

114TH CONGRESS  
2D SESSION

# H. R. 5958

Making supplemental appropriations for fiscal year 2016 for Zika response and preparedness.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2016

Mr. CLAWSON of Florida (for himself, Mr. JOLLY, Mrs. KIRKPATRICK, and Ms. WILSON of Florida) 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

Making supplemental appropriations for fiscal year 2016 for Zika response and preparedness.

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 HEALTH RESOURCES AND SERVICES ADMINISTRATION  
5 PRIMARY HEALTH CARE

6 For an additional amount for fiscal year 2016 for  
7 “Primary Health Care”, \$40,000,000 to remain available  
8 until September 30, 2017, to prevent, prepare for, and re-  
9 spond to Zika virus, other vector-borne diseases, and re-  
10 lated health outcomes, domestically and internationally:  
11 *Provided*, That funds appropriated in this paragraph shall  
12 be used to expand the delivery of primary health services  
13 authorized by section 330 of the Public Health Service  
14 (“PHS”) Act in Puerto Rico and other territories: *Pro-*  
15 *vided further*, That such amount is designated by the Con-  
16 gress as an emergency requirement pursuant to section  
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
18 Deficit Control Act of 1985.

19 HEALTH WORKFORCE

20 For an additional amount for fiscal year 2016 for  
21 “Health Workforce”, \$6,000,000 to remain available until  
22 September 30, 2017, to prevent, prepare for, and respond  
23 to Zika virus, other vector-borne diseases, and related  
24 health outcomes, domestically and internationally: *Pro-*  
25 *vided*, That funds appropriated in this paragraph may, for

1 purposes of providing primary health services in areas af-  
2 fected by Zika virus or other vector-borne diseases, be  
3 used to assign National Health Service Corps (“NHSC”)  
4 members to Puerto Rico and other Territories, notwith-  
5 standing the assignment priorities and limitations in or  
6 under sections 333(a)(1)(D), 333(b), or 333A(a) of the  
7 PHS Act, and to make NHSC Loan Repayment Program  
8 awards under section 338B of such Act: *Provided further*,  
9 That for purposes of the previous proviso, section  
10 331(a)(3)(D) of the PHS Act shall be applied as if the  
11 term “primary health services” included health services re-  
12 garding pediatric subspecialists: *Provided further*, That  
13 such amount is designated by the Congress as an emer-  
14 gency requirement pursuant to section 251(b)(2)(A)(i) of  
15 the Balanced Budget and Emergency Deficit Control Act  
16 of 1985.

17 MATERNAL AND CHILD HEALTH

18 For an additional amount for fiscal year 2016 for  
19 “Maternal and Child Health”, \$5,000,000 to remain avail-  
20 able until September 30, 2017, to prevent, prepare for,  
21 and respond to Zika virus, other vector-borne diseases,  
22 and related health outcomes, domestically and internation-  
23 ally: *Provided*, That funds appropriated in this paragraph  
24 may be awarded for projects of regional and national sig-  
25 nificance in Puerto Rico and other Territories authorized

1 under section 501 of the Social Security Act, notwith-  
2 standing section 502 of such Act: *Provided further*, That  
3 such amount is designated by the Congress as an emer-  
4 gency requirement pursuant to section 251(b)(2)(A)(i) of  
5 the Balanced Budget and Emergency Deficit Control Act  
6 of 1985.

7 CENTERS FOR DISEASE CONTROL AND PREVENTION

8 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

9 For an additional amount for fiscal year 2016 for  
10 “CDC-Wide Activities and Program Support”,  
11 \$449,000,000, to remain available until September 30,  
12 2017, to prevent, prepare for, and respond to Zika virus,  
13 other vector-borne diseases, and related health outcomes,  
14 domestically and internationally; and to carry out titles  
15 II, III, and XVII of the PHS Act with respect to domestic  
16 preparedness and global health: *Provided*, That products  
17 purchased with these funds may, at the discretion of the  
18 Secretary of Health and Human Services, be deposited in  
19 the Strategic National Stockpile under section 319F–2 of  
20 the PHS Act: *Provided further*, That funds may be used  
21 for purchase and insurance of official motor vehicles in  
22 foreign countries: *Provided further*, That the provisions in  
23 section 317S of the PHS Act shall not apply to the use  
24 of funds appropriated in this paragraph: *Provided further*,  
25 That funds appropriated in this paragraph may be used

1 for grants for the construction, alteration, or renovation  
2 of non-federally owned facilities to improve preparedness  
3 and response capability at the State and local level: *Pro-*  
4 *vided further*, That of the amount appropriated in this  
5 paragraph, \$88,000,000 may be used to reimburse ac-  
6 counts administered by the Centers for Disease Control  
7 and Prevention for obligations incurred for Zika virus re-  
8 sponse prior to the enactment of this Act: *Provided fur-*  
9 *ther*, That such amount is designated by the Congress as  
10 an emergency requirement pursuant to section  
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
12 Deficit Control Act of 1985.

13 NATIONAL INSTITUTES OF HEALTH

14 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

15 DISEASES

16 For an additional amount for fiscal year 2016 for  
17 “National Institute of Allergy and Infectious Diseases”,  
18 \$200,000,000, to remain available until September 30,  
19 2017, to prevent, prepare for, and respond to Zika virus,  
20 other vector-borne diseases, and related health outcomes,  
21 domestically and internationally, including expenses re-  
22 lated to carrying out section 301 and title IV of the PHS  
23 Act: *Provided*, That such amount is designated by the  
24 Congress as an emergency requirement pursuant to sec-

1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
2 gency Deficit Control Act of 1985.

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 fiscal year 2016 for  
8 “Public Health and Social Services Emergency Fund”,  
9 \$150,000,000, to remain available until September 30,  
10 2017, to prevent, prepare for, and respond to Zika virus,  
11 other vector-borne diseases, and related health outcomes,  
12 domestically and internationally; to develop necessary  
13 countermeasures and vaccines, including the development  
14 and purchase of vaccines, therapeutics, diagnostics, nec-  
15 essary medical supplies, and administrative activities; for  
16 carrying out titles II, III, and XVII of the PHS Act with  
17 respect to domestic preparedness and global health; and  
18 for additional payments for distribution as provided for  
19 under the “Social Services Block Grant Program”: *Pro-*  
20 *vided*, That funds appropriated in this paragraph may be  
21 used to procure security countermeasures (as defined in  
22 section 319F–2(c)(1)(B) of the PHS Act, as amended by  
23 this Act): *Provided further*, That paragraphs (1) and  
24 (7)(C) of subsection (c) of section 319F–2 of the PHS  
25 Act, but no other provisions of such section, shall apply

1 to such security countermeasures procured with funds ap-  
2 propriated in this paragraph: *Provided further*, That prod-  
3 ucts purchased with funds appropriated in this paragraph  
4 may, at the discretion of the Secretary of Health and  
5 Human Services, be deposited in the Strategic National  
6 Stockpile under section 319F–2 of the PHS Act: *Provided*  
7 *further*, That countermeasures related to the Zika virus  
8 procured with funds appropriated in this paragraph shall  
9 be deemed to be security countermeasures as defined in  
10 section 319F–2(e)(1) of the PHS Act, and paragraph  
11 (7)(C), but no other provision, of such section 319F–2(e)  
12 shall apply to procurements of such countermeasures: *Pro-*  
13 *vided further*, That \$75,000,000 shall be transferred to  
14 “Social Services Block Grant” for health services, notwith-  
15 standing section 2005(a)(4) of the Social Security Act, in  
16 territories with active or local transmission cases of the  
17 Zika virus, as confirmed by the Centers for Disease Con-  
18 trol and Prevention: *Provided further*, That the Secretary  
19 of Health and Human Services shall distribute funds  
20 transferred to the “Social Services Block Grant” in this  
21 paragraph to such territories in accordance with objective  
22 criteria that are made available to the public: *Provided fur-*  
23 *ther*, That such amount is designated by the Congress as  
24 an emergency requirement pursuant to section

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

3                   GENERAL PROVISIONS—THIS TITLE  
4                   (INCLUDING TRANSFER OF FUNDS)

5           SEC. 501. For purposes of preventing, preparing for,  
6 and responding to Zika virus, other vector-borne diseases,  
7 and related health outcomes domestically and internation-  
8 ally, the Secretary of Health and Human Services may  
9 use funds provided in this title to acquire, lease, construct,  
10 alter, renovate, equip, furnish, or manage facilities outside  
11 of the United States, as necessary to conduct such pro-  
12 grams, in consultation with the Secretary of State, either  
13 directly for the use of the United States Government or  
14 for the use, pursuant to grants, direct assistance, or coop-  
15 erative agreements, of public or nonprofit private institu-  
16 tions or agencies in participating foreign countries.

17           SEC. 502. Funds appropriated by this title may be  
18 used by the heads of the Department of Health and  
19 Human Services, Department of State, and the Agency  
20 for International Development to appoint, without regard  
21 to the provisions of sections 3309 through 3319 of title  
22 5 of the United States Code, candidates needed for posi-  
23 tions to perform critical work relating to Zika response  
24 for which—

25                   (1) public notice has been given; and



1           (2) the Secretary of Health and Human Serv-  
2           ices has determined that such a public health threat  
3           exists.

4           SEC. 503. Funds appropriated in this title may be  
5 transferred to, and merged with, other appropriation ac-  
6 counts under the headings “Centers for Disease Control  
7 and Prevention”, “Public Health and Social Services  
8 Emergency Fund”, “Health Resources and Services Ad-  
9 ministration”, and “National Institutes of Health” for the  
10 purposes specified in this title following consultation with  
11 the Office of Management and Budget: *Provided*, That the  
12 Committees on Appropriations shall be notified 10 days  
13 in advance of any such transfer: *Provided further*, That,  
14 upon a determination that all or part of the funds trans-  
15 ferred from an appropriation are not necessary, such  
16 amounts may be transferred back to that appropriation:  
17 *Provided further*, That none of the funds made available  
18 by this title may be transferred pursuant to the authority  
19 in section 206 of division G of Public Law 113–235 or  
20 section 241(a) of the PHS Act.

21           SEC. 504. Not later than 30 days after enactment  
22 of this Act, the Secretary of Health and Human Services  
23 shall provide a detailed spend plan of anticipated uses of  
24 funds made available in this title, including estimated per-  
25 sonnel and administrative costs, to the Committees on Ap-

1 appropriations: *Provided*, That such plans shall be updated  
2 and submitted to the Committee on Appropriations of the  
3 Senate every 90 days until September 30, 2017, and every  
4 180 days thereafter until all funds have been fully ex-  
5 pended.

6 TITLE II

7 DEPARTMENT OF STATE

8 ADMINISTRATION OF FOREIGN AFFAIRS

9 DIPLOMATIC AND CONSULAR PROGRAMS

10 For an additional amount for fiscal year 2016 for  
11 “Diplomatic and Consular Programs”, \$14,594,000, to re-  
12 main available until September 30, 2017, for necessary ex-  
13 penses to support response efforts related to the Zika virus  
14 and related health outcomes, other vector-borne diseases,  
15 or other infectious diseases: *Provided*, That up to  
16 \$4,000,000 may be made available for medical evacuation  
17 costs of any other Department or agency of the United  
18 States under Chief of Mission authority, and may be  
19 transferred to any other appropriation of such Depart-  
20 ment or agency for such costs: *Provided further*, That such  
21 amount is designated by the Congress as an emergency  
22 requirement pursuant to section 251(b)(2)(A)(i) of the  
23 Balanced Budget and Emergency Deficit Control Act of  
24 1985.



1 Congress as an emergency requirement pursuant to sec-  
2 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
3 gency Deficit Control Act of 1985.

4 UNITED STATES AGENCY FOR INTERNATIONAL  
5 DEVELOPMENT

6 FUNDS APPROPRIATED TO THE PRESIDENT

7 OPERATING EXPENSES

8 For an additional amount for fiscal year 2016 for  
9 “Operating Expenses”, \$10,000,000, to remain available  
10 until September 30, 2017, for necessary expenses to sup-  
11 port response efforts related to the Zika virus and related  
12 health outcomes, other vector-borne diseases, or other in-  
13 fectious diseases: *Provided*, That such amount is des-  
14 ignated by the Congress as an emergency requirement  
15 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
16 et and Emergency Deficit Control Act of 1985.

17 BILATERAL ECONOMIC ASSISTANCE

18 FUNDS APPROPRIATED TO THE PRESIDENT

19 GLOBAL HEALTH PROGRAMS

20 For an additional amount for fiscal year 2016 for  
21 “Global Health Programs”, \$211,000,000, to remain  
22 available until expended, for necessary expenses for assist-  
23 ance or research to prevent, treat, or otherwise respond  
24 to the Zika virus and related health outcomes, other vec-  
25 tor-borne diseases, or other infectious diseases: *Provided*,

1 That such funds may be made available for multi-year  
2 funding commitments to incentivize the development of  
3 global health technologies, following consultation with the  
4 Committees on Appropriations: *Provided further*, That  
5 none of the funds appropriated in this title may be made  
6 available for the Grand Challenges for Development pro-  
7 gram: *Provided further*, That such amount is designated  
8 by the Congress as an emergency requirement pursuant  
9 to section 251(b)(2)(A)(i) of the Balanced Budget and  
10 Emergency Deficit Control Act of 1985.

11 INTERNATIONAL SECURITY ASSISTANCE

12 DEPARTMENT OF STATE

13 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND

14 RELATED PROGRAMS

15 For an additional amount for fiscal year 2016 for  
16 “Nonproliferation, Anti-terrorism, Demining and Related  
17 Programs”, \$4,000,000, to remain available until Sep-  
18 tember 30, 2017, for necessary expenses to support re-  
19 sponse and research efforts related to the Zika virus and  
20 related health outcomes, other vector-borne diseases, or  
21 other infectious diseases: *Provided*, That such amount is  
22 designated by the Congress as an emergency requirement  
23 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
24 et and Emergency Deficit Control Act of 1985.

1                                   MULTILATERAL ASSISTANCE  
2                                   FUNDS APPROPRIATED TO THE PRESIDENT  
3                                   INTERNATIONAL ORGANIZATIONS AND PROGRAMS

4           For an additional amount for fiscal year 2016 for  
5 “International Organizations and Programs”,  
6 \$13,500,000, to remain available until September 30,  
7 2017 for necessary expenses to support response and re-  
8 search efforts related to the Zika virus and related health  
9 outcomes, other vector-borne diseases, or other infectious  
10 diseases: *Provided*, That section 307(a) of the Foreign As-  
11 sistance Act of 1961 shall not apply to funds appropriated  
12 under this heading: *Provided further*, That such amount  
13 is designated by the Congress as an emergency require-  
14 ment pursuant to section 251(b)(2)(A)(i) of the Balanced  
15 Budget and Emergency Deficit Control Act of 1985.

16                                   GENERAL PROVISIONS—THIS TITLE  
17                                   (INCLUDING TRANSFER OF FUNDS)

18           SEC. 505. (a) Funds appropriated by this title under  
19 the headings “Global Health Programs”, “Nonprolifera-  
20 tion, Anti-terrorism, Demining and Related Programs”,  
21 “International Organizations and Programs”, and “Oper-  
22 ating Expenses” may be transferred to, and merged with,  
23 funds appropriated by this title under such headings to  
24 carry out the purposes of this title.

1 (b) Funds appropriated by this title under the head-  
2 ings “Diplomatic and Consular Programs”, “Emergencies  
3 in the Diplomatic and Consular Service”, and “Repatri-  
4 ation Loans Program Account” may be transferred to,  
5 and merged with, funds appropriated by this title under  
6 such headings to carry out the purposes of this title.

7 (c) The transfer authorities provided by this section  
8 are in addition to any other transfer authority provided  
9 by law.

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

14 (e) No funds shall be transferred pursuant to this  
15 section unless at least 15 days prior to making such trans-  
16 fer the Secretary of State or the Administrator of the  
17 United States Agency for International Development  
18 (USAID), as appropriate, notifies the Committees on Ap-  
19 propriations in writing of the details of any such transfer.

20 NOTIFICATION REQUIREMENT

21 SEC. 506. Funds appropriated by this title that are  
22 made available to respond to the Zika virus outbreak,  
23 other vector-borne diseases, or other infectious diseases  
24 shall not be available for obligation unless the Secretary  
25 of State or the USAID Administrator, as appropriate, no-

1 tifies the Committees on Appropriations in writing at least  
2 15 days in advance of such obligation.

3 SPEND PLAN REQUIREMENT

4 SEC. 507. Not later than 45 days after enactment  
5 of this Act and prior to the obligation of funds made avail-  
6 able by this title to respond to the Zika virus outbreak,  
7 other vector-borne diseases, or other infectious diseases,  
8 the Secretary of State and the USAID Administrator, as  
9 appropriate, shall submit spend plans to the Committees  
10 on Appropriations on the anticipated uses of funds on a  
11 country and project basis, including estimated personnel  
12 and administrative costs: *Provided*, That such plans shall  
13 be updated and submitted to the Committee on Appropria-  
14 tions every 90 days until September 30, 2017, and every  
15 180 days thereafter until all funds have been fully ex-  
16 pended.

17 COMPTROLLER GENERAL OVERSIGHT

18 SEC. 508. Of the funds appropriated by this title, up  
19 to \$500,000 shall be made available to the Comptroller  
20 General of the United States, to remain available until ex-  
21 pended, for oversight of activities supported pursuant to  
22 this title with funds appropriated by this title: *Provided*,  
23 That the Secretary of State and USAID Administrator,  
24 as appropriate, and the Comptroller General shall consult



1 with the Committees on Appropriations prior to obligating  
2 such funds.

3 RESCISSION

4 SEC. 509. Of the unobligated balances available  
5 under the heading “Operating Expenses” in title IX of  
6 the Department of State, Foreign Operations, and Related  
7 Programs Appropriations Act, 2015 (division J of Public  
8 Law 113–235), \$10,000,000 are rescinded: *Provided*,  
9 That such amounts are designated by the Congress as an  
10 emergency requirement pursuant to section  
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
12 Deficit Control Act of 1985.

13 TITLE III

14 GENERAL PROVISIONS—THIS ACT

15 EXTENSION OF AUTHORITIES AND PROVISIONS

16 SEC. 510. Unless otherwise provided for by this Act,  
17 the additional amounts appropriated pursuant to this Act  
18 for fiscal year 2016 are subject to the requirements for  
19 funds contained in the Consolidated Appropriations Act,  
20 2016 (Public Law 114–113).

21 PERSONAL SERVICE CONTRACTORS

22 SEC. 511. Funds made available by this Act to sup-  
23 port response efforts related to the Zika virus and related  
24 health outcomes, other vector-borne diseases, or other in-  
25 fectious diseases may be used to enter into contracts with

1 individuals for the provision of personal services (as de-  
2 scribed in section 104 of part 37 of title 48, Code of Fed-  
3 eral Regulations (48 CFR 37.104)), within the United  
4 States and abroad, subject to prior consultation with, and  
5 the notification procedures of, the Committees on Appro-  
6 priations: *Provided*, That such individuals may not be  
7 deemed employees of the United States for the purpose  
8 of any law administered by the Office of Personnel Man-  
9 agement.

10 DESIGNATION REQUIREMENT

11 SEC. 512. Each amount designated in this Act by the  
12 Congress as an emergency requirement pursuant to sec-  
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
14 gency Deficit Control Act of 1985 shall be available (or  
15 rescinded, if applicable) only if the President subsequently  
16 so designates all such amounts and transmits such des-  
17 ignations to the Congress.

18 EFFECTIVE DATE

19 SEC. 513. This Act shall become effective imme-  
20 diately upon enactment.

○