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 Representatives of the United States of America in Congress assembled,

2. That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:
TITLE I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, $10,600,000,000, to remain available until September 30, 2025, to prevent, prepare for, and respond to coronavirus, including for necessary expenses with respect to the research and development, manufacturing, production, purchase, and distribution of vaccines, therapeutics, diagnostics, and medical products, services, and supplies: Provided, That of the amount provided under this heading in this Act, up to $9,850,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of advanced research and development, manufacturing, production, and purchase, at the discretion of the Secretary of Health and Human Services, of vaccines, therapeutics, diagnostics, and supplies necessary for the administration of such vaccines, therapeutics, and diagnostics: Provided further, That from the amount made available in the preceding proviso, not less than
$5,000,000,000 shall be available for necessary expenses to research, develop, manufacture, produce, purchase, and administer therapeutics: Provided further, That from the amount made available under this heading in this Act, not less than $750,000,000 shall be available for research and clinical trials related to research on, clinical trials for, and development and procurement of, vaccines for emerging coronavirus variants, and to support the sustainment and expansion of vaccine manufacturing capacity, including fill-finish capacity: Provided further, That products, supplies, and equipment purchased with amounts provided under this heading in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2(a) of the Public Health Service Act: Provided further, That amounts provided under this heading in this Act may be used for the construction, alteration, or renovation of non-federally owned U.S.-based facilities for the production of vaccines, therapeutics, diagnostics, and ancillary medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: Provided further, That amounts provided under this heading in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Countermeasure Process Fund, of the Public
Health Service Act: Provided further, That the transfer authority provided under this heading in this Act is in addition to any other transfer authority provided by law: Provided further, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 2 days in advance of any obligation in excess of $50,000,000, including but not limited to contracts and interagency agreements, from amounts provided under this heading in this Act: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days after the date of enactment of this Act, and every 30 days thereafter until all amounts provided under this heading in this Act have been expended, detailing obligations of such amounts in excess of $20,000,000, with annotation of which Department or agency, and component thereof is managing the contract; the current inventory of COVID–19 vaccines, therapeutics, and diagnostics; and the distribution of COVID–19 vaccines, therapeutics, and diagnostics during the previous month, reported by State and other jurisdiction.
GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 1101. Funds appropriated by this title under the heading “Public Health and Social Services Emergency Fund” may be transferred to, and merged with, other appropriation accounts under the heading “National Institutes of Health” to prevent, prepare for, and respond to coronavirus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority provided by law: Provided further, That, upon a determination that all or part of the funds transferred from an appropriation by this Act are not necessary, such amounts may be transferred back to that appropriation: Provided further, That none of the funds made available by this Act may be transferred pursuant to the authority in section 205 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2022 or section 241(a) of the Public Health Service Act.

SEC. 1102. Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of an-
ticipated uses of funds made available in this title, includ-
ing estimated personnel and administrative costs, to the
Committees on Appropriations of the House of Represent-
atives and the Senate: Provided, That such plans shall be
updated and submitted to such Committees every 60 days
until all funds are expended: Provided further, That the
spend plans shall be accompanied by a listing of each con-
tract obligation incurred that exceeds $5,000,000 which
has not previously been reported, including the amount of
each such obligation: Provided further, That the Commit-
tees on Appropriations of the House of Representatives
and the Senate shall be briefed on obligations quarterly
until all funds are expended.

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

Sec. 1104. Not later than 30 days after the date of
enactment of this Act, the Secretary of Health and
Human Services shall provide monthly reports on obliga-
tions made with these supplemental funds related to: (1)
research; (2) advanced development; (3) procurement; or
(4) administration activities to the Committees on Appropriations of the House of Representatives and the Senate and the Committee on Energy and Commerce of the House of Representatives and Committee on Health, Education, Labor, and Pensions of the Senate: Provided, That such report shall include for procurement contracts: (1) recipient; (2) total number of units purchased; (3) delivery dates; (4) any options on such contracts; and (5) location of manufactured product: Provided further, That such report shall include projections of the supply of and domestic need for vaccines, therapeutics, tests, and ancillary medical supplies over the next 90 days to prepare for and respond to coronavirus, to the extent such information is available: Provided further, That such reports shall be updated and submitted monthly to the Committees until all funds are expended.

TITLE II
DEPARTMENT OF STATE AND RELATED AGENCY
DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC PROGRAMS
For an additional amount for “Diplomatic Programs”, $15,000,000, to remain available until September
30, 2024, to prevent, prepare for, and respond to coronavirus.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Funds Appropriated to the President

Operating Expenses

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

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

Global Health Programs

For an additional amount for “Global Health Programs”, $4,450,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: Provided, That funds may be made available as contributions, including to the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and to Gavi, the Vaccine Alliance: Provided further, That any contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria made pursuant to the preceding proviso shall be made available notwithstanding section 202(d)(4)(A)(i) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(4)(A)(i)), and such contribution shall not be con-
sidered a contribution for the purpose of applying such section 202(d)(4)(A)(i).

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, $425,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, and for humanitarian needs.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, $75,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, and for humanitarian needs.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFERS OF FUNDS)

Sec. 1201. The reporting requirement provided by section 406(b) of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (division A of Public Law 116–123) shall apply to funds appropriated by this title, except that such section 406(b) shall be applied to such funds by substituting “September 30, 2023” for “September 30, 2022”.

Sec. 1202. (a) Funds appropriated by this title under the headings “Global Health Programs”, “International Disaster Assistance”, and “Migration and Refugee Assist-
ance” may be transferred to, and merged with, funds appropriated by this title under such headings to prevent, prepare for, and respond to coronavirus, and for humanitarian needs.

(b) The authorities and limitations provided by sections 402(d), 402(e), and 402(f) of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (division A of Public Law 116–123) shall apply to the funds appropriated and authorities provided by this title.

TITLE III

GENERAL PROVISIONS—THIS ACT

Sec. 1301. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

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

Sec. 1303. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

Sec. 1304. Each amount provided by this Act is designated by the Congress as being for an emergency re-
quirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 1305. In this Act, the term “coronavirus” means SARS–CoV–2 or another coronavirus with pandemic potential.

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

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

(c) Of the unexpended balances remaining from amounts made available under the heading “Small Business Administration—Business Loans Program Account, CARES Act” in section 1107(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–
as amended by section 101(a)(2) of division A of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), $1,904,000,000 shall be returned to the Treasury.

(d) Of the unobligated balances from amounts made available to the Department of Education in section 2003 of title II of the American Rescue Plan Act of 2021 (Public Law 117–2) and allocated to institutions of higher education as defined in section 102(b) of the Higher Education Act of 1965, $100,000,000 are hereby permanently rescinded.

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

(f) Of the unobligated balances from amounts made available to the Secretary of the Treasury (referred to in this subsection as “Secretary”) for administrative expenses pursuant to section 4003(f) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), up to $55,000,000 shall be available to the Secretary for any administrative expenses of the Department of the Treasury determined by the Secretary to be necessary to implement section 501 of division N of the Consolidated
1 Appropriations Act, 2021 (Public Law 116–260), section 3201 of the American Rescue Plan Act of 2021 (Public Law 117–2), or title VI of the Social Security Act (42 U.S.C. 801 et seq.), in addition to amounts otherwise available for such purposes.

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

(2) Senate PAYGO Scorecards.—The budgetary effects of this section shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(3) Classification of Budgetary Effects.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

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

(B) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and
(C) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SEC. 1307. Of the unobligated balances from amounts made available to the Department of Agriculture under the heading “Agricultural Programs—Office of the Secretary” in title I of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), $650,000,000 are hereby permanently rescinded: Provided, That the amounts rescinded pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year.

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