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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

**H. R.**

To amend the Public Health Service Act to ensure preparedness for chemical, radiological, biological, and nuclear threats, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. BROOKS of Indiana (for herself and Ms. ESHOO) introduced the following bill; which was referred to the Committee on

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**A BILL**

To amend the Public Health Service Act to ensure preparedness for chemical, radiological, biological, and nuclear threats, 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 “Strengthening Public  
5 Health Emergency Response Act of 2015”.

1 **SEC. 2. HOSPITAL PREPAREDNESS PROGRAM.**

2 Subsection (j) of section 319C–2 of the Public Health  
3 Service Act (42 U.S.C. 247d–3b) is amended by adding  
4 at the end the following:

5 “(5) MINIMUM FUNDING LEVEL FOR  
6 AWARDS.—Of the amounts appropriated to carry out  
7 this section for a fiscal year, not less than 97 per-  
8 cent shall be awarded to eligible entities as described  
9 in subsection (a).”.

10 **SEC. 3. GAO REPORT ON STATE, LOCAL, AND HOSPITAL**  
11 **PREPAREDNESS PROGRAMS.**

12 (a) IN GENERAL.—Not later than 1 year after the  
13 date of enactment of this Act, the Comptroller General  
14 of the United States shall submit a report to the Congress  
15 on the programs for awarding cooperative agreements and  
16 grants under section 319C–1 of the Public Health Service  
17 Act (42 U.S.C. 247d–3a; improving State and local public  
18 health security) and section 319C–2 of such Act (42  
19 U.S.C. 247d–3b; partnerships for State and regional hos-  
20 pital preparedness to improve surge capacity).

21 (b) CONTENTS.—The report under subsection (a)  
22 shall address each of the following:

23 (1) The goals of the programs specified in sub-  
24 section (a).

1           (2) The extent to which such goals are being  
2 met, including performance metrics that could help  
3 assess whether such programs are succeeding.

4           (3) How such programs could be improved.

5           (4) How such programs complement other pre-  
6 paredness programs of the Department of Health  
7 and Human Services.

8           (5) How funds awarded through such programs  
9 should be allocated and whether that allocation  
10 should be based on risk.

11           (6) Progress made toward State and local pre-  
12 paredness entities being self-sustaining.

13           (7) Whether the level of funding for such pro-  
14 grams is sufficient.

15 **SEC. 4. STRATEGIC NATIONAL STOCKPILE.**

16       Section 319F–2(a)(2) of the Public Health Service  
17 Act (42 U.S.C. 247d–6b(a)(2)) is amended—

18           (1) in subparagraph (G), by striking “and” at  
19 the end;

20           (2) in subparagraph (H), by striking the period  
21 at the end and inserting “; and”; and

22           (3) by adding at the end the following:

23                   “(I) ensure procedures are in place to co-  
24 ordinate the ongoing stockpiling by the Bio-  
25 medical Advanced Research and Development

1 Authority and Centers for Disease Control and  
2 Prevention of qualified countermeasures (as de-  
3 fined in section 319F-1), security counter-  
4 measures (as defined in this section), and quali-  
5 fied pandemic or epidemic products (as defined  
6 in section 319F-3) for which funds have been  
7 made available under section 319L in order to  
8 avoid any gaps in preparedness.”.

9 **SEC. 5. PROJECT BIOSHIELD PROCUREMENT PROCESS.**

10 Section 319F-2(c) of the Public Health Service Act  
11 (42 U.S.C. 247d-6b(c)) is amended—

12 (1) in paragraph (4)(A)(ii), by striking “make  
13 a recommendation under paragraph (6) that the spe-  
14 cial reserve fund as defined in subsection (h) be  
15 made available for the procurement of such counter-  
16 measure” and inserting “make available the special  
17 reserve fund as defined in subsection (h) for pro-  
18 curement of such countermeasure”;

19 (2) in paragraph (6)—

20 (A) by striking subparagraphs (A), (B),  
21 (C), and (E); and

22 (B) by striking “(6) RECOMMENDATIONS  
23 FOR PRESIDENT’S APPROVAL” and all that fol-  
24 lows through “(D) SUBSEQUENT SPECIFIC  
25 COUNTERMEASURES.—” and inserting “(6)

1 SUBSEQUENT SPECIFIC COUNTERMEASURES.—

2 Procurement under”;

3 (3) in paragraph (7)—

4 (A) by striking subparagraph (A);

5 (B) by redesignating subparagraph (B) as  
6 subparagraph (A) and amending such subpara-  
7 graph (A), as redesignated, to read as follows:

8 “(A) PAYMENTS FROM SPECIAL RESERVE  
9 FUND.—The special reserve fund as defined in  
10 subsection (h) shall be available for payments  
11 made by the Secretary to a vendor for procure-  
12 ment of a security countermeasure in accord-  
13 ance with the provisions of this paragraph.”;  
14 and

15 (C) by redesignating subparagraph (C) as  
16 subparagraph (B).

17 **SEC. 6. BARDA TRANSACTION AUTHORITIES.**

18 Section 319L(c)(5) of the Public Health Service Act  
19 (42 U.S.C. 247d–7e(c)(5)) is amended by adding at the  
20 end the following:

21 “(H) CONTRACTING AUTHORITY.—The  
22 Secretary shall delegate authority for negoti-  
23 ating and entering into any contracts, grants,  
24 or cooperative agreements under this section to  
25 the Director.”.

1 **SEC. 7. PUBLIC HEALTH EMERGENCY MEDICAL COUNTER-**  
2 **MEASURES ENTERPRISE STRATEGY AND IM-**  
3 **PLEMENTATION PLAN.**

4 Section 2811(d)(2) of the Public Health Service Act  
5 (42 U.S.C. 300hh–10(d)(2)) is amended—

6 (1) in subparagraph (A), by inserting after “de-  
7 scribe the chemical, biological, radiological, and nu-  
8 clear agent or agents that may present a threat to  
9 the Nation” the following: “(which shall include pan-  
10 demic influenza)”;

11 (2) by striking “and” at the end of subpara-  
12 graph (J);

13 (3) by redesignating subparagraph (K) as sub-  
14 paragraph (L); and

15 (4) by inserting after subparagraph (J) the fol-  
16 lowing:

17 “(K) report on the amount of time between  
18 the issuance of each request for proposal or  
19 task order from the Biomedical Advanced Re-  
20 search and Development Authority and the  
21 award of a contract pursuant to such request  
22 for proposal or task order; and”.

23 **SEC. 8. PRIORITY REVIEW TO ENCOURAGE TREATMENTS**  
24 **FOR NATIONAL SECURITY THREATS.**

25 Section 524(a)(3) of the Federal Food, Drug, and  
26 Cosmetic Act (21 U.S.C. 360n(a)(3)) is amended—

1           (1) by redesignating subparagraph (R) as sub-  
2           paragraph (S); and

3           (2) by inserting after subparagraph (Q) the fol-  
4           lowing:

5                       “(R) Any disease or other agent that is de-  
6                       termined to be a material threat under section  
7                       319F-2(c)(2)(A)(ii) of the Public Health Serv-  
8                       ice Act.”.