

*only
Subsection 1 (A) + (E)
favorably
adopted.*

AMENDMENT NO.

Calendar No.

Purpose: To provide for coordination with the Public Health Service Act (42 U.S.C. 243 et seq.).

IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.

S. 2452

To establish the Department of National Homeland Security and the National Office for Combating Terrorism.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CLELAND

Viz:

1 On page 100, insert between lines 19 and 20 the fol-
2 lowing:

3 **SEC. 164. COORDINATION WITH THE DEPARTMENT OF**
4 **HEALTH AND HUMAN SERVICES UNDER THE**
5 **PUBLIC HEALTH SERVICE ACT.**

6 (a) IN GENERAL. The annual Federal response plan
7 developed by the Secretary under sections 102(b)(14) and
8 134(b)(7) shall be consistent with section 319 of the Pub-
9 lic Health Service Act (42 U.S.C. 247d).

1 (b) DETERMINATION.—The response plan developed
2 under sections 102(b)(14) and 134(b)(7) shall provide
3 that the Secretary of Health and Human Services may
4 take actions under subsection (c) if the Secretary of
5 Health and Human Services determines, after consulta-
6 tion with the Director of the Centers for Disease Control
7 and Prevention, such other public health officials as may
8 be necessary, and the Secretary that—

9 (1) a disease or disorder presents a public
10 health emergency; or

11 (2) a detected or suspected public health emer-
12 gency, including significant outbreaks of infectious
13 diseases or terrorist attacks involving biological,
14 chemical, or radiological weapons, otherwise exists.

15 (c) ACTIONS.—After making an affirmative deter-
16 mination under subsection (b)(1) or (2), the Secretary of
17 Health and Human Services may take such action as may
18 be appropriate to respond to the public health emergency,
19 including—

20 (1) making grants, providing awards for
21 pensions, and entering into contracts;

22 (2) conducting and supporting investigations
23 into the cause, treatment, or prevention of a disease
24 or disorder as described under paragraphs (1) and

(2) of subsection (b), acting through the Centers for
2 Disease Control and Prevention;

3 (3) directing, in collaboration with the Sec-
4 retary, the response of other agencies with respect to
5 a public health threat posed to the general public
6 and Federal employees and facilities as described
7 under paragraphs (1) and (2) of subsection (b); and

8 (4) disseminating necessary information to as-
9 sist States, localities, and the general public in re-
10 sponding to a disease or disorder as described under
paragraphs (1) and (2) of subsection (b).

12 (d) **SUPERSEDING AUTHORITY.** Notwithstanding
13 any provisions of this Act, during the period in which the
14 Secretary of Health and Human Services has declared the
15 existence of a public health emergency, under the author-
16 ity under section 319(a) of the Public Health Service Act
17 (42 U.S.C. 247d(a)), no Federal agency or provision of
18 law may supersede the authority of the Secretary of
19 Health and Human Services to respond to a public health
20 emergency in whatever manner is determined appropriate
21 by the Secretary of Health and Human Services, acting
22 through the Director of the Centers for Disease Control
23 and Prevention.

24 (e) **DISCLOSURES AMONG RELEVANT AGENCIES.**

1 1) IN GENERAL.—Full disclosure among rel-
2 evant agencies shall be made in accordance with this
3 subsection.

4 (2) PUBLIC HEALTH EMERGENCY. —During the
5 period in which the Secretary of Health and Human
6 Services has declared the existence of a public health
7 emergency under section 319(a) of the Public
8 Health Service Act (42 U.S.C. 247d(a)), the Sec-
9 retary of Health and Human Services shall keep rel-
10 evant agencies, including the Department of Home-
 land Security, the Department of Justice, and the
12 Federal Bureau of Investigation, fully and currently
13 informed.

14 (3) POTENTIAL PUBLIC HEALTH EMER-
15 GENCY.—In cases involving, or potentially involving,
16 a public health emergency, but in which no deter-
17 mination of an emergency by the Secretary of
18 Health and Human Services under section 319(a) of
19 the Public Health Service Act (42 U.S.C. 247d(a))
20 has been made, all relevant agencies, including the
21 Department of Homeland Security, the Department
22 of Justice, and the Federal Bureau of Investigation,
23 shall keep the Secretary of Health and Human Serv-
24 ices and the Director of the Centers for Disease
25 Control and Prevention fully and currently informed.