

116TH CONGRESS  
2D SESSION

# S. 3486

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

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IN THE SENATE OF THE UNITED STATES

MARCH 12, 2020

Mr. UDALL 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 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**”;

12 (2) in subsection (b)—

1 (A) in paragraph (1)—

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

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

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

8 “(D) be an Indian tribe, tribal organiza-  
9 tion, or a consortium of Indian tribes or tribal  
10 organizations; and”; and

11 (B) in paragraph (2)—

12 (i) in the matter preceding subpara-  
13 graph (A), by inserting “, as applicable”  
14 after “including”;

15 (ii) in subparagraph (A)(viii)—

16 (I) by inserting “and tribal”  
17 after “with State”;

18 (II) by striking “(as defined in  
19 section 8101 of the Elementary and  
20 Secondary Education Act of 1965)”  
21 and inserting “and tribal educational  
22 agencies (as defined in sections 8101  
23 and 6132, respectively, of the Elemen-  
24 tary and Secondary Education Act of  
25 1965)”;

1 (III) by inserting “and tribal”  
2 after “and State”;

3 (iii) in subparagraph (G), by striking  
4 “and tribal” and inserting “tribal, and  
5 urban Indian organization”; and

6 (iv) in subparagraph (H), by inserting  
7 “, Indian tribes, and urban Indian organi-  
8 zations” after “public health”;

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

12 (4) in subsection (h)—

13 (A) in paragraph (1)(A)—

14 (i) by striking “through 2023” and  
15 inserting “and 2020”; and

16 (ii) by inserting before the period “;  
17 and \$690,000,000 for each of fiscal years  
18 2021 through 2023 for awards pursuant to  
19 paragraph (3) (subject to the authority of  
20 the Secretary to make awards pursuant to  
21 paragraphs (4) and (5)) and paragraph  
22 (8), of which not less than \$5,000,000  
23 shall be reserved each fiscal year for  
24 awards under paragraph (8)”;

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

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

4 “(8) TRIBAL ELIGIBLE ENTITIES.—

5 “(A) DETERMINATION OF FUNDING  
6 AMOUNT.—

7 “(i) IN GENERAL.—The Secretary  
8 shall award at least 10 cooperative agree-  
9 ments under this section, in amounts not  
10 less than the minimum amount determined  
11 under clause (ii), to eligible entities de-  
12 scribed in subsection (b)(1)(D) that sub-  
13 mits to the Secretary an application that  
14 meets the criteria of the Secretary for the  
15 receipt of such an award and that meets  
16 other reasonable implementation conditions  
17 established by the Secretary, in consulta-  
18 tion with Indian tribes, for such awards. If  
19 the Secretary receives more than 10 appli-  
20 cations under this section from eligible en-  
21 tities described in subsection (b)(1)(D)  
22 that meet the criteria and conditions de-  
23 scribed in the previous sentence, the Sec-  
24 retary, in consultation with Indian tribes,

1           may make additional awards under this  
2           section to such entities.

3           “(ii) MINIMUM AMOUNT.—In deter-  
4           mining the minimum amount of an award  
5           pursuant to clause (i), the Secretary, in  
6           consultation with Indian tribes, shall first  
7           determine an amount the Secretary con-  
8           siders appropriate for the eligible entity.

9           “(B) AVAILABLE UNTIL EXPENDED.—  
10          Amounts provided to a tribal eligible entity  
11          under a cooperative agreement under this sec-  
12          tion for a fiscal year and remaining unobligated  
13          at the end of such year shall remain available  
14          to such entity during the entirety of the per-  
15          formance period, for the purposes for which  
16          said funds were provided.

17          “(C) NO MATCHING REQUIREMENT.—Sub-  
18          paragraphs (B), (C), and (D) of paragraph (1)  
19          shall not apply with respect to cooperative  
20          agreements awarded under this section to eligi-  
21          ble entities described in subsection (b)(1)(D).”;  
22          and

23          (5) by adding at the end the following:

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

1           “(1) MODIFICATIONS.—After consultation with  
2 Indian tribes, the Secretary may make necessary  
3 and appropriate modifications to the program under  
4 this section to facilitate the use of the cooperative  
5 agreement program by eligible entities described in  
6 subsection (b)(1)(D).

7           “(2) WAIVERS.—

8                 “(A) IN GENERAL.—Except as provided in  
9 subparagraph (B), the Secretary may waive or  
10 specify alternative requirements for any provi-  
11 sion of this section (including regulations) that  
12 the Secretary administers in connection with  
13 this section if the Secretary finds that the waiv-  
14 er or alternative requirement is necessary for  
15 the effective delivery and administration of this  
16 program with respect to eligible entities de-  
17 scribed in subsection (b)(1)(D).

18                 “(B) EXCEPTION.—The Secretary may not  
19 waive or specify alternative requirements under  
20 subparagraph (A) relating to labor standards or  
21 the environment.

22           “(3) CONSULTATION.—The Secretary shall con-  
23 sult with Indian tribes and tribal organizations on  
24 the design of this program with respect to such  
25 tribes and organizations to ensure the effectiveness

1 of the program in enhancing the security of Indian  
2 tribes with respect to public health emergencies.

3 “(4) REPORTING.—

4 “(A) IN GENERAL.—Not later than 2 years  
5 after the date of enactment of this subsection,  
6 and as an addendum to the biennial evaluations  
7 required under subsection (k), the Secretary, in  
8 coordination with the Director of the Indian  
9 Health Service, shall—

10 “(i) conduct a review of the implemen-  
11 tation of this section with respect to eligi-  
12 ble entities described in subsection  
13 (b)(1)(D), including any factors that may  
14 have limited its success; and

15 “(ii) submit a report describing the  
16 results of the review described in clause (i)  
17 to—

18 “(I) the Committee on Indian Af-  
19 fairs, the Committee on Health, Edu-  
20 cation, Labor, and Pensions, and the  
21 Committee on Appropriations of the  
22 Senate; and

23 “(II) the Subcommittee on Indig-  
24 enous People of the Committee on  
25 Natural Resources, the Committee on

1 Energy and Commerce, and the Com-  
2 mittee on Appropriations of the House  
3 of Representatives.

4 “(B) ANALYSIS OF TRIBAL PUBLIC  
5 HEALTH EMERGENCY INFRASTRUCTURE LIM-  
6 TATION.—The Secretary shall include in the  
7 initial report submitted under subparagraph (A)  
8 a description of any public health emergency in-  
9 frastructure limitation encountered by eligible  
10 entities described in subsection (b)(1)(D).”.

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