

116TH CONGRESS
2D SESSION

H. R. 8086

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

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

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:

For an additional amount for “Public Health and Social Services Emergency Fund”, \$29,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with United States-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the United States Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health 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.

○