

[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.

IN THE HOUSE OF REPRESENTATIVES

Mr. Murphy and Mr. Guthrie

~~Mr. Murphy~~ 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”.

1 **SEC. 2. PUBLIC HEALTH EMERGENCIES.**

2 Subsection (a) of section 319 of the Public Health
3 Service Act (42 U.S.C. 247d) is amended to read as fol-
4 lows:

5 “(a) EMERGENCIES.—

6 “(1) IN GENERAL.—If the Secretary deter-
7 mines, after consultation with such public health of-
8 ficials as may be necessary, that—

9 “(A) a disease or disorder presents a pub-
10 lic health emergency; or

11 “(B) a public health emergency, including
12 significant outbreaks of infectious diseases or
13 bioterrorist attacks, otherwise exists,

14 the Secretary may take such action as may be ap-
15 propriate to respond to the public health emergency,
16 including making grants, providing awards for ex-
17 penses, and entering into contracts and conducting
18 and supporting investigations into the cause, treat-
19 ment, or prevention of a disease or disorder as de-
20 scribed in subparagraphs (A) and (B).

21 “(2) CONGRESSIONAL REVIEW OF NATIONWIDE
22 EMERGENCIES.—Not later than 6 months after the
23 date on which a determination of a nationwide pub-
24 lic health emergency is made, and every 6 months
25 thereafter until the termination of such nationwide
26 public health emergency, each House of Congress

1 shall meet to consider a vote on a joint resolution to
2 determine whether that emergency shall be termi-
3 nated.

4 “(3) DURATION.—

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

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

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

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

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

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