

114TH CONGRESS
2D SESSION

H. R. 5243

Making appropriations for the fiscal year ending September 30, 2016, to strengthen public health activities in response to the Zika virus, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2016

Mr. ROGERS of Kentucky 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 appropriations for the fiscal year ending September 30, 2016, to strengthen public health activities in response to the Zika virus, 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, 2016, and for other pur-
6 poses, namely:

1 TITLE I
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 CENTERS FOR DISEASE CONTROL AND PREVENTION
5 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “CDC-Wide Activities
8 and Program Support”, \$170,000,000, which shall be
9 come available upon enactment of this Act and remain
10 available until September 30, 2016, to prevent, prepare
11 for, and respond to Zika virus, domestically and inter-
12 nationally: *Provided*, That products purchased with such
13 funds may, at the discretion of the Secretary of Health
14 and Human Services, be deposited in the Strategic Na-
15 tional Stockpile under section 319F–2 of the Public
16 Health Service (“PHS”) Act: *Provided further*, That such
17 funds may be used for purchase and insurance of official
18 motor vehicles in foreign countries: *Provided further*, That
19 the provisions of section 317S of the PHS Act shall apply
20 to the use of funds appropriated in this paragraph as de-
21 termined by the Director of the Centers for Disease Con-
22 trol and Prevention (“CDC”) to be appropriate: *Provided*
23 *further*, That funds appropriated in this paragraph may
24 be transferred by the Director of CDC to other accounts
25 of the CDC for the purposes provided in this paragraph:

1 *Provided further*, That of the funds appropriated under
2 this heading, up to \$50,000,000 may be transferred to,
3 and merged with, funds appropriated under the heading
4 “Health Resources and Services Administration—Mater-
5 nal and Child Health” for an additional amount for the
6 Maternal and Child Health Services Block Grant Program
7 only for the following activities related to patient care as-
8 sociated with the Zika virus: prenatal care, delivery care,
9 postpartum care, newborn health assessments, and care
10 for infants with special health care needs: *Provided fur-*
11 *ther*, That such transfer authority is in addition to any
12 other transfer authority provided by law: *Provided further*,
13 That such transferred funds may be awarded notwith-
14 standing section 502 of the Social Security Act: *Provided*
15 *further*, That such transferred funds may be awarded for
16 special projects of regional and national significance to
17 States, Puerto Rico, other Territories, Indian Tribes,
18 Tribal Organizations and Urban Indian Organizations au-
19 thorized under title V of such Act: *Provided further*, That
20 no funding provided by a grant from funds in the fifth
21 proviso may be used to make a grant to any other organi-
22 zation or individual.

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

5 For an additional amount for “National Institute of
6 Allergy and Infectious Diseases”, \$230,000,000, which
7 shall become available upon enactment of this Act and re-
8 main available until September 30, 2016, for preclinical
9 and clinical development of vaccines for the Zika virus:
10 *Provided*, That such funds may be transferred by the Di-
11 rector of the National Institutes of Health (“NIH”) to
12 other accounts of the NIH for the purposes provided in
13 this paragraph: *Provided further*, That such transfer au-
14 thority is in addition to any other transfer authority pro-
15 vided by law: *Provided further*, That such amount is des-
16 ignated by the Congress as an emergency requirement
17 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
18 et and Emergency Deficit Control Act of 1985, except that
19 such amount shall be available only if the President subse-
20 quently so designates such amount and transmits such
21 designation to the Congress.

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”, \$103,000,000, which
7 shall become available upon enactment of this Act and re-
8 main available until September 30, 2016, to develop nec-
9 essary countermeasures and vaccines, including the devel-
10 opment and purchase of vaccines, therapeutics,
11 diagnostics, necessary medical supplies, and administra-
12 tive activities to respond to Zika virus, domestically and
13 internationally: *Provided*, That funds appropriated in this
14 paragraph may be used to procure security counter-
15 measures (as defined in section 319F–2(c)(1)(B) of the
16 PHS Act): *Provided further*, That paragraphs (1) and
17 (7)(C) of subsection (c) of section 319F–2 of the PHS
18 Act, but no other provisions of such section, shall apply
19 to such security countermeasures procured with funds ap-
20 propriated in this paragraph: *Provided further*, That prod-
21 ucts purchased with funds appropriated in this paragraph
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 PHS Act: *Provided*
25 *further*, That funds appropriated in this paragraph may

1 be transferred to the fund authorized by section 319F–
 2 4 of the PHS Act: *Provided further*, That such amount
 3 is designated by the Congress as an emergency require-
 4 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
 5 Budget and Emergency Deficit Control Act of 1985, ex-
 6 cept that such amount shall be available only if the Presi-
 7 dent subsequently so designates such amount and trans-
 8 mits such designation to the Congress.

9 GENERAL PROVISIONS—THIS TITLE

10 NOTIFICATION REQUIREMENT

11 SEC. 101. Funds appropriated by this title shall only
 12 be available for obligation if the Secretary of Health and
 13 Human Services notifies the Committees on Appropria-
 14 tions in writing at least 15 days in advance of such obliga-
 15 tion: *Provided*, That the requirement of this section may
 16 be waived if failure to do so would pose a substantial risk
 17 to human health or welfare: *Provided further*, That in case
 18 of any such waiver, notification to such Committees shall
 19 be provided as early as practicable, but in no event later
 20 than 3 days after taking the action to which such notifica-
 21 tion requirement was applicable: *Provided further*, That
 22 any notification provided pursuant to such a waiver shall
 23 contain an explanation of the emergency circumstances.

REPORTING REQUIREMENT

SEC. 102. Not later than 30 days after enactment of this Act the Secretary of Health and Human Services shall submit to the Committees on Appropriations a consolidated report on the proposed uses of funds appropriated by this title for which the obligation of funds is anticipated: *Provided*, That such report shall be updated and submitted to such Committees every 30 days until all funds have been fully expended.

OVERSIGHT

SEC. 103. Of the funds appropriated by this title under the heading “Centers for Disease Control and Prevention”, up to—

(1) \$500,000 shall be transferred to, and merged with, funds available under the heading “Office of Inspector General”, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

(2) \$500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by the

1 title: *Provided*, That the Secretary of Health and
2 Human Services shall consult with the Committees
3 on Appropriations prior to obligating such funds.

4 TITLE II

5 DEPARTMENT OF STATE

6 ADMINISTRATION OF FOREIGN AFFAIRS

7 DIPLOMATIC AND CONSULAR PROGRAMS

8 For an additional amount for “Diplomatic and Con-
9 sular Programs”, \$9,100,000, which shall become avail-
10 able upon enactment of this Act and remain available until
11 September 30, 2016, for necessary expenses to support the
12 cost of medical evacuations and other response efforts re-
13 lated to the Zika virus and health conditions directly asso-
14 ciated with the Zika virus: *Provided*, That such amount
15 is designated by the Congress as an emergency require-
16 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985, ex-
18 cept that such amount shall be available only if the Presi-
19 dent subsequently so designates such amount and trans-
20 mits such designation to the Congress.

1 UNITED STATES AGENCY FOR INTERNATIONAL
2 DEVELOPMENT

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 OPERATING EXPENSES

5 For an additional amount for “Operating Expenses”,
6 \$10,000,000, which shall become available upon enact-
7 ment of this Act and remain available until September 30,
8 2016, for necessary expenses to support response efforts
9 related to the Zika virus and health conditions directly as-
10 sociated with the Zika virus: *Provided*, That such amount
11 is designated by the Congress as an emergency require-
12 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
13 Budget and Emergency Deficit Control Act of 1985, ex-
14 cept that such amount shall be available only if the Presi-
15 dent subsequently so designates such amount and trans-
16 mits such designation to the Congress.

17 BILATERAL ECONOMIC ASSISTANCE

18 FUNDS APPROPRIATED TO THE PRESIDENT

19 GLOBAL HEALTH PROGRAMS

20 For an additional amount for “Global Health Pro-
21 grams”, \$100,000,000, which shall become available upon
22 enactment of this Act and remain available until Sep-
23 tember 30, 2016, for vector control activities to prevent,
24 prepare for, and respond to the Zika virus internationally.

1 GENERAL PROVISIONS—THIS TITLE

2 TRANSFER AUTHORITIES

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 201. (a) Of the funds appropriated by this title
5 under the heading “Diplomatic and Consular Programs”,
6 up to—

7 (1) \$1,350,000 may be made available for med-
8 ical evacuation costs of any other department or
9 agency of the United States under Chief of Mission
10 authority and may be transferred to any other ap-
11 propriation of such department or agency for such
12 costs; and

13 (2) \$1,000,000 may be transferred to, and
14 merged with, funds available under the heading
15 “Emergencies in the Diplomatic and Consular Serv-
16 ice”.

17 (b) The transfer authorities provided by this section
18 are in addition to any other transfer authority provided
19 by law.

20 (c) Any amount transferred pursuant to this section
21 is designated by the Congress as an emergency require-
22 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
23 Budget and Emergency Deficit Control Act of 1985, ex-
24 cept that such amount shall be available only if the Presi-

1 dent subsequently so designates such amount and trans-
2 mits such designation to Congress.

3 (d) Upon a determination that all or part of the funds
4 transferred pursuant to the authorities provided by this
5 section are not necessary for such purposes, such amounts
6 may be transferred back to such appropriation.

7 NOTIFICATION REQUIREMENT

8 SEC. 202. Funds appropriated by this title shall only
9 be available for obligation if the Secretary of State or the
10 Administrator of the United States Agency for Inter-
11 national Development, as appropriate, notifies the Com-
12 mittees on Appropriations in writing at least 15 days in
13 advance of such obligation: *Provided*, That the require-
14 ment of this section may be waived if failure to do so
15 would pose a substantial risk to human health or welfare:
16 *Provided further*, That in case of any such waiver, notifica-
17 tion to such Committees shall be provided as early as prac-
18 ticable, but in no event later than 3 days after taking the
19 action to which such notification requirement was applica-
20 ble: *Provided further*, That any notification provided pur-
21 suant to such a waiver shall contain an explanation of the
22 emergency circumstances.

23 REPORTING REQUIREMENT

24 SEC. 203. Not later than 30 days after enactment
25 of this Act the Secretary of State, in consultation with

1 the Administrator of the United States Agency for Inter-
2 national Development, shall submit to the Committees on
3 Appropriations a consolidated report on the proposed uses
4 of funds appropriated by this title for which the obligation
5 of funds is anticipated: *Provided*, That such report shall
6 be updated and submitted to such Committees every 30
7 days until all funds have been fully expended.

8 OVERSIGHT

9 SEC. 204. Of the funds appropriated by this title
10 under the heading “Global Health Programs”, up to—

11 (1) \$500,000 shall be transferred to, and
12 merged with, funds available under the heading
13 “United States Agency for International Develop-
14 ment, Funds Appropriated to the President, Office
15 of Inspector General”, and shall remain available
16 until expended, for oversight of activities supported
17 with funds appropriated by this title: *Provided*, That
18 the transfer authority provided by this paragraph is
19 in addition to any other transfer authority provided
20 by law; and

21 (2) \$500,000 shall be made available to the
22 Comptroller General of the United States, and shall
23 remain available until expended, for oversight of ac-
24 tivities supported with funds appropriated by this
25 title: *Provided*, That the Secretary of State and the

1 Comptroller General shall consult with the Commit-
2 tees on Appropriations prior to obligating such
3 funds.

4 TITLE III

5 GENERAL PROVISIONS—THIS ACT

6 (INCLUDING RESCISSIONS OF FUNDS)

7 SEC. 301. (a) Of the unobligated balances of amounts
8 appropriated under title VI of the Departments of Labor,
9 Health and Human Services, and Education, and Related
10 Agencies Appropriations Act, 2015 (division G of Public
11 Law 113–235) and title IX of the Department of State,
12 Foreign Operations, and Related Programs Appropria-
13 tions Act, 2015 (division J of Public Law 113–235),
14 \$352,100,000 are rescinded: *Provided*, That after con-
15 sultation with the Secretary of State and the Secretary
16 of Health and Human Services, the Director of the Office
17 of Management and Budget (OMB Director) shall deter-
18 mine the accounts and amounts from which the rescission
19 is to be derived and apply the rescission made pursuant
20 to this subsection: *Provided further*, That not later than
21 30 days after enactment of this Act, the OMB Director
22 shall transmit a report to the Committees on Appropria-
23 tions detailing the amounts rescinded pursuant to this sec-
24 tion by agency, account, program, project, and activity.

1 (b) Of the unobligated balances available in the Non-
2 recurring expenses fund established in section 223 of divi-
3 sion G of Public Law 110–161 (42 U.S.C. 3514a) from
4 any fiscal year, including amounts transferred to the Non-
5 recurring expenses fund under that section before, on, or
6 after the date of enactment of this Act, \$270,000,000 are
7 rescinded.

8 SEC. 302. Unless otherwise provided for by this Act,
9 the additional amounts appropriated pursuant to this Act
10 for fiscal year 2016 are subject to the requirements for
11 funds contained in the Consolidated Appropriations Act,
12 2016 (Public Law 114–113).

13 This Act may be cited as the “Zika Response Appro-
14 priations Act, 2016”.

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