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February 18, 2016

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The Hon. Shaun Donovan, Director
Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Dear Director Donovan:

We are in receipt of your letter dated February 9, 2016, indicating that the Administration intends to transmit to the Congress a fiscal year (FY) 2016 emergency appropriations request of more than \$1.8 billion in response to the spread of the Zika virus, both domestically and internationally.

We are also in receipt of the Administration's Fact Sheet, indicating that the request will be for additional funding for the Department of Health and Human Services (HHS) (\$1.48 billion), the U.S. Agency for International Development (USAID) (\$335 million), and the U.S. Department of State (\$41 million).

If the aim of the request is to mount as rapid a response as possible, it is clear to us that the most expeditious way to identify the needed funding is to maximize the use of unobligated funds previously provided for Ebola response, prevention, and preparedness in the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235). Based on the most recent information provided by HHS, USAID, and the State Department in response to repeated requests, we understand that there are substantial amounts of funding that are unobligated and not immediately required to address the Ebola outbreak, particularly since the emergency response is winding down. It is also our understanding that much, if not all, of this funding can be made available without enacting separate legislation.

For the Department of Health and Human Services, of the \$2.767 billion provided for Ebola response and preparedness, \$1.440 billion remains unobligated based on the Department's report as of December 31, 2015. Compared to the latest spending plan provided by the Department on January 13, 2015, over one year ago, \$1.031 billion of the unobligated funds is in the Centers for Disease Control, including funds for domestic, international and global health security programs, over which the Director has broad transfer authority. In addition, \$363 million remains unobligated in the Public Health and Social Services Emergency Fund, with statutory flexibility to use these funds as needed to develop and purchase vaccines, therapeutics, diagnostics, necessary medical supplies and administrative activities, as well as \$45 million unobligated in the National Institutes of Health and \$14 million unobligated in the Food and Drug Administration. As you know, the Secretary of HHS has additional transfer authority across the entire Department, should there be a particular requirement that could not be accommodated specifically from within unobligated FY 2015 Ebola response and preparedness funds.

For the Department of State and USAID, of the \$2.526 billion provided for Ebola response, prevention, and preparedness, approximately \$1.3 billion remains unobligated based on the most recent data received from these agencies. Of that amount, more than \$800 million was programmed and more

than \$400 million remained unprogrammed as of January 1, 2016. Furthermore, the unprogrammed funding is available for two years total and will expire at the end of FY 2016, so it must be used this year. In addition, in the FY 2015 Act, the Secretary of State is given specific authority to use this and other FY 2015 funding to combat a public health emergency of international concern, which the Zika virus has now been declared by the World Health Organization, subject to consultation and notification of the Committees on Appropriations.

Consequently, before the submission of an emergency supplemental request, it seems incumbent upon the Administration as well as Congress to pursue the use of unobligated funds, including unobligated Ebola funds, which are substantial, to meet the immediate needs of responding to the Zika outbreak. Some of these unobligated funds will expire at the end of this fiscal year, and the balance will be expended over a period of several more fiscal years. These funds can and should be prioritized to meet the most pressing needs of mounting a rapid and full response to Zika. If additional funds are then needed to backfill the use of these funds in the future, we stand ready to consider such a request as part of the FY 2017 appropriations process. But if an urgent response is what is required, then it seems clear that substantial funds are already available without any further delay. We urge you to proceed to make those funds available immediately.

Sincerely,



Harold Rogers, Chairman
Committee on Appropriations



Tom Cole, Chairman
Subcommittee on Labor, Health and
Human Services, Education, and
Related Agencies
Committee on Appropriations



Kay Granger, Chairwoman
Subcommittee on State, Foreign
Operations, and Related Programs
Committee on Appropriations