

## **President Signs Emergency Spending Bill Pandemic Influenza and Biodefense Funding**

On Friday, May 25, 2007, President Bush signed a supplemental emergency spending bill to pay for military operations in Iraq until the end of the fiscal year, September 30th. The bill contains \$95 billion for the wars in Iraq and Afghanistan, and billions of dollars to fund other domestic projects including Gulf Coast relief and assistance to farmers and fisherman.

### **Pandemic Influenza**

While many were hoping that this bill would provide a vehicle to appropriate the remaining funding to complete the President's Pandemic Planning strategy, funding for pandemic influenza preparedness activities was not included in the supplemental. An earlier version of the bill, vetoed by the President because it included a timetable for U.S. troop withdrawal from Iraq, included \$650 million for pandemic preparedness spending to include funds for vaccines, antivirals, and diagnostics. The new version was expected to include similar appropriations, however the current bill's negotiators eliminated a total of \$4 billion from the earlier version of the bill. Funding for pandemic preparedness was included in the cut for unclear reasons.

House Appropriations Committee Chairman David Obey (D-WI), in an online statement about the spending bill, listed "pandemic flu protection for the country" as one of the country's urgent needs. He said the funding should have been retained in the final bill, but offered no explanation of why it was dropped.<sup>1</sup>

Influenza was not completely eliminated from the bill. A total of \$13.2 million is provided for avian flu research and funding, and will be distributed to the Fish & Wildlife Service (\$7.398 million), the U.S. Geological Survey (\$5.27 million) and the National Park Service (\$0.525 million). There is also \$161 million for avian influenza foreign operations under the State Department.

On November 1, 2005, President Bush requested \$7.1 billion in emergency funding for the National Strategy for Pandemic Influenza. Congress appropriated \$3.8 billion in December 2005 as the first installment of the President's request. In June 2006, the second appropriation provided HHS with \$2.3 billion. The Pandemic Influenza Medical Countermeasure Program now includes 25 contracts obligating over \$3 billion, and approximately one half of appropriated funding remains for implementation of the National Strategy. The elimination of pandemic funds from this emergency spending deal does not mean Congress will not appropriate any additional pandemic funds this fiscal year, but it will delay the initial commitment made by the President.

It appears that HHS' roll out of future pandemic influenza procurements will not be impacted by the delay in funding given that HHS did not anticipate the appropriation until the Fall, in accordance with the President's budget request.

### **Biodefense**

The supplemental legislation does include language transferring \$49.5 million from the National Institute of Allergy and Infectious Diseases, and \$49.5 million from National Institutes of Health, Office

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of the Director, to the Office of the Secretary, Public Health and Social Services Emergency Fund, for a total funding of BARDA of \$98 million to support advanced research and development of biodefense countermeasures, which was effective immediately by signature by President Bush.

The Biomedical Advanced Research and Development Authority (BARDA) office manages Project BioShield, which includes the procurement and advanced development of medical countermeasures for chemical, biological, radiological, nuclear agents, as well as manage the advanced development and procurement of medical countermeasures for pandemic influenza and other emerging infectious diseases that fall outside the auspices of Project BioShield. BARDA provides an integrated and systematic approach to the development and purchase of the necessary vaccines, drugs, therapies and diagnostic tools for public health medical emergencies.

The Public Health Preparedness Team at McKenna Long & Aldridge LLP is committed to monitoring Congress and the Administration, keeping a close eye on potential pandemic preparedness funding legislation for the future and government action in biodefense.

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<sup>1</sup>Roos, Robert. "Congress cut pandemic funds before passing spending bill." Center for Infectious Disease Research & Policy 25/05/2007 <<http://www.cidrap.umn.edu/cidrap/content/influenza/panflu/news/may2507funding.html>>.

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