

118TH CONGRESS
2D SESSION

H. R. 7093

To provide for Congressional approval of public health emergency declarations,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2024

Mr. MOORE of Alabama (for himself and Mr. BRECHEEN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for Congressional approval of public health
emergency declarations, and for other purposes.

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 gency Accountability Act”.

1 **SEC. 2. REQUIREMENTS RELATING TO DECLARATION AND**
2 **RENEWAL OF PUBLIC HEALTH EMER-**
3 **GENCIES.**

4 (a) IN GENERAL.—Section 319(a) of the Public
5 Health Service Act (42 U.S.C. 247d(a)) is amended to
6 read as follows:

7 “(a) DECLARATIONS AND RENEWALS.—

8 “(1) IN GENERAL.—If the Secretary makes a
9 determination described in paragraph (2), then after
10 consultation with such public health officials as may
11 be necessary the Secretary shall—

12 “(A) issue a declaration with respect to
13 that determination that specifies the provisions
14 of law under which the Secretary proposes that
15 the Secretary or other officers will act;

16 “(B) immediately publish in the Federal
17 Register such declaration; and

18 “(C) transmit to the Congress such dec-
19 laration and the report under subsection (i).

20 “(2) DETERMINATION THAT PUBLIC HEALTH
21 EMERGENCY EXISTS.—The determination described
22 in this paragraph is a determination by the Sec-
23 retary that—

24 “(A) a disease or disorder presents a pub-
25 lic health emergency; or

1 “(B) a public health emergency, including
2 significant outbreaks of infectious diseases or
3 bioterrorist attacks, otherwise exists.

4 “(3) TERMINATION.—

5 “(A) INITIAL DECLARATION.—Any initial
6 declaration of a public health emergency under
7 this section shall terminate on the earliest of—

8 “(i) subject to subsection (j)(2)(B)(ii),
9 the date that is 90 days after the date on
10 which the declaration under paragraph (1)
11 is published in the Federal Register;

12 “(ii) the date on which such emer-
13 gency is terminated under a subsequently
14 enacted Federal law; or

15 “(iii) the date on which the Secretary
16 issues a declaration terminating the public
17 health emergency.

18 “(B) RENEWALS.—Any renewal of a public
19 health emergency under this section shall termi-
20 nate on the earliest of—

21 “(i) subject to subsection (j)(2)(B)(ii),
22 the date that is 1 year after the date on
23 which the renewal under paragraph (4)(A)
24 is published in the Federal Register; or

1 “(ii) the date described in clause (ii)
2 or (iii) of subparagraph (A).

3 “(4) RENEWALS.—

4 “(A) IN GENERAL.—A public health emer-
5 gency declared under paragraph (1) (or any re-
6 newal thereof), may be renewed only if—

7 “(i) the Secretary publishes in the
8 Federal Register and transmits to Con-
9 gress a declaration renewing the emer-
10 gency (or the most recent renewal); and

11 “(ii) there is enacted into law a joint
12 resolution renewing the emergency pursu-
13 ant to subsection (j).

14 “(B) NO RENEWAL IF ALREADY TERMI-
15 NATED.—A public health emergency declared
16 under paragraph (1) may not be renewed if
17 such emergency has already terminated under
18 paragraph (3).

19 “(C) SUBSTANTIALLY SIMILAR DECLARA-
20 TIONS.—Any declaration under paragraph (1)
21 that is based on circumstances stemming from
22 a nexus of facts or events that is substantially
23 similar to that on which an earlier declaration
24 under such paragraph was issued shall be treat-

1 ed as a renewal of the earlier declaration for
2 purposes of this section.

3 “(5) EFFECT OF TERMINATION.—

4 “(A) IN GENERAL.—Effective on the date
5 of the termination of a public health emergency
6 under paragraph (3)—

7 “(i) except as provided by subpara-
8 graph (B), any authorities exercised by
9 reason of the emergency shall cease to be
10 exercised;

11 “(ii) any amounts reprogrammed or
12 transferred under any provision of law
13 with respect to the emergency that remain
14 unobligated on that date shall be returned
15 and made available for the purpose for
16 which such amounts were appropriated;
17 and

18 “(iii) any contracts entered into under
19 any provision of law for construction relat-
20 ing to the emergency shall be terminated
21 unless construction commenced under the
22 contract before that date.

23 “(B) SAVINGS PROVISION.—Except as spe-
24 cifically provided in subparagraph (A), the ter-

mination of a public health emergency shall not affect—

“(i) any action taken or proceeding pending not finally concluded or determined on the date of the termination under paragraph (3);

“(ii) any action or proceeding based on any act committed prior to that date; or

“(iii) any rights or duties that matured or penalties that were incurred prior to that date.”.

(b) REPORTS.—Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

“(i) REPORTS.—

“(1) REPORTS ON EMERGENCIES.—The Secretary shall transmit to Congress, with any declaration of a public health emergency under subsection (a) (or any renewal thereof), including any such emergency of a duration that is less than 90 days, a report, in writing, that includes the following:

“(A) A description of—

“(i) the circumstances necessitating the declaration of a public health emer-

1 gency or the renewal of such an emer-
2 gency; and

3 “(ii) the use of any emergency author-
4 ity specified in the declaration or renewal
5 thereof.

6 “(B) The estimated duration of the public
7 health emergency.

8 “(C) A summary of the actions the Sec-
9 retary or other officers intend to take, including
10 any reprogramming or transfer of funds, and
11 the statutory authorities the Secretary and such
12 officers expect to rely on in addressing the pub-
13 lic health emergency.

14 “(D) In the case of a renewal of a public
15 health emergency, a summary of the actions the
16 Secretary or other officers have taken during
17 the preceding declaration or renewal, including
18 any reprogramming or transfer of funds, to ad-
19 dress the emergency.

20 “(2) PROVISION OF INFORMATION TO CON-
21 GRESS.—In addition to reports under paragraph (1),
22 the Secretary shall provide to Congress such other
23 information as Congress may request in connection
24 with any public health emergency in effect under
25 this section.

1 “(3) PERIODIC REPORTS ON STATUS OF EMER-
2 GENCIES.—The Secretary shall report to Congress
3 on the status of any public health emergency, includ-
4 ing any such emergency of a duration that is less
5 than 90 days, declared under this section and the
6 actions the Secretary or other officers have taken
7 and authorities the Secretary and such officers have
8 relied on in addressing the emergency. Such reports
9 shall be made not less frequently than every 90 days
10 for the duration of the public health emergency (or
11 renewal thereof).

12 “(j) JOINT RESOLUTIONS OF APPROVAL OR TERMI-
13 NATION.—

14 “(1) JOINT RESOLUTION DEFINED.—For pur-
15 poses of this section, the term ‘joint resolution’
16 means a joint resolution that contains each of the
17 following provisions after its resolving clause:

18 “(A) A provision approving or terminating
19 a declaration of a public health emergency
20 made under subsection (a) (or a renewal there-
21 of).

22 “(B) A provision approving or terminating
23 the use of the authorities specified in such dec-
24 laration or renewal.

1 “(2) PROCEDURES FOR CONSIDERATION OF
2 JOINT RESOLUTIONS.—

3 “(A) INTRODUCTION.—After the Secretary
4 transmits to Congress a declaration of a public
5 health emergency under subsection (a) (or a re-
6 newal thereof), a joint resolution may be intro-
7 duced in either House of Congress by any mem-
8 ber of that House.

9 “(B) REQUESTS TO CONVENE CONGRESS
10 DURING RECESSES.—

11 “(i) IN GENERAL.—If, when the Sec-
12 retary transmits to Congress a declaration
13 of a public health emergency under sub-
14 section (a) (or a renewal thereof), Con-
15 gress has adjourned sine die or has ad-
16 journed for any period in excess of 3 cal-
17 endar days, the Speaker of the House of
18 Representatives and the President pro
19 tempore of the Senate, if they deem it ad-
20 visable (or if petitioned by at least one-
21 third of the membership of their respective
22 Houses) shall jointly request the President
23 to convene Congress in order that it may
24 consider the declaration and take appro-
25 priate action pursuant to this section.

1 “(ii) EXCEPTION IF CONGRESS IS UN-
2 ABLE TO CONVENE.—If Congress is phys-
3 ically unable to convene as a result of an
4 armed attack upon the United States or
5 another national emergency, the 90-day pe-
6 riod under subsection (a)(3)(A) or the 1-
7 year period under subsection (a)(3)(B), as
8 applicable, shall begin on the first day
9 Congress convenes for the first time after
10 the attack or other emergency.

11 “(C) COMMITTEE REFERRAL.—A joint res-
12 olution shall be referred to the Committee on
13 Energy and Commerce of the House of Rep-
14 resentatives and the Committee on Health,
15 Education, Labor and Pensions of the Senate
16 and any other committee or committees having
17 jurisdiction over the emergency authorities in-
18 voked by the declaration that is the subject of
19 the joint resolution.

20 “(D) CONSIDERATION IN SENATE.—In the
21 Senate, the following shall apply:

22 “(i) REPORTING AND DISCHARGE.—If
23 the committee to which a joint resolution
24 has been referred has not reported it at
25 the end of 10 calendar days after its intro-

1 duction, that committee shall be automati-
2 cally discharged from further consideration
3 of the resolution and it shall be placed on
4 the calendar.

5 “(ii) PROCEEDING TO CONSIDER-
6 ATION.—Notwithstanding rule XXII of the
7 Standing Rules of the Senate, when the
8 committee to which a joint resolution is re-
9 ferred has reported the resolution, or when
10 that committee is discharged under clause
11 (i) from further consideration of the reso-
12 lution, it is at any time thereafter in order
13 (even though a previous motion to the
14 same effect has been disagreed to) for a
15 motion to proceed to the consideration of
16 the joint resolution to be made, and all
17 points of order against the joint resolution
18 (and against consideration of the joint res-
19 olution) are waived. The motion to proceed
20 is subject to 4 hours of debate divided
21 equally between those favoring and those
22 opposing the joint resolution. The motion
23 is not subject to amendment, or to a mo-
24 tion to postpone, or to a motion to proceed
25 to the consideration of other business.

1 “(iii) FLOOR CONSIDERATION.—A
2 joint resolution shall be subject to 10
3 hours of debate, to be divided evenly be-
4 tween the proponents and opponents of the
5 resolution.

6 “(iv) AMENDMENTS.—

7 “(I) IN GENERAL.—Except as
8 provided in subclause (II), no amend-
9 ments shall be in order with respect to
10 a joint resolution.

11 “(II) AMENDMENTS TO STRIKE
12 OR ADD SPECIFIED PROVISIONS OF
13 LAW.—Subclause (I) shall not apply
14 with respect to any amendment to
15 strike from or add to the list required
16 by paragraph (1)(B) a provision or
17 provisions of law specified by the Sec-
18 retary in the declaration.

19 “(v) MOTION TO RECONSIDER FINAL
20 VOTE.—A motion to reconsider a vote on
21 final passage of a joint resolution shall not
22 be in order.

23 “(vi) APPEALS.—Points of order, in-
24 cluding questions of relevancy, and appeals

1 from the decision of the Presiding Officer,
2 shall be decided without debate.

3 “(E) CONSIDERATION IN HOUSE OF REP-
4 RESENTATIVES.—In the House of Representa-
5 tives, if any committee to which a joint resolu-
6 tion has been referred has not reported it to the
7 House at the end of 10 calendar days after its
8 introduction, such committee shall be dis-
9 charged from further consideration of the joint
10 resolution, and it shall be placed on the appro-
11 priate calendar. On Thursdays it shall be in
12 order at any time for the Speaker to recognize
13 a Member who favors passage of a joint resolu-
14 tion that has appeared on the calendar for at
15 least 3 calendar days to call up that joint reso-
16 lution for immediate consideration in the House
17 without intervention of any point of order.
18 When so called up a joint resolution shall be
19 considered as read and shall be debatable for
20 10 hours equally divided and controlled by the
21 proponent and an opponent, and the previous
22 question shall be considered as ordered to its
23 passage without intervening motion. It shall not
24 be in order to reconsider the vote on passage.
25 If a vote on final passage of the joint resolution

1 has not been taken on or before the close of the
2 tenth calendar day after the resolution is re-
3 ported by the committee or committees to which
4 it was referred, or after such committee or com-
5 mittees have been discharged from further con-
6 sideration of the resolution, such vote shall be
7 taken on that day.

8 “(F) RECEIPT OF RESOLUTION FROM
9 OTHER HOUSE.—If, before passing a joint reso-
10 lution, one House receives from the other a
11 joint resolution from the other House, then—

12 “(i) the joint resolution of the other
13 House shall not be referred to a committee
14 and shall be deemed to have been dis-
15 charged from committee on the day it is
16 received; and

17 “(ii) the procedures set forth in sub-
18 paragraph (D) or (E), as applicable, shall
19 apply in the receiving House to the joint
20 resolution received from the other House
21 to the same extent as such procedures
22 apply to a joint resolution of the receiving
23 House.

24 “(G) RULE OF CONSTRUCTION.—The en-
25 actment of a joint resolution under this sub-

1 section shall not be interpreted to serve as a
2 grant or modification by Congress of statutory
3 authority for the emergency powers of the Sec-
4 retary.”.

5 **SEC. 3. APPLICABILITY.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (b), the amendments made by this Act shall take effect
8 on the date of enactment of this Act.

9 (b) APPLICATION TO PUBLIC HEALTH EMERGENCIES
10 PREVIOUSLY DECLARED.—If a public health emergency
11 was declared under section 319(a) of the Public Service
12 Act (42 U.S.C. 247d(a)), as in effect on the day before
13 the date of the enactment of this Act, and such declaration
14 (or a renewal thereof) remains in effect as of the date of
15 enactment of this Act, such declaration (and any renewal
16 thereof)—

17 (1) shall terminate not later than the date that
18 is 1 year after the date of enactment of this Act;
19 and

20 (2) may be renewed on or after the date that
21 is 1 year after the date of enactment of this Act only
22 in accordance with the amendments made by this
23 Act.

24 (c) EFFECT OF FUTURE LAWS.—No law enacted
25 after the date of enactment of this Act shall supersede

1 this Act or any amendment made by this Act unless such
2 law does so in specific terms, referring to this Act or the
3 provision of law amended by this Act, and declaring that
4 such law supersedes the relevant provision of this Act or
5 the relevant provision of law amended by this Act.

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