

wealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

**(10) Unit of general local government**

The term “unit of general local government” has the meaning given that term in section 5302(a)(1) of this title.

(Aug. 14, 1935, ch. 531, title VI, §603, as added Pub. L. 117-2, title IX, §9901(a), Mar. 11, 2021, 135 Stat. 228; amended Pub. L. 117-58, div. D, title IX, §40909(b), Nov. 15, 2021, 135 Stat. 1126.)

**Editorial Notes**

REFERENCES IN TEXT

Section 11360(17) of this title, referred to in subsec. (c)(3), no longer defines the term “private nonprofit organization”. However, the term is defined elsewhere in that section.

PRIOR PROVISIONS

A prior section 803, act Aug. 14, 1935, ch. 531, title VI, §603, as added Oct. 30, 1972, Pub. L. 92-603, title III, §302, 86 Stat. 1481, which provided for payments to States under approved plans for services to the aged, blind, or disabled, was repealed by Pub.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, effective with respect to payments under section 803 for quarters commencing after Sept. 30, 1975.

Another prior section 803, act Aug. 14, 1935, ch. 531, title VI, §603, 49 Stat. 635, which provided for allotments to States by appropriations for investigation of diseases by Public Health Service, was repealed by act July 1, 1944, ch. 373, title XIII, §1313, formerly title VI, §611, 58 Stat. 719.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

2021—Subsec. (c)(5). Pub. L. 117-58 added par. (5).

**Statutory Notes and Related Subsidiaries**

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 for each of fiscal 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 or an eligible Tribal 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 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 and such other information as the Secretary may require for the administration of this section.

**(e) Recoupment**

Any eligible revenue sharing county 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 under this section for all fiscal years.

**(f) Definitions**

In this section:

**(1) 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.

**(2) Eligible Tribal government**

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

**(3) 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.

**(4) Secretary**

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

(Aug. 14, 1935, ch. 531, title VI, §605, as added Pub. L. 117-2, title IX, §9901(a), Mar. 11, 2021, 135 Stat. 234.)

**Editorial Notes****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.

**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.