

118TH CONGRESS  
1ST SESSION

# H. R. 4419

To amend the Public Health Service Act with respect to the Public Health Emergency Medical Countermeasures Enterprise, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2023

Mr. HUDSON introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act with respect to the Public Health Emergency Medical Countermeasures Enterprise, 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 “PHEMCE Advisory  
5 Committee Act of 2023”.

6 **SEC. 2. PUBLIC HEALTH EMERGENCY MEDICAL COUNTER-**  
7 **MEASURES ENTERPRISE.**

8 (a) MEMBERS.—Section 2811–1(b) of the Public  
9 Health Service Act (42 U.S.C. 30hh–10a(b)) is amended  
10 by striking paragraph (11) and inserting the following:

1           “(11) The Director of the Biomedical Advanced  
2           Research and Development Authority.

3           “(12) The Director of the Strategic National  
4           Stockpile.

5           “(13) Representatives of any other Federal  
6           agency, which may include the Director of the Na-  
7           tional Institute of Allergy and Infectious Diseases  
8           and the Director of the Office of Public Health Pre-  
9           paredness and Response, as the Secretary deter-  
10          mines appropriate.”.

11          (b) FUNCTIONS.—Section 2811–1(c)(2) of the Public  
12          Health Service Act (42 U.S.C. 30hh–10a(c)(2)) is amend-  
13          ed to read as follows:

14                 “(2) INPUT.—In carrying out this section, the  
15                 PHEMCE shall solicit and consider input from—

16                         “(A) the PHEMCE Advisory Committee  
17                         maintained under subsection (d), as appro-  
18                         priate; and

19                         “(B) State, local, Tribal, and territorial  
20                         public health departments or officials, as appro-  
21                         priate.”.

22          (c) ADVISORY COMMITTEE.—Section 2811–1 of the  
23          Public Health Service Act (42 U.S.C. 30hh–10a) is  
24          amended by adding at the end the following:

25                 “(d) PHEMCE ADVISORY COMMITTEE.—

1 “(1) ESTABLISHMENT.—The Secretary shall—

2 “(A) establish and maintain an advisory  
3 committee to be known as the PHEMCE Advi-  
4 sory Committee (in this subsection referred to  
5 as the ‘Advisory Committee’) to seek input and  
6 ensure communication and transparency in the  
7 functions of the PHEMCE; and

8 “(B) seek input from and consult with ex-  
9 ternal partners with divergent threat portfolios,  
10 including chemical, biological, radiological, or  
11 nuclear agents and emerging infectious dis-  
12 eases, to ensure the right combination of  
13 threat-specific expertise on PHEMCE functions  
14 under subsection (c)(1) and to ensure appro-  
15 priate capability and capacity to maintain over-  
16 all readiness.

17 “(2) DUTIES.—The Advisory Committee  
18 shall—

19 “(A) provide advice to the PHEMCE in  
20 carrying out its functions;

21 “(B) solicit and incorporate the input of  
22 the private sector, non-Federal partners, and  
23 stakeholders to increase communication and  
24 transparency, identify gaps of preparedness,

1 and coordinate improvements in PHEMCE de-  
2 cision-making;

3 “(C) aid in the PHEMCE’s strategic plan-  
4 ning and decision-making regarding medical  
5 countermeasure research, advanced research,  
6 development, procurement, stockpiling, replen-  
7 ishment, deployment, and distribution;

8 “(D) aid in interactions among the  
9 PHEMCE’s members listed in subsection (b)  
10 and other government entities; and

11 “(E) aid in the PHEMCE’s communica-  
12 tion of decisions related to the PHEMCE’s  
13 functions.

14 “(3) MEMBERSHIP.—The Secretary, in con-  
15 sultation with the members of the PHEMCE listed  
16 in subsection (b), shall appoint to the Advisory Com-  
17 mittee at least 9, and not more than 11, individuals,  
18 including—

19 “(A) at least 3 non-Federal professionals  
20 with expertise in medical countermeasure devel-  
21 opment, including medical countermeasures for  
22 chemical, biological, radiological, or nuclear  
23 agents and emerging infectious diseases;

1           “(B) at least 2 non-Federal professionals  
2 with expertise in medical countermeasure stock-  
3 piling and replenishment;

4           “(C) at least 2 non-Federal professionals  
5 with expertise in the medical countermeasure  
6 supply chain, including medical countermeasure  
7 manufacturing and distribution;

8           “(D) at least 2 non-Federal professionals  
9 with expertise in medical disaster planning, pre-  
10 paredness, response, or recovery;

11           “(E) 1 non-Federal professional appointed  
12 by the Speaker of the House of Representatives;

13           “(F) 1 non-Federal professional appointed  
14 by the minority leader of the House of Rep-  
15 resentatives;

16           “(G) 1 non-Federal professional appointed  
17 by the majority leader of the Senate; and

18           “(H) 1 non-Federal professional appointed  
19 by the minority leader of the Senate.

20           “(4) TERM OF APPOINTMENT.—Each member  
21 of the Advisory Committee shall be appointed for a  
22 term of 2 years and may be reappointed for two ad-  
23 ditional terms of 2 years, for a total of not more  
24 than 6 years. The first and second such terms may

1 be consecutive. The third such term may not be con-  
2 secutive.

3 “(5) MEETINGS.—The Advisory Committee  
4 shall—

5 “(A) meet not less than 4 times in each  
6 calendar year that begins after the establish-  
7 ment of the Advisory Committee;

8 “(B) hold all meetings in-person;

9 “(C) for purposes of ensuring trans-  
10 parency, provide adequate advance notice of the  
11 date of each meeting, including by publicly  
12 posting the meeting date 30 days before the  
13 date on which the meeting is to be held;

14 “(D) not later than 60 days after each  
15 meeting, communicate the activities carried out  
16 and decisions made during, and minutes of,  
17 such meeting to the appropriate congressional  
18 committees; and

19 “(E) not later than 30 days after each  
20 meeting, communicate the activities carried out  
21 and decisions made during, and minutes of,  
22 such meeting to the PHEMCE.”.

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