



MEMORANDUM

To: Subcommittee on Health Members and Staff
From: Committee on Energy and Commerce Majority Staff
Re: Health Subcommittee Hearing on May 11, 2023

The Subcommittee on Health will hold a hearing on Thursday, May 11, 2023, at 10:00 a.m. (ET) in 2322 Rayburn House Office Building. The hearing is entitled “Preparing for and Responding to Future Public Health Security Threats.”

I. Witnesses

Panel I

- **The Honorable Dawn O’Connell**, Assistant Secretary for Preparedness and Response, Administration for Strategic Preparedness and Response (ASPR), U.S. Department of Health and Human Services (HHS)
- **Dr. Rochelle P. Walensky, M.D., MPH**, Director, U.S. Centers for Disease Control and Prevention (CDC) and Administrator, Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Department of Health and Human Services (HHS)
- **The Honorable Robert M. Califf, M.D.**, Commissioner, U.S. Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS)

Panel II

- **Dr. Tom Inglesby, M.D.**, Director, Johns Hopkins Center for Health Security, Bloomberg School of Public Health
- **Dr. Randall Lutter, Ph.D.**, Senior Fellow, Manhattan Institute for Policy Research
- **Mr. Erik Decker**, Chair, Cybersecurity Working Group, Health Sector Coordinating Council (HSCC)
- **Dr. Mary Denigan-Macauley, Ph.D.**, Director, Health Care, U.S. Government Accountability Office (GAO)

II. Background

The Pandemic and All-Hazards Preparedness Act (PAHPA)¹ was first signed into law in 2006 to improve the nation’s health security and advance U.S. public health and medical preparedness and immediate response capabilities for a range of public health security threats, whether deliberate, accidental, or natural. With the backdrop of the 9/11 terrorist attacks, anthrax threats, avian influenza, H5N1, and Hurricanes Katrina and Rita, Congress advanced PAHPA with the intent to protect the nation from chemical, biological, radiological, and nuclear (CBRN) threats. Under this framework, PAHPA authorized many of the federal government’s biodefense

¹ P.L. 109-417.

and pandemic preparedness programs, including the Administration for Strategic Preparedness and Response (ASPR), the National Health Security Strategy (NHSS), and the Biomedical Advanced Research and Development Authority (BARDA).

PAHPA was reauthorized in 2013² and 2019³ with bipartisan support. Each reauthorization incorporated lessons learned from prior public health emergency responses, including the H1N1 pandemic, Ebola virus outbreak, and Zika virus epidemic. Both reauthorizations continued to advance an all-hazards approach to the medical and public health preparedness and response framework. These reauthorizations established and enhanced many other federal emergency response programs, including the Strategic National Stockpile (SNS), the Project BioShield Special Reserve Fund (SRF), Public Health Emergency Preparedness (PHEP) cooperative agreements, and the Hospital Preparedness Program (HPP), as well as codified the Public Health Emergency Medical Countermeasures Enterprise (PHEMCE).

The PREVENT (Prepare for and Respond to Existing Viruses, Emerging New Threats, and) Pandemics Act was signed into law as part of the Consolidated Appropriations Act, 2023.⁴ While it did not reauthorize PAHPA authorities, it did take important steps forward to address and update the all-hazards preparedness and response framework based on lessons learned from the COVID-19 response.

A number of authorities and grant programs provided in PAHPA are set to expire at the end of September 2023.

III. Discussion

The COVID-19 pandemic was unprecedented in nature, and showed more needed to be done to prepare for public health emergencies, such as those from emerging infectious diseases, but also the need to improve responses on chemical, biological, radiological, nuclear, and cyberattacks. Health care data breaches have increased dramatically over the last decade with millions of Americans affected every year, and the majority of reported instances in 2022 were hacking incidents.⁵ Examining the authorities from PAHPA that are set to expire presents an opportunity for Congress to examine and build upon the lessons learned from the COVID-19 pandemic, considering previous Congressional action, and what outstanding issues remain. It is also important to ensure we are best prepared and able to respond and recover from future, likely unknown, emerging threats, other than infectious diseases, such as cyber, chemical, biological, radiological, or nuclear threats, whether natural, accidental, or intentional.

IV. Staff Contacts

² Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPRA), P.L. 113-5.

³ Pandemic and All-Hazards Preparedness and Advancing Innovation Act (PAHPAIA), P.L. 116-22.

⁴ P.L. 117-328.

⁵ The HIPAA Journal, *2022 Healthcare Data Breach Report*, (Jan. 24, 2023), <https://www.hipaajournal.com/2022-healthcare-data-breach-report/#:~:text=There%20were%2011%20reported%20healthcare,involved%20ransomware%20or%20attempted%200extortion>.

If you have questions regarding this hearing, please contact Molly (Brimmer) Lolli of the Committee staff at 202-225-3641.