

116TH CONGRESS  
2D SESSION

# H. R. 8086

To provide additional appropriations for the public health and social services emergency fund, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 22, 2020

Mr. BURGESS introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide additional appropriations for the public health and social services emergency fund, 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, 2020:

1 DEPARTMENT OF HEALTH AND HUMAN  
2 SERVICES

3 OFFICE OF THE SECRETARY

4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY  
5 FUND

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Public Health and So-  
8 cial Services Emergency Fund”, \$29,000,000,000, to re-  
9 main available until September 30, 2024, to prevent, pre-  
10 pare for, and respond to coronavirus, domestically or  
11 internationally, including the development of necessary  
12 countermeasures and vaccines, prioritizing platform-based  
13 technologies with United States-based manufacturing ca-  
14 pabilities, the purchase of vaccines, therapeutics,  
15 diagnostics, necessary medical supplies, as well as medical  
16 surge capacity, addressing blood supply chain, workforce  
17 modernization, telehealth access and infrastructure, initial  
18 advanced manufacturing, novel dispensing, enhancements  
19 to the United States Commissioned Corps, and other pre-  
20 paredness and response activities: *Provided*, That funds  
21 appropriated under this paragraph in this Act may be  
22 used to develop and demonstrate innovations and enhance-  
23 ments to manufacturing platforms to support such capa-  
24 bilities: *Provided further*, That the Secretary of Health  
25 and Human Services shall purchase vaccines developed

1 using funds made available under this paragraph in this  
2 Act to respond to an outbreak or pandemic related to  
3 coronavirus in quantities determined by the Secretary to  
4 be adequate to address the public health need: *Provided*  
5 *further*, That products purchased by the Federal govern-  
6 ment with funds made available under this paragraph in  
7 this Act, including vaccines, therapeutics, and diagnostics,  
8 shall be purchased in accordance with Federal Acquisition  
9 Regulation guidance on fair and reasonable pricing: *Pro-*  
10 *vided further*, That the Secretary may take such measures  
11 authorized under current law to ensure that vaccines,  
12 therapeutics, and diagnostics developed from funds pro-  
13 vided in this Act will be affordable in the commercial mar-  
14 ket: *Provided further*, That in carrying out the previous  
15 proviso, the Secretary shall not take actions that delay the  
16 development of such products: *Provided further*, That the  
17 Secretary shall ensure that protections remain for individ-  
18 uals enrolled in group or individual health care coverage  
19 with pre-existing conditions, including those linked to  
20 coronavirus: *Provided further*, That products purchased  
21 with funds appropriated under this paragraph in this Act  
22 may, at the discretion of the Secretary of Health and  
23 Human Services, be deposited in the Strategic National  
24 Stockpile under section 319F-2 of the Public Health Serv-  
25 ice Act (42 U.S.C. 247d-6b): *Provided further*, That of

1 the amount appropriated under this paragraph in this Act,  
2 not more than \$2,000,000,000 shall be for the Strategic  
3 National Stockpile under section 319F–2(a) of such Act:  
4 *Provided further*, That funds appropriated under this  
5 paragraph in this Act may be transferred to, and merged  
6 with, the fund authorized by the Covered Counter Measure  
7 Process Fund under section 319F–4 of the Public Health  
8 Service Act (42 U.S.C. 247d–6e): *Provided further*, That  
9 of the amount appropriated under this paragraph in this  
10 Act, \$20,000,000,000 shall be available to the Biomedical  
11 Advanced Research and Development Authority for nec-  
12 essary expenses of manufacturing, production, and pur-  
13 chase, at the discretion of the Secretary, of vaccines,  
14 therapeutics, diagnostics, and small molecule active phar-  
15 maceutical ingredients, including the development, trans-  
16 lation, and demonstration at scale of innovations in manu-  
17 facturing platforms: *Provided further*, That funds in the  
18 previous proviso may be used for the construction or ren-  
19 ovation of United States-based next generation manufac-  
20 turing facilities, other than facilities owned by the United  
21 States Government: *Provided further*, That of the amount  
22 provided under this heading in this Act, \$6,000,000,000  
23 shall be for activities to plan, prepare for, promote, dis-  
24 tribute, administer, monitor, and track coronavirus vac-  
25 cines to ensure broad-based distribution, access, and vac-

1 cine coverage: *Provided further*, That the Secretary shall  
2 coordinate funding and activities outlined in the previous  
3 proviso through the Director of Centers for Disease Con-  
4 trol and Prevention: *Provided further*, That the Secretary,  
5 through the Director of Centers for Disease Control and  
6 Prevention, shall report to the Committees on Appropria-  
7 tions of the House of Representatives and the Senate with-  
8 in 60 days of enactment of this Act on a comprehensive  
9 coronavirus vaccine distribution strategy and spend plan  
10 that includes how existing infrastructure will be leveraged,  
11 enhancements or new infrastructure that may be built,  
12 considerations for moving and storing vaccines, guidance  
13 for how States and health care providers should prepare  
14 for, store, and administer vaccines, nationwide vaccination  
15 targets, funding that will be distributed to States, how an  
16 informational campaign to both the public and health care  
17 providers will be executed, and how the vaccine distribu-  
18 tion plan will focus efforts on high risk, underserved, and  
19 minority populations: *Provided further*, That such plan  
20 shall be updated and provided to the Committees on Ap-  
21 propriations of the House of Representatives and the Sen-  
22 ate 90 days after submission of the first plan: *Provided*  
23 *further*, That the Secretary shall notify the Committees  
24 on Appropriations of the House of Representatives and the  
25 Senate 2 days in advance of any obligation in excess of

1 \$50,000,000, including but not limited to contracts and  
2 interagency agreements, from funds provided in this para-  
3 graph in this Act: *Provided further*, That funds appro-  
4 priated under this paragraph in this Act may be used for  
5 the construction, alteration, or renovation of non-federally  
6 owned facilities for the production of vaccines, thera-  
7 peutics, diagnostics, and medical supplies where the Sec-  
8 retary determines that such a contract is necessary to se-  
9 cure sufficient amounts of such supplies: *Provided further*,  
10 That the not later than 30 days after enactment of this  
11 Act, and every 30 days thereafter until funds are ex-  
12 pended, the Secretary shall report to the Committees on  
13 Appropriations of the House of Representatives and the  
14 Senate on uses of funding for Operation Warp Speed, de-  
15 tailing current obligations by Department or Agency, or  
16 component thereof broken out by the coronavirus supple-  
17 mental appropriations Act that provided the source of  
18 funds: *Provided further*, That the plan outlined in the pre-  
19 vious proviso shall include funding by contract, grant, or  
20 other transaction in excess of \$20,000,000 with a notation  
21 of which Department or Agency, and component thereof  
22 is managing the contract: *Provided further*, That such  
23 amount is designated by the Congress as being for an  
24 emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
2 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

3 For an additional amount for “Public Health and So-  
4 cial Services Emergency Fund”, \$8,085,000,000, to re-  
5 main available until September 30, 2022, to prevent, pre-  
6 pare for, and respond to coronavirus, domestically or  
7 internationally: *Provided*, That \$7,600,000,000 of the  
8 funds appropriated under this paragraph in this Act shall  
9 be transferred to “Health Resources and Services Admin-  
10 istration—Primary Health Care” for grants, cooperative  
11 agreements, and other necessary expenses under the  
12 Health Centers Program, as defined by section 330 of the  
13 Public Health Service Act (42 U.S.C. 254b), including  
14 funding for alteration, renovation, construction, equip-  
15 ment, and other capital improvement costs, and including  
16 funding to support, maintain, or increase health center ca-  
17 pacity and staffing levels, as necessary, to meet the needs  
18 of areas affected by coronavirus: *Provided further*, That  
19 sections 330(r)(2)(B), 330(e)(3), 330(e)(6)(A)(iii), and  
20 330(e)(6)(B)(iii) of such Act shall not apply to funds in  
21 the preceding proviso: *Provided further*, That funding  
22 made available under this paragraph in this Act shall not  
23 be subject to requirements under the National Environ-  
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or  
25 the National Historic Preservation Act of 1966: *Provided*

1 *further*, That for the purposes of any funding provided for  
2 fiscal year 2020 for the Health Centers Program pursuant  
3 to section 330 of the Public Health Service Act (42 U.S.C.  
4 254b), maintaining current health center capacity and  
5 staffing levels during a public health emergency as a result  
6 of the coronavirus and any renewal of such declaration  
7 pursuant to such section 319 of this Act shall be deemed  
8 a cost of prevention, diagnosis, and treatment of  
9 coronavirus: *Provided further*, That \$250,000,000 of the  
10 funds appropriated under this paragraph in this Act shall  
11 be transferred to “Health Resources and Services Admin-  
12 istration—Bureau of Health Workforce”, to remain avail-  
13 able until September 30, 2022, for supplements to existing  
14 payments under subsections 340E(a) and (h)(1) notwith-  
15 standing the cap imposed by subsection (h)(1) and not-  
16 withstanding subsection (h)(6), for Children’s Hospitals  
17 Graduate Medical Education, to prevent, prepare for, and  
18 respond to coronavirus, domestically or internationally:  
19 *Provided further*, That \$5,000,000 of the funds appro-  
20 priated under this paragraph in this Act shall be trans-  
21 ferred to “Health Resources and Services Administra-  
22 tion—Health Care Systems”, to remain available until  
23 September 30, 2022, for activities under sections 1271  
24 and 1273 of the this Act to improve the capacity of poison  
25 control centers to respond to increased calls: *Provided fur-*

1 *ther*, That of the amount appropriated under this para-  
2 graph in this Act, \$225,000,000 shall be for grants or  
3 other mechanisms, to rural health clinics as defined in sec-  
4 tion 1861(aa)(2) of the Social Security Act (42 U.S.C.  
5 1395x(aa)(2)) with such funds also available to such enti-  
6 ties for building or construction of temporary structures,  
7 leasing of properties, and retrofitting facilities as nec-  
8 essary to support COVID–19 testing: *Provided further*,  
9 That such funds shall be distributed using the procedures  
10 developed for the Provider Relief Fund authorized under  
11 the third paragraph under this heading in division B of  
12 the Coronavirus Aid, Relief, and Economic Security Act  
13 (Public Law 116–136); may be distributed using contracts  
14 or agreements established for such program; and shall be  
15 subject to the process requirements applicable to such pro-  
16 gram: *Provided further*, That the Secretary may specify  
17 a minimum amount for each eligible entity accepting as-  
18 sistance under the two previous provisos: *Provided further*,  
19 That of the amount made available under this heading in  
20 this Act to prevent, prepare for, and respond to  
21 coronavirus, \$5,000,000, shall be available to implement  
22 section 747A of the PHS Act and section 747A(c) shall  
23 not apply to these funds: *Provided further*, That such  
24 amount is designated by the Congress as being for an  
25 emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
2 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

3 For an additional amount for “Public Health and So-  
4 cial Services Emergency Fund”, \$16,000,000,000, to re-  
5 main available until expended, to prevent, prepare for, and  
6 respond to coronavirus, domestically or internationally,  
7 which shall be for necessary expenses for testing, contact  
8 tracing, surveillance, containment, and mitigation to mon-  
9 itor and suppress COVID–19, including tests for both ac-  
10 tive infection and prior exposure, including molecular,  
11 antigen, and serological tests, the manufacturing, procure-  
12 ment and distribution of tests, testing equipment and test-  
13 ing supplies, including personal protective equipment  
14 needed for administering tests, the development and vali-  
15 dation of rapid, molecular point-of-care tests, and other  
16 tests, support for workforce, epidemiology, to scale up aca-  
17 demic, commercial, public health, and hospital labora-  
18 tories, to conduct surveillance and contact tracing, support  
19 development of COVID–19 testing plans, and other re-  
20 lated activities related to COVID–19 testing: *Provided*,  
21 That of the amount appropriated under this paragraph in  
22 this Act, not less than \$15,000,000,000 shall be for  
23 States, localities, territories, tribes, tribal organizations,  
24 urban Indian health organizations, or health service pro-  
25 viders to tribes for necessary expenses for testing, contact

1 tracing, surveillance, containment, and mitigation, includ-  
2 ing support for workforce, epidemiology, use by employers,  
3 elementary and secondary schools, child care facilities, in-  
4 stitutions of higher education, long-term care facilities, or  
5 in other settings, scale up of testing by public health, aca-  
6 demic, commercial, and hospital laboratories, and commu-  
7 nity-based testing sites, health care facilities, and other  
8 entities engaged in COVID–19 testing, and other related  
9 activities related to COVID–19 testing, contact tracing,  
10 surveillance, containment, and mitigation: *Provided fur-*  
11 *ther*, That the amount identified in the preceding proviso  
12 shall be allocated to States, localities, and territories ac-  
13 cording to the formula that applied to the Public Health  
14 Emergency Preparedness cooperative agreement in fiscal  
15 year 2019: *Provided further*, That not less than  
16 \$500,000,000 shall be allocated in coordination with the  
17 Director of the Indian Health Service, to tribes, tribal or-  
18 ganizations, urban Indian health organizations, or health  
19 service providers to tribes: *Provided further*, That the Sec-  
20 retary of Health and Human Services (referred to in this  
21 paragraph as the “Secretary”) may satisfy the funding  
22 thresholds outlined in the first and third provisos under  
23 this paragraph in this Act by making awards through  
24 other grant or cooperative agreement mechanisms: *Pro-*  
25 *vided further*, That the Governor or designee of each State,

1 locality, territory, tribe, or tribal organization receiving  
2 funds pursuant to this Act shall update their plans, as  
3 applicable, for COVID–19 testing and contact tracing sub-  
4 mitted to the Secretary pursuant to the Paycheck Protec-  
5 tion Program and Health Care Enhancement Act (Public  
6 Law 116–139) and submit such updates to the Secretary  
7 not later than 60 days after funds appropriated in this  
8 paragraph in this Act have been awarded to such recipient:  
9 *Provided further*, That funds an entity receives from  
10 amounts described in the first proviso in this paragraph  
11 may also be used for the rent, lease, purchase, acquisition,  
12 construction, alteration, renovation, or equipping of non-  
13 federally owned facilities to improve coronavirus prepared-  
14 ness and response capability at the State and local level:  
15 *Provided further*, That such amount is designated 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.

19 For an additional amount for “Public Health and So-  
20 cial Services Emergency Fund”, \$25,000,000,000, to re-  
21 main available until expended, to prevent, prepare for, and  
22 respond to coronavirus, domestically or internationally,  
23 which shall be for necessary expenses to reimburse,  
24 through grants or other mechanisms, eligible health care  
25 providers for health care related expenses or lost revenues

1 that are attributable to coronavirus: *Provided*, That these  
2 funds may not be used to reimburse expenses or losses  
3 that have been reimbursed from other sources or that  
4 other sources are obligated to reimburse: *Provided further*,  
5 That recipients of payments under this paragraph shall  
6 submit reports and maintain documentation as the Sec-  
7 retary determines are needed to ensure compliance with  
8 conditions that are imposed by this paragraph for such  
9 payments, and such reports and documentation shall be  
10 in such form, with such content, and in such time as the  
11 Secretary may prescribe for such purpose: *Provided fur-*  
12 *ther*, That “eligible health care providers” means public  
13 entities, Medicare or Medicaid enrolled suppliers and pro-  
14 viders, and such for-profit entities and not-for-profit enti-  
15 ties not otherwise described in this proviso as the Sec-  
16 retary may specify, within the United States (including  
17 territories), that provide diagnoses, testing, or care for in-  
18 dividuals with possible or actual cases of COVID–19: *Pro-*  
19 *vided further*, That the Secretary of Health and Human  
20 Services shall, on a rolling basis, review applications and  
21 make payments under this paragraph in this Act: *Provided*  
22 *further*, That funds appropriated under this paragraph in  
23 this Act shall be available for building or construction of  
24 temporary structures, leasing of properties, medical sup-  
25 plies and equipment including personal protective equip-

1 ment and testing supplies, increased workforce and  
2 trainings, emergency operation centers, retrofitting facili-  
3 ties, and surge capacity: *Provided further*, That, in this  
4 paragraph, the term “payment” means a pre-payment,  
5 prospective payment, or retrospective payment, as deter-  
6 mined appropriate by the Secretary: *Provided further*,  
7 That payments under this paragraph shall be made in con-  
8 sideration of the most efficient payment systems prac-  
9 ticable to provide emergency payment: *Provided further*,  
10 That to be eligible for a payment under this paragraph,  
11 an eligible health care provider shall submit to the Sec-  
12 retary of Health and Human Services an application that  
13 includes a statement justifying the need of the provider  
14 for the payment and the eligible health care provider shall  
15 have a valid tax identification number: *Provided further*,  
16 That, not later than 3 years after final payments are made  
17 under this paragraph, the Office of Inspector General of  
18 the Department of Health and Human Services shall  
19 transmit a final report on audit findings with respect to  
20 this program to the Committees on Appropriations of the  
21 House of Representatives and the Senate: *Provided fur-*  
22 *ther*, That nothing in this section limits the authority of  
23 the Inspector General or the Comptroller General to con-  
24 duct audits of interim payments at an earlier date: *Pro-*  
25 *vided further*, That not later than 60 days after the date

1 of enactment of this Act, the Secretary of Health and  
2 Human Services shall provide a report to the Committees  
3 on Appropriations of the House of Representatives and the  
4 Senate on obligation of funds, including obligations to  
5 such eligible health care providers summarized by State  
6 of the payment receipt: *Provided further*, That such re-  
7 ports shall be updated and submitted to such Committees  
8 every 60 days until funds are expended: *Provided further*,  
9 That such amount is designated by the Congress as being  
10 for an emergency requirement pursuant to section  
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
12 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

### 13 GENERAL PROVISIONS—THIS ACT

#### 14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 2. Funds appropriated by this Act may be used  
16 by the Secretary of the Department of Health and Human  
17 Services to appoint, without regard to the provisions of  
18 sections 3309 through 3319 of title 5 of the United States  
19 Code, candidates needed for positions to perform critical  
20 work relating to coronavirus for which—

- 21 (1) public notice has been given; and
- 22 (2) the Secretary of Health and Human Serv-  
23 ices has determined that such a public health threat  
24 exists.

1        SEC. 3. Funds made available by this Act may be  
2 used to enter into contracts with individuals for the provi-  
3 sion of personal services (as described in section 104 of  
4 part 37 of title 48, Code of Federal Regulations (48 CFR  
5 37.104)) to support the prevention of, preparation for, or  
6 response to coronavirus, domestically and internationally,  
7 subject to prior notification to the Committees on Appro-  
8 priations of the House of Representatives and the Senate:  
9 *Provided*, That such individuals may not be deemed em-  
10 ployees of the United States for the purpose of any law  
11 administered by the Office of Personnel Management: *Pro-*  
12 *vided further*, That the authority made available pursuant  
13 to this section shall expire on September 30, 2024.

14        SEC. 4. (a) If services performed by an employee dur-  
15 ing 2020 are determined by the head of the agency to be  
16 primarily related to preparation, prevention, or response  
17 to coronavirus, any premium pay for such services shall  
18 be disregarded in calculating the aggregate of such em-  
19 ployee's basic pay and premium pay for purposes of a limi-  
20 tation under section 5547(a) of title 5, United States  
21 Code, or under any other provision of law, whether such  
22 employee's pay is paid on a biweekly or calendar year  
23 basis.

1 (b) Any overtime pay for such services shall be dis-  
2 regarded in calculating any annual limit on the amount  
3 of overtime pay payable in a calendar or fiscal year.

4 (c) With regard to such services, any pay that is dis-  
5 regarded under either subsection (a) or (b) shall be dis-  
6 regarded in calculating such employee's aggregate pay for  
7 purposes of the limitation in section 5307 of such title 5.

8 (d)(1) Pay that is disregarded under subsection (a)  
9 or (b) shall not cause the aggregate of the employee's basic  
10 pay and premium pay for the applicable calendar year to  
11 exceed the rate of basic pay payable for a position at level  
12 II of the Executive Schedule under section 5313 of title  
13 5, United States Code, as in effect at the end of such cal-  
14 endar year.

15 (2) For purposes of applying this subsection to an  
16 employee who would otherwise be subject to the premium  
17 pay limits established under section 5547 of title 5, United  
18 States Code, "premium pay" means the premium pay paid  
19 under the provisions of law cited in section 5547(a).

20 (3) For purposes of applying this subsection to an  
21 employee under a premium pay limit established under an  
22 authority other than section 5547 of title 5, United States  
23 Code, the agency responsible for administering such limit  
24 shall determine what payments are considered premium  
25 pay.

1 (e) This section shall take effect as if enacted on Feb-  
2 ruary 2, 2020.

3 (f) If application of this section results in the pay-  
4 ment of additional premium pay to a covered employee of  
5 a type that is normally creditable as basic pay for retire-  
6 ment or any other purpose, that additional pay shall not—

7 (1) be considered to be basic pay of the covered  
8 employee for any purpose; or

9 (2) be used in computing a lump-sum payment  
10 to the covered employee for accumulated and ac-  
11 crued annual leave under section 5551 or section  
12 5552 of title 5, United States Code.

13 SEC. 5. The paragraph codified at 42 U.S.C. 231  
14 shall be applied in this and all other fiscal years as though  
15 the phrase “central services” referred to central services  
16 for any Federal agency, and this section shall be effective  
17 as if enacted on the date of the enactment of such para-  
18 graph.

19 SEC. 6. Funds appropriated by this Act under the  
20 heading “Department of Health and Human Services”,  
21 except for the amounts specified in the third and fourth  
22 paragraphs under the heading “Public Health and Social  
23 Services Emergency Fund”, may be transferred to, and  
24 merged with, other appropriation accounts under the  
25 headings “Centers for Disease Control and Prevention”,

1 “Public Health and Social Services Emergency Fund”,  
2 “Administration for Children and Families”, “Administra-  
3 tion for Community Living”, and “National Institutes of  
4 Health” to prevent, prepare for, and respond to  
5 coronavirus following consultation with the Office of Man-  
6 agement and Budget: *Provided*, That the Committees on  
7 Appropriations of the House of Representatives and the  
8 Senate shall be notified 10 days in advance of any such  
9 transfer: *Provided further*, That, upon a determination  
10 that all or part of the funds transferred from an appro-  
11 priation by this Act are not necessary, such amounts may  
12 be transferred back to that appropriation: *Provided fur-*  
13 *ther*, That none of the funds made available by this Act  
14 may be transferred pursuant to the authority in section  
15 205 of division A of Public Law 116–94 or section 241(a)  
16 of the Public Health Service Act (42 U.S.C. 238j(a)).

17       SEC. 7. Of the funds appropriated by this Act under  
18 the heading “Public Health and Social Services Emer-  
19 gency Fund”, up to \$6,000,000 shall be transferred to,  
20 and merged with, funds made available under the heading  
21 “Office of the Secretary, Office of Inspector General”, and  
22 shall remain available until expended, for oversight of ac-  
23 tivities supported with funds appropriated to the Depart-  
24 ment of Health and Human Services to prevent, prepare  
25 for, and respond to coronavirus, domestically or inter-

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

8       SEC. 8. Funds made available in Public Law 113–  
9 235 to the accounts of the National Institutes of Health  
10 that were available for obligation through fiscal year 2015  
11 shall be made available through fiscal year 2021 for the  
12 liquidation of valid obligations incurred in fiscal year  
13 2015: *Provided*, That such amount is designated by the  
14 Congress as being for an emergency requirement pursuant  
15 to section 251(b)(2)(A)(i) of the Balanced Budget and  
16 Emergency Deficit Control Act of 1985 (2 U.S.C.  
17 901(b)(2)(A)(i)) is amended.

18       SEC. 9. Section 675B(b)(3) of the Community Serv-  
19 ices Block Grant Act (42 U.S.C. 9906(b)(3)) shall not  
20 apply with respect to funds appropriated by the  
21 Coronavirus Aid, Relief, and Economic Security Act (Pub-  
22 lic Law 116–136) to carry out the Community Services  
23 Block Grant Act (42 U.S.C. 9901 et seq.): *Provided*, That  
24 the amounts repurposed in this section that were pre-  
25 viously are designated by the Congress as an emergency

1 requirement pursuant to section 251(b)(2)(A)(i) of the  
2 Balanced Budget and Emergency Deficit Control Act of  
3 1985 (2 U.S.C. 901(b)(2)(A)(i)).

4       SEC. 10. (a) Each amount designated in this Act by  
5 the Congress as being for an emergency requirement pur-  
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
7 and Emergency Deficit Control Act of 1985 shall be avail-  
8 able (or rescinded or transferred, if applicable) only if the  
9 President subsequently so designates all such amounts  
10 and transmits such designations to the Congress.

11       (b) Any amount appropriated by this Act, designated  
12 by the Congress as an emergency requirement pursuant  
13 to section 251(b)(2)(A)(i) of the Balanced Budget and  
14 Emergency Deficit Control Act of 1985 and subsequently  
15 so designated by the President, and transferred pursuant  
16 to transfer authorities provided by this Act shall retain  
17 such designation.

○