

MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT

FEBRUARY 13, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TAUZIN, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 342]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 342) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 342 establishes two temporary grant programs to assist States and localities in coordinating and operating mosquito control programs.

BACKGROUND AND NEED FOR LEGISLATION

Public health officials are growing increasingly concerned about the spread of West Nile virus. West Nile virus is spread by the bite of an infected mosquito, and can infect humans, birds, and many other animals. To date, most people who have become infected with West Nile virus have either shown no symptoms or suffer from flu-like symptoms, lasting a few days. However, West Nile virus can cause severe health complications, which can be fatal. The most severe cases of West Nile virus infections cause encephalitis (inflammation of the brain), meningitis (inflammation of the membrane around the brain and spinal cord), and meningoencephalitis (inflammation of the brain and the membrane surrounding it).

The Centers for Disease Control and Prevention (CDC) reports that all residents of areas where West Nile virus activity has been identified are at risk of getting West Nile encephalitis. People over 50 years of age have the highest risk of severe disease. Scientists are currently studying whether there is a link between the level of a person's overall health and their risk of getting severe disease. Although scientists at the National Institutes of Health (NIH) are conducting research for the development of a vaccine, there is currently no vaccine for West Nile virus. On August 21, 2002 the Food and Drug Administration approved a national trial of alpha interferon to determine whether it could become the first specific therapy to treat West Nile virus.

West Nile virus was identified in New York City in 1999. This was the first time the virus had been located in North America, and in 1999 the virus contributed to the death of seven people, and several dozen people became ill. As of January 29, 2003, 46 states have reported West Nile virus infections in mosquitoes, animals, or humans. The number of human cases reported continues to rise, with CDC reporting 4007 human cases, and 263 deaths as of January 29, 2003.

Mosquito-borne diseases affect millions of people worldwide annually. The CDC reports that currently the most effective way to prevent transmission of West Nile virus and other mosquito-borne disease to humans and other animals, or to control an epidemic once transmission has begun, is to reduce human exposure via mosquito control. States and localities have established mosquito control programs to prevent and control the spread of mosquito-borne diseases. In general, these programs are primarily funded and maintained by local governments. However, many localities have not established mosquito control programs, nor have they completed a basic assessment.

HEARINGS

The Committee on Energy and Commerce has not held hearings on the legislation.

COMMITTEE CONSIDERATION

On Wednesday, January 29, 2003, the Full Committee on Energy and Commerce met in open markup session and ordered H.R. 342 favorably reported to the House, without amendment, by a voice vote, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no recorded votes taken in connection with ordering H.R. 342 reported. A motion by Mr. Tauzin to order H.R. 342 reported to the House, without amendment, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has not held oversight or legislative hearings on this legislation.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goal of H.R. 342 is to establish two temporary grant programs to assist states and localities in coordinating and operating mosquito control programs.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 342, the "Mosquito Abatement for Safety and Health Act", would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 10, 2003.

Hon. W.J. "BILLY" TAUZIN,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 342, the Mosquito Abatement for Safety and Health Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Jeanne De Sa and Chris Topoleski.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 342—Mosquito Abatement for Safety and Health Act

H.R. 342 would authorize the Centers for Disease Control and Prevention (CDC) to provide grants and technical assistance to states and political subdivisions to prevent and control mosquito-borne disease. Grant funding would be available to political subdivisions to develop and operate abatement programs. States could use grant fund to coordinate mosquito control programs across the state. The bill would authorize appropriations of \$100 million in fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007 for those purposes. Additional provisions of the bill would direct the National Institutes of Health (NIH) to support research on controlling insect and vermin populations that transmit diseases to humans.

The estimated cost to implement H.R. 342 is shown in the following table. The costs of this legislation fall within budget function 550 (health).

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level:						
CDC	100	102	104	107	109	0
NIH	30	31	31	32	33	0
Total	130	133	135	139	142	0
Estimated Outlays:						
CDC	15	105	119	108	109	50
NIH	8	23	28	30	31	23
Total	23	128	147	138	140	73

Assuming that the 2003 level is increased annually to reflect anticipated inflation, CBO estimates that implementing the CDC programs would require the appropriation of \$522 million over the 2003–2008 period. CBO estimates the NIH would require \$30 million in 2003 and \$157 million over the 2003–2008 period to support the bill’s research activities. Those figures are based on funding provided for similar research initiatives.

Based on historical spending patterns for similar activities at CDC and NIH and assuming enactment by July 1, 2003, CBO estimates that outlays would total \$23 million in 2003 and \$649 million over the 2003–2008 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or receipts.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Any costs to state and local governments to apply for or administer the grants would be voluntary.

The CBO staff contacts for this estimate are Jeanne De Sa (CDC) and Chris Topoleski (NIH). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 establishes the short title as the “Mosquito Abatement for Safety and Health Act.”

Section 2. Grants regarding prevention of mosquito-borne disease

Section 2 authorizes the Secretary of the Department of Health and Human Services (HHS), operating through the Centers for Disease Control and Prevention (CDC), to make grants to states for the purpose of coordinating mosquito control programs. The Secretary must give preference to states that have one or more political subdivisions with an incidence or prevalence of mosquito-borne disease that is substantial relative to other states. To be eligible, a state must develop a plan for coordinating mosquito control programs in the state, taking into account any assessments or plans that have already been conducted by political subdivisions in the state. In developing the plan, the state must consult with political subdivisions. States must also agree to make grants to political subdivisions to conduct assessments, including entomological surveys of potential mosquito breeding areas, and to develop mosquito control plans. The assessment grants may be as much as \$10,000; no matching funds are required for participation. States must agree to monitor mosquito control programs, and submit a report to the Secretary. A state may not receive more than one coordination grant.

Section 2 also authorizes the Secretary of HHS, acting through the CDC, to make grants to political subdivisions of states for the operation of mosquito control programs to prevent and control mosquito-borne disease. The Secretary must give preference to political subdivisions that: (1) have an incidence or prevalence of mosquito-

borne disease that is substantial relative to other areas; (2) demonstrate that they will coordinate with contiguous political subdivisions; and, (3) are located in states that plan to identify geographic areas that have a significant need for control, in an effort to better coordinate mosquito control programs. To be eligible for the grants, political subdivisions must conduct an assessment to determine the mosquito control needs of the area, including an entomological survey of potential mosquito breeding areas, and develop a plan, based on the assessment, for carrying out a mosquito control program. The Committee encourages political subdivisions to develop comprehensive mosquito control plans; political subdivisions should consult both public and private organization recommendations on how to administer optimal surveillance and control programs. Political subdivisions must agree to submit to their respective state and the Secretary a report that describes the control program conducted, evaluating whether the program was effective. Political subdivisions must provide a non-federal contribution (directly or through donations from public or private entities) that is not less than \$1 for every \$2 of federal funding provided in the grant. This matching funding may be cash or in-kind. The maximum federal contribution may not exceed \$100,000 per political subdivision for a fiscal year. The Secretary may waive the matching fund requirement if the Secretary determines extraordinary economic conditions justify the waiver. A political subdivision may not receive more than one mosquito control grant. This section does not seek to displace the responsibility that local communities and states have to budget for mosquito control programs.

In addition, this section authorizes the CDC to provide training and technical assistance in the planning, development, and operation of mosquito control programs, either directly or through awards of grants or contracts to public and private entities.

Finally, Section 2 authorizes \$100 million to be appropriated for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007. This funding is in addition to applicable funding that may be available as authorized by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

Section 3. Research program of the National Institute of Environmental Health Sciences

Section 3 directs the National Institute of Environmental Health Sciences to conduct or support research to identify or develop methods of controlling the population of insects and vermin that transmit diseases that have significant adverse health consequences for humans.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

PUBLIC HEALTH SERVICE ACT

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**TITLE III—GENERAL POWERS AND DUTIES OF PUBLIC
HEALTH SERVICE**

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PART B—FEDERAL-STATE COOPERATION

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SEC. 317S. MOSQUITO-BORNE DISEASES; COORDINATION GRANTS TO STATES; ASSESSMENT AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.

(a) COORDINATION GRANTS TO STATES; ASSESSMENT GRANTS TO POLITICAL SUBDIVISIONS.—

(1) IN GENERAL.—With respect to mosquito control programs to prevent and control mosquito-borne diseases (referred to in this section as “control programs”), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for the purpose of—

(A) coordinating control programs in the State involved; and

(B) assisting such State in making grants to political subdivisions of the State to conduct assessments to determine the immediate needs in such subdivisions for control programs, and to develop, on the basis of such assessments, plans for carrying out control programs in the subdivisions.

(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to States that have one or more political subdivisions with an incidence or prevalence of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to political subdivisions in other States.

(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if—

(A) the State involved has developed, or agrees to develop, a plan for coordinating control programs in the State, and the plan takes into account any assessments or plans described in subsection (b)(3) that have been conducted or developed, respectively, by political subdivisions in the State;

(B) in developing such plan, the State consulted or will consult (as the case may be under subparagraph (A)) with political subdivisions in the State that are carrying out or planning to carry out control programs;

(C) the State agrees to monitor control programs in the State in order to ensure that the programs are carried out in accordance with such plan, with priority given to coordination of control programs in political subdivisions described in paragraph (2) that are contiguous;

(D) the State agrees that the State will make grants to political subdivisions as described in paragraph (1)(B), and that such a grant will not exceed \$10,000; and

(E) the State agrees that the grant will be used to supplement, and not supplant, State and local funds available for the purpose described in paragraph (1).

(4) *REPORTS TO SECRETARY.*—A grant may be made under paragraph (1) only if the State involved agrees that, promptly after the end of the fiscal year for which the grant is made, the State will submit to the Secretary a report that—

(A) describes the activities of the State under the grant; and

(B) contains an evaluation of whether the control programs of political subdivisions in the State were effectively coordinated with each other, which evaluation takes into account any reports that the State received under subsection (b)(5) from such subdivisions.

(5) *AMOUNT OF GRANT; NUMBER OF GRANTS.*—A State may not receive more than one grant under paragraph (1).

(b) *PREVENTION AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.*—

(1) *IN GENERAL.*—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States for the operation of control programs.

(2) *PREFERENCE IN MAKING GRANTS.*—In making grants under paragraph (1), the Secretary shall give preference to political subdivisions that—

(A) have an incidence or prevalence of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to other political subdivisions;

(B) demonstrate to the Secretary that the political subdivisions will, if appropriate to the mosquito circumstances involved, effectively coordinate the activities of the control programs with contiguous political subdivisions;

(C) demonstrate to the Secretary (directly or through State officials) that the State in which the political subdivision is located has identified or will identify geographic areas in the State that have a significant need for control programs and will effectively coordinate such programs in such areas; and

(D) are located in a State that has received a grant under subsection (a).

(3) *REQUIREMENT OF ASSESSMENT AND PLAN.*—A grant may be made under paragraph (1) only if the political subdivision involved—

(A) has conducted an assessment to determine the immediate needs in such subdivision for a control program, including an entomological survey of potential mosquito breeding areas; and

(B) has, on the basis of such assessment, developed a plan for carrying out such a program.

(4) *REQUIREMENT OF MATCHING FUNDS.*—

(A) *IN GENERAL.*—With respect to the costs of a control program to be carried out under paragraph (1) by a political subdivision, a grant under such paragraph may be made only if the subdivision agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than $\frac{1}{3}$ of such costs (\$1 for each \$2 of Federal funds provided in the grant).

(B) *DETERMINATION OF AMOUNT CONTRIBUTED.*—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(C) *WAIVER.*—The Secretary may waive the requirement established in subparagraph (A) if the Secretary determines that extraordinary economic conditions in the political subdivision involved justify the waiver.

(5) *REPORTS TO SECRETARY.*—A grant may be made under paragraph (1) only if the political subdivision involved agrees that, promptly after the end of the fiscal year for which the grant is made, the subdivision will submit to the Secretary, and to the State within which the subdivision is located, a report that describes the control program and contains an evaluation of whether the program was effective.

(6) *AMOUNT OF GRANT; NUMBER OF GRANTS.*—A grant under paragraph (1) for a fiscal year may not exceed \$100,000. A political subdivision may not receive more than one grant under such paragraph.

(c) *APPLICATIONS FOR GRANTS.*—A grant may be made under subsection (a) or (b) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

(d) *TECHNICAL ASSISTANCE.*—Amounts appropriated under subsection (f) may be used by the Secretary to provide training and technical assistance with respect to the planning, development, and operation of assessments and plans under subsection (a) and control programs under subsection (b). The Secretary may provide such technical assistance directly or through awards of grants or contracts to public and private entities.

(e) *DEFINITIONS.*—For purposes of this section:

(1) The term “control program” has the meaning indicated for such term in subsection (a).

(2) The term “political subdivision” means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this Act.

(f) *AUTHORIZATION OF APPROPRIATIONS.*—For the purpose of carrying out this section, there are authorized to be appropriated \$100,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007. In the case of control programs carried out in response to a mosquito-borne disease that constitutes a public health emergency, the authorization of appropriations under the preceding sentence is in addition to appli-

cable authorizations of appropriations under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

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TITLE IV—NATIONAL RESEARCH INSTITUTES

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PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

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Subpart 12—National Institute of Environmental Health Sciences

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METHODS OF CONTROLLING CERTAIN INSECT AND VERMIN POPULATIONS

SEC. 463B. The Director of the Institute shall conduct or support research to identify or develop methods of controlling insect and vermin populations that transmit to humans diseases that have significant adverse health consequences.

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