

107TH CONGRESS  
1ST SESSION

# S. 1650

To amend the Public Health Service Act to change provisions regarding emergencies.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2001

Mr. CLELAND introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to change provisions regarding emergencies.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION. 1. SHORT TITLE.**

4 This Act may be cited as the “Public Health Emer-  
5 gencies Accountability Act”.

6 **SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE**

7 **ACT.**

8 Part B of title III of the Public Health Service Act  
9 (42 U.S.C. 243 et seq.) is amended by striking section  
10 319 and inserting the following:

1 **“SEC. 319. PUBLIC HEALTH EMERGENCIES.**

2       “(a) EMERGENCIES.—If the Secretary determines,  
3 after consultation with the Director of the Centers for Dis-  
4 ease Control and Prevention and other public health offi-  
5 cials as may be necessary, that—

6           “(1) a disease or disorder presents a public  
7 health emergency; or

8           “(2) a detected or suspected public health emer-  
9 gency, including significant outbreaks of infectious  
10 diseases or terrorist attacks involving biological,  
11 chemical, or radiological weapons, otherwise exists,

12 the Secretary may take such action as may be appropriate  
13 to respond to the public health emergency, including mak-  
14 ing grants and entering into contracts and, acting through  
15 the Centers for Disease Control and Prevention, con-  
16 ducting and supporting investigations into cause, treat-  
17 ment, or prevention of a disease or disorder as described  
18 in paragraphs (1) and (2), directing the response of other  
19 Federal departments and agencies with respect to the  
20 safety of the general public and Federal employees and  
21 facilities, and disseminating necessary information to as-  
22 sist States, localities, and the general public in responding  
23 to a disease or disorder as described in paragraphs (1)  
24 and (2).

25       “(b) DETERMINATION.—A determination of an emer-  
26 gency by the Secretary under subsection (a) shall super-

1 sede all other provisions of law with respect to actions and  
2 responsibilities of the Federal Government, but in all such  
3 cases the Secretary shall keep the relevant Federal depart-  
4 ments and agencies, including but not limited to the De-  
5 partment of Justice, the Federal Bureau of Investigation,  
6 the Office of Homeland Security, and the committees of  
7 Congress listed in subsection (f), fully and currently in-  
8 formed.

9 “(c) FULL DISCLOSURE.—In cases involving, or po-  
10 tentially involving, a public health emergency, but where  
11 no determination of an emergency by the Secretary, under  
12 the provisions of subsection (a), has been made, all rel-  
13 evant Federal departments and agencies, including but not  
14 limited to the Department of Justice, the Federal Bureau  
15 of Investigation, the Office of Homeland Security, shall  
16 keep the Secretary and the Centers for Disease Control  
17 and Prevention and the committees of Congress listed in  
18 subsection (f), fully and currently informed.

19 “(d) PUBLIC HEALTH EMERGENCY FUND.—

20 “(1) IN GENERAL.—There is established in the  
21 Treasury a fund to be designated as the “Public  
22 Health Emergency Fund” to be made available to  
23 the Secretary without fiscal year limitation to carry  
24 out subsection (a) only if a public health emergency  
25 has been declared by the Secretary under such sub-

1 section. There is authorized to be appropriated to  
2 the Fund such sums as may be necessary.

3 “(2) REPORT.—Not later than 90 days after  
4 the end of each fiscal year, the Secretary shall pre-  
5 pare and submit to the Committee on Health, Edu-  
6 cation, Labor, and Pensions and the Committee on  
7 Appropriations of the Senate and the Committee on  
8 Commerce and the Committee on Appropriations of  
9 the House of Representatives a report describing—

10 “(A) the expenditures made from the Pub-  
11 lic Health Emergency Fund in such fiscal year;  
12 and

13 “(B) each public health emergency for  
14 which the expenditures were made and the ac-  
15 tivities undertaken with respect to each emer-  
16 gency which was conducted or supported by ex-  
17 penditures from the Fund.

18 “(e) SUPPLEMENT NOT SUPPLANT.—Funds appro-  
19 priated under this section shall be used to supplement and  
20 not supplant other Federal, State, and local public funds  
21 provided for activities under this section.

22 “(f) EMERGENCY DECLARATION PERIOD.—A deter-  
23 mination by the Secretary under subsection (a) that a  
24 public health emergency exists shall remain in effect for  
25 a time period specified by the Secretary but not longer

1 than the 180-day period beginning on the date of the de-  
2 termination. Such period may be extended by the Sec-  
3 retary if the Secretary determines that such an extension  
4 is appropriate and notifies the Committee on Health, Edu-  
5 cation, Labor, and Pensions of the Senate and the Com-  
6 mittee on Appropriations of the Senate and the Committee  
7 on Commerce of the House of Representatives and the  
8 Committee on Appropriations of the House of Representa-  
9 tives.”.

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