described in
3 subparagraph (A) shall supplement, and
4 not supplant, other Federal, State, terri-
5 torial, Tribal, and local government funds
6 (as applicable) otherwise available for such
7 uses.

8 “(D) REPORTS.—The Secretary, in con-
9 sultation with the Secretary of Transportation,
10 shall provide periodic reports on the use of
11 funds by States, territories, and Tribal govern-
12 ments under subparagraph (A).

13 “(E) AVAILABILITY.—Funds provided
14 under a payment made under this section to a
15 State, territory, or Tribal government shall re-
16 main available for obligation for a use described
17 in subparagraph (A) through December 31,
18 2024, except that no amount of such funds may
19 be expended after September 30, 2026.”; and
20 (2) in subsection 603—

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

24 (B) in subsection (c)—

25 (i) in paragraph (1)—

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

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

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

9 “(i) the amount of the reduction in
10 revenue of such metropolitan city, non-
11 entitlement unit of local government, or
12 county due to the COVID–19 public health
13 emergency relative to revenues collected in
14 the most recent full fiscal year of the met-
15 ropolitan city, nonentitlement unit of local
16 government, or county to the emergency;
17 or

18 “(ii) \$10,000,000;”;

19 (III) in subparagraph (D), by
20 striking the period at the end and in-
21 sserting “; or”; and

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

24 “(E) to provide emergency relief from nat-
25 ural disasters or the negative economic impacts

1 of natural disasters, including temporary emer-
2 gency housing, food assistance, financial assist-
3 ance for lost wages, or other immediate needs.”;
4 and

5 (ii) by adding at the end the following
6 new paragraph:

7 “(6) AUTHORITY TO USE FUNDS FOR CERTAIN
8 INFRASTRUCTURE PROJECTS.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), notwithstanding any other provision
11 of law, a metropolitan city, nonentitlement unit
12 of local government, or county receiving a pay-
13 ment under this section may use funds provided
14 under such payment for projects described in
15 subparagraph (B) of section 602(c)(5), includ-
16 ing, to the extent consistent with guidance or
17 rules issued by the Secretary or the head of a
18 Federal agency to which the Secretary has dele-
19 gated authority pursuant to subparagraph
20 (B)(iv)—

21 “(i) in the case of a project eligible
22 under section 117 of title 23, United
23 States Code, or section 5309 or 6701 of
24 title 49, United States Code, to satisfy a

1 non-Federal share requirement applicable
2 to such a project; and

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

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

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

12 “(B) LIMITATIONS; APPLICATION OF RE-
13 QUIREMENTS.—

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

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

23 “(aa) \$10,000,000; and

24 “(bb) 30 percent of such
25 payment.

1 “(II) RULE OF APPLICATION.—

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

8 “(ii) LIMITATION ON OPERATING EX-
9 PENSES.—Funds provided under a pay-
10 ment made under this section shall not be
11 used for operating expenses of a project
12 described in clauses (xx) through (xxiv) of
13 section 602(c)(5)(B).

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

20 “(I) the requirements of section
21 60102 of the Infrastructure Invest-
22 ment and Jobs Act shall apply to
23 funds provided under a payment made
24 under this section that are used pur-
25 suant to subparagraph (A) for a

1 project described in clause (xxvi) of
2 section 602(c)(5)(B) that relates to
3 broadband infrastructure; and

4 “(II) the requirements of titles
5 23, 40, and 49 of the United States
6 Code, title I of the Housing and Com-
7 munity Development Act of 1974 (42
8 U.S.C. 5301 et seq.), and the Na-
9 tional Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et. seq) shall
11 apply to funds provided under a pay-
12 ment made under this section that are
13 used for projects described in section
14 602(c)(5)(B).

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

19 “(v) SUPPLEMENT, NOT SUPPLANT.—
20 Amounts from a payment made under this
21 section that are used by a metropolitan
22 city, nonentitlement unit of local govern-
23 ment, or county for uses described in sub-
24 paragraph (A) shall supplement, and not
25 supplant, other Federal, State, territorial,

1 Tribal, and local government funds (as ap-
2 plicable) otherwise available for such uses.

3 “(C) REPORTS.—The Secretary, in con-
4 sultation with the Secretary of Transportation,
5 shall provide periodic reports on the use of
6 funds by metropolitan cities, nonentitlement
7 units of local government, or counties under
8 subparagraph (A).

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

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

21 (c) GUIDANCE AND EFFECTIVE DATE.—

22 (1) GUIDANCE OR RULE.—Within 60 days of
23 the date of enactment of this Act, the Secretary of
24 the Treasury, in consultation with the Secretary of
25 Transportation, shall issue guidance or promulgate a

1 rule to carry out the amendments made by this sec-
2 tion, including updating reporting requirements on
3 the use of funds under this section.

4 (2) EFFECTIVE DATE.—The amendments made
5 by this section shall take effect upon the issuance of
6 guidance or the promulgation of a rule described in
7 paragraph (1).

8 (d) DEPARTMENT OF THE TREASURY ADMINISTRA-
9 TIVE EXPENSES.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law, the unobligated balances from
12 amounts made available to the Secretary of the
13 Treasury (referred to in this subsection as the “Sec-
14 retary”) for administrative expenses pursuant to the
15 provisions specified in paragraph (2) shall be avail-
16 able to the Secretary (in addition to any other ap-
17 propriations provided for such purpose) for any ad-
18 ministrative expenses of the Department of the
19 Treasury determined by the Secretary to be nec-
20 essary to respond to the coronavirus emergency, in-
21 cluding any expenses necessary to implement any
22 provision of—

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

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

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

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

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

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

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

15 (C) Sections 3201(a)(2)(B),
16 3206(d)(1)(A), and 7301(b)(5) of the American
17 Rescue Plan Act of 2021 (Public Law 117–2).

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

20 SEC. 1210. Section 601(d)(3) of the Social Security
21 Act (42 U.S.C. 801(d)(3)) is amended by inserting “(or,
22 in the case of costs incurred by a Tribal government, dur-
23 ing the period that begins on March 1, 2020, and ends
24 on December 31, 2022)” before the period.

1 SEC. 1211. Title VI of the Social Security Act (42
2 U.S.C. 801 et seq.) is amended by adding at the end the
3 following new section:

4 **“SEC. 606. RESCISSION OF FUNDS DECLINED BY STATES,**
5 **TERRITORIES, OR OTHER GOVERNMENTAL**
6 **ENTITIES.**

7 “(a) RESCISSION.—

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

23 “(2) EXCLUSION.—Paragraph (1) shall not
24 apply with respect to funds that are to be paid to

1 a State under section 603 for distribution to non-
2 entitlement units of local government.

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

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

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

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

19 “(c) STATE OR OTHER GOVERNMENTAL ENTITY DE-
20 FINED.—In this section, the term ‘State, territory, or
21 other governmental entity’ means any entity to which a
22 payment may be made directly to the entity under this
23 title other than a Tribal government, as defined in sections
24 601(g), 602(g), and 604(d), and an eligible Tribal govern-
25 ment, as defined in section 605(f).”.

1 This Act may be cited as the “Bipartisan COVID
2 Supplemental Appropriations Act, 2022”.