

117TH CONGRESS
1ST SESSION

H. R. 1371

Making supplemental appropriations for the fiscal year ending September 30, 2021, providing coronavirus emergency response and relief, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

Mr. REED 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

Making supplemental appropriations for the fiscal year ending September 30, 2021, providing coronavirus emergency response and relief, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crush the Virus Act
5 of 2021”.

1 **SEC. 2. FUNDING FOR COVID-19 VACCINE ACTIVITIES AT**
2 **THE CENTERS FOR DISEASE CONTROL AND**
3 **PREVENTION.**

4 (a) IN GENERAL.—In addition to amounts otherwise
5 available, there is appropriated to the Secretary of Health
6 and Human Services (in this Act referred to as the “Sec-
7 retary”) for fiscal year 2021, out of any money in the
8 Treasury not otherwise appropriated, \$8,500,000,000, to
9 remain available until expended, to carry out activities to
10 plan, prepare for, promote, distribute, administer, mon-
11 itor, and track COVID–19 vaccines, working with States,
12 territories, and Tribes.

13 (b) USE OF FUNDS.—The Secretary, acting through
14 the Director of the Centers for Disease Control and Pre-
15 vention, and in consultation with other agencies, as appli-
16 cable, shall, in conducting activities referred to in sub-
17 section (a)—

18 (1) enhance, expand, and improve nationwide
19 COVID–19 vaccine distribution and administration,
20 including activities related to distribution of ancil-
21 lary medical products and supplies related to vac-
22 cines;

23 (2) provide for the vaccination of employees and
24 individuals working or residing in congregate set-
25 tings and other high-risk environments;

1 (3) provide information and public outreach,
2 that is culturally and linguistically appropriate, with
3 respect to vaccines licensed under section 351 of the
4 Public Health Service Act (42 U.S.C. 262) or au-
5 thorized under section 564 of the Federal Food,
6 Drug, and Cosmetic Act (21 U.S.C. 360bbb-3) in
7 order to strengthen vaccine confidence in the United
8 States, including its territories and possessions, par-
9 ticularly in minority and underserved communities
10 with low rates of vaccination; and

11 (4) provide technical assistance, guidance, and
12 support to, and award grants or cooperative agree-
13 ments to, State, local, Tribal, and territorial public
14 health departments for enhancement of COVID-19
15 vaccine distribution and administration capabilities,
16 including—

17 (A) the distribution and administration of
18 vaccines licensed under section 351 of the Pub-
19 lic Health Service Act (42 U.S.C. 262) or au-
20 thorized under section 564 of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 360bbb-3)
22 and ancillary medical products and supplies re-
23 lated to vaccines;

24 (B) the establishment and expansion, in-
25 cluding staffing support, of community vaccina-

tion centers, particularly in rural, frontier, and underserved areas;

(C) the deployment of mobile vaccination units, particularly in rural, frontier, and underserved areas;

(D) information technology, data, and reporting enhancements, including improvements necessary to support sharing of data related to vaccine distribution and vaccinations and systems that enhance vaccine safety, effectiveness, and uptake, particularly among underserved populations;

(E) facilities enhancements; and

(F) communication with the public regarding when, where, and how to receive COVID-19 vaccines.

**SEC. 3. FUNDING RESEARCH ON AND DEVELOPMENT OF
COVID-19 VACCINES, THERAPEUTICS, AND
MEDICAL SUPPLIES.**

In addition to amounts otherwise available, there is appropriated to the Public Health and Social Services Emergency Fund for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$11,500,000,000, to remain available until expended, for necessary expenses with respect to research, development,

1 manufacturing, production, and the purchase of vaccines,
2 therapeutics, and ancillary medical products and supplies
3 to prevent, prepare, or respond to—

4 (1) SARS-CoV-2 or any viral variant mutating
5 therefrom with pandemic potential; and

6 (2) COVID-19 or any disease with potential for
7 creating a pandemic.

8 **SEC. 4. FUNDING FOR COVID-19 TESTING, CONTACT TRAC-**
9 **ING, AND MITIGATION ACTIVITIES.**

10 (a) IN GENERAL.—In addition to amounts otherwise
11 available, there is appropriated to the Secretary for fiscal
12 year 2021, out of any money in the Treasury not otherwise
13 appropriated, \$50,000,000,000, to remain available until
14 expended, to carry out activities to detect, diagnose, trace,
15 and monitor SARS-CoV-2 and COVID-19 infections and
16 related strategies to mitigate the spread of COVID-19,
17 working with States, territories, and Tribes.

18 (b) USE OF FUNDS.—From amounts appropriated by
19 subsection (a), the Secretary shall—

20 (1) implement an evidence-based strategy for
21 testing, contact tracing, surveillance, and mitigation
22 with respect to SARS-CoV-2 and COVID-19;

23 (2) provide technical assistance, guidance, and
24 support, and award grants or cooperative agree-
25 ments to State, local, and territorial public health

1 departments for activities to detect, diagnose, trace,
2 and monitor SARS-CoV-2 and COVID-19 infec-
3 tions and related strategies and activities to mitigate
4 the spread of COVID-19;

5 (3) award grants or cooperative agreements to
6 State, local, Tribal, or territorial public health de-
7 partments or public health laboratories—

8 (A) to increase their capacity to sequence
9 genomes of circulating strains of viruses and
10 other organisms, including SARS-CoV-2;

11 (B) to identify mutations in viruses and
12 other organisms, including SARS-CoV-2;

13 (C) to use genomic sequencing to identify
14 outbreaks and clusters of diseases or infections,
15 including COVID-19; and

16 (D) to develop effective disease response
17 strategies based on genomic sequencing and
18 surveillance data;

19 (4) support the development, manufacturing,
20 procurement, distribution, and administration of
21 tests to detect or diagnose SARS-CoV-2 and
22 COVID-19, including supplies necessary for admin-
23 istering tests, such as personal protective equipment;

24 (5) establish and expand Federal, State, local,
25 and territorial testing and contact tracing capabili-

1 ties, including investments in laboratory capacity,
2 community-based testing sites, and mobile testing
3 units, particularly in rural, frontier, and medically
4 underserved areas;

5 (6) enhance information technology, data mod-
6 ernization, and reporting, including improvements
7 necessary to support sharing of data related to pub-
8 lic health capabilities;

9 (7) award grants to, or enter into cooperative
10 agreements or contracts with, State, local, and terri-
11 torial public health departments to establish, ex-
12 pand, and sustain a public health workforce; and

13 (8) to cover administrative and program sup-
14 port costs necessary to conduct activities related to
15 subparagraph (a).

16 **SEC. 5. FEDERAL EMERGENCY MANAGEMENT AGENCY AP-**
17 **PROPRIATION.**

18 In addition to amounts otherwise available, there is
19 appropriated to the Federal Emergency Management
20 Agency for fiscal year 2021, out of any money in the
21 Treasury not otherwise appropriated, \$30,000,000,000, to
22 remain available until September 30, 2025, for major dis-
23 asters declared pursuant to the Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42 U.S.C.
25 5121 et seq.).

1 **SEC. 6. COVID-19 EMERGENCY MEDICAL SUPPLIES EN-**
2 **HANCEMENT.**

3 (a) SUPPORTING ENHANCED USE OF THE DEFENSE
4 PRODUCTION ACT OF 1950.—In addition to funds other-
5 wise available, there is appropriated, for fiscal year 2021,
6 out of any money in the Treasury not otherwise appro-
7 priated, \$5,000,000,000, to remain available until Sep-
8 tember 30, 2025, to carry out titles I, III, and VII of the
9 Defense Production Act of 1950 (50 U.S.C. 4501 et seq.)
10 in accordance with subsection (b).

11 (b) MEDICAL SUPPLIES AND EQUIPMENT.—Amounts
12 appropriated in subsection (a) shall be used for the pur-
13 chase, production (including the construction, repair, and
14 retrofitting of government-owned or private facilities as
15 necessary), or distribution of medical supplies and equip-
16 ment (including durable medical equipment) related to
17 combating the COVID-19 pandemic, including—

18 (1) in vitro diagnostic products (as defined in
19 section 809.3(a) of title 21, Code of Federal Regula-
20 tions) for the detection of SARS-CoV-2 or the diag-
21 nosis of the virus that causes COVID-19, and the
22 reagents and other materials necessary for pro-
23 ducing, conducting, or administering such products,
24 and the machinery, equipment, laboratory capacity,
25 or other technology necessary to produce such prod-
26 ucts;

1 (2) face masks and personal protective equip-
2 ment, including face shields, nitrile gloves, N-95 fil-
3 tering facepiece respirators, and any other masks or
4 equipment (including durable medical equipment)
5 determined by the Secretary of Health and Human
6 Services to be needed to respond to the COVID-19
7 pandemic, and the materials, machinery, additional
8 manufacturing lines or facilities, or other technology
9 necessary to produce such equipment; and

10 (3) drugs and devices (as those terms are de-
11 fined in the Federal Food, Drug, and Cosmetic Act
12 (21 U.S.C. 301 et seq.)) and biological products (as
13 that term is defined by section 351 of the Public
14 Health Service Act (42 U.S.C. 262)) that are ap-
15 proved, cleared, licensed, or authorized under either
16 of such Acts for use in treating or preventing
17 COVID-19 and symptoms related to COVID-19,
18 and any materials, manufacturing machinery, addi-
19 tional manufacturing or fill-finish lines or facilities,
20 technology, or equipment (including durable medical
21 equipment) necessary to produce or use such drugs,
22 biological products, or devices (including syringes,
23 vials, or other supplies or equipment related to deliv-
24 ery, distribution, or administration).

1 (c) DELEGATION AUTHORITY.—For purposes of
 2 using amounts appropriated in subsection (a), the Presi-
 3 dent shall only delegate authority to, with respect to any
 4 uses described under subsection (b)—

5 (1) the Secretary of Health and Human Serv-
 6 ices; and

7 (2) the head of any other agency responsible for
 8 responding to the COVID–19 pandemic if the Presi-
 9 dent determines that such delegation is important to
 10 an effective response to such pandemic.

11 (d) APPLICATION OF LIMITATIONS UNDER THE DE-
 12 FENSE PRODUCTION ACT OF 1950.—The requirements
 13 described in section 304(e) of the Defense Production Act
 14 of 1950 (50 U.S.C. 4534(e)) shall not apply to the funds
 15 appropriated in subsection (a) until September 30, 2025.

16 **SEC. 7. PERSONAL PROTECTIVE EQUIPMENT.**

17 In addition to amounts otherwise available, there is
 18 appropriated to the Secretary for fiscal year 2021, out of
 19 any money in the Treasury not otherwise appropriated,
 20 \$5,000,000,000 to remain available until expended, for
 21 necessary expenses with respect to the manufacturing, ac-
 22 quisition, and distribution of personal protective equip-
 23 ment for preventing the spread of COVID–19.

1 **SEC. 8. STRATEGIC NATIONAL STOCKPILE.**

2 In addition to amounts otherwise available, there is
3 appropriated to the Secretary for fiscal year 2021, out of
4 any money in the Treasury not otherwise appropriated,
5 \$15,000,000,000, to remain available until expended, for
6 necessary expenses with respect to the procurement and
7 stockpile pursuant to section 319F–2 of the Public Health
8 Service Act (42 U.S.C. 247d–6b) of vaccines, therapeutics,
9 and ancillary medical products and supplies to prevent,
10 prepare, or respond to SARS–CoV–2 or any viral variant
11 mutating therefrom with pandemic potential, and
12 COVID–19.

13 **SEC. 9. PROVIDER RELIEF FUND.**

14 (a) In addition to amounts otherwise available, there
15 is appropriated for the Public Health and Social Services
16 Emergency Fund for fiscal year 2021, out of any money
17 in the Treasury not otherwise appropriated,
18 \$35,000,000,000, to remain available until expended, to
19 prevent, prepare for, and respond to COVID–19, domesti-
20 cally or internationally, for necessary expenses to reim-
21 burse, through grants or other mechanisms, eligible health
22 care providers for health care related expenses or lost reve-
23 nues that are attributable to coronavirus.

24 (b) Of the eligible health care providers that are re-
25 cipients of payments under this section, \$7,000,000,000
26 of such amount shall be for suppliers and providers located

1 in a rural area (as defined in section 1886(d)(2)(D) of
2 the Social Security Act (42 U.S.C. 1395ww(d)(2)(D))).

3 (c) These funds may not be used to reimburse ex-
4 penses or losses that have been reimbursed from other
5 sources or that other sources are obligated to reimburse.

6 (d) Recipients of payments under this section shall
7 submit reports and maintain documentation as the Sec-
8 retary determines are needed to ensure compliance with
9 conditions that are imposed by this section for such pay-
10 ments, and such reports and documentation shall be in
11 such form, with such content, and in such time as the Sec-
12 retary may prescribe for such purpose.

13 (e) The term “eligible health care providers” means
14 public entities, Medicare or Medicaid enrolled suppliers
15 and providers, and such for-profit entities and not-for-
16 profit entities not otherwise described in this subsection
17 as the Secretary may specify, within the United States (in-
18 cluding territories), that provide diagnoses, testing, or
19 care for individuals with possible or actual cases of
20 COVID–19.

21 (f) The Secretary of Health and Human Services
22 shall, on a rolling basis, review applications and make pay-
23 ments under this section in this Act.

24 (g) Funds appropriated under this section in this Act
25 shall be available for building or construction of temporary

1 structures, leasing of properties, medical supplies and
2 equipment including personal protective equipment and
3 testing supplies, increased workforce and trainings, emer-
4 gency operation centers, retrofitting facilities, and surge
5 capacity.

6 (h) In this section, the term “payment” means a pre-
7 payment, prospective payment, or retrospective payment,
8 as determined appropriate by the Secretary.

9 (i) Payments under this section shall be made in con-
10 sideration of the most efficient payment systems prac-
11 ticable to provide emergency payment.

12 (j) To be eligible for a payment under this section,
13 an eligible health care provider shall submit to the Sec-
14 retary of Health and Human Services an application that
15 includes a statement justifying the need of the provider
16 for the payment and the eligible health care provider shall
17 have a valid tax identification number.

18 (k) Not later than 3 years after final payments are
19 made under this section, the Office of Inspector General
20 of the Department of Health and Human Services shall
21 transmit a final report on audit findings with respect to
22 this program to the Committees on Appropriations of the
23 House of Representatives and the Senate.

1 (l) Nothing in this section limits the authority of the
2 Inspector General or the Comptroller General to conduct
3 audits of interim payments at an earlier date.

4 (m) Not later than 60 days after the date of enact-
5 ment of this Act, the Secretary of Health and Human
6 Services shall provide a report to the Committees on Ap-
7 propriations of the House of Representatives and the Sen-
8 ate on obligation of funds, including obligations to such
9 eligible health care providers summarized by State of the
10 payment receipt.

11 (n) Such reports shall be updated and submitted to
12 such Committees every 60 days until funds are expended.

13 **SEC. 10. FUNDING FOR BLOCK GRANTS FOR COMMUNITY**
14 **MENTAL HEALTH SERVICES.**

15 In addition to amounts otherwise available, there is
16 appropriated to the Secretary for fiscal year 2021, out of
17 any money in the Treasury not otherwise appropriated,
18 \$1,750,000,000, to remain available until expended, for
19 carrying out subpart I of part B of title XIX of the Public
20 Health Service Act (42 U.S.C. 300x et seq.), subpart III
21 of part B of title XIX of such Act (42 U.S.C. 300x–51
22 et seq.), and section 505(c) of such Act (42 U.S.C. 290aa–
23 4(c)) with respect to mental health. Notwithstanding sec-
24 tion 1952 of the Public Health Service Act (42 U.S.C.
25 300x–62), any amount awarded to a State out of amounts

1 appropriated by this section shall be expended by the State
2 by September 30, 2025.

3 **SEC. 11. FUNDING FOR BLOCK GRANTS FOR PREVENTION**
4 **AND TREATMENT OF SUBSTANCE ABUSE.**

5 In addition to amounts otherwise available, there is
6 appropriated to the Secretary for fiscal year 2021, out of
7 any money in the Treasury not otherwise appropriated,
8 \$1,750,000,000, to remain available until expended, for
9 carrying out subpart II of part B of title XIX of the Public
10 Health Service Act (42 U.S.C. 300x–21 et seq.), subpart
11 III of part B of title XIX of such Act (42 U.S.C. 300x–
12 51 et seq.), section 505(d) of such Act (42 U.S.C. 290aa–
13 4(d)) with respect to substance abuse, and section 515(d)
14 of such Act (42 U.S.C. 290bb–21(d)). Notwithstanding
15 section 1952 of the Public Health Service Act (42 U.S.C.
16 300x–62), any amount awarded to a State out of amounts
17 appropriated by this section shall be expended by the State
18 by September 30, 2025.

19 **SEC. 12. MISCELLANEOUS PROVISIONS.**

20 (a) **APPLICABLE REQUIREMENTS.**—Amounts appro-
21 priated by this Act are subject to the requirements con-
22 tained in Public Law 116–94 for funds for programs au-
23 thorized under sections 330 through 340 of the Public
24 Health Service Act (42 U.S.C. 254b et seq.).

1 (b) EMERGENCY DESIGNATION.—Amounts appro-
2 priated by this Act are designated by the Congress as
3 being for an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

○