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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

Making emergency supplemental appropriations for the fiscal year ending
September 30, 2020, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MRS. LOWEY introduced the following bill; which was referred to the
Committee on _____

A BILL

Making emergency supplemental appropriations for the fiscal
year ending September 30, 2020, 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 “Coronavirus Prepared-
5 ness and Response Supplemental Appropriations Act,
6 2020”.

7 **SEC. 2. REFERENCES.**

8 Except as expressly provided otherwise, any reference
9 to “this Act” contained in any division of this Act shall

1 be treated as referring only to the provisions of that divi-
2 sion.

3 **DIVISION A—CORONAVIRUS PREPARED-**
4 **NESS AND RESPONSE SUPPLEMENTAL**
5 **APPROPRIATIONS ACT, 2020**

6 The following sums are hereby are appropriated, out
7 of any money in the Treasury not otherwise appropriated,
8 for the fiscal year ending September 30, 2020, and for
9 other purposes, namely:

10 TITLE I

11 DEPARTMENT OF HEALTH AND HUMAN

12 SERVICES

13 FOOD AND DRUG ADMINISTRATION

14 SALARIES AND EXPENSES

15 For an additional amount for “Salaries and Ex-
16 penses”, \$61,000,000, to remain available until expended,
17 to prevent, prepare for, and respond to coronavirus, do-
18 mesticallly or internationally, including the development of
19 necessary medical countermeasures and vaccines, ad-
20 vanced manufacturing for medical products, the moni-
21 toring of medical product supply chains, and related ad-
22 ministrative activities: *Provided*, That such amount is des-
23 igned by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

1 TITLE II
2 SMALL BUSINESS ADMINISTRATION
3 DISASTER LOANS PROGRAM ACCOUNT
4 (INCLUDING TRANSFERS OF FUNDS)

5 For an additional amount for the “Disaster Loans
6 Program Account” for administrative expenses to carry
7 out the disaster loan program authorized by section 7(b)
8 of the Small Business Act, \$20,000,000, to remain avail-
9 able until expended: *Provided*, That such amounts may be
10 transferred to and merged with “Small Business Adminis-
11 tration—Salaries and Expenses”: *Provided further*, That
12 for purposes of section 7(b)(2)(D) of the Small Business
13 Act, coronavirus shall be deemed to be a disaster and
14 amounts available under “Disaster Loans Program Ac-
15 count” for the cost of direct loans in any fiscal year may
16 be used to make economic injury disaster loans under such
17 section in response to the coronavirus: *Provided further*,
18 That none of the funds provided under this heading in
19 this Act may be used for indirect administrative expenses:
20 *Provided further*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985: *Provided further*,
24 That amounts repurposed under this heading that were
25 previously designated by the Congress as an emergency

1 requirement pursuant to the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985 are designated by the
3 Congress as an emergency requirement pursuant to sec-
4 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985.

6 TITLE III
7 DEPARTMENT OF HEALTH AND HUMAN
8 SERVICES
9 CENTERS FOR DISEASE CONTROL AND PREVENTION
10 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
11 (INCLUDING TRANSFER OF FUNDS)

12 For an additional amount for “CDC-Wide Activities
13 and Program Support”, \$2,200,000,000, to remain avail-
14 able until September 30, 2022, to prevent, prepare for,
15 and respond to coronavirus, domestically or internation-
16 ally: *Provided*, That not less than \$950,000,000 of the
17 amount provided shall be for grants to or cooperative
18 agreements with States, localities, territories, tribes, tribal
19 organizations, urban Indian health organizations, or
20 health service providers to tribes, to carry out surveillance,
21 epidemiology, laboratory capacity, infection control, miti-
22 gation, communications, and other preparedness and re-
23 sponse activities: *Provided further*, That \$475,000,000 of
24 the funds made available in the preceding proviso shall
25 be allocated within 30 days of the date of enactment of

1 this Act: *Provided further*, That every grantee that re-
2 ceived a Public Health Emergency Preparedness grant for
3 fiscal year 2019 shall receive not less than 90 percent of
4 that grant level from funds provided in the first proviso
5 under this heading in this Act, and not less than
6 \$40,000,000 of such funds shall be allocated to tribes,
7 tribal organizations, urban Indian health organizations, or
8 health service providers to tribes: *Provided further*, That
9 the Director of the Centers for Disease Control and Pre-
10 vention (“CDC”) may satisfy the funding thresholds out-
11 lined in the preceding two provisos by making awards
12 through other grant or cooperative agreement mecha-
13 nisms: *Provided further*, That each grantee described in
14 the third proviso under this heading in this Act shall sub-
15 mit a spend plan to the CDC not later than 45 days after
16 the date of enactment of this Act: *Provided further*, That
17 of the amount provided under this heading in this Act,
18 not less than \$300,000,000 shall be for global disease de-
19 tection and emergency response: *Provided further*, That of
20 the amount provided under this heading in this Act,
21 \$300,000,000 shall be transferred to and merged with
22 amounts in the Infectious Diseases Rapid Response Re-
23 serve Fund (“Reserve Fund”), established by section 231
24 of division B of Public Law 115–245: *Provided further*,
25 That the Secretary of Health and Human Services, in con-

1 sultation with the Director of the CDC, shall provide a
2 report to the Committees on Appropriations of the House
3 of Representatives and the Senate every 14 days, for one
4 year from the date from any such declaration or deter-
5 mination described in the third proviso of section 231 of
6 division B of Public Law 115–245, that details commit-
7 ment and obligation information for the Reserve Fund
8 during the prior two weeks, as long as such report would
9 detail obligations in excess of \$5,000,000, and upon the
10 request by such Committees: *Provided further*, That funds
11 appropriated under this heading in this Act may be used
12 for grants for the construction, alteration, or renovation
13 of non-Federally owned facilities to improve preparedness
14 and response capability at the State and local level: *Pro-*
15 *vided further*, That funds may be used for purchase and
16 insurance of official motor vehicles in foreign countries:
17 *Provided further*, That such amount is designated by the
18 Congress as being for an emergency requirement pursuant
19 to section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

1 NATIONAL INSTITUTES OF HEALTH
2 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
3 DISEASES
4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “National Institute of
6 Allergy and Infectious Diseases”, \$836,000,000, to re-
7 main available until September 30, 2024, to prevent, pre-
8 pare for, and respond to coronavirus, domestically or
9 internationally: *Provided*, That of the amount appro-
10 priated under this heading in this Act, not less than
11 \$10,000,000 shall be transferred to “National Institute of
12 Environmental Health Sciences” for worker-based train-
13 ing to prevent and reduce exposure of hospital employees,
14 emergency first responders, and other workers who are at
15 risk of exposure to coronavirus through their work duties:
16 *Provided further*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

20 OFFICE OF THE SECRETARY
21 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
22 FUND
23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for “Public Health and So-
25 cial Services Emergency Fund”, \$3,100,000,000, to re-

1 main available until September 30, 2024, to prevent, pre-
2 pare for, and respond to coronavirus, domestically or
3 internationally, including the development of necessary
4 countermeasures and vaccines, prioritizing platform-based
5 technologies with U.S.-based manufacturing capabilities,
6 and the purchase of vaccines, therapeutics, diagnostics,
7 necessary medical supplies, medical surge capacity, and
8 related administrative activities: *Provided*, That such
9 funds may be used to develop and demonstrate innovations
10 and enhancements to manufacturing platforms to support
11 such capabilities: *Provided further*, That the Secretary of
12 Health and Human Services shall purchase vaccines devel-
13 oped using funds made available under this heading in this
14 Act to respond to an outbreak or pandemic related to
15 coronavirus in quantities determined by the Secretary to
16 be adequate to address the public health need: *Provided*
17 *further*, That products purchased by the Federal govern-
18 ment with funds made available under this heading, in-
19 cluding vaccines, therapeutics, and diagnostics, shall be
20 purchased in accordance with Federal Acquisition Regula-
21 tion guidance on fair and reasonable pricing: *Provided fur-*
22 *ther*, That the Secretary may take such measures author-
23 ized under current law to ensure that vaccines, thera-
24 peutics, and diagnostics developed from funds provided in
25 this Act will be affordable in the commercial market: *Pro-*

1 *vided further*, That in carrying out the previous proviso,
2 the Secretary shall not take actions that delay the develop-
3 ment of such products: *Provided further*, That products
4 purchased with funds appropriated in this paragraph may,
5 at the discretion of the Secretary of Health and Human
6 Services, be deposited in the Strategic National Stockpile
7 under section 319F–2 of the Public Health Service Act:
8 *Provided further*, That funds appropriated under this
9 heading in this Act may be transferred to, and merged
10 with, the fund authorized by section 319F–4, the Covered
11 Countermeasure Process Fund, of the Public Health Serv-
12 ice Act: *Provided further*, That funds appropriated under
13 this heading in this Act may be used for grants for the
14 construction, alteration, or renovation of non-Federally
15 owned facilities to improve preparedness and response ca-
16 pability at the State and local level: *Provided further*, That
17 funds appropriated under this heading in this Act may be
18 used for the construction, alteration, or renovation of non-
19 Federally owned facilities for the production of vaccines,
20 therapeutics, and diagnostics where the Secretary deter-
21 mines that such a contract is necessary to secure sufficient
22 amounts of such supplies: *Provided further*, That of the
23 amount provided under this heading in this Act,
24 \$100,000,000 shall be transferred to “Health Resources
25 and Services Administration—Primary Health Care” for

1 grants under the Health Centers Program, as defined by
2 section 330 of the Public Health Service Act, to prevent,
3 prepare for, and respond to coronavirus: *Provided further*,
4 That such amount is designated by the Congress as being
5 for an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 For an additional amount for “Public Health and So-
9 cial Services Emergency Fund”, \$300,000,000, to remain
10 available until September 30, 2024, for products pur-
11 chased as described in the first paragraph under this
12 heading, including the purchase of vaccines, therapeutics,
13 and diagnostics, and under the same terms and conditions
14 as the amounts made available in the first paragraph
15 under this heading in this Act: *Provided*, That the amount
16 made available in this paragraph shall only be made avail-
17 able if the Secretary of Health and Human Services cer-
18 tifies to the Committees on Appropriations of the House
19 of Representatives and the Senate that the funds made
20 available in the first paragraph under this heading in this
21 Act allotted for such purchase of such products will be
22 obligated imminently and that additional funds are nec-
23 essary to purchase vaccines, therapeutics, or diagnostics
24 in quantities determined by the Secretary to be adequate
25 help to address the public health need: *Provided further*,

1 That the Secretary shall notify the Committees on Appro-
2 priations of the House of Representatives and the Senate
3 of such certification: *Provided further*, That such amount
4 is designated by the Congress as being for an emergency
5 requirement pursuant to section 251(b)(2)(A)(i) of the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985.

8 GENERAL PROVISIONS—THIS TITLE

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 301. (a) Funds appropriated in this title may
11 be made available to restore amounts, either directly or
12 through reimbursement, for obligations incurred by agen-
13 cies of the Department of Health and Human Services to
14 prevent, prepare for, and respond to coronavirus, domesti-
15 cally or internationally, prior to the date of enactment of
16 this Act. This subsection shall not apply to obligations in-
17 curred by the Infectious Diseases Rapid Response Reserve
18 Fund.

19 (b) Grants or cooperative agreements with States, lo-
20 calities, territories, tribes, tribal organizations, urban In-
21 dian health organizations, or health service providers to
22 tribes, under this title, to carry out surveillance, epidemi-
23 ology, laboratory capacity, infection control, mitigation,
24 communications, and other preparedness and response ac-
25 tivities to prevent, prepare for, and respond to coronavirus

1 shall include amounts to reimburse costs for these pur-
2 poses incurred between January 20, 2020, and the date
3 of enactment of this Act.

4 (c) If any funds have been reprogrammed or trans-
5 ferred from an appropriation, as described in the notifica-
6 tion submitted by the Secretary of Health and Human
7 Services to the Committees on Appropriations of the
8 House of Representatives and the Senate on February 2,
9 2020, prior to the date of enactment of this Act, such
10 amounts shall be reprogrammed or transferred back to
11 that appropriation within 45 days of the date of enactment
12 of this Act.

13 SEC. 302. Funds appropriated by this title may be
14 used by the Secretary of the Health and Human Services
15 to appoint, without regard to the provisions of sections
16 3309 through 3319 of title 5 of the United States Code,
17 candidates needed for positions to perform critical work
18 relating to coronavirus for which—

19 (1) public notice has been given; and

20 (2) the Secretary has determined that such a
21 public health threat exists.

22 SEC. 303. Funds made available by this title may be
23 used to enter into contracts with individuals for the provi-
24 sion of personal services (as described in section 104 of
25 part 37 of title 48, Code of Federal Regulations (48 CFR

1 37.104)) to support the prevention of, preparation for, or
2 response to coronavirus, domestically and internationally,
3 subject to prior notification to the Committees on Appro-
4 priations of the House of Representatives and the Senate:
5 *Provided*, That such individuals may not be deemed em-
6 ployees of the United States for the purpose of any law
7 administered by the Office of Personnel Management: *Pro-*
8 *vided further*, That the authority made available pursuant
9 to this section shall expire on September 30, 2024.

10 SEC. 304. Funds appropriated by this title may be
11 transferred to, and merged with, other appropriation ac-
12 counts under the headings “Centers for Disease Control
13 and Prevention”, “Public Health and Social Services
14 Emergency Fund”, and “National Institutes of Health”
15 to prevent, prepare for, and respond to coronavirus, do-
16 mestically or internationally, following consultation with
17 the Office of Management and Budget: *Provided*, That the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate shall be notified 10 days in advance
20 of any such transfer: *Provided further*, That upon a deter-
21 mination that all or part of the funds transferred from
22 an appropriation by this title are not necessary, such
23 amounts may be transferred back to that appropriation:
24 *Provided further*, That none of the funds made available
25 by this title may be transferred pursuant to the authority

1 in section 205 of division A of Public Law 116–94 or sec-
2 tion 241(a) of the Public Health Service Act.

3 SEC. 305. Not later than 30 days after the date of
4 enactment of this Act, the Secretary of Health and
5 Human Services shall provide a detailed spend plan of an-
6 ticipated uses of funds made available to the Department
7 of Health and Human Services in this Act, including esti-
8 mated personnel and administrative costs, to the Commit-
9 tees on Appropriations of the House of Representatives
10 and the Senate: *Provided*, That such plan shall be updated
11 and submitted to such Committees every 60 days until
12 September 30, 2024: *Provided further*, That the spend
13 plans shall be accompanied by a listing of each contract
14 obligation incurred that exceeds \$5,000,000 which has not
15 previously been reported, including the amount of each
16 such obligation.

17 SEC. 306. Of the funds appropriated by this title
18 under the heading “Public Health and Social Services
19 Emergency Fund”, up to \$2,000,000 shall be transferred
20 to, and merged with, funds made available under the head-
21 ing “Office of the Secretary, Office of Inspector General”,
22 and shall remain available until expended, for oversight
23 of activities supported with funds appropriated to the De-
24 partment of Health and Human Services in titles I and
25 III: *Provided*, That the Inspector General of the Depart-

1 ment of Health and Human Services shall consult with
2 the Committees on Appropriations of the House of Rep-
3 resentatives and the Senate prior to obligating such funds:
4 *Provided further*, That the transfer authority provided by
5 this section is in addition to any other transfer authority
6 provided by law.

7 TITLE IV

8 DEPARTMENT OF STATE

9 ADMINISTRATION OF FOREIGN AFFAIRS

10 DIPLOMATIC PROGRAMS

11 For an additional amount for “Diplomatic Pro-
12 grams”, \$264,000,000, to remain available until Sep-
13 tember 30, 2022, for necessary expenses to prevent, pre-
14 pare for, and respond to coronavirus, including for main-
15 taining consular operations, reimbursement of evacuation
16 expenses, and emergency preparedness: *Provided*, That
17 such amount is designated by the Congress as being for
18 an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

1 UNITED STATES AGENCY FOR INTERNATIONAL
2 DEVELOPMENT

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 OFFICE OF INSPECTOR GENERAL

5 For an additional amount for “Office of Inspector
6 General”, \$1,000,000, to remain available until September
7 30, 2022, for oversight of activities funded by this title
8 and administered by the United States Agency for Inter-
9 national Development: *Provided*, That such amount is des-
10 ignated by the Congress as being for an emergency re-
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 BILATERAL ECONOMIC ASSISTANCE

14 FUNDS APPROPRIATED TO THE PRESIDENT

15 GLOBAL HEALTH PROGRAMS

16 For an additional amount for “Global Health Pro-
17 grams”, \$435,000,000, to remain available until Sep-
18 tember 30, 2022, for necessary expenses to prevent, pre-
19 pare for, and respond to coronavirus: *Provided*, That such
20 funds shall be administered by the Administrator of the
21 United States Agency for International Development: *Pro-*
22 *vided further*, That of the funds appropriated under this
23 heading in this Act, not less than \$200,000,000 shall be
24 transferred to, and merged with, funds made available for
25 the Emergency Reserve Fund established pursuant to sec-

tion 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31): *Provided further*, That funds made available pursuant to the previous proviso shall be made available under the terms and conditions of such section, as amended: *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.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$300,000,000, to remain available until expended, for necessary expenses to prevent, prepare for, and respond to coronavirus: *Provided*, 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.

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$250,000,000, to remain available until September 30, 2022, for necessary expenses to prevent, prepare for, and respond to coronavirus, including to address related economic, security, and stabilization requirements:

1 *Provided*, That such amount is designated by the Congress
2 as being for an emergency requirement pursuant to sec-
3 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985.

5 GENERAL PROVISIONS—THIS TITLE
6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 401. Funds appropriated by this title shall only
8 be made available for obligation subject to the regular no-
9 tification procedures of the Committees on Appropriations
10 of the House of Representatives and the Senate: *Provided*,
11 That the requirement of this section shall not apply to
12 funds appropriated by this title under the heading “Inter-
13 national Disaster Assistance”.

14 SEC. 402. (a) Funds appropriated by this title under
15 the heading “Diplomatic Programs” may be transferred
16 to, and merged with, funds available under the “Consular
17 and Border Security Programs” account to maintain con-
18 sular operations impacted by coronavirus.

19 (b) Of the funds appropriated by this title under the
20 heading “Economic Support Fund”, up to \$7,000,000
21 may be transferred to, and merged with, funds appro-
22 priated under the heading “Operating Expenses” in Acts
23 making appropriations for the Department of State, for-
24 eign operations, and related programs to prevent, prepare
25 for, and respond to coronavirus.

1 (c) Funds appropriated by this title under the head-
2 ings “Global Health Programs”, “International Disaster
3 Assistance”, and “Economic Support Fund” may be
4 transferred to, and merged with, funds appropriated by
5 this title under such headings to prevent, prepare for, and
6 respond to coronavirus.

7 (d) The transfer authorities of this section are in ad-
8 dition to any other transfer authority provided by law.

9 (e) Upon a determination that all or part of the funds
10 transferred pursuant to the authorities provided by this
11 section are not necessary for such purposes, such amounts
12 may be transferred back to such appropriations.

13 (f) No funds shall be transferred pursuant to this sec-
14 tion unless at least 5 days prior to making such transfer
15 the Secretary of State or the Administrator of the United
16 States Agency for International Development, as appro-
17 priate, notifies the Committees on Appropriations of the
18 House of Representatives and the Senate in writing of the
19 details of any such transfer.

20 SEC. 403. Paragraph (6)(B) under the heading “Ad-
21 ministration of Foreign Affairs, Diplomatic Programs” of
22 the Department of State, Foreign Operations, and Related
23 Programs Appropriations Act, 2020 (division G of Public
24 Law 116–94) is amended by striking “, not to exceed
25 \$10,000,000” and inserting in lieu thereof “for Worldwide

1 Security Protection, not to exceed \$100,000,000” and by
2 adding the following before the period at the end: “: *Pro-*
3 *vided*, That no amounts may be transferred from amounts
4 that were designated by the Congress for Overseas Contin-
5 gency Operations/Global War on Terrorism pursuant to
6 the Concurrent Resolution on the Budget or the Balanced
7 Budget and Emergency Deficit Control Act of 1985”: *Pro-*
8 *vided*, That the exercise of the authority provided by such
9 paragraph shall be subject to prior consultation with the
10 Committees on Appropriations of the House of Represent-
11 atives and the Senate.

12 SEC. 404. Funds appropriated by this title under the
13 headings “Global Health Programs” and “Economic Sup-
14 port Fund” may be made available as contributions to
15 international organizations to prevent, prepare for, and re-
16 spond to coronavirus, following consultation with the Com-
17 mittees on Appropriations of the House of Representatives
18 and the Senate.

19 SEC. 405. Funds appropriated by this title under the
20 headings “Diplomatic Programs”, “Global Health Pro-
21 grams”, “International Disaster Assistance”, and “Eco-
22 nomic Support Fund” may be used to reimburse accounts
23 administered by the Department of State and the United
24 States Agency for International Development for obliga-
25 tions incurred to prevent, prepare for, and respond to

1 coronavirus prior to the date of enactment of this Act:
2 *Provided*, That this section shall not apply to obligations
3 incurred by the Emergency Reserve Fund, established
4 pursuant to section 7058(c)(1) of the Department of
5 State, Foreign Operations, and Related Programs Appro-
6 priations Act, 2017 (division J of Public Law 115–31).

7 SEC. 406. (a) STRATEGY.—Not later than 15 days
8 after the date of enactment of this Act, the Secretary of
9 State and the Administrator of the United States Agency
10 for International Development, following consultation with
11 the heads of other relevant Federal agencies, shall jointly
12 submit to the Committees on Appropriations of the House
13 of Representatives and the Senate a strategy to prevent,
14 prepare for, and respond to coronavirus abroad.

15 (b) REPORTING REQUIREMENT.—Not later than 30
16 days after enactment of this Act, the Secretary of State
17 and the Administrator of the United States Agency for
18 International Development shall jointly submit to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate a report on the proposed uses of
21 funds appropriated by this title on a country and project
22 basis: *Provided*, That such report shall be updated and
23 submitted to such Committees every 60 days thereafter
24 until September 30, 2022, and every 180 days thereafter
25 until all funds have been expended, and shall include infor-

1 mation detailing how estimates and assumptions contained
2 in previous reports have changed, including obligations
3 and expenditures on a country and project basis.

4 TITLE V

5 GENERAL PROVISIONS—THIS ACT

6 SEC. 501. Each amount appropriated or made avail-
7 able by this Act is in addition to amounts otherwise appro-
8 priated for the fiscal year involved.

9 SEC. 502. No part of any appropriation contained in
10 this Act shall remain available for obligation beyond the
11 current fiscal year unless expressly so provided herein.

12 SEC. 503. Unless otherwise provided for by this Act,
13 the additional amounts appropriated by this Act to appro-
14 priations accounts shall be available under the authorities
15 and conditions applicable to such appropriations accounts
16 for fiscal year 2020.

17 SEC. 504. (a) Subject to subsection (b), and notwith-
18 standing any other provision of law, funds made available
19 in this Act, or transferred pursuant to authorization
20 granted in this Act, may only be used to prevent, prepare
21 for, and respond to coronavirus.

22 (b) Subsection (a) shall not apply to section 301(c)
23 of this Act, or to reimbursements made pursuant to au-
24 thority in this Act, or to funds made available in this Act
25 for the Emergency Reserve Fund, established pursuant to

1 section 7058(c)(1) of division J of Public Law 115–31,
2 or to funds made available in this Act for the Infectious
3 Diseases Rapid Response Reserve Fund, established pur-
4 suant to section 231 of division B of Public Law 115–
5 245.

6 SEC. 505. Not later than 60 days after the date of
7 enactment of this Act, the Comptroller General of the
8 United States shall consult with the Committees on Ap-
9 propriations of the House of Representatives and the Sen-
10 ate on oversight of activities supported with funds appro-
11 priated by this Act.

12 SEC. 506. In this Act, the term “coronavirus” means
13 SARS–CoV–2 or another coronavirus with pandemic po-
14 tential.

15 SEC. 507. Each amount designated in this Act by the
16 Congress as being for an emergency requirement pursuant
17 to section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985 shall be available
19 (or rescinded or transferred, if applicable) only if the
20 President subsequently so designates all such amounts
21 and transmits such designations to the Congress.

22 SEC. 508. Any amount appropriated by this Act, des-
23 ignated by the Congress as an emergency requirement
24 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
25 et and Emergency Deficit Control Act of 1985 and subse-

1 quently so designated by the President, and transferred
2 pursuant to transfer authorities provided by this Act shall
3 retain such designation.

4 This division may be cited as the “Coronavirus Pre-
5 paredness and Response Supplemental Appropriations
6 Act, 2020”.

7 **DIVISION B—TELEHEALTH**
8 **SERVICES DURING CERTAIN**
9 **EMERGENCY PERIODS**

10 **SEC. 101. SHORT TITLE.**

11 This division may be cited as the “Telehealth Services
12 During Certain Emergency Periods Act of 2020”.

13 **SEC. 102. SECRETARIAL AUTHORITY TO TEMPORARILY**
14 **WAIVE OR MODIFY APPLICATION OF CER-**
15 **TAIN MEDICARE REQUIREMENTS WITH RE-**
16 **SPECT TO TELEHEALTH SERVICES FUR-**
17 **NISHED DURING CERTAIN EMERGENCY PERI-**
18 **ODS.**

19 (a) IN GENERAL.—

20 (1) WAIVER AUTHORITY.—The first sentence of
21 section 1135(b) of the Social Security Act (42
22 U.S.C. 1320b–5(b)) is amended—

23 (A) in paragraph (6), by striking “and” at
24 the end;

1 (B) in paragraph (7), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by inserting after paragraph (7) the
4 following new paragraph:

5 “(8) in the case of a telehealth service (as de-
6 fined in paragraph (4)(F) of section 1834(m)) fur-
7 nished in any emergency area (or portion of such an
8 area) during any portion of any emergency period to
9 an individual by a qualified provider (as defined in
10 subsection (g)(3))—

11 “(A) the requirements of paragraph (4)(C)
12 of such section, except that a facility fee under
13 paragraph (2)(B)(i) of such section may only be
14 paid to an originating site that is a site de-
15 scribed in any of subclauses (I) through (IX) of
16 paragraph (4)(C)(ii) of such section; and

17 “(B) the restriction on use of a telephone
18 described in the second sentence of section
19 410.78(a)(3) of title 42, Code of Federal Regu-
20 lations (or a successor regulation), but only if
21 such telephone has audio and video capabilities
22 that are used for two-way, real-time interactive
23 communication.”.

24 (2) DEFINITION OF QUALIFIED PROVIDER.—

25 Section 1135(g) of the Social Security Act (42

1 U.S.C. 1320b–5(g)) is amended by adding at the
2 end the following new paragraph:

3 “(3) QUALIFIED PROVIDER.—The term ‘quali-
4 fied provider’ means, with respect a telehealth serv-
5 ice (as defined in paragraph (4)(F) of section
6 1834(m)) furnished to an individual, a physician or
7 practitioner (as defined in paragraph (4)(D) or
8 (4)(E), respectively, of such section) who—

9 “(A) furnished to such individual an item
10 or service for which payment was made under
11 title XVIII during the 3-year period ending on
12 the date such telehealth service was furnished;
13 or

14 “(B) is in the same practice (as deter-
15 mined by tax identification number) of a physi-
16 cian or practitioner (as so defined) who fur-
17 nished such an item or service to such indi-
18 vidual during such period.”.

19 (3) IMPLEMENTATION.—The Secretary of
20 Health and Human Services may implement the
21 amendments made by this subsection by program in-
22 struction or otherwise.

23 (b) CLARIFICATION OF DEFINITIONS OF EMERGENCY
24 AREA AND EMERGENCY PERIOD.—Paragraph (1) of sec-

1 tion 1135(g) of the Social Security Act (42 U.S.C. 1320b–
2 5(g)) is amended to read as follows:

3 “(1) EMERGENCY AREA; EMERGENCY PE-
4 RIOD.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), an ‘emergency area’ is a geo-
7 graphical area in which, and an ‘emergency pe-
8 riod’ is the period during which, there exists—

9 “(i) an emergency or disaster declared
10 by the President pursuant to the National
11 Emergencies Act or the Robert T. Stafford
12 Disaster Relief and Emergency Assistance
13 Act; and

14 “(ii) a public health emergency de-
15 clared by the Secretary pursuant to section
16 319 of the Public Health Service Act.

17 “(B) EXCEPTION.—For purposes of sub-
18 section (b)(8), an ‘emergency area’ is a geo-
19 graphical area in which, and an ‘emergency pe-
20 riod’ is the period during which, there exists—

21 “(i) the public health emergency de-
22 clared by the Secretary pursuant to section
23 319 of the Public Health Service Act on
24 January 31, 2020, entitled ‘Determination
25 that a Public Health Emergency Exists

1 Nationwide as the Result of the 2019
2 Novel Coronavirus'; and
3 “(ii) any renewal of such declaration
4 pursuant to such section 319.”.

5 **SEC. 103. BUDGETARY EFFECTS.**

6 (a) STATUTORY PAYGO SCORECARDS.—The budg-
7 etary effects of this division shall not be entered on either
8 PAYGO scorecard maintained pursuant to section 4(d) of
9 the Statutory Pay-As-You-Go Act of 2010.

10 (b) SENATE PAYGO SCORECARDS.—The budgetary
11 effects of this division shall not be entered on any PAYGO
12 scorecard maintained for purposes of section 4106 of H.
13 Con. Res. 71 (115th Congress).

14 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
15 Notwithstanding Rule 3 of the Budget Scorekeeping
16 Guidelines set forth in the joint explanatory statement of
17 the committee of conference accompanying Conference Re-
18 port 105–217 and section 250(c)(8) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985, the
20 budgetary effects of this division shall not be estimated—

21 (1) for purposes of section 251 of such Act; and

22 (2) for purposes of paragraph (4)(C) of section
23 3 of the Statutory Pay-As-You-Go Act of 2010 as
24 being included in an appropriation Act.