

111TH CONGRESS
2^D SESSION

H. R. _____

To amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish and implement a national surveillance program to identify and monitor the adverse health effects resulting from the discharge of petroleum in connection with the explosion and collapse of the mobile offshore drilling unit *Deepwater Horizon* and response actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish and implement a national surveillance program to identify and monitor the adverse health effects resulting from the discharge of petroleum in connection with the explosion and collapse of the mobile offshore drilling unit *Deepwater Horizon* and response actions, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “*Deepwater Horizon*
3 *Health Response Act of 2010*”.

4 **SEC. 2. IDENTIFICATION AND MONITORING OF ADVERSE**
5 **HEALTH EFFECTS RESULTING FROM DEEP-**
6 **WATER HORIZON INCIDENT.**

7 Title III of the Public Health Service Act is amended
8 by inserting after section 317T (42 U.S.C. 247b–22) the
9 following:

10 **“SEC. 317U. IDENTIFICATION AND MONITORING OF AD-**
11 **VERSE HEALTH EFFECTS RESULTING FROM**
12 **DEEPWATER HORIZON INCIDENT.**

13 “(a) **SURVEILLANCE.**—The Secretary shall establish
14 and implement a national surveillance program to identify
15 and monitor the adverse health effects resulting from the
16 *Deepwater Horizon* incident.

17 “(b) **VOLUNTARY REGISTRY.**—

18 “(1) **ESTABLISHMENT.**—The Secretary may es-
19 tablish and maintain a national registry, to be
20 known as the Horizon Registry, for the collection
21 and storage of information on exposures experienced
22 by, and the health of, individuals at risk because of
23 the *Deepwater Horizon* incident. Such information
24 may include detailed work and other health risk fac-
25 tor information for such individuals.

1 “(2) USE OF REGISTRY.—The Secretary may
2 use the Horizon Registry—

3 “(A) to identify and monitor the adverse
4 health effects resulting from the *Deepwater Ho-*
5 *rizon* incident, including by comparing the
6 health of individuals at risk because of the
7 *Deepwater Horizon* incident with the health of
8 an appropriate comparison group;

9 “(B) to facilitate research on identifica-
10 tion, diagnosis, prevention, or treatment of ad-
11 verse health effects resulting from the *Deep-*
12 *water Horizon* incident; and

13 “(C) to facilitate the provision of informa-
14 tion to individuals enrolled in the Horizon Reg-
15 istry for purposes of diagnosis, prevention, or
16 treatment of adverse health effects resulting
17 from the *Deepwater Horizon* incident.

18 “(3) VOLUNTARY ENROLLMENT.—The Sec-
19 retary shall enroll individuals in the Horizon Reg-
20 istry on a voluntary basis.

21 “(4) ADDITIONAL REGISTRIES.—In addition to
22 the Horizon Registry, the Secretary may establish
23 and maintain other voluntary national registries for
24 the collection and storage of information on expo-
25 sures experienced by, and the health of, individuals

1 at risk because of a covered oil spill incident. The
2 provisions of this section shall apply to such other
3 registries to the same extent and in the same man-
4 ner as such provisions apply to the Horizon Reg-
5 istry.

6 “(c) PRIVACY RIGHTS.—The activities carried out
7 under this section shall be conducted in a manner that
8 protects the confidentiality of individually identifiable
9 health information consistent with, as applicable, HIPAA
10 privacy and security law (as defined in section 3009(a)(2))
11 and section 552a of title 5, United States Code.

12 “(d) OBTAINING INFORMATION.—

13 “(1) IN GENERAL.—As necessary to carry out
14 this section, the Secretary may require an entity (in-
15 cluding a State, local, or tribal government) that, as
16 determined by the Secretary, has performed, con-
17 tracted for, or otherwise arranged for the perform-
18 ance of work in response to the *Deepwater Horizon*
19 incident to disclose to the Secretary information de-
20 scribed in paragraph (2) that is in the possession of
21 such entity.

22 “(2) INFORMATION TO BE DISCLOSED.—Infor-
23 mation described in this paragraph is—

24 “(A) information about individuals who, as
25 determined by the Secretary—

1 “(i) may have served as response
2 workers in connection with the *Deepwater*
3 *Horizon* incident; and

4 “(ii) may, as a result of such service,
5 be at risk for adverse health effects result-
6 ing from the *Deepwater Horizon* incident;

7 “(B) identities of other entities described
8 by paragraph (1);

9 “(C) other information that would assist
10 the Secretary in—

11 “(i) obtaining information described
12 in subparagraph (A) or (B); or

13 “(ii) contacting individuals described
14 in subparagraph (A) so as to offer them
15 the opportunity to be voluntarily enrolled
16 in the Horizon Registry; and

17 “(D) workplace incident reporting data re-
18 lated to the response work described in para-
19 graph (1).

20 “(e) COORDINATION WITH STATE, LOCAL, AND
21 TRIBAL PROGRAMS AND ACTIVITIES.—The Secretary
22 shall coordinate programs and activities under this section
23 with State, local, and tribal programs and activities relat-
24 ing to adverse health effects resulting from the *Deepwater*
25 *Horizon* incident.

1 “(f) CONSULTATION WITH APPROPRIATE FEDERAL
2 AGENCIES.—In carrying out this section, the Secretary
3 shall consult with the Administrator of the Environmental
4 Protection Agency, the Administrator of the Occupational
5 Safety and Health Administration, and as appropriate the
6 heads of other Federal departments and agencies.

7 “(g) PARTNERSHIP.—In carrying out this section,
8 the Secretary shall, as appropriate, enter into contracts
9 or other agreements with, or make grants to, govern-
10 mental or nongovernmental entities, including universities
11 and hospitals.

12 “(h) DEFINITIONS.—In this section:

13 “(1) The term ‘covered oil spill incident’ means
14 a discharge of petroleum, including crude oil or any
15 fraction thereof, that is classified as a spill of na-
16 tional significance pursuant to section 300.323 of
17 title 40, Code of Federal Regulations (or any suc-
18 cessor regulations) and any subsequent response ac-
19 tions.

20 “(2) The term ‘*Deepwater Horizon* incident’
21 means the discharge of petroleum, including crude
22 oil or any fraction thereof, in connection with the ex-
23 plosion and collapse of the mobile offshore drilling
24 unit *Deepwater Horizon* and any subsequent re-
25 sponse actions.

1 “(3) The term ‘health’ means human health
2 (including behavioral health).

3 “(4) The term ‘individuals at risk because of a
4 covered oil spill incident’ means individuals who—

5 “(A) work, reside, or perform services in
6 an area that, as determined by the Secretary,
7 puts them at risk for adverse health effects re-
8 sulting from a covered oil spill incident; or

9 “(B) are otherwise identified by the Sec-
10 retary as being at risk of such effects.

11 “(5) The term ‘individuals at risk because of
12 the *Deepwater Horizon* incident’ means individuals
13 who—

14 “(A) work, reside, or perform services in
15 an area that, as determined by the Secretary,
16 puts them at risk for adverse health effects re-
17 sulting from the *Deepwater Horizon* incident; or

18 “(B) are otherwise identified by the Sec-
19 retary as being at risk of such effects.

20 “(i) AUTHORIZATION OF APPROPRIATIONS.—To
21 carry out this section, there are authorized to be appro-
22 priated \$21,000,000 for fiscal year 2011 and \$4,000,000
23 for each of fiscal years 2012 through 2015.”.

1 **SEC. 3. EMERGENCY RESPONSE FOR THE GULF STATES.**

2 Section 501 of the Public Health Service Act (42
3 U.S.C. 290aa) is amended—

4 (1) by redesignating subsection (o) as sub-
5 section (p); and

6 (2) by inserting after subsection (n) the fol-
7 lowing:

8 “(o) EMERGENCY RESPONSE FOR THE GULF
9 STATES.—

10 “(1) IN GENERAL.—Notwithstanding section
11 504 and except as provided in paragraph (2), for fis-
12 cal years 2010 through 2012, the Secretary may use
13 not to exceed 1.0 percent of all amounts appro-
14 priated under this title for a fiscal year to—

15 “(A) make noncompetitive grants, con-
16 tracts or cooperative agreements to States
17 along the Gulf of Mexico to enable such States
18 to address emergency substance abuse or men-
19 tal health needs in local communities as a result
20 of the *Deepwater Horizon* incident (as defined
21 in section 317U(h)); or

22 “(B) to provide technical assistance under
23 paragraph (4).

24 “(2) EXCEPTIONS.—

1 “(A) NO USE OF PART C FUNDS.—
2 Amounts appropriated under part C shall not
3 be subject to paragraph (1).

4 “(B) RELATIONSHIP TO OTHER EMER-
5 GENCY RESPONSE USES.—The total of amounts
6 used under this subsection and amounts used
7 under subsection (m) shall not exceed 2.5 per-
8 cent of all amounts appropriated under this
9 title for a fiscal year, exclusive of amounts ap-
10 propriated under part C.

11 “(3) APPLICATIONS.—To seek a grant, con-
12 tract, or cooperative agreement pursuant to this sub-
13 section, a State shall submit an application con-
14 taining such agreements, assurances, and informa-
15 tion as the Secretary determines to be necessary. At
16 a minimum, any such application shall include an
17 assessment of need and a plan for the delivery of
18 mental health and substance abuse services.

19 “(4) TECHNICAL ASSISTANCE.—The Secretary
20 may provide technical assistance to States for devel-
21 oping plans to submit under paragraph (3) and for
22 implementation of plans funded pursuant to this
23 subsection.”.

1 **SEC. 4. ADMINISTRATION OF NATIONAL DISASTER MED-**
2 **ICAL SYSTEM.**

3 Paragraph (3) of section 2812(a) of the Public
4 Health Service Act (42 U.S.C. 300hh–11(a)) is amended
5 by adding at the end the following new subparagraph:

6 “(D) ADMINISTRATION.—The Secretary
7 may determine and pay claims for services
8 under subparagraph (A)—

9 “(i) directly; or

10 “(ii) by contract providing for pay-
11 ment in advance or by way of reimburse-
12 ment.”.

13 **SEC. 5. GRANTS IN PUBLIC HEALTH EMERGENCY SITUA-**
14 **TIONS.**

15 Section 2801 of the Public Health Service Act (42
16 U.S.C. 300hh) is amended by adding at the end the fol-
17 lowing new subsection:

18 “(c) GRANTS IN PUBLIC HEALTH EMERGENCIES.—

19 “(1) IN GENERAL.—The Secretary may make a
20 grant to carry any activity authorized by section
21 301, subsection (b) or (c) of section 2811, or section
22 2812(a) in locations, and for limited periods of time,
23 specified by the Secretary on the basis that the Sec-
24 retary has determined that—

25 “(A) a public health emergency (whether
26 or not such emergency would qualify as a public

1 health emergency under section 319) exists in
2 such locations during the time specified; or

3 “(B) such locations are at risk of such a
4 public health emergency during such time.

5 “(2) DELEGATION OF AUTHORITY.—The Sec-
6 retary may delegate the authority to make grants
7 under this subsection, but no lower than the Assist-
8 ant Secretary level.”.