

116TH CONGRESS
1ST SESSION

S. 11

To amend the Public Health Service Act to strengthen the National Disaster Medical System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 3, 2019

Mr. RUBIO (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to strengthen the National Disaster Medical System, 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 the Na-
5 tional Disaster Medical System Act of 2019”.

6 **SEC. 2. NATIONAL DISASTER MEDICAL SYSTEM.**

7 (a) STRENGTHENING THE NATIONAL DISASTER
8 MEDICAL SYSTEM.—Clause (ii) of section 2812(a)(3)(A)
9 of the Public Health Service Act (42 U.S.C. 300hh–
10 11(a)(3)(A)) is amended to read as follows:

1 “(ii) be present at locations, and for
2 limited periods of time, specified by the
3 Secretary on the basis that the Secretary
4 has determined that a location is at risk of
5 a public health emergency during the time
6 specified, or there is a significant potential
7 for a public health emergency.”.

8 (b) REVIEW OF THE NATIONAL DISASTER MEDICAL
9 SYSTEM.—Section 2812(b)(2) of the Public Health Serv-
10 ice Act (42 U.S.C. 300hh–11(b)(2)) is amended to read
11 as follows:

12 “(2) JOINT REVIEW AND MEDICAL SURGE CA-
13 PACITY STRATEGIC PLAN.—

14 “(A) REVIEW.—Not later than 180 days
15 after the date of enactment of the Strength-
16 ening the National Disaster Medical System
17 Act of 2019, the Secretary, in coordination with
18 the Secretary of Homeland Security, the Sec-
19 retary of Defense, and the Secretary of Vet-
20 erans Affairs, shall conduct a joint review of
21 the National Disaster Medical System. Such re-
22 view shall include—

23 “(i) an evaluation of medical surge ca-
24 pacity, as described in section 2803(a);

1 “(ii) an assessment of the available
2 workforce of the intermittent disaster re-
3 sponse personnel described in subsection
4 (c);

5 “(iii) the capacity of the workforce de-
6 scribed in clause (ii) to respond to all haz-
7 ards, including the capacity to simulta-
8 neously respond to multiple public health
9 emergencies and the capacity to respond to
10 a nationwide public health emergency;

11 “(iv) the effectiveness of efforts to re-
12 cruit, retain, and train such workforce; and

13 “(v) gaps that may exist in such
14 workforce and recommendations for ad-
15 dressing such gaps.

16 “(B) UPDATES.—As part of the National
17 Health Security Strategy under section 2802,
18 the Secretary shall update the findings from the
19 review under subparagraph (A) and provide rec-
20 ommendations to modify the policies of the Na-
21 tional Disaster Medical System as necessary.”.

22 (c) NOTIFICATION OF SHORTAGE.—Section 2812(c)
23 of the Public Health Service Act (42 U.S.C. 300hh–11(e))
24 is amended by adding at the end the following:

1 “(3) NOTIFICATION.—Not later than 30 days
2 after the date on which the Secretary determines the
3 number of intermittent disaster-response personnel
4 of the National Disaster Medical System is insuffi-
5 cient to address a public health emergency or poten-
6 tial public health emergency, the Secretary shall sub-
7 mit to the congressional committees of jurisdiction a
8 notification detailing—

9 “(A) the impact such shortage could have
10 on meeting public health needs and emergency
11 medical personnel needs during a public health
12 emergency; and

13 “(B) any identified measures to address
14 such shortage.

15 “(4) CERTAIN APPOINTMENTS.—

16 “(A) IN GENERAL.—If the Secretary deter-
17 mines that the number of intermittent disaster
18 response personnel within the National Disaster
19 Medical System under this section is insuffi-
20 cient to address a public health emergency or
21 potential public health emergency, the Secretary
22 may appoint candidates directly to personnel
23 positions for intermittent disaster response
24 within such system without regard to the provi-
25 sions of sections 3309 through 3318 of title 5,

1 United States Code. The Secretary shall provide
2 updates on the number of vacant or unfilled po-
3 sitions within such system to the congressional
4 committees of jurisdiction each quarter for
5 which this authority is in effect.

6 “(B) SUNSET.—The authority under this
7 paragraph shall expire on September 30,
8 2022.”.

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