

MOTION TO RECOMMIT

_____ moves to recommit H.R. 5243 to the Committee on Appropriations and Committee on the Budget with instructions to report the same to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

1 TITLE I
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 FOOD AND DRUG ADMINISTRATION
5 SALARIES AND EXPENSES

6 For an additional amount for “Salaries and Ex-
7 penses”, \$10,000,000, to remain available until expended,
8 to prevent, prepare for, and respond to Zika virus, other
9 vector-borne diseases, or other infectious diseases and re-
10 lated health outcomes, domestically and internationally,
11 and to develop necessary medical countermeasures and
12 vaccines, including the review, regulation, and post market
13 surveillance of vaccines and therapies, and administrative
14 activities: *Provided*, That such amount is designated by
15 the Congress as an emergency requirement pursuant to

1 heading as determined by the Director of the Centers for
2 Disease Control and Prevention ('CDC') to be appro-
3 priate: *Provided further*, That funds appropriated under
4 this heading may be used for grants for the construction,
5 alteration, or renovation of nonfederally owned facilities
6 to improve preparedness and response capability at the
7 State and local level: *Provided further*, That funds appro-
8 priated under this heading may be used for acquisition of
9 real property (including long-term ground leases) and
10 equipment, and construction, demolition, or renovation of
11 facilities, including construction on leased land: *Provided*
12 *further*, That funds appropriated under this heading may
13 be transferred by the Director of CDC to other accounts
14 of the CDC for the purposes provided under this heading:
15 *Provided further*, That such transfer authority is in addi-
16 tion to any other transfer authority provided by law: *Pro-*
17 *vided further*, That, upon a determination that all or part
18 of the funds transferred from this appropriation are not
19 necessary for the purposes provided herein, such amounts
20 may be transferred back to this appropriation: *Provided*
21 *further*, That such amount is designated by the Congress
22 as an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985, except that such amounts
25 shall be available only if the President subsequently so

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

3 NATIONAL INSTITUTES OF HEALTH
4 NATIONAL INSTITUTE OF ALLERGY AND
5 INFECTIOUS DISEASES

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

1 such amounts shall be available only if the President sub-
2 sequently so designates such amounts and transmits such
3 designation to the Congress.

4 OFFICE OF THE SECRETARY
5 PUBLIC HEALTH AND SOCIAL SERVICES
6 EMERGENCY FUND
7 (INCLUDING TRANSFER OF FUNDS)

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

1 of subsection (e) of section 319F–2 of the PHS Act, but
2 no other provisions of such section, shall apply to such
3 security countermeasures procured with funds appro-
4 priated under this heading: *Provided further*, That prod-
5 ucts purchased with funds appropriated under this head-
6 ing may, at the discretion of the Secretary of Health and
7 Human Services, be deposited in the Strategic National
8 Stockpile under section 319F–2 of the PHS Act: *Provided*
9 *further*, That funds appropriated under this heading may
10 be transferred to the Covered Countermeasure Process
11 Fund established under section 319F–4 of the PHS Act:
12 *Provided further*, That funds appropriated under this
13 heading may, for purposes of providing primary health
14 services in areas affected by Zika virus, other vector-borne
15 diseases, or other infectious diseases, be used to assign
16 National Health Service Corps (“NHSC”) members to
17 Puerto Rico and other territories, notwithstanding the as-
18 signment priorities and limitations in or under sections
19 333(a)(1)(D), 333(b), or 333A(a) of the PHS Act, and
20 to make National Health Service Corps Loan Repayment
21 Program awards under section 338B of such Act: *Pro-*
22 *vided further*, That funds may be awarded for projects of
23 regional and national significance in Puerto Rico and
24 other territories authorized under section 501 of the Social
25 Security Act, notwithstanding section 502 of such Act:

1 *Provided further*, That funds may be used for the alter-
2 ation or renovation of nonfederally owned facilities to im-
3 prove preparedness and response capability at the State
4 and local level: *Provided further*, That funds appropriated
5 under this heading may be transferred to other appropria-
6 tions of the Department of Health and Human Services,
7 as determined by the Secretary to be appropriate, to be
8 used for the purposes specified under this heading: *Pro-*
9 *vided further*, That any transfers of these funds shall be
10 made in consultation with the Office of Management and
11 Budget: *Provided further*, That the transfer authority pro-
12 vided under this heading is in addition to any other trans-
13 fer authority provided by law: *Provided further*, That,
14 upon a determination that all or part of the funds trans-
15 ferred from this appropriation are not necessary for the
16 purposes provided herein, such amounts may be trans-
17 ferred back to this appropriation: *Provided further*, That
18 such amount is designated by the Congress as an emer-
19 gency requirement pursuant to section 251(b)(2)(A)(i) of
20 the Balanced Budget and Emergency Deficit Control Act
21 of 1985, except that such amounts shall be available only
22 if the President subsequently so designates such amounts
23 and transmits such designation to the Congress.

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 funds so trans-
3 ferred from an account are not necessary, such amounts
4 may be transferred back to that account.

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)(1) For purposes of title XIX of the So-
8 cial Security Act, for the one-year period beginning with
9 the first day of the first full fiscal quarter following the
10 date of the enactment of this section, the Federal medical
11 assistance percentage (“FMAP”) under section 1905(b)
12 of such Act for the territories specified in paragraph (2)
13 shall be increased from 55 percent to 65 percent. Any net
14 increase in payment to such a territory under section
15 1903(a) of such Act, which is attributable to such in-
16 creased FMAP, shall be disregarded in applying sections
17 1108(f) and 1108(g) of such Act to the territory.

18 (2) The territories specified in this paragraph are the
19 Commonwealth of Puerto Rico, the United States Virgin
20 Islands, Guam, American Samoa, and the Northern Mar-
21 iana Islands.

22 (b) With respect to the amount needed for purposes
23 of implementing the increased FMAP under subsection (a)
24 for each of fiscal years 2016 and 2017, such amount is
25 designated by the Congress as an emergency requirement

1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
2 et and Emergency Deficit Control Act of 1985, except that
3 such amounts shall be available only if the President sub-
4 sequently so designates such amounts and transmits such
5 designation to the Congress.

6

TITLE II

7

DEPARTMENT OF STATE

8

ADMINISTRATION OF FOREIGN AFFAIRS

9

DIPLOMATIC AND CONSULAR PROGRAMS

10 For an additional amount for “Diplomatic and Con-
11 sular Programs”, \$14,594,000, to remain available until
12 September 30, 2017, for necessary expenses to support re-
13 sponse efforts related to the Zika virus and related health
14 outcomes, other vector-borne diseases, or other infectious
15 diseases: *Provided*, That up to \$2,419,000 may be made
16 available for medical evacuation costs of any other Depart-
17 ment or agency of the United States under the chief of
18 mission authority, and may be transferred to any other
19 appropriation of such Department or agency for such
20 costs: *Provided further*, That such amount is designated
21 by the Congress as an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985, except that such
24 amounts shall be available only if the President subse-

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

3 EMERGENCIES IN THE DIPLOMATIC AND
4 CONSULAR SERVICE

5 For an additional amount for “Emergencies in the
6 Diplomatic and Consular Services”, \$4,000,000 for nec-
7 essary expenses to support response efforts related to the
8 Zika virus and related health outcomes, other vector-borne
9 diseases, or other infectious diseases, to remain available
10 until expended: *Provided*, That such amount is designated
11 by the Congress as an emergency requirement pursuant
12 to section 251(b)(2)(A)(i) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985, except that such
14 amounts shall be available only if the President subse-
15 quently so designates such amounts and transmits such
16 designation to the Congress.

17 REPATRIATION LOANS PROGRAM ACCOUNT

18 For an additional amount for “Repatriation Loans
19 Program Account” for the cost of direct loans,
20 \$1,000,000, to support the response efforts related to the
21 Zika virus and related health outcomes, other vector-borne
22 diseases, or other infectious diseases, to remain available
23 until expended: *Provided*, That such costs, including the
24 cost of modifying such loans, shall be as defined in section
25 502 of the Congressional Budget Act of 1974: *Provided*

1 *further*, That such funds are available to subsidize an addi-
2 tional amount of gross obligations for the principal
3 amount of direct loans not to exceed \$1,880,406: *Provided*
4 *further*, That such amount is designated by the Congress
5 as an 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 UNITED STATES AGENCY FOR INTERNATIONAL
12 DEVELOPMENT
13 FUNDS APPROPRIATED TO THE PRESIDENT
14 OPERATING EXPENSES

15 For an additional amount for “Operating Expenses”,
16 \$10,000,000, to remain available until September 30,
17 2017, for necessary expenses to support response efforts
18 related to the Zika virus and related health outcomes,
19 other vector-borne diseases, or other infectious diseases:
20 *Provided*, That such amounts are designated by the Con-
21 gress as an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985, except that such amounts
24 shall be available only if the President subsequently so

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

3 BILATERAL ECONOMIC ASSISTANCE
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 GLOBAL HEALTH PROGRAMS

6 For an additional amount for “Global Health Pro-
7 grams”, \$325,000,000, to remain available until ex-
8 pended, for necessary expenses for assistance or research
9 to prevent, treat, or otherwise respond to the Zika virus
10 and related health outcomes, other vector-borne diseases,
11 or other infectious diseases: *Provided*, That funds appro-
12 priated under this heading may be made available for
13 multi-year funding commitments to incentivize the devel-
14 opment of global health technologies: *Provided further*,
15 That such amounts are designated by the Congress as an
16 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 INTERNATIONAL SECURITY ASSISTANCE
2 DEPARTMENT OF STATE
3 NONPROLIFERATION, ANTI-TERRORISM,
4 DEMINEING AND RELATED PROGRAMS

5 For an additional amount for “Nonproliferation,
6 Anti-Terrorism, Demining and Related Programs”,
7 \$8,000,000, to remain available until September 30, 2017,
8 for necessary expenses to support response and research
9 efforts related to the Zika virus and related health out-
10 comes, other vector-borne diseases, or other infectious dis-
11 eases: *Provided*, That such amounts are designated 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, except that such
15 amounts shall be available only if the President subse-
16 quently so designates such amounts and transmits such
17 designation to the Congress.

18 MULTILATERAL ASSISTANCE
19 FUNDS APPROPRIATED TO THE PRESIDENT
20 INTERNATIONAL ORGANIZATIONS AND
21 PROGRAMS

22 For an additional amount for “International Organi-
23 zations and Programs”, \$13,500,000, to remain available
24 until September 30, 2017, for necessary expenses to sup-
25 port response and research efforts related to the Zika

1 virus and related health outcomes, other vector-borne dis-
2 eases, or other infectious diseases: *Provided*, That such
3 amounts are designated by the Congress as an emergency
4 requirement pursuant to section 251(b)(2)(A)(i) of the
5 Balanced Budget and Emergency Deficit Control Act of
6 1985, except that such amounts shall be available only if
7 the President subsequently so designates such amounts
8 and transmits such designation to Congress.

9 GENERAL PROVISIONS

10 USE OF EBOLA BALANCES FOR OTHER INFECTIOUS

11 DISEASES

12 SEC. 201. Unobligated balances of amounts appro-
13 priated under title IX of the Department of State, Foreign
14 Operations, and Related Programs Appropriations Act,
15 2015 (division J of Public Law 113–235) shall also be
16 available for necessary expenses for operations, assistance,
17 or research to prevent, treat, or otherwise respond to the
18 Zika virus and related health outcomes, other vector-borne
19 diseases, or other infectious diseases: *Provided*, That
20 amounts repurposed pursuant to this section are des-
21 ignated by the Congress as an emergency requirement
22 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
23 et and Emergency Deficit Control Act of 1985, except that
24 such amounts shall be available only if the President sub-

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

3 TRANSFER AUTHORITY

4 SEC. 202. (a) Funds appropriated by this title under
5 the headings “Global Health Programs”, “Nonprolifera-
6 tion, Anti-Terrorism, Demining and Related Programs”,
7 “International Organizations and Programs”, and “Oper-
8 ating Expenses” may be transferred to, and merged with,
9 funds appropriated by this title under such headings to
10 carry out the purposes of this Act.

11 (b) Funds appropriated by this title under the head-
12 ings “Diplomatic and Consular Programs”, “Emergencies
13 in the Diplomatic and Consular Service”, and “Repatri-
14 ation Loans Program Account” may be transferred to,
15 and merged with, funds appropriated by this title under
16 such headings to carry out the purposes of this Act.

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

20 (d) Upon a determination that all or part of the funds
21 transferred pursuant to the authorities provided by this
22 section are not necessary for such purposes, such amounts
23 may be transferred back to such appropriations

24 REIMBURSEMENT AUTHORITY

25 SEC. 203. Funds appropriated by this Act may be
26 used to reimburse accounts administered by the United

1 States Agency for International Development and the De-
2 partment of State for obligations incurred for Zika virus
3 response prior to the date of the enactment of this Act.

4 AVAILABILITY OF FUNDS FOR INTERNATIONAL
5 ORGANIZATIONS

6 SEC. 204. Section 307(a) of the Foreign Assistance
7 Act of 1961 shall not apply to funds appropriated by this
8 Act.

9 NOTWITHSTANDING AUTHORITY

10 SEC. 205. Funds appropriated or otherwise made
11 available under this Act and prior Acts making appropria-
12 tions for the Department of State, Foreign Operations,
13 and Related Programs that are made available to support
14 Zika virus response and related activities may be made
15 available notwithstanding any other provision of law.

16 PERSONAL SERVICE CONTRACTORS

17 SEC. 206. Funds available in this Act to support re-
18 sponse efforts related to the Zika virus and related health
19 outcomes, other vector-borne diseases, or other infectious
20 diseases may be used to enter into contracts with individ-
21 uals for the provision of personal services (as described
22 in section 37.104 of title 48, Code of Federal Regulations)
23 in the United States or abroad: *Provided*, That such indi-
24 viduals may not be deemed employees of the United States

- 1 for the purpose of any law administered by the Office of
- 2 Personnel Management.

