H. R. 114th Congress

1st Session

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

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

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Strengthening Public

4 Health Emergency Response Act of 2015”.

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SEC. 2. HOSPITAL PREPAREDNESS PROGRAM.

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

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

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

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

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

(1) The goals of the programs specified in subsection (a).
(2) The extent to which such goals are being met, including performance metrics that could help assess whether such programs are succeeding.

(3) How such programs could be improved.

(4) How such programs complement other preparedness programs of the Department of Health and Human Services.

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

(6) Progress made toward State and local preparedness entities being self-sustaining.

(7) Whether the level of funding for such programs is sufficient.

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

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

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

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

(3) by adding at the end the following:

“(I) ensure procedures are in place to co-
ordinate the ongoing stockpiling by the Bio-
medical Advanced Research and Development
Authority and Centers for Disease Control and Prevention of qualified countermeasures (as defined in section 319F–1), security countermeasures (as defined in this section), and qualified pandemic or epidemic products (as defined in section 319F–3) for which funds have been made available under section 319L in order to avoid any gaps in preparedness.”.

SEC. 5. PROJECT BIOSHIELD PROCUREMENT PROCESS.

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

(1) in paragraph (4)(A)(ii), by striking “make a recommendation under paragraph (6) that the special reserve fund as defined in subsection (h) be made available for the procurement of such countermeasure” and inserting “make available the special reserve fund as defined in subsection (h) for procurement of such countermeasure”;

(2) in paragraph (6)—

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

(B) by striking “(6) RECOMMENDATIONS FOR PRESIDENT’S APPROVAL” and all that follows through “(D) SUBSEQUENT SPECIFIC COUNTERMEASURES.—” and inserting “(6)
SUBSEQUENT SPECIFIC COUNTERMEASURES.—

Procurement under”;

(3) in paragraph (7)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraph (B) as

subparagraph (A) and amending such subpara-

graph (A), as redesignated, to read as follows:

“(A) PAYMENTS FROM SPECIAL RESERVE

FUND.—The special reserve fund as defined in

subsection (h) shall be available for payments

made by the Secretary to a vendor for procure-

ment of a security countermeasure in accord-

ance with the provisions of this paragraph.”;

and

(C) by redesignating subparagraph (C) as

subparagraph (B).

SEC. 6. BARDA TRANSACTION AUTHORITIES.

Section 319L(c)(5) of the Public Health Service Act

(42 U.S.C. 247d–7e(c)(5)) is amended by adding at the

day the following:

“(H) CONTRACTING AUTHORITY.—The

Secretary shall delegate authority for negoti-

ating and entering into any contracts, grants,

or cooperative agreements under this section to

the Director.”.
SEC. 7. PUBLIC HEALTH EMERGENCY MEDICAL COUNTER-
MEASURES ENTERPRISE STRATEGY AND IM-
PLEMENTATION PLAN.

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

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

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

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

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

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

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

Section 524(a)(3) of the Federal Food, Drug, and
Cosmetic Act (21 U.S.C. 360n(a)(3)) is amended—
(1) by redesignating subparagraph (R) as subparagraph (S); and

(2) by inserting after subparagraph (Q) the following:

“(R) Any disease or other agent that is determined to be a material threat under section 319F–2(e)(2)(A)(ii) of the Public Health Service Act.”.