[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Public Health Service Act with respect to the determination, termination, and renewal of public health emergencies, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. Murphy and Ms. Guthrie

introduced the following bill; which was referred to the Committee on

__________________________________

A BILL

To amend the Public Health Service Act with respect to the determination, termination, and renewal of public health emergencies, 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 “PHE Congressional
5 Review Act of 2023”.


SEC. 2. PUBLIC HEALTH EMERGENCIES.

Subsection (a) of section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended to read as follows:

"(a) EMERGENCIES.—

"(1) IN GENERAL.—If the Secretary determines, after consultation with such public health officials as may be necessary, that—

"(A) a disease or disorder presents a public health emergency; or

"(B) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists,

the Secretary may take such action as may be appropriate to respond to the public health emergency, including making grants, providing awards for expenses, and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder as described in subparagraphs (A) and (B).

"(2) CONGRESSIONAL REVIEW OF NATIONWIDE EMERGENCIES.—Not later than 6 months after the date on which a determination of a nationwide public health emergency is made, and every 6 months thereafter until the termination of such nationwide public health emergency, each House of Congress
shall meet to consider a vote on a joint resolution to
determine whether that emergency shall be termi-
nated.

“(3) DURATION.—

“(A) TERMINATION. Any determination
of a public health emergency under paragraph
(1) terminates upon the earlier of—

“(i) the Secretary declaring that the
emergency no longer exists;

“(ii) the expiration of the 90-day pe-
period beginning on the date on which the
determination is made by the Secretary; or

“(iii) upon the enactment of a joint
resolution to terminate the emergency.

“(B) RENEWAL.—Determinations that ter-
minate under clause (i) or (ii) of subparagraph
(A) may be renewed by the Secretary (on the
basis of the same or additional facts), and sub-
paragraph (A) applies to each such renewal.

“(C) NOTIFICATION TO CONGRESS OF REN-
NEWAL.—Not later than 48 hours after making
a determination under this subsection of a pub-
lic health emergency (including a renewal), the
Secretary shall submit to the Congress written
notification of the determination.”.