

117TH CONGRESS
2D SESSION

S. 4878

To amend title VI of the Social Security Act to improve the Local Assistance and Tribal Consistency Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2022

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend title VI of the Social Security Act to improve the Local Assistance and Tribal Consistency Fund, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secure Rural and Trib-
5 al Lands Act”.

6 **SEC. 2. LOCAL ASSISTANCE AND TRIBAL CONSISTENCY**
7 **FUND.**

8 (a) IN GENERAL.—Section 605 of the Social Security
9 Act (42 U.S.C. 805) is amended—

(1) in subsection (a), by striking “with amounts to be obligated” and all that follows through the period and inserting “for making payments under this section to eligible revenue sharing recipients, eligible Tribal governments, and territories, with amounts to be allocated and paid in accordance with subsection (b) not later than December 31, 2022.”; and

(2) by striking subsections (b) through (f) and inserting the following:

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) ALLOCATIONS AND PAYMENTS TO ELIGIBLE REVENUE SHARING RECIPIENTS.—

“(A) REVENUE SHARING COUNTIES.—

“(i) ALLOCATIONS.—The Secretary shall reserve \$1,485,000,000 of the total amount appropriated under subsection (a) to allocate to each revenue sharing county an amount determined by the Secretary, taking into account—

“(I) the amount of entitlement land and Federal land in each revenue sharing county; and

“(II) the economic conditions of each revenue sharing county, using such measurements of poverty, house-

1 hold income, and unemployment over
2 the most recent 20-year period as of
3 September 30, 2021, to the extent
4 data are available, as well as other
5 economic indicators as the Secretary
6 determines appropriate.

7 “(ii) PAYMENTS.—Subject to subpara-
8 graph (B)(ii), the Secretary shall pay each
9 revenue sharing county that is an eligible
10 revenue sharing county the amount deter-
11 mined for the county under clause (i).

12 “(B) SPECIAL RULES.—

13 “(i) REVENUE SHARING COUNTIES
14 WITH LIMITED GOVERNMENT FUNC-
15 TIONS.—In the case of an amount allo-
16 cated to a revenue sharing county under
17 subparagraph (A) that is a county with
18 limited government functions, the Sec-
19 retary shall, from such amount, allocate
20 and pay to each eligible revenue sharing
21 local government within such county an
22 amount determined by the Secretary, tak-
23 ing into account the amount of entitlement
24 land and Federal land in the eligible rev-
25 enue sharing local government and the

1 population of the eligible revenue sharing
2 local government relative to the total popu-
3 lation of such county with limited govern-
4 ment functions.

5 “(ii) ELIGIBLE REVENUE SHARING
6 COUNTY IN ALASKA.—In the case of the el-
7 igible revenue sharing county described in
8 subsection (f)(3)(C), the Secretary shall
9 pay the amount allocated to such eligible
10 revenue sharing county under subpara-
11 graph (A) to the State of Alaska and the
12 State of Alaska shall distribute from such
13 payment, payments to home rule cities and
14 general law cities (as such cities are de-
15 fined by the State) located within the
16 boundaries of the eligible revenue sharing
17 county described in subsection (f)(3)(C).

18 “(C) PRO RATA ADJUSTMENT AUTHOR-
19 ITY.—The amounts otherwise determined for al-
20 location and payment under subparagraphs (A)
21 and (B) may be adjusted by the Secretary on
22 a pro rata basis to the extent necessary to en-
23 sure that all available funds are allocated and
24 paid to eligible revenue sharing recipients in ac-

1 cordance with the requirements specified in
2 each such subparagraph.

3 “(2) ALLOCATIONS AND PAYMENTS TO ELIGI-
4 BLE TRIBAL GOVERNMENTS.—The Secretary shall
5 reserve \$500,000,000 of the total amount appro-
6 priated under subsection (a) to allocate and pay to
7 eligible Tribal governments amounts that are deter-
8 mined by the Secretary taking into account economic
9 conditions of each eligible Tribe.

10 “(3) ALLOCATIONS AND PAYMENTS TO TERRI-
11 TORIES.—The Secretary shall reserve \$15,000,000
12 of the total amount appropriated under subsection
13 (a) to allocate and pay to each territory an amount
14 which bears the same proportion to the amount re-
15 served under this paragraph as the population of the
16 territory bears to the total population of all the ter-
17 ritories.

18 “(c) USE OF PAYMENTS.—An eligible revenue shar-
19 ing recipient, an eligible Tribal government, or a territory
20 may use funds provided under a payment made under this
21 section for any governmental purpose other than a lob-
22 bying activity.

23 “(d) REPORTING REQUIREMENT.—Each eligible rev-
24 enue sharing recipient and each territory that receives a
25 payment under this section shall submit to the Secretary

1 periodic reports providing a detailed accounting of the use
 2 of funds by the eligible revenue sharing recipient or terri-
 3 tory, as applicable, and such other information as the Sec-
 4 retary may require for the administration of this section.

5 “(e) RECOUPMENT.—Any eligible revenue sharing re-
 6 cipient or any territory that has failed to submit a report
 7 required under subsection (d) or failed to comply with sub-
 8 section (c), shall be required to repay to the Secretary an
 9 amount equal to—

10 “(1) in the case of a failure to comply with sub-
 11 section (c), the amount of funds used in violation of
 12 such subsection; and

13 “(2) in the case of a failure to submit a report
 14 required under subsection (d), such amount as the
 15 Secretary determines appropriate, but not to exceed
 16 5 percent of the amount paid to the eligible revenue
 17 sharing recipient or the territory under this section.

18 “(f) DEFINITIONS.—In this section:

19 “(1) COUNTY.—The term ‘county’ means a
 20 county, parish, borough, or other equivalent county
 21 division (as defined by the Bureau of the Census) in
 22 1 of the 50 States.

23 “(2) COUNTY WITH LIMITED GOVERNMENT
 24 FUNCTIONS.—The term ‘county with limited govern-
 25 ment functions’ means a county in which entitlement

1 land or Federal land is located that is not an eligible
 2 revenue sharing county.

3 “(3) ELIGIBLE REVENUE SHARING COUNTY.—

4 The term ‘eligible revenue sharing county’ means—

5 “(A) a unit of general local government (as
 6 defined in section 6901(2) of title 31, United
 7 States Code) that is—

8 “(i) a county in which entitlement
 9 land is located and which is eligible for a
 10 payment under section 6902(a) of title 31,
 11 United States Code; or

12 “(ii) a county that contains Federal
 13 land;

14 “(B) the District of Columbia; and

15 “(C) the combined area in Alaska that is
 16 within the boundaries of a census area used by
 17 the Secretary of Commerce in the decennial
 18 census, but that is not included within the
 19 boundary of a unit of general local government
 20 described in subparagraph (A).

21 “(4) ELIGIBLE REVENUE SHARING LOCAL GOV-
 22 ERNMENT.—The term ‘eligible revenue sharing local
 23 government’ means a unit of general local govern-
 24 ment (as defined in section 6901(2) of title 31,

1 United States Code) that is not a county or territory
 2 and—

3 “(A) in which entitlement land is located
 4 and which is eligible for a payment under sec-
 5 tion 6902(a) of title 31, United States Code; or

6 “(B) in which Federal land is located.

7 “(5) ELIGIBLE REVENUE SHARING RECIPI-
 8 ENTS.—The term ‘eligible revenue sharing recipi-
 9 ents’ means, collectively, eligible revenue sharing
 10 counties and eligible revenue sharing local govern-
 11 ments.

12 “(6) ELIGIBLE TRIBAL GOVERNMENT.—The
 13 term ‘eligible Tribal government’ means the recog-
 14 nized governing body of an eligible Tribe.

15 “(7) ELIGIBLE TRIBE.—The term ‘eligible
 16 Tribe’ means any Indian or Alaska Native tribe,
 17 band, nation, pueblo, village, community, component
 18 band, or component reservation, individually identi-
 19 fied (including parenthetically) in the list published
 20 on January 28, 2022, pursuant to section 104 of the
 21 Federally Recognized Indian Tribe List Act of 1994.

22 “(8) ENTITLEMENT LAND.—The term ‘entitle-
 23 ment land’ has the meaning given such term in sec-
 24 tion 6901(1) of title 31, United States Code.

1 “(9) FEDERAL LAND.—The term ‘Federal land’
 2 has the meaning given such term in section 3(7) of
 3 the Secure Rural Schools and Community Self-De-
 4 termination Act of 2000.

5 “(10) REVENUE SHARING COUNTY.—The term
 6 ‘revenue sharing county’ means—

7 “(A) an eligible revenue sharing county; or

8 “(B) a county with limited government
 9 functions.

10 “(11) SECRETARY.—The term ‘Secretary’
 11 means the Secretary of the Treasury.

12 “(12) TERRITORY.—The term ‘territory’
 13 means—

14 “(A) the Commonwealth of Puerto Rico;

15 “(B) the United States Virgin Islands;

16 “(C) Guam;

17 “(D) the Commonwealth of the Northern
 18 Mariana Islands; or

19 “(E) American Samoa.”.

20 (b) DEPARTMENT OF THE TREASURY ADMINISTRA-
 21 TIVE EXPENSES.—

22 (1) IN GENERAL.—Notwithstanding any other
 23 provision of law, the unobligated balances from
 24 amounts made available to the Secretary of the
 25 Treasury (referred to in this subsection as the “Sec-

retary”) for administrative expenses pursuant to the provisions specified in paragraph (2) shall be available to the Secretary (in addition to any other appropriations provided for such purpose) for any administrative expenses of the Department of the Treasury determined by the Secretary to be necessary to respond to the coronavirus emergency, including any expenses necessary to implement any provision of—

(A) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);

(B) division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(C) the American Rescue Plan Act (Public Law 117–2); or

(D) title VI of the Social Security Act (42 U.S.C. 801 et seq.).

(2) PROVISIONS SPECIFIED.—The provisions specified in this paragraph are the following:

(A) Sections 4003(f) and 4112(b) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

(B) Section 421(f)(2) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

1 (C) Sections 3201(a)(2)(B),
2 3206(d)(1)(A), and 7301(b)(5) of the American
3 Rescue Plan Act of 2021 (Public Law 117–2).

4 (D) Section 602(a)(2) of the Social Secu-
5 rity Act (42 U.S.C. 802(a)(2)).

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