

114TH CONGRESS
1ST SESSION

H. R. 3299

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

JULY 29, 2015

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

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”.

6 **SEC. 2. HOSPITAL PREPAREDNESS PROGRAM.**

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

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

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

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

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

19 (1) The goals of the programs specified in sub-
20 section (a).

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

24 (3) How such programs could be improved.

1 (4) How such programs complement other pre-
2 paredness programs of the Department of Health
3 and Human Services.

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

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

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

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

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

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

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

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

19 “(I) ensure procedures are in place to co-
20 ordinate the ongoing stockpiling by the Bio-
21 medical Advanced Research and Development
22 Authority and Centers for Disease Control and
23 Prevention of qualified countermeasures (as de-
24 fined in section 319F–1), security counter-
25 measures (as defined in this section), and quali-

1 fied pandemic or epidemic products (as defined
2 in section 319F–3) for which funds have been
3 made available under section 319L in order to
4 avoid any gaps in preparedness.”.

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

6 Section 319F–2(c) of the Public Health Service Act
7 (42 U.S.C. 247d–6b(c)) is amended—

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

15 (2) in paragraph (6)—

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

18 (B) by striking “(6) RECOMMENDATIONS
19 FOR PRESIDENT’S APPROVAL” and all that fol-
20 lows through “(D) SUBSEQUENT SPECIFIC
21 COUNTERMEASURES.—” and inserting “(6)
22 SUBSEQUENT SPECIFIC COUNTERMEASURES.—
23 Procurement under”; and

24 (3) in paragraph (7)—

25 (A) by striking subparagraph (A);

1 (B) by redesignating subparagraph (B) as
2 subparagraph (A) and amending such subpara-
3 graph (A), as redesignated, to read as follows:

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

11 (C) by redesignating subparagraph (C) as
12 subparagraph (B).

13 **SEC. 6. BARDA TRANSACTION AUTHORITIES.**

14 Section 319L(c)(5) of the Public Health Service Act
15 (42 U.S.C. 247d–7e(c)(5)) is amended by adding at the
16 end the following:

17 “(H) CONTRACTING AUTHORITY.—The
18 Secretary shall delegate authority for negoti-
19 ating and entering into any contracts, grants,
20 or cooperative agreements under this section to
21 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.”.

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