

(3) Secretary

The term “Secretary” means the Secretary of the Treasury.

(4) State

The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(5) Tribal government

The term “Tribal government” means the recognized governing body of an Indian Tribe.

(Aug. 14, 1935, ch. 531, title VI, §601, as added Pub. L. 116-136, div. A, title V, §5001(a), Mar. 27, 2020, 134 Stat. 501; amended Pub. L. 116-260, div. N, title X, §1001, Dec. 27, 2020, 134 Stat. 2145; Pub. L. 117-328, div. LL, §104, Dec. 29, 2022, 136 Stat. 6105.)

Editorial Notes

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (f)(4), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 4 (§401 et seq.) of Title 5 by Pub. L. 117-286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4206, 4361. For disposition of sections of the Act into chapter 4 of Title 5, see Disposition Table preceding section 101 of Title 5.

PRIOR PROVISIONS

A prior section 801, act Aug. 14, 1935, ch. 531, title VI, §601, as added Pub. L. 108-27, title IV, §401(b), May 28, 2003, 117 Stat. 766, related to temporary State fiscal relief, prior to repeal by act Aug. 14, 1935, ch. 531, title VI, §601(g), as added Pub. L. 108-27, title IV, §401(b), May 28, 2003, 117 Stat. 768.

Another prior section 801, act Aug. 14, 1935, ch. 531, title VI, §601, as added Oct. 30, 1972, Pub. L. 92-603, title III, §302, 86 Stat. 1478, authorized appropriations for encouraging States to furnish rehabilitation to needy individuals 65 years of age or older, and the blind or disabled, prior to repeal by Pub. L. 93-647, §§3(b), 7(b), Jan. 4, 1975, 88 Stat. 2349, 2351.

Another prior section 801, acts Aug. 14, 1935, ch. 531, title VI, §601, 49 Stat. 634; Aug. 10, 1939, ch. 666, title V, §509, 53 Stat. 1381, which provided appropriations for the purpose of assisting States and subdivisions in maintaining adequate public health services, was repealed by act July 1, 1944, ch. 373, title XIII, §1313, formerly title VI, §611, 58 Stat. 719. See section 246 of this title.

AMENDMENTS

2022—Subsec. (d)(3). Pub. L. 117-328 inserted “(or, in the case of costs incurred by a Tribal government, during the period that begins on March 1, 2020, and ends on December 31, 2022)” before period at end.

2020—Subsec. (d)(3). Pub. L. 116-260 substituted “December 31, 2021” for “December 30, 2020”.

Statutory Notes and Related Subsidiaries

RENUMBERING OF REPEALING ACT

Act July 1, 1944, ch. 373, title VI, §611, 58 Stat. 719, which repealed prior sections 801 to 803, was renumbered title VII, §711, by act Aug. 13, 1946, ch. 958, §5, 60 Stat. 1049; renumbered §713 by act Feb. 28, 1948, ch. 83, §9(b), 62 Stat. 47; renumbered title VIII, §813, by act July 30, 1956, ch. 779, §3(b), 70 Stat. 721; renumbered title IX, §913, by Pub. L. 88-581, §4(b), Sept. 4, 1964, 78 Stat. 919; renumbered title X, §1013, by Pub. L. 89-239,

§3(b), Oct. 6, 1965, 79 Stat. 931; renumbered title XI, §1113, by Pub. L. 91-572, §6(b), Dec. 24, 1970, 84 Stat. 1506; renumbered title XII, §1213, by Pub. L. 92-294, §3(b), May 16, 1972, 86 Stat. 137; renumbered title XIII, §1313, by Pub. L. 93-154, §2(b)(2), Nov. 16, 1973, 87 Stat. 604, and repealed by Pub. L. 93-222, §7(b), Dec. 29, 1973, 87 Stat. 936.

§ 802. Coronavirus State fiscal recovery fund**(a) Appropriation**

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated—

(1) \$219,800,000,000, to remain available through December 31, 2024 (except as provided in subsection (c)(5)), for making payments under this section to States, territories, and Tribal governments to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19); and

(2) \$50,000,000, to remain available until expended, for the costs of the Secretary for administration of the funds established under this subchapter.

(b) Authority to make payments**(1) Payments to territories****(A) In general**

The Secretary shall reserve \$4,500,000,000 of the amount appropriated under subsection (a)(1) to make payments to the territories.

(B) Allocation

Of the amount reserved under subparagraph (A)—

(i) 50 percent of such amount shall be allocated by the Secretary equally to each territory; and

(ii) 50 percent of such amount shall be allocated by the Secretary as an additional amount to each territory in an amount which bears the same proportion to ½ of the total amount reserved under subparagraph (A) as the population of the territory bears to the total population of all such territories.

(C) Payment

The Secretary shall pay each territory the total of the amounts allocated for the territory under subparagraph (B) in accordance with paragraph (6).

(2) Payments to Tribal governments**(A) In general**

The Secretary shall reserve \$20,000,000,000 of the amount appropriated under subsection (a)(1) to make payments to Tribal governments.

(B) Allocation

Of the amount reserved under subparagraph (A)—

(i) \$1,000,000,000 shall be allocated by the Secretary equally among each of the Tribal governments; and

(ii) \$19,000,000,000 shall be allocated by the Secretary to the Tribal governments in a manner determined by the Secretary.

(C) Payment

The Secretary shall pay each Tribal government the total of the amounts allocated

for the Tribal government under subparagraph (B) in accordance with paragraph (6).

(3) Payments to each of the 50 States and the District of Columbia

(A) In general

The Secretary shall reserve \$195,300,000,000 of the amount appropriated under subsection (a)(1) to make payments to each of the 50 States and the District of Columbia.

(B) Allocations

Of the amount reserved under subparagraph (A)—

(i) \$25,500,000,000 of such amount shall be allocated by the Secretary equally among each of the 50 States and the District of Columbia;

(ii) an amount equal to \$1,250,000,000 less the amount allocated for the District of Columbia pursuant to section 801(c)(6) of this title shall be allocated by the Secretary as an additional amount to the District of Columbia; and

(iii) an amount equal to the remainder of the amount reserved under subparagraph (A) after the application of clauses (i) and (ii) of this subparagraph shall be allocated by the Secretary as an additional amount to each of the 50 States and the District of Columbia in an amount which bears the same proportion to such remainder as the average estimated number of seasonally-adjusted unemployed individuals (as measured by the Bureau of Labor Statistics Local Area Unemployment Statistics program) in the State or District of Columbia over the 3-month period ending with December 2020 bears to the average estimated number of seasonally-adjusted unemployed individuals in all of the 50 States and the District of Columbia over the same period.

(C) Payment

(i) In general

Subject to clause (ii), the Secretary shall pay each of the 50 States and the District of Columbia, from the amount reserved under subparagraph (A), the total of the amounts allocated for the State and District of Columbia under subparagraph (B) in accordance with paragraph (6).

(ii) Minimum payment requirement

(I) In general

The sum of—

(aa) the total amounts allocated for 1 of the 50 States or the District of Columbia under subparagraph (B) (as determined without regard to this clause); and

(bb) the amounts allocated under section 803 of this title to the State (for distribution by the State to non-entitlement units of local government in the State) and to metropolitan cities and counties in the State;

shall not be less than the amount allocated to the State or District of Columbia for fiscal year 2020 under section 801 of this title, including any amount paid directly

to a unit of local government in the State under such section.

(II) Pro rata adjustment

The Secretary shall adjust on a pro rata basis the amount of the allocations for each of the 50 States and the District of Columbia determined under subparagraph (B)(iii) (without regard to this clause) to the extent necessary to comply with the requirement of subclause (I).

(4) Pro rata adjustment authority

The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are allocated to States, territories, and Tribal governments in accordance with the requirements specified in each such paragraph (as applicable).

(5) Population data

For purposes of determining allocations for a territory under this section, the population of the territory shall be determined based on the most recent data available from the Bureau of the Census.

(6) Timing

(A) States and territories

(i) In general

To the extent practicable, subject to clause (ii), with respect to each State and territory allocated a payment under this subsection, the Secretary shall make the payment required for the State or territory not later than 60 days after the date on which the certification required under subsection (d)(1) is provided to the Secretary.

(ii) Authority to split payment

(I) In general

The Secretary shall have the authority to withhold payment of up to 50 percent of the amount allocated to each State and territory (other than payment of the amount allocated under paragraph (3)(B)(ii) to the District of Columbia) for a period of up to 12 months from the date on which the State or territory provides the certification required under subsection (d)(1). The Secretary shall exercise such authority with respect to a State or territory based on the unemployment rate in the State or territory as of such date.

(II) Payment of withheld amount

Before paying to a State or territory the remainder of an amount allocated to the State or territory (subject to subclause (III)) that has been withheld by the Secretary under subclause (I), the Secretary shall require the State or territory to submit a second certification under subsection (d)(1), in addition to such other information as the Secretary may require.

(III) Recovery of amounts subject to recoupment

If a State or territory is required under subsection (e) to repay funds for failing to comply with subsection (c), the Secretary may reduce the amount otherwise payable to the State or territory under subclause (II) by the amount that the State or territory would otherwise be required to repay under such subsection (e).

(B) Tribal governments

To the extent practicable, with respect to each Tribal government for which an amount is allocated under this subsection, the Secretary shall make the payment required for the Tribal government not later than 60 days after March 11, 2021.

(C) Initial payment to District of Columbia

The Secretary shall pay the amount allocated under paragraph (3)(B)(ii) to the District of Columbia not later than 15 days after March 11, 2021.

(c) Requirements

(1) Use of funds

Subject to paragraph (2), and except as provided in paragraphs (3), (4), and (5), a State, territory, or Tribal government shall only use the funds provided under a payment made under this section, or transferred pursuant to section 803(c)(4) of this title, to cover costs incurred by the State, territory, or Tribal government, by December 31, 2024—

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the State, territory, or Tribal government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

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

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

(ii) \$10,000,000;

(D) to make necessary investments in water, sewer, or broadband infrastructure; or

(E) to provide emergency relief from natural disasters or the negative economic impacts of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs.

(2) Further restriction on use of funds

(A) In general

A State or territory shall not use the funds provided under this section or transferred pursuant to section 803(c)(4) of this title to either directly or indirectly offset a reduction in the net tax revenue of such State or territory resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase.

(B) Pension funds

No State or territory may use funds made available under this section for deposit into any pension fund.

(3) Transfer authority

A State, territory, or Tribal government receiving a payment from funds made available under this section may transfer funds to a private nonprofit organization (as that term is defined in section 11360 of this title), a Tribal organization (as that term is defined in section 5304 of title 25), a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of State or local government.

(4) Use of funds to satisfy non-federal matching requirements for authorized Bureau of Reclamation water projects

Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project.

(5) Authority to use funds for certain infrastructure projects

(A) In general

Subject to subparagraph (C), notwithstanding any other provision of law, a State, territory, or Tribal government receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B), including, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (C)(iv)—

(i) in the case of a project eligible under section 117 of title 23 or section 5309 or 6701 of title 49 to satisfy a non-Federal share requirement applicable to such a project; and

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

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

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

(B) Projects described

A project referred to in subparagraph (A) is any of the following:

(i) A project eligible under section 117 of title 23.

(ii) A project eligible under section 119 of title 23.

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

(iv) A project eligible under section 133 of title 23.

(v) An activity to carry out section 134 of title 23.

(vi) A project eligible under section 148 of title 23.

(vii) A project eligible under section 149 of title 23.

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

(ix) A project eligible under section 165 of title 23.

(x) A project eligible under section 167 of title 23.

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

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

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

(xiv) A project eligible under section 202 of title 23.

(xv) A project eligible under section 203 of title 23.

(xvi) A project eligible under section 204 of title 23.

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

(xviii) A project eligible for credit assistance under the TIFIA program under chapter 6 of title 23.

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

(xx) A project eligible under section 5307 of title 49.

(xxi) A project eligible under section 5309 of title 49.

(xxii) A project eligible under section 5311 of title 49.

(xxiii) A project eligible under section 5337 of title 49.

(xxiv) A project eligible under section 5339 of title 49.

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

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

(xxvii) A project eligible under the bridge replacement, rehabilitation, preservation, protection, and construction program under paragraph (1) under the heading “HIGHWAY INFRASTRUCTURE PRO-

GRAM” under the heading “FEDERAL HIGHWAY ADMINISTRATION” under the heading “DEPARTMENT OF TRANSPORTATION” under title VIII of division J of the Infrastructure Investment and Jobs Act.

(C) Limitations; application of requirements

(i) Limitation on amounts to be used for infrastructure projects

(I) In general

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

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

(bb) 30 percent of such payment.

(II) Rule of application

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

(ii) Limitation on operating expenses

Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of subparagraph (B).

(iii) Application of requirements

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

(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act [47 U.S.C. 1702] shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a project described in clause (xxvi) of subparagraph (B) that relates to broadband infrastructure;

(II) the requirements of titles 23, 40, and 49, title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.)¹ shall apply to funds provided under a payment made under this section that are used for projects described in subparagraph (B); and

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

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

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

¹ So in original.

(iv) Oversight

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

(v) Supplement, not supplant

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

(D) Reports

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

(E) Availability

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

(d) Certifications and reports**(1) In general**

In order for a State or territory to receive a payment under this section, or a transfer of funds under section 803(c)(4) of this title, the State or territory shall provide the Secretary with a certification, signed by an authorized officer of such State or territory, that such State or territory requires the payment or transfer to carry out the activities specified in subsection (c) of this section and will use any payment under this section, or transfer of funds under section 803(c)(4) of this title, in compliance with subsection (c) of this section.

(2) Reporting

Any State, territory, or Tribal government receiving a payment under this section shall provide to the Secretary periodic reports providing a detailed accounting of—

(A) the uses of funds by such State, territory, or Tribal government, including, in the case of a State or a territory, all modifications to the State's or territory's tax revenue sources during the covered period; and

(B) such other information as the Secretary may require for the administration of this section.

(e) Recoupment

Any State, territory, or Tribal government that has failed to comply with subsection (c) shall be required to repay to the Secretary an amount equal to the amount of funds used in violation of such subsection, provided that, in the case of a violation of subsection (c)(2)(A), the amount the State or territory shall be required to repay shall be lesser of—

(1) the amount of the applicable reduction to net tax revenue attributable to such violation; and

(2) the amount of funds received by such State or territory pursuant to a payment made under this section or a transfer made under section 803(c)(4) of this title.

(f) Regulations

The Secretary shall have the authority to issue such regulations as may be necessary or appropriate to carry out this section.

(g) Definitions

In this section:

(1) Covered period

The term “covered period” means, with respect to a State, territory, or Tribal government, the period that—

(A) begins on March 3, 2021; and

(B) ends on the last day of the fiscal year of such State, territory, or Tribal government in which all funds received by the State, territory, or Tribal government from a payment made under this section or a transfer made under section 803(c)(4) of this title have been expended or returned to, or recovered by, the Secretary.

(2) Eligible workers

The term “eligible workers” means those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each Governor of a State or territory, or each Tribal government, may designate as critical to protect the health and well-being of the residents of their State, territory, or Tribal government.

(3) Premium pay

The term “premium pay” means an amount of up to \$13 per hour that is paid to an eligible worker, in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID-19 public health emergency. Such amount may not exceed \$25,000 with respect to any single eligible worker.

(4) Secretary

The term “Secretary” means the Secretary of the Treasury.

(5) State

The term “State” means each of the 50 States and the District of Columbia.

(6) Territory

The term “territory” means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(7) Tribal Government

The term “Tribal Government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of March 11, 2021, pursuant to section 5131 of title 25.

(Aug. 14, 1935, ch. 531, title VI, §602, as added Pub. L. 117-2, title IX, §9901(a), Mar. 11, 2021, 135

Stat. 223; amended Pub. L. 117–58, div. D, title IX, § 40909(a), Nov. 15, 2021, 135 Stat. 1126; Pub. L. 117–328, div. LL, § 102(a)(1), (b), Dec. 29, 2022, 136 Stat. 6097, 6103.)

Editorial Notes

REFERENCES IN TEXT

The Infrastructure Investment and Jobs Act, referred to in subsec. (c)(5)(B), is Pub. L. 117–58, Nov. 15, 2021, 135 Stat. 429. Paragraph (1) under the heading “HIGHWAY INFRASTRUCTURE PROGRAM” under the heading “FEDERAL HIGHWAY ADMINISTRATION” under the heading “DEPARTMENT OF TRANSPORTATION” under title VIII of division J of the Act is in title VIII of div. J of Pub. L. 117–58, at 135 Stat. 1420. For complete classification of this Act to the Code, see Short Title of 2021 Amendment note set out under section 101 of Title 23, Highways, and Tables.

The Housing and Community Development Act of 1974, referred to in subsec. (c)(5)(B)(xxvi), (C)(iii)(II), is Pub. L. 93–383, Aug. 22, 1974, 88 Stat. 633. Title I of the Act is classified principally to chapter 69 (§ 5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (c)(5)(C)(iii), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

PRIOR PROVISIONS

A prior section 802, act Aug. 14, 1935, ch. 531, title VI, § 602, as added Oct. 30, 1972, Pub. L. 92–603, title III, § 302, 86 Stat. 1479, which set out the necessary provisions for State plans for services to the aged, blind, or disabled, was repealed by Pub. L. 93–647, §§ 3(b), 7(b), Jan. 4, 1975, 88 Stat. 2349, 2351.

Another prior section 802, act Aug. 14, 1935, ch. 531, title VI, § 602, 49 Stat. 634, which provided for allotments to States by Surgeon General, was repealed by act July 1, 1944, ch. 373, title XIII, § 1313, formerly title VI, § 611, 58 Stat. 719. See section 246 of this title.

AMENDMENTS

2022—Subsec. (a)(1). Pub. L. 117–328, § 102(a)(1)(A), inserted “(except as provided in subsection (c)(5))” after “December 31, 2024”.

Subsec. (c)(1). Pub. L. 117–328, § 102(a)(1)(B)(i)(I), substituted “paragraphs (3), (4), and (5)” for “paragraph (3)” in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 117–328, § 102(a)(1)(B)(i)(II), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “for the provision of government services to the extent of the reduction in revenue of such State, territory, or Tribal government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; or”.

Subsec. (c)(1)(E). Pub. L. 117–328, § 102(a)(1)(B)(i)(III), (IV), added subpar. (E).

Subsec. (c)(3). Pub. L. 117–328, § 102(b), substituted “section 11360” for “section 11360(17)”.

Subsec. (c)(5). Pub. L. 117–328, § 102(a)(1)(B)(ii), added par. (5).

2021—Subsec. (c)(4). Pub. L. 117–58 added par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–328, div. LL, § 102(c), Dec. 29, 2022, 136 Stat. 6103, provided that:

“(1) GUIDANCE OR RULE.—Within 60 days of the date of enactment of this Act [Dec. 29, 2022], the Secretary of the Treasury, in consultation with the Secretary of

Transportation, shall issue guidance or promulgate a rule to carry out the amendments made by this section [amending this section, section 803 of this title, and sections 9042 and 9072 of Title 15, Commerce and Trade], including updating reporting requirements on the use of funds under this section.

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

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117–58, div. D, title IX, § 40909(c), Nov. 15, 2021, 135 Stat. 1126, provided that: “The amendments made by this section [amending this section and section 803 of this title] shall take effect as if included in the enactment of section 9901 of the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 223).”

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

§ 803. Coronavirus local fiscal recovery fund

(a) Appropriation

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$130,200,000,000, to remain available through December 31, 2024 (except as provided in subsection (c)(6)), for making payments under this section to metropolitan cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID–19).

(b) Authority to make payments

(1) Metropolitan cities

(A) In general

Of the amount appropriated under subsection (a), the Secretary shall reserve \$45,570,000,000 to make payments to metropolitan cities.

(B) Allocation and payment

From the amount reserved under subparagraph (A), the Secretary shall allocate and, in accordance with paragraph (7), pay to each metropolitan city an amount determined for the metropolitan city consistent with the formula under section 5306(b) of this title, except that, in applying such formula, the Secretary shall substitute “all metropolitan cities” for “all metropolitan areas” each place it appears.

(2) Nonentitlement units of local government

(A) In general

Of the amount appropriated under subsection (a), the Secretary shall reserve \$19,530,000,000 to make payments to States for distribution by the State to nonentitlement units of local government in the State.

(B) Allocation and payment

From the amount reserved under subparagraph (A), the Secretary shall allocate and, in accordance with paragraph (7), pay to