

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY
COVID-19: CARES ACT LANGUAGE AND CITATIONS

For purposes of the COVID-19 NLCHP letter project, this document includes (i) key language and citations from the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, 134 Stat. 281 (2020) and (ii) the excerpted full text of the relevant provisions: Homeless Assistance Grants (Division B, Title XII), Community Development Funds (Division B, Title XII), and the Coronavirus Relief Fund (Title V—Sec. 6001).

KEY LANGUAGE

HOMELESS ASSISTANCE GRANTS (DIV. B, TITLE XII, AT H.R. 748—328)

Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136 div. B tit. XII, 134 Stat. 281 (2020). (H.R. 748—328)

- The CARES Act sets aside \$4,000,000,000 in Homeless Assistance Grants to remain available until September 30, 2022 “to prevent, prepare for, and respond to coronavirus, among individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance and homeless prevention activities to mitigate the impacts created by the coronavirus under the Emergency Solutions Grant program” authorized under 42 U.S.C. § 11371 (the McKinney-Vento Homeless Assistance Act)
 - \$2,000,000,000 of the appropriated amount shall be distributed “pursuant to 24 CFR 576.3 to grantees that received allocations,” pursuant to the same formula in fiscal year 2020
 - Such allocations shall be made within 30 days of enactment of the Act
 - The remaining amounts “shall be allocated directly to a State or unit of general local government by a formula to be developed by the Secretary”
 - Such allocations shall be made within 90 days of enactment
 - The formula shall allocate amounts “to geographical areas with the greatest need based on factors to be determined by the Secretary, such as risk of transmission of coronavirus, high numbers or rates of sheltered and unsheltered homeless, and economic and housing market conditions as determined by the Secretary” (H.R. 748—328)
- **Any costs incurred since the beginning of the crisis are eligible for reimbursement**
 - “[A]mounts provided under this heading in this Act may be used to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus that are incurred by a State or locality, including for costs incurred prior to the date of enactment of this Act” (H.R. 748—329)
- **Procurement procedures are waived (e.g. no bidding necessary)**
 - “[R]ecipients may deviate from applicable procurement standards when procuring goods and services to prevent, prepare for, and respond to coronavirus” (H.R. 748—329)
- **Any waivers on restrictions or caps or other uses of the funds:**
 - “[A] recipient may use up to 10 percent of its allocation for administrative purposes” (H.R. 748—329)

- “[T]he use of amounts provided under this heading in the Act shall not be subject to the consultation, citizen participation or match requirements that otherwise apply to the Emergency Solutions Grants program” except that a recipient “must publish how it has and will utilize its allocation, at a minimum, on the Internet at the appropriate Government web site or through other electronic media” (H.R. 748—329)
- “[T]he spending cap established pursuant to section 415(b) (42 U.S.C. 11374) shall not apply to amounts provided under this heading” (H.R. 748—329)
- Finally, the Secretary has broad waiver power: “[I]n administering the amounts made available under this heading in the Act, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these amounts (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment unless otherwise provided under this paragraph), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement is necessary to prevent, prepare for, and respond to coronavirus”
 - The Act requires public notice of such waivers or alternative requirements (H.R. 748—329-30)
- **Use of Homeless Assistance Grants**
 - Amounts provided under these grants “may be used to provide temporary emergency shelters (through leasing of existing property, temporary structures, or other means) to prevent, prepare for, and respond to coronavirus”
 - “[S]uch temporary emergency shelters shall not be subject to the minimum periods of use required by section 416(c)(1) of such Act (42 U.S.C. 11375(c)(1)) ”
 - “Federal habitability and environmental review standards and requirements” shall not apply for amounts used for “temporary emergency shelters that have been determined by State or local officials to be necessary to . . . respond to coronavirus” (HR 748—329)
 - “[A]mounts provided under this heading in this Act may be used for training on infectious disease prevention and mitigation and to provide hazard pay, including for time worked prior to the date of enactment of this Act, for staff working directly to prevent, prepare for, and respond to coronavirus among persons who are homeless or at risk of homelessness”
 - “[S]uch activities shall not be considered administrative costs for purposes of the 10 percent cap” (H.R. 748—329)
 - “[U]p to 1 percent of amounts made available under this heading in this Act may be used to make new awards or increase prior awards made to existing technical assistance providers with experience in providing health care services to homeless populations, without competition, to provide an immediate increase in capacity building and technical assistance available to recipients of amounts for the Emergency Solutions Grants program” (H.R. 748—330)
 - “[N]one of the funds provided under this heading in this Act may be used to require people experiencing homelessness to receive treatment or perform any

other prerequisite activities as a condition for receiving shelter, housing, or other services” (H.R. 748—330)

COMMUNITY DEVELOPMENT FUNDS (DIV. B, TITLE XII, AT H.R. 748—326)

Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136 div. B tit. XII, 134 Stat. 281 (2020).

(H.R. 748—326)

- The CARES Act reserves \$5,000,000,000 for a Community Development Fund to remain available until September 30, 2022
 - Up to \$2,000,000,000 shall be distributed to grantees that received allocations under the Housing and Community Development Act of 1974 (42 U.S.C. 5306) pursuant to the formula from fiscal year 2020
 - Such allocations shall be made within 30 days of enactment (H.R. 748—326)
 - Up to \$1,000,000,000 shall be allocated directly to States and insular areas, as defined by 42 U.S.C. 5302(a) “to prevent, prepare for, and respond to coronavirus within the State or insular area, including activities within entitlement and nonentitlement communities, based on public health needs, risk of transmission of coronavirus, number of coronavirus cases compared to the national average, and economic and housing market disruptions, and other factors, as determined by the Secretary, using best available data”
 - Such allocations shall be made within 45 days of enactment (H.R. 748—326-27)
 - The remaining amounts shall be distributed directly to the State or unit of general local government at “the discretion of the Secretary, according to a formula based on factors to be determined by the Secretary, prioritizing risk of transmission of coronavirus, number of coronavirus cases compared to the national average, and economic and housing market disruptions resulting from coronavirus”
 - Such allocations will be distributed on a “rolling basis based on the best available data at the time of allocation” (H.R. 748—327)
- **Any costs incurred since the beginning of the crisis are eligible for reimbursement**
 - The funds “may be used to cover or reimburse allowable costs consistent with the purposes of this heading in this Act incurred by a State or locality regardless of the date on which such costs were incurred.” (H.R. 748—327)
- **Any waivers on restrictions or caps or other uses of the funds**
 - Again, broadly-speaking, the “Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading in this Act and under the same heading in Public Law 116–94 and Public Law 116–6 (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus” (H.R. 748—327)

- Up to \$10,000,000 “may be used to make new awards or increase prior awards to existing technical assistance providers, without competition, to provide an immediate increase in capacity building and technical assistance to support the use of amounts made available” (H.R. 748—327)
- Expedited procedures: “[N]otwithstanding sections 104(a)(2), (a)(3), and (c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3), and (c)) and section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), a grantee may adopt and utilize expedited procedures to prepare, propose, modify, or amend its statement of activities for grants from amounts made available under this heading in this Act and under the same heading in Public Law 116–94 and Public Law 116–6”
 - Under such expedited procedures, “the grantee need not hold in-person public hearings, but shall provide citizens with notice and a reasonable opportunity to comment of no less than 5 days”
 - “[F]or as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, a grantee may create virtual public hearings to fulfill applicable public hearing requirements,” provided that “any such virtual hearings shall provide reasonable notification and access for citizens in accordance with the grantee’s certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses” (H.R. 748—327-28)
- Waiver of per centum limitations: “[T]here shall be no per centum limitation[s] for the use of funds for public services to prevent, prepare for, and respond to coronavirus” (H.R. 748—328)
- Extension of deadline for submission of statements of activities: Existing regulations which require grantees to submit their final statements of activities no later than August 16 of a given fiscal year shall not apply; “such final statements and comprehensive housing affordability strategies shall instead be submitted no later than August 16, 2021” (H.R. 748—327)

CORONAVIRUS RELIEF FUND (TITLE V)

Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136 § 5001, 134 Stat. 281 (2020).

- The Coronavirus Relief Fund provides \$150,000,000 to States, Tribal governments, and units of local government for fiscal year 2020 (CARES Act, Pub. L. No. 116-136 § 5001 Sec. 601(a)(1), 134 Stat. 281 (2020))
 - Such funds shall be allocated within 30 days of enactment (CARES Act, Pub. L. No. 116-136 § 5001 Sec. 601(b)(1), 134 Stat. 281 (2020))
- **Use of Coronavirus Relief Fund and applicable period limited to March 1, 2020 to December 30, 2020** (CARES Act, Pub. L. No. 116-136 § 5001 Sec. 601(d), 134 Stat. 281 (2020))
 - Funds allocated under this section of the Act can be used to cover only costs that:

- “(1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);”
 - “(2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government ” *and*
 - “(3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020”
- **No applicable waivers on restrictions or caps**

EXCERPTED TEXT FROM CARES ACT

HOMELESS ASSISTANCE GRANTS

Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136 div. B tit. XII, 134 Stat. 281 (2020). (H.R. 748—328)

For an additional amount for “Homeless Assistance Grants”, \$4,000,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, among individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus under the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.), as amended: *Provided*, That up to \$2,000,000,000 of the amount appropriated under this heading in this Act shall be distributed pursuant to 24 CFR 576.3 to grantees that received allocations pursuant to that same formula in fiscal year 2020, and that such allocations shall be made within 30 days of enactment of this Act: *Provided further*, That, remaining amounts shall be allocated directly to a State or unit of general local government by a formula to be developed by the Secretary and that such allocations shall be made within 90 days of enactment of this Act: *Provided further*, That such formula shall allocate such amounts for the benefit of unsheltered homeless, sheltered homeless, and those at risk of homelessness, to geographical areas with the greatest need based on factors to be determined by the Secretary, such as risk of transmission of coronavirus, high numbers or rates of sheltered and unsheltered homeless, and economic and housing market conditions as determined by the Secretary: *Provided further*, That individuals and families whose income does not exceed the Very Low-Income Limit of the area, as determined by the Secretary, shall be considered “at risk of homelessness” and shall be eligible for homelessness prevention if they meet the criteria in section 401(1)(B) and (C) of such Act (42 U.S.C. 11360(1)(B) and (C)): *Provided further*, That amounts provided under this heading in this Act may be used to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus that are incurred by a State or locality, including for costs incurred prior to the date of enactment of this Act: *Provided further*, That recipients may deviate from applicable procurement standards when procuring goods and services to prevent, prepare for, and respond to coronavirus: *Provided further*, That a recipient may use up to 10 percent of its allocation for administrative purposes: *Provided further*, That the use of amounts provided under this heading in this Act shall not be subject to the consultation, citizen participation, or match requirements that otherwise apply to the Emergency Solutions Grants program, except that a recipient must

publish how it has and will utilize its allocation, at a minimum, on the Internet at the appropriate Government web site or through other electronic media: *Provided further*, That the spending cap established pursuant to section 415(b) of such Act (42 U.S.C. 11374) shall not apply to amounts provided under this heading in this Act: *Provided further*, That amounts provided under this heading in this Act may be used to provide temporary emergency shelters (through leasing of existing property, temporary structures, or other means) to prevent, prepare for, and respond to coronavirus, and that such temporary emergency shelters shall not be subject to the minimum periods of use required by section 416(c)(1) of such Act (42 U.S.C. 11375(c)(1)): *Provided further*, That Federal habitability and environmental review standards and requirements shall not apply to the use of such amounts for those temporary emergency shelters that have been determined by State or local health officials to be necessary to prevent, prepare for, and respond to coronavirus: *Provided further*, That amounts provided under this heading in this Act may be used for training on infectious disease prevention and mitigation and to provide hazard pay, including for time worked prior to the date of enactment of this Act, for staff working directly to prevent, prepare for, and respond to coronavirus among persons who are homeless or at risk of homelessness, and that such activities shall not be considered administrative costs for purposes of the 10 percent cap: *Provided further*, That in administering the amounts made available under this heading in this Act, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these amounts (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment unless otherwise provided under this paragraph), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement is necessary to prevent, prepare for, and respond to coronavirus: *Provided further*, That any such waivers shall be deemed to be effective as of the date a State or unit of local government began preparing for coronavirus and shall apply to the use of amounts provided under this heading in this Act and amounts provided under the same heading for the Emergency Solutions Grant program in prior Acts used by recipients to prevent, prepare for, and respond to coronavirus: *Provided further*, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: *Provided further*, That any additional activities or authorities authorized pursuant to this Act, including any waivers and alternative requirements established by the Secretary pursuant to this Act, may also apply at the discretion and upon notice of the Secretary with respect to all amounts made available for the Emergency Solutions Grants program under the heading “Homeless Assistance Grants” in any prior Act and used by

recipients to prevent, prepare for, and respond to coronavirus: *Provided further*, That up to 1 percent of amounts made available under this heading in this Act may be used to make new awards or increase prior awards made to existing technical assistance providers with experience in providing health care services to homeless populations, without competition, to provide an immediate increase in capacity building and technical assistance available to recipients of amounts for the Emergency Solutions Grants program under this heading in this Act and under the same heading in prior Acts: *Provided further*, That none of the funds provided under this heading in this Act may be used to require people experiencing homelessness to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMUNITY DEVELOPMENT FUNDS

Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136 div. B tit. XII, 134 Stat. 281 (2020). (H.R. 748—326)

For an additional amount for “Community Development Fund”, \$5,000,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus: *Provided*, That up to \$2,000,000,000 of the amount made available under this heading in this Act shall be distributed pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) to grantees that received allocations pursuant to that same formula in fiscal year 2020, and that such allocations shall be made within 30 days of enactment of this Act: *Provided further*, That, in addition to amounts allocated pursuant to the preceding proviso, an additional \$1,000,000,000 shall be allocated directly to States and insular areas, as defined by 42 U.S.C. 5302(a), to prevent, prepare for, and respond to coronavirus within the State 607 or insular area, including activities within entitlement and nonentitlement communities, based on public health needs, risk of transmission of coronavirus, number of coronavirus cases compared to the national average, and economic and housing market disruptions, and other factors, as determined by the Secretary, using best available data and that such allocations shall be made within 45 days of enactment of this Act: *Provided further*, That remaining amounts shall be distributed directly to the State or unit of general local government, at the discretion of the Secretary, according to a formula based on factors to be determined by the Secretary, prioritizing risk of transmission of coronavirus, number of coronavirus cases compared to the national

average, and economic and housing market disruptions resulting from coronavirus: *Provided further*, That such allocations may be made on a rolling basis based on the best available data at the time of allocation: *Provided further*, That amounts made available in the preceding provisos may be used to cover or reimburse allowable costs consistent with the purposes of this heading in this Act incurred by a State or locality regardless of the date on which such costs were incurred: *Provided further*, That section 116(b) of such Act (42 U.S.C. 5316(b)) and any implementing regulations, which requires grantees to submit their final statements of activities no later than August 16 of a given fiscal year, shall not apply to final statements submitted in accordance with sections 104(a)(2) and (a)(3) of such Act (42 U.S.C. 5304(a)(2) and (a)(3)) and comprehensive housing affordability strategies submitted in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) for fiscal years 2019 and 2020: *Provided further*, That such final statements and comprehensive housing affordability strategies shall instead be submitted no later than August 16, 2021: *Provided further*, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading in this Act and under the same heading in Public Law 116–94 and Public Law 116–6 (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus: *Provided further*, That up to \$10,000,000 of amounts made available under this heading in this Act may be used to make new awards or increase prior awards to existing technical assistance providers, without competition, to provide an immediate increase in capacity building and technical assistance to support the use of amounts made available under this heading in this Act and under the same heading in prior Acts to prevent, prepare for, and respond to coronavirus: *Provided further*, That, notwithstanding sections 104(a)(2), (a)(3), and (c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3), and (c)) and section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), a grantee may adopt and utilize expedited procedures to prepare, propose, modify, or amend its statement of activities for grants from amounts made available under this heading in this Act and under the same heading in Public Law 116–94 and Public Law 116–6: *Provided further*, That under such expedited procedures, the grantee need not hold in-person public hearings, but shall provide citizens with notice and a reasonable opportunity to comment of no less than 5 days: *Provided further*, That, for as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, a grantee may create virtual public hearings to fulfill applicable public hearing requirements for all grants from funds made available under this heading in this Act and under the same heading in Public

Law 116–94 and Public Law 116–6: *Provided further*, That any such virtual hearings shall provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses: *Provided further*, That, notwithstanding section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)), there shall be no per centum limitation for the use of funds for public services activities to prevent, prepare for, and respond to coronavirus: *Provided further*, That the previous proviso shall apply to all such activities for grants of funds made available under this heading in this Act and under the same heading in Public Law 116–94 and Public Law 116–6: *Provided further*, That the Secretary shall ensure there are adequate procedures in place to prevent any duplication of benefits as required by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) and in accordance with section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254; 132 Stat. 3442), which amended section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CORONAVIRUS RELIEF FUND

Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136 § 5001, 134 Stat. 281 (2020).

TITLE V—CORONAVIRUS RELIEF FUNDS

SEC. 5001. CORONAVIRUS RELIEF FUND.

(a) IN GENERAL.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

“TITLE VI—CORONAVIRUS RELIEF FUND

“SEC. 601. CORONAVIRUS RELIEF FUND.

“(a) APPROPRIATION.—

“(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States, Tribal governments, and units of local government under this section, \$150,000,000,000 for fiscal year 2020.

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

“(A) \$3,000,000,000 of such amount for making payments to 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; and

“(B) \$8,000,000,000 of such amount for making payments to Tribal governments.

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), not later than 30 days after the date of enactment of this section, the Secretary shall pay each State and Tribal government, and each unit of local government that meets the condition described in paragraph (2), the amount determined for the State, Tribal government, or unit of local government, for fiscal year 2020 under subsection (c).

“(2) DIRECT PAYMENTS TO UNITS OF LOCAL GOVERNMENT.—If a unit of local government of a State submits the certification required by subsection (e) for purposes of receiving a direct payment from the Secretary under the authority of this paragraph, the Secretary shall reduce the amount determined for that State by the relative unit of local government population proportion amount described in subsection (c)(5) and pay such amount directly to such unit of local government.

“(c) PAYMENT AMOUNTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the amount paid under this section for fiscal year 2020 to a State that is 1 of the 50 States shall be the amount equal to the relative population proportion amount determined for the State under paragraph (3) for such fiscal year.

“(2) MINIMUM PAYMENT.—

“(A) IN GENERAL.—No State that is 1 of the 50 States shall receive a payment under this section for fiscal year 2020 that is less than \$1,250,000,000.

“(B) PRO RATA ADJUSTMENTS.—The Secretary shall adjust on a pro rata basis the amount of the payments for each of the 50 States determined under this subsection without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

“(3) RELATIVE POPULATION PROPORTION AMOUNT.—For purposes of paragraph (1), the relative population proportion amount determined under this paragraph for a State for fiscal year 2020 is the product of—

“(A) the amount appropriated under paragraph (1) of subsection (a) for fiscal year 2020 that remains after the application of paragraph (2) of that subsection; and

“(B) the relative State population proportion (as defined in paragraph (4)).

“(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term ‘relative State population proportion’ means, with respect to a State, the quotient of—

“(A) the population of the State; and

“(B) the total population of all States (excluding the District of Columbia and territories specified in subsection (a)(2)(A)).

“(5) RELATIVE UNIT OF LOCAL GOVERNMENT POPULATION PROPORTION AMOUNT.—For purposes of subsection (b)(2), the term ‘relative unit of local government population proportion amount’ means, with respect to a unit of local government and a State, the amount equal to the product of—

“(A) 45 percent of the amount of the payment determined for the State under this subsection (without regard to this paragraph); and

“(B) the amount equal to the quotient of—

“(i) the population of the unit of local government; and

“(ii) the total population of the State in which the unit of local government is located.

“(6) DISTRICT OF COLUMBIA AND TERRITORIES.—The amount paid under this section for fiscal year 2020 to a State that is the District of Columbia or a territory specified in subsection (a)(2)(A) shall be the amount equal to the product of—

“(A) the amount set aside under subsection (a)(2)(A) for such fiscal year; and

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

“(7) TRIBAL GOVERNMENTS.—From the amount set aside under subsection (a)(2)(B) for fiscal year 2020, the amount paid under this section for fiscal year 2020 to a Tribal government shall be the amount the Secretary shall determine, in consultation with the Secretary of the Interior and Indian Tribes, that is based on increased expenditures of each such Tribal government (or a tribally-owned entity of such Tribal government) relative to aggregate expenditures in fiscal year 2019 by the Tribal government (or tribally-owned entity) and determined in such manner as the Secretary determines appropriate to ensure that all amounts available under subsection (a)(2)(B) for fiscal year 2020 are distributed to Tribal governments.

“(8) DATA.—For purposes of this subsection, the population of States and units of local governments shall be determined based on the most recent year for which data are available from the Bureau of the Census.

“(d) USE OF FUNDS.—A State, Tribal government, and unit of local government shall use the funds provided under a payment made under this section to cover only those costs of the State, Tribal government, or unit of local government that—

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

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

“(3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

“(e) CERTIFICATION.—In order to receive a payment under this section, a unit of local government shall provide the Secretary with a certification signed by the Chief Executive for the unit of local government that the local government's proposed uses of the funds are consistent with subsection (d).

“(f) INSPECTOR GENERAL OVERSIGHT; RECOUPMENT.—

“(1) OVERSIGHT AUTHORITY.—The Inspector General of the Department of the Treasury shall conduct monitoring and oversight of the receipt, disbursement, and use of funds made available under this section.

“(2) RECOUPMENT.—If the Inspector General of the Department of the Treasury determines that a State, Tribal government, or unit of local government has failed to comply with subsection (d), the amount equal to the amount of funds used in violation of such subsection shall be booked as a debt of such entity owed to the Federal Government. Amounts recovered under this subsection shall be deposited into the general fund of the Treasury.

“(3) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Office of the Inspector General of the Department of the Treasury, \$35,000,000 to carry out oversight and recoupment activities under this subsection. Amounts appropriated under the preceding sentence shall remain available until expended.

“(4) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this subsection shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978 (5 U.S.C. App.).

“(g) DEFINITIONS.—In this section:

“(1) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

“(2) LOCAL GOVERNMENT.—The term ‘unit of local government’ means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level with a population that exceeds 500,000.

“(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.”.

(b) APPLICATION OF PROVISIONS.—Amounts appropriated for fiscal year 2020 under section 601(a)(1) of the Social Security Act (as added by subsection (a)) shall be subject to the

requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).