

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-328 effective upon issuance of guidance or the promulgation of a rule by the Secretary of the Treasury, in consultation with the Secretary of Transportation, see section 102(c) of Pub. L. 117-328, set out as a note under section 802 of this title.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-58 effective as if included in the enactment of section 9901 of the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 223), see section 40909(c) of Pub. L. 117-58, set out as a note under section 802 of this title.

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.

§ 804. Coronavirus capital projects 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, \$10,000,000,000, to remain available until expended, for making payments to States, territories, and Tribal governments to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to the Coronavirus Disease (COVID-19).

(b) Payments**(1) Minimum amounts**

From the amount appropriated under subsection (a)—

(A) the Secretary shall pay \$100,000,000 to each State;

(B) the Secretary shall pay \$100,000,000 of such amount in equal shares to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

(C) the Secretary shall pay \$100,000,000 of such amount in equal shares to Tribal governments and the State of Hawaii (in addition to the amount paid to the State of Hawaii under subparagraph (A)), of which—

(i) not less than \$50,000 shall be paid to each Tribal government; and

(ii) not less than \$50,000, and not more than \$200,000, shall be paid to the State of Hawaii for the exclusive use of the Department of Hawaiian Home Lands and the Native Hawaiian Education Programs to assist Native Hawaiians in accordance with this section.

(2) Remaining amounts**(A) In general**

From the amount of the appropriation under subsection (a) that remains after the application of paragraph (1), the Secretary

shall make payments to States based on population such that—

(i) 50 percent of such amount shall be allocated among the States based on the proportion that the population of each State bears to the population of all States;

(ii) 25 percent of such amount shall be allocated among the States based on the proportion that the number of individuals living in rural areas in each State bears to the number of individuals living in rural areas in all States; and

(iii) 25 percent of such amount shall be allocated among the States based on the proportion that the number of individuals with a household income that is below 150 percent of the poverty line applicable to a family of the size involved in each State bears to the number of such individuals in all States.

(B) Data

In determining the allocations to be made to each State under subparagraph (A), the Secretary of the Treasury shall use the most recent data available from the Bureau of the Census.

(c) Timing

The Secretary shall establish a process of applying for grants to access funding made available under section (b) not later than 60 days after March 11, 2021.

(d) Definitions

In this section:

(1) Secretary

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

(2) State

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

(3) Tribal government

The term “Tribal government” has the meaning given such term in section 802(g) of this title.

(Aug. 14, 1935, ch. 531, title VI, §604, as added Pub. L. 117-2, title IX, §9901(a), Mar. 11, 2021, 135 Stat. 233.)

Editorial Notes

PRIOR PROVISIONS

A prior section 804, act Aug. 14, 1935, ch. 531, title VI, §604, as added Oct. 30, 1972, Pub. L. 92-603, title III, §302, 86 Stat. 1484, which provided for notification to States and termination of payments in case of noncompliance with laws or State plan, was repealed by Pub. L. 93-647, §§3(b), 7(b), Jan. 4, 1975, 88 Stat. 2349, 2351.

§ 805. Local assistance and Tribal consistency 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, \$2,000,000,000 to remain available until September 30, 2023, with amounts to be obligated, subject to subsection (g), for each of fis-

cal years 2022 and 2023 in accordance with subsection (b), for making payments under this section to eligible revenue sharing counties and eligible Tribal governments.

(b) Authority to make payments

(1) Payments to eligible revenue sharing counties

For each of fiscal years 2022 and 2023, the Secretary shall reserve \$750,000,000 of the total amount appropriated under subsection (a) to allocate and pay to each eligible revenue sharing county in amounts that are determined by the Secretary taking into account economic conditions of each eligible revenue sharing county, using measurements of poverty rates, household income, land values, and unemployment rates as well as other economic indicators, over the 20-year period ending with September 30, 2021.

(2) Payments to eligible Tribal governments

For each of fiscal years 2022 and 2023, the Secretary shall reserve \$250,000,000 of the total amount appropriated under subsection (a) to allocate and pay to eligible Tribal governments in amounts that are determined by the Secretary taking into account economic conditions of each eligible Tribe.

(c) Use of payments

An eligible revenue sharing county, an eligible Tribal government, or an eligible revenue sharing consolidated government may use funds provided under a payment made under this section for any governmental purpose other than a lobbying activity.

(d) Reporting requirement

Any eligible revenue sharing county or eligible revenue sharing consolidated government receiving a payment under this section shall provide to the Secretary periodic reports providing a detailed accounting of the uses of fund by such eligible revenue sharing county or eligible revenue sharing consolidated government and such other information as the Secretary may require for the administration of this section.

(e) Recoupment

Any eligible revenue sharing county or eligible revenue sharing consolidated government that has failed to submit a report required under subsection (d) or failed to comply with subsection (c), shall be required to repay to the Secretary an amount equal to—

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

(2) in the case of a failure to submit a report required under subsection (d), such amount as the Secretary determines appropriate, but not to exceed 5 percent of the amount paid to the eligible revenue sharing county or eligible revenue sharing consolidated government under this section for all fiscal years.

(f) Definitions

In this section:

(1) Eligible revenue sharing consolidated government

The term “eligible revenue sharing consolidated government” means a county, parish, or borough—

(A) that has been classified by the Bureau of the Census as an active government consolidated with another government; and

(B) for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program.

(2) Eligible revenue sharing county

The term “eligible revenue sharing county” means—

(A) a county, parish, or borough—

(i) that is independent of any other unit of local government; and

(ii) that, as determined by the Secretary, is the principal provider of government services for the area within its jurisdiction; and

(iii) for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program; and

(B) the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(3) Eligible Tribal government

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

(4) Eligible Tribe

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

(5) Secretary

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

(g) Payments to eligible revenue sharing consolidated governments

(1) Payments to eligible revenue sharing consolidated governments for fiscal years 2023 and 2024

The Secretary shall allocate and pay to each eligible revenue sharing consolidated government for each of fiscal years 2023 and 2024 an amount equal to the amount that the Secretary would have allocated to such eligible revenue sharing consolidated government for fiscal year 2022 if all eligible revenue sharing consolidated governments had been treated as eligible revenue sharing counties for purposes of being eligible for payments under subsection (b)(1) for such fiscal year using the allocation methodology adopted by the Department of the Treasury for such eligible revenue sharing counties as of December 29, 2022.

(2) Funding for payments

(A) In general

The Secretary shall make the allocations and payments described in paragraph (1) from the amounts described in subparagraph (B), which shall be available to the Secretary for such purpose notwithstanding any other provision of law.

(B) Amounts described

The amounts described in this subparagraph are the following:

(i) Any amount allocated to an eligible revenue sharing county under subsection (b)(1) for fiscal year 2022 or 2023 that, as of January 31, 2023, has not been requested by such county.

(ii) Amounts made available to the Secretary under section 102(d)(4) of the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act.

(Aug. 14, 1935, ch. 531, title VI, §605, as added Pub. L. 117-2, title IX, §9901(a), Mar. 11, 2021, 135 Stat. 234; amended Pub. L. 117-328, div. LL, §103, Dec. 29, 2022, 136 Stat. 6104.)

Editorial Notes

REFERENCES IN TEXT

Section 102(d)(4) of the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act, referred to in subsec. (g)(2)(B)(ii), is section 102(d)(4) of div. LL of Pub. L. 117-328, Dec. 29, 2022, 136 Stat. 6104, which is not classified to the Code.

PRIOR PROVISIONS

A prior section 805, act Aug. 14, 1935, ch. 531, title VI, §605, as added Oct. 30, 1972, Pub. L. 92-603, title III, §302, 86 Stat. 1484, which defined “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.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-328, §103(b)(1), inserted “, subject to subsection (g),” after “amounts to be obligated”.

Subsec. (c). Pub. L. 117-328, §103(b)(2), substituted “, an eligible Tribal government, or an eligible revenue sharing consolidated government” for “or an eligible Tribal government”.

Subsec. (d). Pub. L. 117-328, §103(b)(3), inserted “or eligible revenue sharing consolidated government” after “eligible revenue sharing county” in two places.

Subsec. (e). Pub. L. 117-328, §103(b)(3), inserted “or eligible revenue sharing consolidated government” after “eligible revenue sharing county” in introductory provisions and in par. (2).

Subsec. (f). Pub. L. 117-328, §103(b)(4), added par. (1) and redesignated former pars. (1) to (4) as (2) to (5), respectively.

Subsec. (g). Pub. L. 117-328, §103(a), added subsec. (g).

§ 806. Rescission of funds declined by States, territories, or other governmental entities**(a) Rescission****(1) In general**

Subject to paragraphs (2) and (3), if a State, territory, or other governmental entity provides notice to the Secretary of the Treasury in the manner provided by the Secretary of the Treasury that the State, territory, or other governmental entity intends to decline all or a portion of the amounts that are to be awarded to the State, territory, or other governmental entity from funds appropriated under this subchapter, an amount equal to the unaccepted amounts or portion of such amounts allocated by the Secretary of the Treasury as of the date of such notice that

would have been awarded to the State, territory, or other governmental entity shall be rescinded from the applicable appropriation account.

(2) Exclusion

Paragraph (1) shall not apply with respect to funds that are to be paid to a State under section 803 of this title for distribution to non-entitlement units of local government.

(3) Rules of construction

Paragraph (1) shall not be construed as—

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

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

(b) Use for deficit reduction

Amounts rescinded under subsection (a) shall be deposited in the general fund of the Treasury for the sole purpose of deficit reduction.

(c) State or other governmental entity defined

In this section, the term “State, territory, or other governmental entity” means any entity to which a payment may be made directly to the entity under this subchapter other than a Tribal government, as defined in sections 801(g), 802(g), and 804(d) of this title, and an eligible Tribal government, as defined in section 805(f) of this title.

(Aug. 14, 1935, ch. 531, title VI, §606, as added Pub. L. 117-328, div. LL, §105, Dec. 29, 2022, 136 Stat. 6105.)

SUBCHAPTER VII—ADMINISTRATION

Editorial Notes

CODIFICATION

1950—Act Aug. 28, 1950, ch. 809, title III, pt. 6, §361(f), 64 Stat. 558, substituted “ADMINISTRATION” for “SOCIAL SECURITY BOARD” as subchapter heading.

§ 901. Social Security Administration

(a) There is hereby established, as an independent agency in the executive branch of the Government, a Social Security Administration (in this subchapter referred to as the “Administration”).

(b) It shall be the duty of the Administration to administer the old-age, survivors, and disability insurance program under subchapter II and the supplemental security income program under subchapter XVI.

(Aug. 14, 1935, ch. 531, title VII, §701, 49 Stat. 635; Aug. 28, 1950, ch. 809, title IV, §401(a), 64 Stat. 558; Pub. L. 103-296, title I, §101, Aug. 15, 1994, 108 Stat. 1465.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-296 amended section generally, substituting present provisions for former provisions relat-