

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 anticipated 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(c)(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(c)), each participating State  
24 may use funds allocated to the participating State  
25 for paying administrative costs incurred by the par-

1        ticipating 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(c)(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 eficiary 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 serting “; 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”.