

109TH CONGRESS
2^D SESSION

H. R. 6086

To amend the Homeland Security Act to provide for the health of Americans by implementing a system that detects and identifies in a timely manner diseases, conditions, and events that represent a threat to humans, animals, food production and the water supply.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2006

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

A BILL

To amend the Homeland Security Act to provide for the health of Americans by implementing a system that detects and identifies in a timely manner diseases, conditions, and events that represent a threat to humans, animals, food production and the water supply.

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 “National Reportable
5 Conditions Act”.

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to provide for the health
3 of Americans by implementing a system that detects and
4 identifies in a timely manner diseases, conditions, and
5 events that represent a threat to humans, animals, food
6 production and the water supply.

7 **SEC. 3. AMENDMENT TO THE HOMELAND SECURITY ACT.**

8 Title V of the Homeland Security Act of 2002 (6
9 U.S.C. 311 et seq.) is amended by adding at the end the
10 following:

11 **“SEC. 511. NATIONAL REPORTABLE CONDITIONS PROGRAM.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) COMMISSION.—The term ‘Commission’
14 means the Commission on National Reportable Con-
15 ditions established under subsection (d).

16 “(2) DATA REPOSITORY.—The term ‘data re-
17 pository’ means the secure repository of reports
18 processed through the System and controlled by the
19 Department.

20 “(3) DEPARTMENT.—The term ‘Department’
21 means the Department of Homeland Security.

22 “(4) LIST OF NATIONAL REPORTABLE CONDI-
23 TIONS.—The terms ‘list of national reportable condi-
24 tions’ and ‘list’ mean the list of national reportable
25 conditions established in accordance with this sec-
26 tion.

1 “(5) NATIONAL REPORTABLE CONDITIONS.—
2 The terms ‘national reportable conditions’, ‘condi-
3 tion’, and ‘conditions’ mean the diseases, conditions,
4 and events that when identified by health practi-
5 tioners, veterinarians, animal and food production
6 specialists, State and local health professionals, envi-
7 ronmental and public utility workers, and
8 laboratorians must be reported to the Department of
9 Homeland Security as required under this section.

10 “(6) NATIONAL REPORTABLE CONDITIONS SYS-
11 TEM.—The terms ‘National Reportable Conditions
12 System’ and ‘System’ mean the electronic system
13 providing for the standardized collection, analysis,
14 and transmission of national reportable conditions
15 among the appropriate public health organizations,
16 as required by the Secretary under this section.

17 “(7) REPORT.—The term ‘report’ means a set
18 of data elements related to the identification of a de-
19 tected condition. The content of such data elements
20 shall be defined by the Secretary upon the advice of
21 the Commission. Such data elements may include
22 demographic data of the individual or entity report-
23 ing the condition, condition identification, the con-
24 tact information of the reporting individual, and

1 method of detection (such as laboratory test, subjec-
2 tive findings, or clinical observation).

3 “(8) REPORTING ENTITY.—The term ‘reporting
4 entity’ means—

5 “(A) a State or local entity with responsi-
6 bility for public health, such as health practi-
7 tioners, veterinarians, animal and food produc-
8 tion specialists, State and local health profes-
9 sionals, environmental and public service profes-
10 sionals, and laboratorians; or

11 “(B) a commercial entity engaged in inter-
12 state commerce for the purpose of testing or
13 analyzing materials in order to detect condi-
14 tions pursuant to this section.

15 “(b) FEDERAL ACTIVITIES.—Based upon the rec-
16 ommendations of the Commission, the Secretary shall
17 carry out the following activities:

18 “(1) CERTIFICATION OF NATIONAL REPORT-
19 ABLE CONDITIONS.—Not later than 180 days after
20 the date of the enactment of this section, and annu-
21 ally thereafter, the Secretary, in consultation with
22 the Secretary of Health and Human Services, the
23 Administrator of the Environmental Protection
24 Agency, and the Secretary of Agriculture, shall cer-
25 tify a list of national reportable conditions.

1 “(2) ESTABLISHMENT OF NATIONAL REPORT-
2 ABLE CONDITIONS SYSTEM.—Not later than 1 year
3 after the date of enactment of this section, the Sec-
4 retary shall establish an electronic National Report-
5 able Conditions System for the collection, analysis,
6 and transmission of reports between reporting enti-
7 ties and the Department, and any such other per-
8 sons or entities as determined appropriate by the
9 Secretary. The System shall use the most appro-
10 priate technical approach to achieve the purpose of
11 this section.

12 “(3) ESTABLISHMENT OF DATA REPOSITORY.—
13 Not later than 1 year after the date of the enact-
14 ment of this section, the Secretary shall establish a
15 data repository of records processed by the System
16 for use by Federal, State, and local public health
17 personnel, law enforcement agencies, and other Fed-
18 eral agencies. The Secretary shall provide a mecha-
19 nism for State and local entities to obtain access to
20 the repository for designated individuals who have
21 been identified as needing such access.

22 “(4) ESTABLISHMENT OF REPORTING PROCESS
23 FOR COMMERCIAL ENTITIES.—Not later than 1 year
24 after the date of the enactment of this section, the
25 Secretary shall establish a process to enable com-

1 mercial entities, including private not-for-profit and
2 for-profit laboratories, to transmit reports to a sin-
3 gle government entity (the System) which can then
4 make such reports available to appropriate State or
5 local entities. It shall be the purpose of the process
6 established under this paragraph to eliminate the
7 burden placed on such commercial entities by requir-
8 ing such entities to report identical information to
9 multiple State or local entities. Under such process,
10 reports may be transmitted through the System to
11 State and local entities in a manner that allows such
12 reports to be available at or about the same time as
13 the data enters the System.

14 “(5) ESTABLISHMENT OF PROCESS AND RE-
15 SEARCH PROGRAM.—The Secretary shall establish a
16 process for the identification of obstacles or chal-
17 lenges to the achievement of the purposes of this
18 section. The Secretary shall establish a research pro-
19 gram to identify or create solutions to such obstacles
20 and challenges.

21 “(6) GRANTS.—

22 “(A) IN GENERAL.—The Secretary shall
23 award grants to State and local entities to en-
24 able such entities to conduct surveillance and

1 timely reporting activities with respect to the
2 submission of reports under this section.

3 “(B) ELIGIBILITY.—To be eligible to re-
4 ceive a grant under subparagraph (A), a State
5 or local entity shall prepare and submit to the
6 Secretary an application at such time, in such
7 manner, and containing such information as the
8 Secretary may require, including a description
9 of the manner in which grant funds shall be
10 used to enhance the timeliness and comprehen-
11 siveness of the State or local entity’s efforts to
12 submit reports with respect to national report-
13 able conditions.

14 “(c) COMMISSION ON NATIONAL REPORTABLE CON-
15 DITIONS.—

16 “(1) ESTABLISHMENT.—There shall be estab-
17 lished a commission to be known as the Commission
18 on National Reportable Conditions.

19 “(2) MEMBERSHIP.—

20 “(A) COMPOSITION.—The Commission
21 shall be composed of—

22 “(i) the Secretary or his or her des-
23 ignee;

24 “(ii) the Secretary of Health and
25 Human Services or his or her designee;

1 “(iii) the Secretary of the Environ-
2 mental Protection Agency or his or her
3 designee;

4 “(iv) the Secretary of Agriculture or
5 his or her designee; and

6 “(v) 7 members to be appointed by
7 the Secretary in accordance with subpara-
8 graph (B).

9 “(B) EXPERTISE.—In appointing members
10 of the Commission under subparagraph (A), the
11 Secretary shall ensure that the Commission
12 consists of individuals with expertise and expe-
13 rience in State and local health, water, environ-
14 ment, and agriculture, of which—

15 “(i) 1 member shall be a veterinarian,
16 duly licensed to practice in the United
17 States;

18 “(ii) 1 member shall be an epidemiolo-
19 gist, duly employed by a State, county, or
20 other local entity;

21 “(iii) 1 member shall be a food sci-
22 entist, duly employed in a private sector
23 food testing laboratory or a State public
24 health laboratory;

1 “(iv) 1 member shall be a State
2 health official reporting to the governor of
3 a State or a county health official report-
4 ing to a county board or its equivalent;

5 “(v) 1 member shall be the director of
6 clinical laboratory at an academic medical
7 center;

8 “(vi) 1 member shall be the director
9 of a private sector laboratory engaged in
10 interstate commerce;

11 “(vii) 1 member shall be an environ-
12 mental toxicologist for a State agency; and

13 “(viii) 1 member shall be an environ-
14 mental scientist at a public water utility.

15 “(3) FUNCTIONS.—

16 “(A) RECOMMENDED LIST OF REPORT-
17 ABLE CONDITIONS.—

18 “(i) REVIEW.—In order to assist the
19 Secretary in carrying out subsection (b)(1),
20 the Commission shall review State and
21 local regulations to determine the existence
22 of conditions that the Commission deter-
23 mines represent a serious threat to the
24 health of individuals in the United States.

1 “(ii) RECOMMENDATION.—Based on
2 the review conducted under clause (i), the
3 Commission shall compile a list of national
4 reportable conditions that shall be rec-
5 ommended to the Secretary for certifi-
6 cation under subsection (b)(1). The Com-
7 mission shall review the list at least annu-
8 ally and shall revise such list as deter-
9 mined appropriate by the Secretary.

10 “(B) NATIONAL REPORTABLE CONDITIONS
11 SYSTEM.—In order to assist the Secretary in
12 carrying out subsection (b)(2), the Commission
13 shall advise the Secretary on appropriate proc-
14 esses and standards for the establishment of
15 the National Reportable Conditions System.
16 Such process and standards shall include the
17 appropriate demographics, clinical and technical
18 content, identification requirements, definition
19 of terminology, and processes for the uniform
20 electronic transmission of reports to the Sys-
21 tem, as well as minimum time standards in
22 which such reports shall be transmitted to the
23 Department by the reporting entity for entry
24 into the System.

25 “(C) DATA REPOSITORY.—

1 “(i) IN GENERAL.—In order to assist
2 the Secretary in carrying out subsection
3 (b)(3), the Commission shall advise the
4 Secretary on the most appropriate means
5 to establish and maintain a data repository
6 and ensure that the data repository is ac-
7 cessible by Federal, State, and local public
8 health personnel, law enforcement, and
9 other Federal agencies. Such advise shall
10 include a process to protect the privacy
11 and accuracy of data at a level consistent
12 with commercial practice.

13 “(ii) LIMITATION.—In ensuring the
14 accessibility of the data repository under
15 clause (i), the Commission shall rec-
16 ommend appropriate limits to ensure the
17 use of such repository only by those indi-
18 viduals determined by the Secretary to
19 have a need to know and only to use date
20 in the repository in the protection of the
21 United States.

22 “(D) REPORTING PROCESS.—In order to
23 assist the Secretary in carrying out subsection
24 (b)(4), the Commission shall advise the Sec-
25 retary concerning the establishment of a proc-

1 ess for the certification of reporting entities de-
2 scribed in subsection (a)(8)(B) to ensure that
3 such entities are able to comply with the report-
4 ing requirements of State or local entities. Such
5 process shall—

6 “(i) ensure that State and local enti-
7 ties have appropriate access to, and are ap-
8 propriately notified of, reports transmitted
9 to the System in a manner that allows the
10 reports to be made available at or about
11 the same time as the data enters the Sys-
12 tem; and

13 “(ii) ensure that reporting entities de-
14 scribed in subsection (a)(8)(B) will not be
15 required to report identical information to
16 multiple State or local entities in which the
17 reporting entities operate or from which
18 the test specimen, organism, condition, or
19 event originated.

20 “(d) LIMITATIONS.—

21 “(1) STATE AND LOCAL REQUIREMENTS.—Ex-
22 cept as provided in this Act, the National Reportable
23 Conditions System shall not be construed to
24 supercede or modify any State, territory, or local law
25 that is intended to define or require the reporting of

1 a condition or disease within the State, territory, or
2 locality.

3 “(2) PROCESS OF SIMULTANEOUS REPORT-
4 ING.—The Secretary shall establish a process for the
5 submission of reports to the National Reportable
6 Conditions System that permits the simultaneous
7 submission of such reports to a State or local juris-
8 diction to achieve compliance with a State or local
9 law.

10 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as may be
12 necessary to carry out this section.”.

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