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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

Making emergency supplemental appropriations for coronavirus response and relief for the fiscal year ending September 30, 2022, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. DELAURO introduced the following bill; which was referred to the Committee on _____

A BILL

Making emergency supplemental appropriations for coronavirus response and relief for the fiscal year ending September 30, 2022, 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 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2022, and for other pur-
6 poses, namely:

1 TITLE I
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 OFFICE OF THE SECRETARY
5 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
6 FUND
7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Public Health and So-
9 cial Services Emergency Fund”, \$10,600,000,000, to re-
10 main available until September 30, 2025, to prevent, pre-
11 pare for, and respond to coronavirus, including for nec-
12 essary expenses with respect to the research and develop-
13 ment, manufacturing, production, purchase, and distribu-
14 tion of vaccines, therapeutics, diagnostics, and medical
15 products, services, and supplies: *Provided*, That of the
16 amount provided under this heading in this Act, up to
17 \$9,850,000,000 shall be available to the Biomedical Ad-
18 vanced Research and Development Authority for necessary
19 expenses of advanced research and development, manufac-
20 turing, production, and purchase, at the discretion of the
21 Secretary of Health and Human Services, of vaccines,
22 therapeutics, diagnostics, and supplies necessary for the
23 administration of such vaccines, therapeutics, and
24 diagnostics: *Provided further*, That from the amount made
25 available in the preceding proviso, not less than

1 \$5,000,000,000 shall be available for necessary expenses
2 to research, develop, manufacture, produce, purchase, and
3 administer therapeutics: *Provided further*, That from the
4 amount made available under this heading in this Act, not
5 less than \$750,000,000 shall be available for research and
6 clinical trials related to research on, clinical trials for, and
7 development and procurement of, vaccines for emerging
8 coronavirus variants, and to support the sustainment and
9 expansion of vaccine manufacturing capacity, including
10 fill-finish capacity: *Provided further*, That products, sup-
11 plies, and equipment purchased with amounts provided
12 under this heading in this Act may, at the discretion of
13 the Secretary of Health and Human Services, be deposited
14 in the Strategic National Stockpile under section 319F–
15 2(a) of the Public Health Service Act: *Provided further*,
16 That amounts provided under this heading in this Act may
17 be used for the construction, alteration, or renovation of
18 non-federally owned U.S.-based facilities for the produc-
19 tion of vaccines, therapeutics, diagnostics, and ancillary
20 medical supplies where the Secretary determines that such
21 a contract is necessary to secure sufficient amounts of
22 such supplies: *Provided further*, That amounts provided
23 under this heading in this Act may be transferred to, and
24 merged with, the fund authorized by section 319F–4, the
25 Covered Countermeasure Process Fund, of the Public

1 Health Service Act: *Provided further*, That the transfer
2 authority provided under this heading in this Act is in ad-
3 dition to any other transfer authority provided by law:
4 *Provided further*, That the Secretary shall notify the Com-
5 mittees on Appropriations of the House of Representatives
6 and the Senate at least 2 days in advance of any obligation
7 in excess of \$50,000,000, including but not limited to con-
8 tracts and interagency agreements, from amounts pro-
9 vided under this heading in this Act: *Provided further*,
10 That the Secretary shall provide a report to the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate not later than 30 days after the date of
13 enactment of this Act, and every 30 days thereafter until
14 all amounts provided under this heading in this Act have
15 been expended, detailing obligations of such amounts in
16 excess of \$20,000,000, with annotation of which Depart-
17 ment or agency, and component thereof is managing the
18 contract; the current inventory of COVID–19 vaccines,
19 therapeutics, and diagnostics; and the distribution of
20 COVID–19 vaccines, therapeutics, and diagnostics during
21 the previous month, reported by State and other jurisdic-
22 tion.

1 GENERAL PROVISIONS—THIS TITLE

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 1101. Funds appropriated by this title under
4 the heading “Public Health and Social Services Emer-
5 gency Fund” may be transferred to, and merged with,
6 other appropriation accounts under the heading “National
7 Institutes of Health” to prevent, prepare for, and respond
8 to coronavirus: *Provided*, That the Committees on Appro-
9 priations of the House of Representatives and the Senate
10 shall be notified 10 days in advance of any such transfer:
11 *Provided further*, That the transfer authority provided by
12 this section is in addition to any other transfer authority
13 provided by law: *Provided further*, That, upon a deter-
14 mination that all or part of the funds transferred from
15 an appropriation by this Act are not necessary, such
16 amounts may be transferred back to that appropriation:
17 *Provided further*, That none of the funds made available
18 by this Act may be transferred pursuant to the authority
19 in section 205 of the Departments of Labor, Health and
20 Human Services, and Education, and Related Agencies
21 Appropriations Act, 2022 or section 241(a) of the Public
22 Health Service Act.

23 SEC. 1102. Not later than 30 days after the date of
24 enactment of this Act, the Secretary of Health and
25 Human Services shall provide a detailed spend plan of an-

1 ticipated uses of funds made available in this title, includ-
2 ing estimated personnel and administrative costs, to the
3 Committees on Appropriations of the House of Represent-
4 atives and the Senate: *Provided*, That such plans shall be
5 updated and submitted to such Committees every 60 days
6 until all funds are expended: *Provided further*, That the
7 spend plans shall be accompanied by a listing of each con-
8 tract obligation incurred that exceeds \$5,000,000 which
9 has not previously been reported, including the amount of
10 each such obligation: *Provided further*, That the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate shall be briefed on obligations quarterly
13 until all funds are expended.

14 SEC. 1103. Not later than 60 days after the date of
15 enactment of this Act, the Secretary of Health and
16 Human Services shall provide biweekly obligation reports,
17 including anticipated use of funds made available in this
18 title, to the Committees on Appropriations of the House
19 of Representatives and the Senate: *Provided*, That such
20 reports shall be updated and submitted biweekly to the
21 Committees until all funds are expended.

22 SEC. 1104. Not later than 30 days after the date of
23 enactment of this Act, the Secretary of Health and
24 Human Services shall provide monthly reports on obliga-
25 tions made with these supplemental funds related to: (1)

1 research; (2) advanced development; (3) procurement; or
2 (4) administration activities to the Committees on Appro-
3 priations of the House of Representatives and the Senate
4 and the Committee on Energy and Commerce of the
5 House of Representatives and Committee on Health, Edu-
6 cation, Labor, and Pensions of the Senate: *Provided*, That
7 such report shall include for procurement contracts: (1)
8 recipient; (2) total number of units purchased; (3) delivery
9 dates; (4) any options on such contracts; and (5) location
10 of manufactured product: *Provided further*, That such re-
11 port shall include projections of the supply of and domestic
12 need for vaccines, therapeutics, tests, and ancillary med-
13 ical supplies over the next 90 days to prepare for and re-
14 spond to coronavirus, to the extent such information is
15 available: *Provided further*, That such reports shall be up-
16 dated and submitted monthly to the Committees until all
17 funds are expended.

18 TITLE II
19 DEPARTMENT OF STATE AND RELATED
20 AGENCY
21 DEPARTMENT OF STATE
22 ADMINISTRATION OF FOREIGN AFFAIRS
23 DIPLOMATIC PROGRAMS
24 For an additional amount for “Diplomatic Pro-
25 grams”, \$15,000,000, to remain available until September

1 30, 2024, to prevent, prepare for, and respond to
2 coronavirus.

3 UNITED STATES AGENCY FOR INTERNATIONAL
4 DEVELOPMENT

5 FUNDS APPROPRIATED TO THE PRESIDENT

6 OPERATING EXPENSES

7 For an additional amount for “Operating Expenses”,
8 \$35,000,000, to remain available until September 30,
9 2024, to prevent, prepare for, and respond to coronavirus.

10 BILATERAL ECONOMIC ASSISTANCE

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 GLOBAL HEALTH PROGRAMS

13 For an additional amount for “Global Health Pro-
14 grams”, \$4,450,000,000, to remain available until ex-
15 pended, to prevent, prepare for, and respond to
16 coronavirus: *Provided*, That funds may be made available
17 as contributions, including to the Global Fund to Fight
18 AIDS, Tuberculosis, and Malaria, and to Gavi, the Vac-
19 cine Alliance: *Provided further*, That any contribution to
20 the Global Fund to Fight AIDS, Tuberculosis and Malaria
21 made pursuant to the preceding proviso shall be made
22 available notwithstanding section 202(d)(4)(A)(i) of the
23 United States Leadership Against HIV/AIDS, Tuber-
24 culosis, and Malaria Act of 2003 (22 U.S.C.
25 7622(d)(4)(A)(i)), and such contribution shall not be con-

1 sidered a contribution for the purpose of applying such
2 section 202(d)(4)(A)(i).

3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for “International Disaster
5 Assistance”, \$425,000,000, to remain available until ex-
6 pended, to prevent, prepare for, and respond to
7 coronavirus, and for humanitarian needs.

8 DEPARTMENT OF STATE

9 MIGRATION AND REFUGEE ASSISTANCE

10 For an additional amount for “Migration and Ref-
11 ugee Assistance”, \$75,000,000, to remain available until
12 expended, to prevent, prepare for, and respond to
13 coronavirus, and for humanitarian needs.

14 GENERAL PROVISIONS—THIS TITLE

15 (INCLUDING TRANSFERS OF FUNDS)

16 SEC. 1201. The reporting requirement provided by
17 section 406(b) of the Coronavirus Preparedness and Re-
18 sponse Supplemental Appropriations Act, 2020 (division
19 A of Public Law 116–123) shall apply to funds appro-
20 priated by this title, except that such section 406(b) shall
21 be applied to such funds by substituting “September 30,
22 2023” for “September 30, 2022”.

23 SEC. 1202. (a) Funds appropriated by this title under
24 the headings “Global Health Programs”, “International
25 Disaster Assistance”, and “Migration and Refugee Assist-

1 ance” may be transferred to, and merged with, funds ap-
2 propriated by this title under such headings to prevent,
3 prepare for, and respond to coronavirus, and for humani-
4 tarian needs.

5 (b) The authorities and limitations provided by sec-
6 tions 402(d), 402(e), and 402(f) of the Coronavirus Pre-
7 paredness and Response Supplemental Appropriations
8 Act, 2020 (division A of Public Law 116–123) shall apply
9 to the funds appropriated and authorities provided by this
10 title.

11 TITLE III

12 GENERAL PROVISIONS—THIS ACT

13 SEC. 1301. Each amount appropriated or made avail-
14 able by this Act is in addition to amounts otherwise appro-
15 priated for the fiscal year involved.

16 SEC. 1302. No part of any appropriation contained
17 in this Act shall remain available for obligation beyond
18 the current fiscal year unless expressly so provided herein.

19 SEC. 1303. Unless otherwise provided for by this Act,
20 the additional amounts appropriated by this Act to appro-
21 priations accounts shall be available under the authorities
22 and conditions applicable to such appropriations accounts
23 for fiscal year 2022.

24 SEC. 1304. Each amount provided by this Act is des-
25 ignated by the Congress as being for an emergency re-

1 quirement pursuant to section 4001(a)(1) and section
2 4001(b) of S. Con. Res. 14 (117th Congress), the concur-
3 rent resolution on the budget for fiscal year 2022.

4 SEC. 1305. In this Act, the term “coronavirus”
5 means SARS–CoV–2 or another coronavirus with pan-
6 demic potential.

7 SEC. 1306. (a) Of the unobligated balances from
8 amounts made available to the Department of Agriculture
9 in section 1001(a) of subtitle A of title I of the American
10 Rescue Plan Act of 2021 (Public Law 117–2),
11 \$1,000,000,000 are hereby permanently rescinded.

12 (b) Of the unobligated balances from amounts made
13 available under the heading “Small Business Administra-
14 tion—Business Loans Program Account, CARES Act” in
15 section 323(d)(1)(A) of division N of the Consolidated Ap-
16 propriations Act, 2021 (Public Law 116–260) for the cost
17 of guaranteed loans as authorized under paragraphs (36)
18 and (37) of section 7(a) of the Small Business Act (15
19 U.S.C. 636(a)), \$2,950,000,000 are hereby permanently
20 rescinded.

21 (c) Of the unexpended balances remaining from
22 amounts made available under the heading “Small Busi-
23 ness Administration—Business Loans Program Account,
24 CARES Act” in section 1107(a)(1) of the Coronavirus
25 Aid, Relief, and Economic Security Act (Public Law 116–

1 136), as amended by section 101(a)(2) of division A of
2 the Paycheck Protection Program and Health Care En-
3 hancement Act (Public Law 116–139), \$1,904,000,000
4 shall be returned to the Treasury.

5 (d) Of the unobligated balances from amounts made
6 available to the Department of Education in section 2003
7 of title II of the American Rescue Plan Act of 2021 (Pub-
8 lic Law 117–2) and allocated to institutions of higher edu-
9 cation as defined in section 102(b) of the Higher Edu-
10 cation Act of 1965, \$100,000,000 are hereby permanently
11 rescinded.

12 (e) Of the unobligated balances from amounts made
13 available to the Department of Transportation in section
14 7202(a) of title VII of the American Rescue Plan Act of
15 2021 (Public Law 117–2), \$2,000,000,000 are hereby
16 permanently rescinded.

17 (f) Of the unobligated balances from amounts made
18 available to the Secretary of the Treasury (referred to in
19 this subsection as “Secretary”) for administrative ex-
20 penses pursuant to section 4003(f) of the Coronavirus Aid,
21 Relief, and Economic Security Act (Public Law 116–136),
22 up to \$55,000,000 shall be available to the Secretary for
23 any administrative expenses of the Department of the
24 Treasury determined by the Secretary to be necessary to
25 implement section 501 of division N of the Consolidated

1 Appropriations Act, 2021 (Public Law 116–260), section
2 3201 of the American Rescue Plan Act of 2021 (Public
3 Law 117–2), or title VI of the Social Security Act (42
4 U.S.C. 801 et seq.), in addition to amounts otherwise
5 available for such purposes.

6 (g)(1) STATUTORY PAYGO SCORECARDS.—The
7 budgetary effects of this section shall not be entered on
8 either PAYGO scorecard maintained pursuant to section
9 4(d) of the Statutory Pay-As-You-Go Act of 2010.

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

14 (3) 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 section shall not be estimated—

21 (A) for purposes of section 251 of such Act;

22 (B) for purposes of an allocation to the Com-
23 mittee on Appropriations pursuant to section 302(a)
24 of the Congressional Budget Act of 1974; and

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

4 SEC. 1307. Of the unobligated balances from
5 amounts made available to the Department of Agriculture
6 under the heading “Agricultural Programs—Office of the
7 Secretary” in title I of division B of the Coronavirus Aid,
8 Relief, and Economic Security Act (Public Law 116–136),
9 \$650,000,000 are hereby permanently rescinded: *Pro-*
10 *vided*, That the amounts rescinded pursuant to this sec-
11 tion that were previously designated by the Congress as
12 an emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985 are designated by the Con-
15 gress as an emergency requirement pursuant to section
16 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th
17 Congress), the concurrent resolution on the budget for fis-
18 cal year.

19 This Act may be cited as the “COVID Supplemental
20 Appropriations Act, 2022”.