

United States Senate

WASHINGTON, DC 20510

August 26, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Sylvia Mathews Burwell
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Burwell:

We know you share our concerns about the Zika threat and the need to protect mothers and children. That is why we are concerned with statements in the press that Zika money is running out¹. The facts belie these statements.

On April 6, 2016 the administration announced that \$589 (\$510 million from unspent Ebola funding) million had been found available to be quickly redirected to be spent on a Zika response².

As of the first week of July, only \$112 million – approximately one-fifth of the \$589 million dollars available has been distributed³. Three months seems to be a long time to wait to respond to an impending outbreak.

On July 7, 2016, Chairman Charles Grassley wrote to Dr. Tom Frieden, the director of the Centers for Disease Control and Prevention⁴, as well as Dr. Nicole Lurie, the Assistant Secretary for Preparedness and Response⁵. We regret to note that neither CDC nor ASPR have responded to this inquiry.

Additionally, on July 14, 2016, House and Senate Appropriators wrote President Obama asking him to “aggressively use funds already available to mount a strong defense against the virus⁶.”

As stated in the letter by the appropriators, you have the transfer authority that can be used as an additional source for Zika preparedness. Additionally, the Secretary of State has authority to reprogram any current fiscal year bilateral economic aid to respond to Zika.

¹<http://bigstory.ap.org/article/6e71a468a28f4e9795932134a2a62d93/administration-warms-congress-zika-money-running-out>

²<http://www.crs.gov/Reports/R44549>

³<http://www.politico.com/story/2016/07/zika-virus-funds-congress-fight-225183>

⁴http://www.grassley.senate.gov/sites/default/files/constituents/2016_07_08_13_26_05%20CDC%20Zika%20Final%20Signed.pdf

⁵http://www.grassley.senate.gov/sites/default/files/constituents/2016_07_08_13_25_07%20ASPR%20final%20signed.pdf

⁶<http://www.appropriations.senate.gov/imo/media/doc/Zika%20Letter%207-14-16.pdf>

According to a Fiscal Year (FY) 2017 report from the Office of Management and Budget, at the beginning of FY16, the Department of Health and Human Services (HHS) retained \$25.426 billion in unobligated balances; HHS is expected to have \$20.996 billion at the end of FY16.

In light of these facts, we request your timely answer to the following questions:

- 1) Has your Administration used the authority provided to you in section 7058(c) of P.L. 114-113 to transfer moneys under the bilateral economic assistance heading toward a response to the Zika virus? If so, how much? If not, please explain why and whether you have plans to do so, and if you believe every dollar spent in bilateral economic assistance to foreign countries is more important than protecting Americans from the Zika virus.
- 2) Is there a legal impediment to your agency using unobligated balances to respond to Zika? If not, please explain why. If you lack authority to use unobligated balances, would you request Congress provide you with such authority?
- 3) Has your Administration prioritized Zika research and prevention over other, less pressing projects? If not, please explain why. If you currently lack the statutory authority to prioritize funding for Zika, would you request Congress provide you the flexibility to do so?

We urge you to act and use funding available to ensure our nation is prepared. Additionally, we hope that you will respond to Senator Grassley's letter and explain why this administration seems to be caught flat footed in the response to this outbreak. After all, it is the mission of CDC and ASPR to protect the American people against such situations.

Sincerely,



Chuck Grassley
U.S. Senator



James Lankford
U.S. Senator

CC: Director Shaun Donovan, Director, Office of Budget and Management
Dr. Tom Frieden, Director U.S. Centers for Medicare & Medicaid Services
Dr. Nicole Lurie, Assistant Secretary for Preparedness & Response, HHS

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