

116TH CONGRESS
2^D SESSION

H. R. 6074

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coronavirus Prepared-
3 ness and Response Supplemental Appropriations Act,
4 2020”.

5 **SEC. 2. REFERENCES.**

6 Except as expressly provided otherwise, any reference
7 to “this Act” contained in any division of this Act shall
8 be treated as referring only to the provisions of that divi-
9 sion.

10 **DIVISION A—CORONAVIRUS PREPARED-**
11 **NESS AND RESPONSE SUPPLEMENTAL**
12 **APPROPRIATIONS ACT, 2020**

13 The following sums are hereby are appropriated, out
14 of any money in the Treasury not otherwise appropriated,
15 for the fiscal year ending September 30, 2020, and for
16 other purposes, namely:

17 **TITLE I**

18 **DEPARTMENT OF HEALTH AND HUMAN**
19 **SERVICES**

20 **FOOD AND DRUG ADMINISTRATION**

21 **SALARIES AND EXPENSES**

22 For an additional amount for “Salaries and Ex-
23 penses”, \$61,000,000, to remain available until expended,
24 to prevent, prepare for, and respond to coronavirus, do-
25 mesticallly or internationally, including the development of
26 necessary medical countermeasures and vaccines, ad-

1 vanced manufacturing for medical products, the moni-
2 toring of medical product supply chains, and related ad-
3 ministrative activities: *Provided*, That such amount is des-
4 ignated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 TITLE II

8 SMALL BUSINESS ADMINISTRATION

9 DISASTER LOANS PROGRAM ACCOUNT

10 (INCLUDING TRANSFERS OF FUNDS)

11 For an additional amount for the “Disaster Loans
12 Program Account” for administrative expenses to carry
13 out the disaster loan program authorized by section 7(b)
14 of the Small Business Act, \$20,000,000, to remain avail-
15 able until expended: *Provided*, That such amounts may be
16 transferred to and merged with “Small Business Adminis-
17 tration—Salaries and Expenses”: *Provided further*, That
18 for purposes of section 7(b)(2)(D) of the Small Business
19 Act, coronavirus shall be deemed to be a disaster and
20 amounts available under “Disaster Loans Program Ac-
21 count” for the cost of direct loans in any fiscal year may
22 be used to make economic injury disaster loans under such
23 section in response to the coronavirus: *Provided further*,
24 That none of the funds provided under this heading in
25 this Act may be used for indirect administrative expenses:

1 *Provided further*, That such amount is designated by the
2 Congress as being for an emergency requirement pursuant
3 to section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985: *Provided further*,
5 That amounts repurposed under this heading that were
6 previously designated by the Congress as an emergency
7 requirement pursuant to the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985 are designated by the
9 Congress as an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 TITLE III

13 DEPARTMENT OF HEALTH AND HUMAN

14 SERVICES

15 CENTERS FOR DISEASE CONTROL AND PREVENTION

16 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for “CDC-Wide Activities
19 and Program Support”, \$2,200,000,000, to remain avail-
20 able until September 30, 2022, to prevent, prepare for,
21 and respond to coronavirus, domestically or internation-
22 ally: *Provided*, That not less than \$950,000,000 of the
23 amount provided shall be for grants to or cooperative
24 agreements with States, localities, territories, tribes, tribal
25 organizations, urban Indian health organizations, or

1 health service providers to tribes, to carry out surveillance,
2 epidemiology, laboratory capacity, infection control, miti-
3 gation, communications, and other preparedness and re-
4 sponse activities: *Provided further*, That \$475,000,000 of
5 the funds made available in the preceding proviso shall
6 be allocated within 30 days of the date of enactment of
7 this Act: *Provided further*, That every grantee that re-
8 ceived a Public Health Emergency Preparedness grant for
9 fiscal year 2019 shall receive not less than 90 percent of
10 that grant level from funds provided in the first proviso
11 under this heading in this Act, and not less than
12 \$40,000,000 of such funds shall be allocated to tribes,
13 tribal organizations, urban Indian health organizations, or
14 health service providers to tribes: *Provided further*, That
15 the Director of the Centers for Disease Control and Pre-
16 vention (“CDC”) may satisfy the funding thresholds out-
17 lined in the preceding two provisos by making awards
18 through other grant or cooperative agreement mecha-
19 nisms: *Provided further*, That each grantee described in
20 the third proviso under this heading in this Act shall sub-
21 mit a spend plan to the CDC not later than 45 days after
22 the date of enactment of this Act: *Provided further*, That
23 of the amount provided under this heading in this Act,
24 not less than \$300,000,000 shall be for global disease de-
25 tection and emergency response: *Provided further*, That of

1 the amount provided under this heading in this Act,
2 \$300,000,000 shall be transferred to and merged with
3 amounts in the Infectious Diseases Rapid Response Re-
4 serve Fund (“Reserve Fund”), established by section 231
5 of division B of Public Law 115–245: *Provided further*,
6 That the Secretary of Health and Human Services, in con-
7 sultation with the Director of the CDC, shall provide a
8 report to the Committees on Appropriations of the House
9 of Representatives and the Senate every 14 days, for one
10 year from the date from any such declaration or deter-
11 mination described in the third proviso of section 231 of
12 division B of Public Law 115–245, that details commit-
13 ment and obligation information for the Reserve Fund
14 during the prior two weeks, as long as such report would
15 detail obligations in excess of \$5,000,000, and upon the
16 request by such Committees: *Provided further*, That funds
17 appropriated under this heading in this Act may be used
18 for grants for the construction, alteration, or renovation
19 of non-Federally owned facilities to improve preparedness
20 and response capability at the State and local level: *Pro-*
21 *vided further*, That funds may be used for purchase and
22 insurance of official motor vehicles in foreign countries:
23 *Provided further*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

1 to section 251(b)(2)(A)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

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

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

1 OFFICE OF THE SECRETARY
2 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
3 FUND
4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “Public Health and So-
6 cial Services Emergency Fund”, \$3,100,000,000, to re-
7 main available until September 30, 2024, to prevent, pre-
8 pare for, and respond to coronavirus, domestically or
9 internationally, including the development of necessary
10 countermeasures and vaccines, prioritizing platform-based
11 technologies with U.S.-based manufacturing capabilities,
12 and the purchase of vaccines, therapeutics, diagnostics,
13 necessary medical supplies, medical surge capacity, and
14 related administrative activities: *Provided*, That such
15 funds may be used to develop and demonstrate innovations
16 and enhancements to manufacturing platforms to support
17 such capabilities: *Provided further*, That the Secretary of
18 Health and Human Services shall purchase vaccines devel-
19 oped using funds made available under this heading in this
20 Act to respond to an outbreak or pandemic related to
21 coronavirus in quantities determined by the Secretary to
22 be adequate to address the public health need: *Provided*
23 *further*, That products purchased by the Federal govern-
24 ment with funds made available under this heading, in-
25 cluding vaccines, therapeutics, and diagnostics, shall be

1 purchased in accordance with Federal Acquisition Regula-
2 tion guidance on fair and reasonable pricing: *Provided fur-*
3 *ther*, That the Secretary may take such measures author-
4 ized under current law to ensure that vaccines, thera-
5 peutics, and diagnostics developed from funds provided in
6 this Act will be affordable in the commercial market: *Pro-*
7 *vided further*, That in carrying out the previous proviso,
8 the Secretary shall not take actions that delay the develop-
9 ment of such products: *Provided further*, That products
10 purchased with funds appropriated in this paragraph may,
11 at the discretion of the Secretary of Health and Human
12 Services, be deposited in the Strategic National Stockpile
13 under section 319F–2 of the Public Health Service Act:
14 *Provided further*, That funds appropriated under this
15 heading in this Act may be transferred to, and merged
16 with, the fund authorized by section 319F–4, the Covered
17 Countermeasure Process Fund, of the Public Health Serv-
18 ice Act: *Provided further*, That funds appropriated under
19 this heading in this Act may be used for grants for the
20 construction, alteration, or renovation of non-Federally
21 owned facilities to improve preparedness and response ca-
22 pability at the State and local level: *Provided further*, That
23 funds appropriated under this heading in this Act may be
24 used for the construction, alteration, or renovation of non-
25 Federally owned facilities for the production of vaccines,

1 therapeutics, and diagnostics where the Secretary deter-
2 mines that such a contract is necessary to secure sufficient
3 amounts of such supplies: *Provided further*, That of the
4 amount provided under this heading in this Act,
5 \$100,000,000 shall be transferred to “Health Resources
6 and Services Administration—Primary Health Care” for
7 grants under the Health Centers Program, as defined by
8 section 330 of the Public Health Service Act, to prevent,
9 prepare for, and respond to coronavirus: *Provided further*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 For an additional amount for “Public Health and So-
15 cial Services Emergency Fund”, \$300,000,000, to remain
16 available until September 30, 2024, for products pur-
17 chased as described in the first paragraph under this
18 heading, including the purchase of vaccines, therapeutics,
19 and diagnostics, and under the same terms and conditions
20 as the amounts made available in the first paragraph
21 under this heading in this Act: *Provided*, That the amount
22 made available in this paragraph shall only be made avail-
23 able if the Secretary of Health and Human Services cer-
24 tifies to the Committees on Appropriations of the House
25 of Representatives and the Senate that the funds made

1 available in the first paragraph under this heading in this
2 Act allotted for such purchase of such products will be
3 obligated imminently and that additional funds are nec-
4 essary to purchase vaccines, therapeutics, or diagnostics
5 in quantities determined by the Secretary to be adequate
6 help to address the public health need: *Provided further*,
7 That the Secretary shall notify the Committees on Appro-
8 priations of the House of Representatives and the Senate
9 of such certification: *Provided further*, That such amount
10 is designated by the Congress as being for an emergency
11 requirement pursuant to section 251(b)(2)(A)(i) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985.

14 GENERAL PROVISIONS—THIS TITLE

15 (INCLUDING TRANSFER OF FUNDS)

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

1 (b) Grants or cooperative agreements with States, lo-
2 calities, territories, tribes, tribal organizations, urban In-
3 dian health organizations, or health service providers to
4 tribes, under this title, to carry out surveillance, epidemi-
5 ology, laboratory capacity, infection control, mitigation,
6 communications, and other preparedness and response ac-
7 tivities to prevent, prepare for, and respond to coronavirus
8 shall include amounts to reimburse costs for these pur-
9 poses incurred between January 20, 2020, and the date
10 of enactment of this Act.

11 (c) If any funds have been reprogrammed or trans-
12 ferred from an appropriation, as described in the notifica-
13 tion submitted by the Secretary of Health and Human
14 Services to the Committees on Appropriations of the
15 House of Representatives and the Senate on February 2,
16 2020, prior to the date of enactment of this Act, such
17 amounts shall be reprogrammed or transferred back to
18 that appropriation within 45 days of the date of enactment
19 of this Act.

20 SEC. 302. Funds appropriated by this title may be
21 used by the Secretary of the Health and Human Services
22 to appoint, without regard to the provisions of sections
23 3309 through 3319 of title 5 of the United States Code,
24 candidates needed for positions to perform critical work
25 relating to coronavirus for which—

1 (1) public notice has been given; and

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

4 SEC. 303. Funds made available by this title may be
5 used to enter into contracts with individuals for the provi-
6 sion of personal services (as described in section 104 of
7 part 37 of title 48, Code of Federal Regulations (48 CFR
8 37.104)) to support the prevention of, preparation for, or
9 response to coronavirus, domestically and internationally,
10 subject to prior notification to the Committees on Appro-
11 priations of the House of Representatives and the Senate:
12 *Provided*, That such individuals may not be deemed em-
13 ployees of the United States for the purpose of any law
14 administered by the Office of Personnel Management: *Pro-*
15 *vided further*, That the authority made available pursuant
16 to this section shall expire on September 30, 2024.

17 SEC. 304. Funds appropriated by this title may be
18 transferred to, and merged with, other appropriation ac-
19 counts under the headings “Centers for Disease Control
20 and Prevention”, “Public Health and Social Services
21 Emergency Fund”, and “National Institutes of Health”
22 to prevent, prepare for, and respond to coronavirus, do-
23 mesticallly or internationally, following consultation with
24 the Office of Management and Budget: *Provided*, That the
25 Committees on Appropriations of the House of Represent-

1 atives and the Senate shall be notified 10 days in advance
2 of any such transfer: *Provided further*, That upon a deter-
3 mination that all or part of the funds transferred from
4 an appropriation by this title are not necessary, such
5 amounts may be transferred back to that appropriation:
6 *Provided further*, That none of the funds made available
7 by this title may be transferred pursuant to the authority
8 in section 205 of division A of Public Law 116–94 or sec-
9 tion 241(a) of the Public Health Service Act.

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

24 SEC. 306. Of the funds appropriated by this title
25 under the heading “Public Health and Social Services

1 Emergency Fund”, up to \$2,000,000 shall be transferred
2 to, and merged with, funds made available under the head-
3 ing “Office of the Secretary, Office of Inspector General”,
4 and shall remain available until expended, for oversight
5 of activities supported with funds appropriated to the De-
6 partment of Health and Human Services in titles I and
7 III: *Provided*, That the Inspector General of the Depart-
8 ment of Health and Human Services shall consult with
9 the Committees on Appropriations of the House of Rep-
10 resentatives and the Senate prior to obligating such funds:
11 *Provided further*, That the transfer authority provided by
12 this section is in addition to any other transfer authority
13 provided by law.

14 TITLE IV

15 DEPARTMENT OF STATE

16 ADMINISTRATION OF FOREIGN AFFAIRS

17 DIPLOMATIC PROGRAMS

18 For an additional amount for “Diplomatic Pro-
19 grams”, \$264,000,000, to remain available until Sep-
20 tember 30, 2022, for necessary expenses to prevent, pre-
21 pare for, and respond to coronavirus, including for main-
22 taining consular operations, reimbursement of evacuation
23 expenses, and emergency preparedness: *Provided*, That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 UNITED STATES AGENCY FOR INTERNATIONAL
4 DEVELOPMENT

5 FUNDS APPROPRIATED TO THE PRESIDENT

6 OFFICE OF INSPECTOR GENERAL

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

15 BILATERAL ECONOMIC ASSISTANCE

16 FUNDS APPROPRIATED TO THE PRESIDENT

17 GLOBAL HEALTH PROGRAMS

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

1 transferred to, and merged with, funds made available for
2 the Emergency Reserve Fund established pursuant to sec-
3 tion 7058(c)(1) of the Department of State, Foreign Oper-
4 ations, and Related Programs Appropriations Act, 2017
5 (division J of Public Law 115–31): *Provided further*, That
6 funds made available pursuant to the previous proviso
7 shall be made available under the terms and conditions
8 of such section, as amended: *Provided further*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 INTERNATIONAL DISASTER ASSISTANCE

14 For an additional amount for “International Disaster
15 Assistance”, \$300,000,000, to remain available until ex-
16 pended, for necessary expenses to prevent, prepare for,
17 and respond to coronavirus: *Provided*, That such amount
18 is designated by the Congress as being for an emergency
19 requirement pursuant to section 251(b)(2)(A)(i) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985.

22 ECONOMIC SUPPORT FUND

23 For an additional amount for “Economic Support
24 Fund”, \$250,000,000, to remain available until Sep-
25 tember 30, 2022, for necessary expenses to prevent, pre-

1 pare for, and respond to coronavirus, including to address
2 related economic, security, and stabilization requirements:
3 *Provided*, That such amount is designated by the Congress
4 as being for an emergency requirement pursuant to sec-
5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985.

7 GENERAL PROVISIONS—THIS TITLE

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

1 eign operations, and related programs to prevent, prepare
2 for, and respond to coronavirus.

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

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

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

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

22 SEC. 403. Paragraph (6)(B) under the heading “Ad-
23 ministration of Foreign Affairs, Diplomatic Programs” of
24 the Department of State, Foreign Operations, and Related
25 Programs Appropriations Act, 2020 (division G of Public

1 Law 116–94) is amended by striking “, not to exceed
2 \$10,000,000” and inserting in lieu thereof “for Worldwide
3 Security Protection, not to exceed \$100,000,000” and by
4 adding the following before the period at the end: “: *Pro-*
5 *vided*, That no amounts may be transferred from amounts
6 that were designated by the Congress for Overseas Contin-
7 gency Operations/Global War on Terrorism pursuant to
8 the Concurrent Resolution on the Budget or the Balanced
9 Budget and Emergency Deficit Control Act of 1985”: *Pro-*
10 *vided*, That the exercise of the authority provided by such
11 paragraph shall be subject to prior consultation with the
12 Committees on Appropriations of the House of Represent-
13 atives and the Senate.

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

21 SEC. 405. Funds appropriated by this title under the
22 headings “Diplomatic Programs”, “Global Health Pro-
23 grams”, “International Disaster Assistance”, and “Eco-
24 nomic Support Fund” may be used to reimburse accounts
25 administered by the Department of State and the United

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

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

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

1 until September 30, 2022, and every 180 days thereafter
2 until all funds have been expended, and shall include infor-
3 mation detailing how estimates and assumptions contained
4 in previous reports have changed, including obligations
5 and expenditures on a country and project basis.

6

TITLE V

7

GENERAL PROVISIONS—THIS ACT

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

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

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

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

24 (b) Subsection (a) shall not apply to section 301(c)
25 of this Act, or to reimbursements made pursuant to au-

1 thority in this Act, or to funds made available in this Act
2 for the Emergency Reserve Fund, established pursuant to
3 section 7058(c)(1) of division J of Public Law 115–31,
4 or to funds made available in this Act for the Infectious
5 Diseases Rapid Response Reserve Fund, established pur-
6 suant to section 231 of division B of Public Law 115–
7 245.

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

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

17 SEC. 507. Each amount designated in this Act 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 shall be available
21 (or rescinded or transferred, if applicable) only if the
22 President subsequently so designates all such amounts
23 and transmits such designations to the Congress.

24 SEC. 508. Any amount appropriated by this Act, des-
25 ignated by the Congress as an emergency requirement

1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
2 et and Emergency Deficit Control Act of 1985 and subse-
3 quently so designated by the President, and transferred
4 pursuant to transfer authorities provided by this Act shall
5 retain such designation.

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

9 **DIVISION B—TELEHEALTH**
10 **SERVICES DURING CERTAIN**
11 **EMERGENCY PERIODS**

12 **SEC. 101. SHORT TITLE.**

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

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

21 (a) IN GENERAL.—

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

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

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

5 (C) by inserting after paragraph (7) the
6 following new paragraph:

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

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

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

1 (2) DEFINITION OF QUALIFIED PROVIDER.—
2 Section 1135(g) of the Social Security Act (42
3 U.S.C. 1320b–5(g)) is amended by adding at the
4 end the following new paragraph:

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

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

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

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

1 (b) CLARIFICATION OF DEFINITIONS OF EMERGENCY
2 AREA AND EMERGENCY PERIOD.—Paragraph (1) of sec-
3 tion 1135(g) of the Social Security Act (42 U.S.C. 1320b-
4 5(g)) is amended to read as follows:

5 “(1) EMERGENCY AREA; EMERGENCY PE-
6 RIOD.—

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

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

16 “(ii) a public health emergency de-
17 clared by the Secretary pursuant to section
18 319 of the Public Health Service Act.

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

23 “(i) the public health emergency de-
24 clared by the Secretary pursuant to section
25 319 of the Public Health Service Act on

1 January 31, 2020, entitled ‘Determination
2 that a Public Health Emergency Exists
3 Nationwide as the Result of the 2019
4 Novel Coronavirus’; and
5 “(ii) any renewal of such declaration
6 pursuant to such section 319.”.

7 **SEC. 103. BUDGETARY EFFECTS.**

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

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

16 (c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—
17 Notwithstanding Rule 3 of the Budget Scorekeeping
18 Guidelines set forth in the joint explanatory statement of
19 the committee of conference accompanying Conference Re-
20 port 105–217 and section 250(c)(8) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985, the
22 budgetary effects of this division shall not be estimated—
23 (1) for purposes of section 251 of such Act; and

1 (2) 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.

 Passed the House of Representatives March 4,
2020.

Attest:

Clerk.

116TH CONGRESS
2^D SESSION

H. R. 6074

AN ACT

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