

116TH CONGRESS  
1ST SESSION

# S. 11

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

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## 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

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## 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:

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

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

“(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—

“(A) REVIEW.—Not later than 180 days after the date of enactment of the Strengthening the National Disaster Medical System Act of 2019, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include—

“(i) an evaluation of medical surge capacity, 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(c))  
 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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