



Legislative Bulletin.....March 4, 2013

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Concur in the Senate Amendment to H.R. 307—Pandemic and All-Hazards Preparedness Reauthorization Act of 2013

**Concur in the Senate Amendment to H.R.307 —
Pandemic and All-Hazards Preparedness Reauthorization Act of 2013
(Rogers, R-MI)**

Order of Business: The bill is scheduled to be considered on Monday, March 4, 2013, under a motion to suspend the rules and pass the bill, requiring a two thirds majority vote for passage.

Summary: The Senate Amendment to H.R. 307 amends the Public Health Service Act by reauthorizing funding from FY2014-FY2018 for agencies and offices within the Department of Health and Human Services (HHS) that support activities related to public health readiness and medical emergencies to respond to public pandemics. Specifically, it reauthorizes activities to improve medical system capacity and care coordination in the event of a public health emergency. These activities are administered by the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), the Office of the Assistant Secretary for Health, and the Office of the Assistant Secretary for Preparedness and Response.

Background: Two similar bills passed the House in the 112th Congress. H.R. 2405 passed the House in December 2011 by a voice vote, and H.R. 6672 passed the House in December 2012 by a vote of [383-16](#). The RSC Legislative Bulletin for H.R. 2405 is [here](#) and H.R. 6672 is [here](#). Also, the Senate last cycle passed a similar bill, S. 1855, by unanimous consent.

The House passed [H.R. 307](#) on January 22, 2013, by a [395-29](#) vote. The Senate amended the bill and passed it by unanimous consent on February 27, 2013. The Senate changes to H.R. 307 include:

- changing the years of the authorization of funding levels from FY2013-FY2017 to FY2014-FY2018;
- making the Temporary Reassignment provision (formerly, the Temporary Redeployment provision in H.R. 307) a voluntary decision by employees funded by the federal government instead of a mandatory reassignment when a state’s Governor or Tribal organization requests that the Secretary of the Department of Health and Human Services (HHS) reassign personnel to respond to a public health emergency; and
- retroactively reauthorizes for six additional years (originally, five years in H.R. 307) an antitrust exemption for persons engaged in the development of a security countermeasure, a qualified countermeasure, or a qualified pandemic or epidemic product for the purpose of the

development, manufacture, distribution, purchase, or storage of a countermeasure or product. This authority expired on December 19, 2012. H.R. 307 states that this antitrust exemption shall take effect as if enacted on December 17, 2012.

Committee Action: Representative Mike Rogers (R-MI) introduced H.R. 307 on January 18, 2013, with a referral to the House Committees on Energy and Commerce and Veterans Affairs. No further committee action occurred on the bill. The House passed H.R. 307 on January 22, 2013, by a [395-29](#) vote. The Senate amended the bill and passed it by unanimous consent on February 27, 2013.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a [cost estimate](#) for the Senate Amendment to H.R. 307 on February 21, 2013. CBO estimated that implementing the bill would cost approximately \$11 billion over the FY2013-FY2018 period. Also, it would reduce direct spending by \$58 million over the same period, but would result in no net change in direct spending over the ten year period (FY2013-FY2023).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill expands the HHS Secretary's authority to issue public health emergency threat determinations and the emergency-use authority for certain medical products. It also establishes an advisory committee to oversee the current work being conducted by the Children's HHS Interagency Leadership on Disasters (CHILD) Working Group and the National Commission on Children and Disasters to address the country's ability to care for children affected by disasters. Any reauthorized amounts for public health provisions are reauthorized at FY2012 appropriated levels.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The CBO report states, "H.R. 307 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA)."

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A Committee report citing compliance with Clause 9 of Rule XXI regarding earmarks is not available. The Committee report for the similar, House-passed H.R. 2405 from the 112th Congress explains that H.R. 2405 contains "...no earmarks, limited tax benefits, or tax expenditures."

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, "This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution."

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