

117TH CONGRESS
2D SESSION

S. 3968

To improve State, local, and Tribal public health security.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2022

Ms. WARREN (for herself, Mr. HEINRICH, Ms. SMITH, Ms. KLOBUCHAR, Mr. BOOKER, Ms. BALDWIN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To improve State, local, and Tribal public health security.

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 “CDC Tribal Public
5 Health Security and Preparedness Act”.

6 **SEC. 2. IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC** 7 **HEALTH SECURITY.**

8 Section 319C–1 of the Public Health Service Act (42
9 U.S.C. 247d–3a) is amended—

10 (1) in the section heading, by striking “**AND**
11 **LOCAL**” and inserting “**, LOCAL, AND TRIBAL**”;

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (B), by striking
4 “or” at the end;

5 (ii) in subparagraph (C), by striking
6 “and” at the end and inserting “or”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(D) be an Indian Tribe, a Tribal organi-
10 zation, or a consortium of Indian Tribes or
11 Tribal organizations; and”; and

12 (B) in paragraph (2)—

13 (i) in subparagraph (A)(viii)—

14 (I) by inserting “and Tribal”
15 after “with State”;

16 (II) by striking “(as defined in
17 section 8101 of the Elementary and
18 Secondary Education Act of 1965)”
19 and inserting “and Tribal educational
20 agencies (as defined in sections 8101
21 and 6132, respectively, of the Elemen-
22 tary and Secondary Education Act of
23 1965)”; and

24 (III) by inserting “and Tribal”
25 after “and State”;

1 (ii) in subparagraph (G), by inserting
 2 “(including Indian Tribes, Tribal organiza-
 3 tions, and urban Indian organizations)”
 4 after “stakeholders”; and

5 (iii) in subparagraph (H), by inserting
 6 “, Indian Tribes, and urban Indian organi-
 7 zations” after “public health”;

8 (3) in subsection (e), by inserting “Indian
 9 Tribes, Tribal organizations, urban Indian organiza-
 10 tions,” after “local emergency plans,”;

11 (4) in subsection (h)—

12 (A) by amending subparagraph (A) of
 13 paragraph (1) to read as follows:

14 “(A) IN GENERAL.—For the purpose of
 15 carrying out this section, there is authorized to
 16 be appropriated \$750,000,000 for each of fiscal
 17 years 2023 through 2025 for awards pursuant
 18 to paragraph (3) (subject to the authority of
 19 the Secretary to make awards pursuant to
 20 paragraphs (4) and (5)) and paragraph (8), of
 21 which not less than 5 percent shall be reserved
 22 each fiscal year for awards under paragraph
 23 (8).”;

24 (B) in the heading of paragraph (3), by in-
 25 serting “FOR STATES” after “AMOUNT”; and

1 (C) by adding at the end the following:

2 “(8) TRIBAL ELIGIBLE ENTITIES.—

3 “(A) DETERMINATION OF FUNDING
4 AMOUNT.—

5 “(i) IN GENERAL.—The Secretary
6 shall award at least 10 cooperative agree-
7 ments under this section, in amounts not
8 less than the minimum amount determined
9 under clause (ii), to eligible entities de-
10 scribed in subsection (b)(1)(D) that submit
11 to the Secretary an application that meets
12 the criteria of the Secretary for the receipt
13 of such an award and that meets other
14 reasonable implementation conditions es-
15 tablished by the Secretary, in consultation
16 with Indian Tribes, for such awards.

17 “(ii) MINIMUM AMOUNT.—In deter-
18 mining the minimum amount of an award
19 pursuant to clause (i), the Secretary, in
20 consultation with Indian Tribes, shall first
21 determine an amount the Secretary con-
22 siders appropriate for the eligible entity.

23 “(B) AVAILABLE UNTIL EXPENDED.—
24 Amounts provided to a Tribal eligible entity
25 under a cooperative agreement under this sec-

tion for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity during the entirety of the performance period, for the purposes for which said funds were provided.

“(C) NO MATCHING REQUIREMENT.—Subparagraphs (B) and (C) of paragraph (1) shall not apply with respect to cooperative agreements awarded under this section to eligible entities described in subsection (b)(1)(D).”; and (5) by adding at the end the following:

“(1) SPECIAL RULES RELATED TO TRIBAL ELIGIBLE ENTITIES.—

“(1) MODIFICATIONS.—After consultation with Indian Tribes, the Secretary may make necessary and appropriate modifications with respect to subsections (b)(2), (g), and (i) to facilitate the use of the cooperative agreement program by eligible entities described in subsection (b)(1)(D).

“(2) WAIVERS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall waive or specify alternative requirements for any provision of this section (including regulations) that the Secretary administers in connection with

1 this section if the Secretary, after consultation
2 with Indian Tribes, finds that the waiver or al-
3 ternative requirement is appropriate for the ef-
4 fective delivery and administration of this pro-
5 gram with respect to eligible entities described
6 in subsection (b)(1)(D).

7 “(B) EXCEPTION.—The Secretary may not
8 waive or specify alternative requirements under
9 subparagraph (A) relating to labor standards or
10 the environment.

11 “(3) CONSULTATION.—The Secretary shall con-
12 sult with Indian Tribes and Tribal organizations on
13 the design of this program with respect to such
14 Tribes and organizations to ensure the effectiveness
15 of the program in enhancing the security of Indian
16 Tribes with respect to public health emergencies.

17 “(4) REPORTING.—

18 “(A) IN GENERAL.—Not later than 2 years
19 after the date of enactment of this subsection,
20 and as an addendum to the biennial evaluations
21 required under subsection (k), the Secretary, in
22 coordination with the Director of the Indian
23 Health Service, shall—

24 “(i) conduct a review of the implemen-
25 tation of this section with respect to eligi-

1 ble entities described in subsection
2 (b)(1)(D), including any factors that may
3 have limited its success;

4 “(ii) compile a report containing—

5 “(I) a description of the results
6 of the review described in clause (i);

7 “(II) a breakdown of the eligible
8 entities described in subsection
9 (b)(1)(D) that—

10 “(aa) received an award
11 under this section;

12 “(bb) received an award
13 under this section and a waiver
14 as described in paragraph (2);
15 and

16 “(cc) applied under this sec-
17 tion but did not receive an
18 award;

19 “(III) a list of any requirements
20 of this section for which the Secretary
21 provided a waiver or alternative re-
22 quirement, and the reasoning for
23 issuing a waiver or alternative re-
24 quirement; and

1 “(IV) recommendations to Con-
 2 gress for program modifications nec-
 3 essary to improve the implementation
 4 of the program with respect to eligible
 5 entities described in subsection
 6 (b)(1)(D); and

7 “(iii) submit the report described in
 8 clause (ii) to—

9 “(I) the Committee on Indian Af-
 10 fairs, the Committee on Health, Edu-
 11 cation, Labor, and Pensions, and the
 12 Committee on Appropriations of the
 13 Senate; and

14 “(II) the Subcommittee on Indig-
 15 enous People of the Committee on
 16 Natural Resources, the Committee on
 17 Energy and Commerce, and the Com-
 18 mittee on Appropriations of the House
 19 of Representatives.

20 “(B) ANALYSIS OF TRIBAL PUBLIC
 21 HEALTH EMERGENCY INFRASTRUCTURE LIM-
 22 TATION.—The Secretary shall include in the
 23 initial report submitted under subparagraph (A)
 24 a description of any public health emergency in-

- 1 frastructure limitation encountered by eligible
- 2 entities described in subsection (b)(1)(D).”.

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