



AMENDMENT NO. _____

Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

AMENDMENT N^o 1118By Graham

II of S. Con.

To: Amndt. NO. 891

_____ and

8

Printed

Page(s)

GPO: 2020 42-568 (mac)

GRAHAM to

the amendment (No. 891) proposed byMr. Schumer

+ Mr. Marshall

Viz:

- 1 Strike section 9901 and insert the following:
- 2 **SEC. 9901. CORONAVIRUS STATE AND LOCAL FISCAL RE-**
- 3 **COVERY FUND.**
- 4 (a) IN GENERAL.—Title VI of the Social Security Act
- 5 (42 U.S.C. 801 et seq.) is amended by adding at the end
- 6 the following:
- 7 **“SEC. 602. CORONAVIRUS FISCAL RECOVERY FUND.**
- 8 **“(a) APPROPRIATION.—**
- 9 **“(1) IN GENERAL.—**Out of any money in the
- 10 Treasury of the United States not otherwise appro-
- 11 priated, there are appropriated for making payments

1 to States, Tribal governments, and units of local
2 government under this section, \$350,000,000,000
3 for fiscal year 2021.

4 “(2) RESERVATION OF FUNDS.—Of the amount
5 appropriated under paragraph (1), the Secretary
6 shall reserve—

7 “(A) \$4,500,000,000 for making payments
8 to the District of Columbia, the Commonwealth
9 of Puerto Rico, the United States Virgin Is-
10 lands, Guam, the Commonwealth of the North-
11 ern Mariana Islands, and American Samoa; and

12 “(B) \$20,000,000,000 for making pay-
13 ments to Tribal governments.

14 “(b) AUTHORITY TO MAKE PAYMENTS.—Not later
15 than 30 days after the date of enactment of this section,
16 the Secretary shall pay each State and Tribal government
17 the amount determined for the State or Tribal government
18 for fiscal year 2021 under subsection (c).

19 “(c) PAYMENT AMOUNTS.—

20 “(1) IN GENERAL.—Subject to paragraph (2),
21 the amount paid under this section for fiscal year
22 2021 to a State that is 1 of the 50 States shall be
23 the amount equal to the relative population propor-
24 tion amount determined for the State under para-
25 graph (3) for such fiscal year.

1 “(2) MINIMUM PAYMENT.—

2 “(A) IN GENERAL.—No State that is 1 of
3 the 50 States shall receive a payment under
4 this section for fiscal year 2021 that is less
5 than \$2,927,000,000.

6 “(B) PRO RATA ADJUSTMENTS.—The Sec-
7 retary shall adjust on a pro rata basis the
8 amount of the payments for each of the 50
9 States determined under this subsection without
10 regard to this subparagraph to the extent nec-
11 essary to comply with the requirements of sub-
12 paragraph (A).

13 “(3) RELATIVE POPULATION PROPORTION
14 AMOUNT.—For purposes of paragraph (1), the rel-
15 ative population proportion amount determined
16 under this paragraph for a State for fiscal year
17 2021 is the product of—

18 “(A) the amount appropriated under para-
19 graph (1) of subsection (a) for fiscal year 2021
20 that remains after the application of paragraph
21 (2) of that subsection; and

22 “(B) the relative State population propor-
23 tion (as defined in paragraph (4)).

24 “(4) RELATIVE STATE POPULATION PROPOR-
25 TION DEFINED.—For purposes of paragraph (3)(B),

1 the term ‘relative State population proportion’
2 means, with respect to a State, the quotient of—

3 “(A) the population of the State; and

4 “(B) the total population of all States (ex-
5 cluding the District of Columbia and territories
6 specified in subsection (a)(2)(A)).

7 “(5) DISTRICT OF COLUMBIA AND TERRI-
8 TORIES.—The amount paid under this section for
9 fiscal year 2021 to a State that is the District of Co-
10 lumbia or a territory specified in subsection
11 (a)(2)(A) shall be the amount equal to the product
12 of—

13 “(A) the amount set aside under sub-
14 section (a)(2)(A) for such fiscal year; and

15 “(B) each such District’s and territory’s
16 share of the combined total population of the
17 District of Columbia and all such territories, as
18 determined by the Secretary.

19 “(6) TRIBAL GOVERNMENTS.—From the
20 amount set aside under subsection (a)(2)(B) for fis-
21 cal year 2021, the amount paid under this section
22 for fiscal year 2021 to a Tribal government shall be
23 the amount the Secretary shall determine, in con-
24 sultation with the Secretary of the Interior and In-
25 dian Tribes, that is based on increased expenditures

1 of each such Tribal government (or a tribally-owned
2 entity of such Tribal government) relative to aggregate
3 expenditures in fiscal year 2019 by the Tribal
4 government (or tribally-owned entity) and determined
5 in such manner as the Secretary determines
6 appropriate to ensure that all amounts available
7 under subsection (a)(2)(B) for fiscal year 2021 are
8 distributed to Tribal governments.

9 “(7) DATA.—For purposes of this subsection,
10 the population of States shall be determined based
11 on the most recent year for which data are available
12 from the Bureau of the Census.

13 “(d) USE OF FUNDS.—

14 “(1) IN GENERAL.—Subject to paragraph (2), a
15 State or Tribal government shall use the funds provided
16 under a payment made under this section to
17 cover only those costs of the State or Tribal government
18 that—

19 “(A) are necessary expenditures incurred
20 due to the public health emergency with respect
21 to the Coronavirus Disease 2019 (COVID–19);

22 “(B) were not accounted for in the budget
23 most recently approved as of the date of enactment
24 of this section for the State or government;
25 and

1 “(C) were incurred during the period that
2 begins on March 1, 2020, and ends on Decem-
3 ber 31, 2022.

4 “(2) STATE DISTRIBUTIONS TO UNITS OF
5 LOCAL GOVERNMENT.—

6 “(A) IN GENERAL.—Each State (other
7 than the District of Columbia) shall distribute
8 45 percent of the amount allocated and paid to
9 the State under this section to units of local
10 government in the State in accordance with this
11 paragraph.

12 “(B) MANNER OF DISTRIBUTION.—A
13 State shall allocate the amount that the State
14 is required to distribute among units of local
15 government in the State based on the popu-
16 lation of each such unit of local government (as
17 determined by the State) relative to the popu-
18 lation of all units of local government in the
19 State.

20 “(C) APPLICATION OF USES OF FUNDS.—
21 The limitations on the uses of funds described
22 in paragraph (1) shall apply to amounts distrib-
23 uted to a unit of local government under this
24 paragraph in the same manner that such limi-

1 tations apply to a payment to a State under
2 this subsection.

3 “(e) INSPECTOR GENERAL OVERSIGHT;
4 RECOUPMENT.—

5 “(1) OVERSIGHT AUTHORITY.—The Inspector
6 General of the Department of the Treasury shall
7 conduct monitoring and oversight of the receipt, dis-
8 bursement, and use of funds made available under
9 this section.

10 “(2) RECOUPMENT.—If the Inspector General
11 of the Department of the Treasury determines that
12 a State, Tribal government, or unit of local govern-
13 ment has failed to comply with subsection (d), the
14 amount equal to the amount of funds used in viola-
15 tion of such subsection shall be booked as a debt of
16 such entity owed to the Federal Government.
17 Amounts recovered under this subsection shall be de-
18 posited into the general fund of the Treasury.

19 “(3) FUNDING.—The Inspector General of the
20 Department of the Treasury may use amounts ap-
21 propriated under section 601(f)(3) to carry out over-
22 sight and recoupment activities under this sub-
23 section.

24 “(4) AUTHORITY OF INSPECTOR GENERAL.—
25 Nothing in this subsection shall be construed to di-

1 minish the authority of any Inspector General, in-
2 cluding such authority as provided in the Inspector
3 General Act of 1978 (5 U.S.C. App.).

4 “(f) DEFINITIONS.—In this section:

5 “(1) IN GENERAL.—The terms ‘Indian Tribe’,
6 ‘Secretary’, ‘State’, and ‘Tribal government’ shall
7 have the meaning given such terms in section
8 601(g).

9 “(2) UNIT OF LOCAL GOVERNMENT.—The term
10 ‘unit of local government’ means a county, munici-
11 pality, town, township, village, parish, borough, or
12 other unit of general government below the State
13 level.”.

14 (b) TECHNICAL AMENDMENT.—The heading for title
15 VI of the Social Security Act (42 U.S.C. 801 et seq.) is
16 amended by striking “**FUND**” and inserting “**AND**
17 **FISCAL RECOVERY FUNDS**”.