

114TH CONGRESS
2D SESSION

H. R. 6040

To provide supplemental appropriations to respond to the Zika virus, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2016

Mr. ROKITA 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 supplemental appropriations to respond 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Zero Impacted Kids
5 in America (ZIKA) Act”.

1 TITLE I
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES

4 The following sums are appropriated, out of any
5 money in the Treasury not otherwise appropriated, for the
6 fiscal year ending September 30, 2016, and for other pur-
7 poses, namely:

8 FOOD AND DRUG ADMINISTRATION
9 SALARIES AND EXPENSES

10 For an additional amount for “Salaries and Ex-
11 penses”, \$10,000,000, to remain available until expended,
12 to prevent, prepare for, and respond to Zika virus, other
13 vector-borne diseases, or other infectious diseases and re-
14 lated health outcomes, domestically and internationally,
15 and to develop necessary medical countermeasures and
16 vaccines, including the review, regulation, and post market
17 surveillance of vaccines and therapies, and administrative
18 activities: *Provided*, That such amount is designated by
19 the Congress as an emergency requirement pursuant to
20 section 251(b)(2)(A) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985, as amended: *Provided*
22 *further*, That such amount shall be available only if the
23 President designates such amount as an emergency re-
24 quirement pursuant to section 251(b)(2)(A).

1 CENTERS FOR DISEASE CONTROL AND PREVENTION
2 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “CDC-Wide Activities
5 and Program Support”, \$743,000,000, to remain avail-
6 able until expended, to prevent, prepare for, and respond
7 to Zika virus, other vector-borne diseases, or other infec-
8 tious diseases and related health outcomes, domestically
9 and internationally; and to carry out titles II, III, and
10 XVII of the Public Health Service (“PHS”) Act with re-
11 spect to domestic preparedness and global health: *Pro-*
12 *vided*, That products purchased with these funds may, at
13 the discretion of the Secretary of Health and Human
14 Services, be deposited in the Strategic National Stockpile
15 under section 319F–2 of the PHS Act: *Provided further*,
16 That funds may be used for purchase and insurance of
17 official motor vehicles in foreign countries: *Provided fur-*
18 *ther*, That the provisions in section 317S of the PHS Act
19 shall apply to the use of funds appropriated in this para-
20 graph as determined by the Director of the Centers for
21 Disease Control and Prevention (“CDC”) to be appro-
22 priate: *Provided further*, That funds appropriated in this
23 paragraph may be used for grants for the construction,
24 alteration, or renovation of nonfederally owned facilities
25 to improve preparedness and response capability at the

1 State and local level: *Provided further*, That funds appro-
2 priated in this paragraph may be used for acquisition of
3 real property (including long-term ground leases) and
4 equipment, and construction, demolition, or renovation of
5 facilities, including construction on leased land: *Provided*
6 *further*, That funds appropriated in this paragraph may
7 be transferred by the Director of CDC to other accounts
8 of the CDC for the purposes provided in this paragraph:
9 *Provided further*, That such transfer authority is in addi-
10 tion to any other transfer authority provided by law: *Pro-*
11 *vided further*, That, upon a determination that all or part
12 of the funds transferred from this appropriation are not
13 necessary for the purposes provided herein, such amounts
14 may be transferred back to this appropriation: *Provided*
15 *further*, That the amount appropriated in this paragraph
16 is designated by the Congress as an emergency require-
17 ment pursuant to section 251(b)(2)(A) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985, as
19 amended: *Provided further*, That such amount shall be
20 available only if the President designates such amount as
21 an emergency requirement pursuant to section
22 251(b)(2)(A).

1 NATIONAL INSTITUTES OF HEALTH
2 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
3 DISEASES

4 For an additional amount for “National Institute of
5 Allergy and Infectious Diseases”, \$277,000,000, to re-
6 main available until expended, to prevent, prepare for, and
7 respond to Zika virus, other vector-borne diseases, or
8 other infectious diseases and related health outcomes, do-
9 mestically and internationally, including expenses related
10 to carrying out section 301 and title IV of the PHS Act:
11 *Provided*, That such funds may be transferred by the Di-
12 rector of the National Institutes of Health (“NIH”) to
13 other accounts of the NIH for the purposes provided in
14 this paragraph: *Provided further*, That such transfer au-
15 thority is in addition to any other transfer authority pro-
16 vided by law: *Provided further*, That, upon a determination
17 that all or part of the funds transferred from this appro-
18 priation are not necessary for the purposes provided here-
19 in, such amounts may be transferred back to this appro-
20 priation: *Provided further*, That the amount appropriated
21 in this paragraph is designated by the Congress as an
22 emergency requirement pursuant to section 251(b)(2)(A)
23 of the Balanced Budget and Emergency Deficit Control
24 Act of 1985, as amended: *Provided further*, That such
25 amount shall be available only if the President designates

1 such amount as an emergency requirement pursuant to
2 section 251(b)(2)(A).

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”, \$233,000,000, to remain
9 available until expended, to prevent, prepare for, and re-
10 spond to Zika virus, other vector-borne diseases, or other
11 infectious diseases and related health outcomes, domesti-
12 cally and internationally; to develop necessary counter-
13 measures and vaccines, including the development and
14 purchase of vaccines, therapeutics, diagnostics, necessary
15 medical supplies, and administrative activities; for car-
16 rying out titles II, III, and XVII of the PHS Act with
17 respect to domestic preparedness and global health; and
18 for carrying out title III of the PHS Act and title V of
19 the Social Security Act to provide health care and related
20 services in areas affected by Zika virus: *Provided*, That
21 funds appropriated in this paragraph may be used to pro-
22 cure security countermeasures (as defined in section
23 319F–2(e)(1)(B) of the PHS Act, as amended by this
24 Act): *Provided further*, That paragraphs (1) and (7)(C)
25 of subsection (e) of section 319F–2 of the PHS Act, but

1 no other provisions of such section, shall apply to such
2 security countermeasures procured with funds appro-
3 priated in this paragraph: *Provided further*, That products
4 purchased with funds appropriated in this paragraph may,
5 at the discretion of the Secretary of Health and Human
6 Services, be deposited in the Strategic National Stockpile
7 under section 319F–2 of the PHS Act: *Provided further*,
8 That funds appropriated in this paragraph may be trans-
9 ferred to the fund authorized by section 319F–4 of the
10 PHS Act: *Provided further*, That funds appropriated in
11 this paragraph may, for purposes of providing primary
12 health services in areas affected by Zika virus, other vec-
13 tor-borne diseases, or other infectious diseases, be used to
14 assign National Health Service Corps (“NHSC”) mem-
15 bers to Puerto Rico and other territories, notwithstanding
16 the assignment priorities and limitations in or under sec-
17 tion 333(a)(1)(D), 333(b), or 333A(a) of the PHS Act,
18 and to make NHSC Loan Repayment Program awards
19 under section 338B of such Act: *Provided further*, That
20 funds may be awarded for projects of regional and na-
21 tional significance in Puerto Rico and other territories au-
22 thorized under section 501 of the Social Security Act, not-
23 withstanding section 502 of such Act: *Provided further*,
24 That funds may be used for the alteration or renovation
25 of nonfederally owned facilities to improve preparedness

1 and response capability at the State and local level: *Pro-*
2 *vided further*, That funds appropriated in this paragraph
3 may be transferred to other appropriations of the Depart-
4 ment of Health and Human Services, as determined by
5 the Secretary to be appropriate, to be used for the pur-
6 poses specified in this paragraph: *Provided further*, That
7 any transfers of these funds shall be made in consultation
8 with the Office of Management and Budget: *Provided fur-*
9 *ther*, That the transfer authority provided in this para-
10 graph is in addition to any other transfer authority pro-
11 vided by law: *Provided further*, That, upon a determination
12 that all or part of the funds transferred from this appro-
13 priation are not necessary for the purposes provided here-
14 in, such amounts may be transferred back to this appro-
15 priation: *Provided further*, That the amount appropriated
16 in this paragraph is designated by the Congress as an
17 emergency requirement pursuant to section 251(b)(2)(A)
18 of the Balanced Budget and Emergency Deficit Control
19 Act of 1985, as amended: *Provided further*, That such
20 amount shall be available only if the President designates
21 such amount as an emergency requirement pursuant to
22 section 251(b)(2)(A).

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

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3 SEC. 101. For purposes of preventing, preparing for,
4 and responding to Zika virus, other vector-borne diseases,
5 or other infectious diseases and related health outcomes
6 domestically and internationally, the Secretary of Health
7 and Human Services may use funds provided in this Act—

8 (1) to acquire, lease, construct, alter, renovate,
9 equip, furnish, or manage facilities outside of the
10 United States, as necessary to conduct such pro-
11 grams, in consultation with the Secretary of State,
12 either directly for the use of the United States Gov-
13 ernment or for the use, pursuant to grants, direct
14 assistance, or cooperative agreements, of public or
15 nonprofit private institutions or agencies in partici-
16 pating foreign countries; and

17 (2) to enter into contracts with individuals for
18 the provision of personal services (as described in
19 section 104 of part 37 of title 48, Code of Federal
20 Regulations (48 C.F.R. 37.104)), within the United
21 States and abroad: *Provided*, That such individuals
22 may not be deemed employees of the United States
23 for the purpose of any law administered by the Of-
24 fice of Personnel Management.

1 SEC. 102. Section 3304 of title 5, United States
2 Code, is amended by adding at the end the following new
3 subsection:

4 “(g) The heads of the Department of Health and
5 Human Services, Department of State, and the Agency
6 for International Development may appoint, without re-
7 gard to the provisions of sections 3309 through 3319, can-
8 didates needed for positions to perform critical work in
9 direct response to a public health threat requiring an im-
10 mediate response for which—

11 “(1) public notice has been given; and

12 “(2) the Secretary of Health and Human Serv-
13 ices has determined that such a public health threat
14 exists.”.

15 SEC. 103. Funds appropriated by this Act may be
16 used to reimburse accounts administered by the Depart-
17 ment of Health and Human Services for obligations in-
18 curred for Zika virus response prior to the date of the
19 enactment of this Act.

20 SEC. 104. Funds appropriated to the Department of
21 Health and Human Services in this Act may be trans-
22 ferred to and merged with other Federal accounts for pur-
23 poses specified in this Act following consultation with the
24 Office of Management and Budget: *Provided*, That such
25 transfer authority shall be in addition to any other trans-

1 fer authority provided by law: *Provided further*, That,
2 upon a determination that all or part of the funds trans-
3 ferred from an appropriation are not necessary, such
4 amounts may be transferred back to that appropriation.

5 SEC. 105. Section 319F-2(c)(1)(B) of the Public
6 Health Service Act (42 U.S.C. 247d-6b(c)(1)(B)) is
7 amended—

8 (1) in clause (i)(III)(bb), by striking “; or” and
9 inserting a semicolon;

10 (2) in clause (ii), by striking the period and in-
11 serting “; or”; and

12 (3) by adding at the end the following new
13 clause:

14 “(iii)(I) the Secretary determines to
15 be a necessary countermeasure to diag-
16 nose, mitigate, prevent, or treat harm from
17 any infectious disease that may pose a
18 threat to the public health; and

19 “(II)(aa) is approved or cleared under
20 chapter V of the Federal Food, Drug, and
21 Cosmetic Act, or licensed under section
22 351 of this Act; or

23 “(bb) is a countermeasure for which
24 the Secretary determines that sufficient
25 and satisfactory clinical experience or re-

1 search data (including data, if available,
2 from pre-clinical and clinical trials) sup-
3 port a reasonable conclusion that the coun-
4 termeasure will qualify for approval or li-
5 censing within 10 years after the date of a
6 determination under subclause (I).”.

7 SEC. 106. (a) The Secretary of Health and Human
8 Services (referred to in this section as the “Secretary”)
9 shall award grants to territories of the United States for
10 the purpose of combating the Zika virus.

11 (b) To be eligible to receive a grant under this sec-
12 tion, a territory shall submit to the Secretary a plan de-
13 scribing how the territory will use the grant funds. Within
14 30 days of receiving such a plan, the Secretary shall—

15 (1) approve any such plan that includes efforts
16 for combating the Zika virus through education, pre-
17 vention, testing, screening, treatment, services, or
18 evaluation efforts; or

19 (2) disapprove any such plan that contains ex-
20 traneous efforts not related to combating the Zika
21 virus.

22 (c) To carry out this section, there are authorized to
23 be appropriated, and there are appropriated,
24 \$250,000,000 for fiscal year 2016. Any unobligated funds

1 available on October 1, 2018, shall be returned to the gen-
2 eral fund of the Treasury.

3 (d) For purposes of this section, the term “territory”
4 means Puerto Rico, Guam, American Samoa, the Com-
5 monwealth of the Northern Mariana Islands, or the
6 United States Virgin Islands.

7 (e) Amounts made available to carry out this section
8 shall be designated by the Congress as an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985,
11 except that such amounts shall be available only if the
12 President subsequently so designates such amounts and
13 transmits such designation to the Congress.

14 TITLE II

15 DEPARTMENT OF STATE

16 The following sums are appropriated, out of any
17 money in the Treasury not otherwise appropriated, for the
18 fiscal year ending September 30, 2016, and for other pur-
19 poses, namely:

20 ADMINISTRATION OF FOREIGN AFFAIRS

21 DIPLOMATIC AND CONSULAR PROGRAMS

22 For an additional amount for “Diplomatic and Con-
23 sular Programs”, \$14,594,000, to remain available until
24 September 30, 2017, for necessary expenses to support re-
25 sponse efforts related to the Zika virus and related health

1 quently so designates such amounts and transmits such
2 designation to the Congress.

3 REPATRIATION LOANS PROGRAM ACCOUNT

4 For an additional amount for “Repatriation Loans
5 Program Account” for the cost of direct loans,
6 \$1,000,000, to support the response efforts related to the
7 Zika virus and related health outcomes, other vector-borne
8 diseases, or other infectious diseases, to remain available
9 until expended: *Provided*, That such costs, including the
10 cost of modifying such loans, shall be as defined in section
11 502 of the Congressional Budget Act of 1974: *Provided*
12 *further*, That such funds are available to subsidize an addi-
13 tional amount of gross obligations for the principal
14 amount of direct loans not to exceed \$1,880,406: *Provided*
15 *further*, That such amount is designated by the Congress
16 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, except that such amounts
19 shall be available only if the President subsequently so
20 designates such amounts and transmits such designation
21 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, to remain available until September 30,
7 2017, for necessary expenses to support response efforts
8 related to the Zika virus and related health outcomes,
9 other vector-borne diseases, or other infectious diseases:
10 *Provided*, That such amounts are designated by the Con-
11 gress as an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985, except that such amounts
14 shall be available only if the President subsequently so
15 designates such amounts and transmits such designation
16 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”, \$325,000,000, to remain available until ex-
22 pended, for necessary expenses for assistance or research
23 to prevent, treat, or otherwise respond to the Zika virus
24 and related health outcomes, other vector-borne diseases,
25 or other infectious diseases: *Provided*, That funds appro-

1 priated under this heading may be made available for
2 multi-year funding commitments to incentivize the devel-
3 opment of global health technologies: *Provided further*,
4 That such amounts are designated by the Congress as an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985, except that such amounts
8 shall be available only if the President subsequently so
9 designates such amounts and transmits such designation
10 to the Congress.

11 INTERNATIONAL SECURITY ASSISTANCE

12 DEPARTMENT OF STATE

13 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND

14 RELATED PROGRAMS

15 For an additional amount for “Nonproliferation,
16 Anti-Terrorism, Demining and Related Programs”,
17 \$8,000,000, to remain available until September 30, 2017,
18 for necessary expenses to support response and research
19 efforts related to the Zika virus and related health out-
20 comes, other vector-borne diseases, or other infectious dis-
21 eases: *Provided*, That such amounts are designated by the
22 Congress as an emergency requirement pursuant to sec-
23 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985, except that such
25 amounts shall be available only if the President subse-

1 quently so designates such amounts and transmits such
2 designation to the Congress.

3 MULTILATERAL ASSISTANCE

4 FUNDS APPROPRIATED TO THE PRESIDENT

5 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

6 For an additional amount for “International Organi-
7 zations and Programs”, \$13,500,000, to remain available
8 until September 30, 2017, for necessary expenses to sup-
9 port response and research efforts related to the Zika
10 virus and related health outcomes, other vector-borne dis-
11 eases, or other infectious diseases: *Provided*, That such
12 amounts are designated by the Congress as an emergency
13 requirement pursuant to section 251(b)(2)(A)(i) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985, except that such amounts shall be available only if
16 the President subsequently so designates such amounts
17 and transmits such designation to the Congress.

18 GENERAL PROVISIONS—THIS TITLE

19 TRANSFER AUTHORITY

20 SEC. 201. (a) Funds appropriated by this title under
21 the headings “Global Health Programs”, “Nonprolifera-
22 tion, Anti-Terrorism, Demining and Related Programs”,
23 “International Organizations and Programs”, and “Oper-
24 ating Expenses” may be transferred to, and merged with,

1 funds appropriated by this title under such headings to
2 carry out the purposes of this Act.

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

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

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

16 REIMBURSEMENT AUTHORITY

17 SEC. 202. Funds appropriated by this Act may be
18 used to reimburse accounts administered by the United
19 States Agency for International Development and the De-
20 partment of State for obligations incurred for Zika virus
21 response prior to the date of the enactment of this Act.

22 AVAILABILITY OF FUNDS FOR INTERNATIONAL

23 ORGANIZATIONS

24 SEC. 203. Section 307(a) of the Foreign Assistance
25 Act of 1961 shall not apply to funds appropriated by this
26 Act.

PERSONAL SERVICE CONTRACTORS

1
2 SEC. 204. Funds available in this Act to support re-
3 sponse efforts related to the Zika virus and related health
4 outcomes, other vector-borne diseases, or other infectious
5 diseases may be used to enter into contracts with individ-
6 uals for the provision of personal services (as described
7 in section 104 of part 37 of title 48, Code of Federal Reg-
8 ulations (48 C.F.R. 37.104)) in the United States or
9 abroad: *Provided*, That such individuals may not be
10 deemed employees of the United States for the purpose
11 of any law administered by the Office of Personnel Man-
12 agement.

TITLE III

GENERAL PROVISIONS—THIS ACT

ADJUSTMENT TO ALLOTMENTS UNDER THE PROGRAM OF
BLOCK GRANTS TO STATES FOR SOCIAL SERVICES

13
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16
17 SEC. 301. Section 2003(c) of the Social Security Act
18 (42 U.S.C. 1397b(c)) is amended—

19 (1) in paragraph (10), by striking “and” at the
20 end;

21 (2) in paragraph (11), by striking “the fiscal
22 year 2001 and each fiscal year thereafter.” and in-
23 sserting “for fiscal year 2001 through fiscal year
24 2016;”; and

25 (3) by adding at the end the following:

1 “(12) \$1,487,257,866 for fiscal year 2017
2 through fiscal year 2025; and

3 “(13) \$1,700,000,000 for fiscal year 2026 and
4 each fiscal year thereafter.”.

○