




DATE: October 1, 2020

TO: Alex M. Azar II, Secretary

THROUGH: Ann C. Agnew, Executive Secretary

FROM: Robert P. Kadlec, MD, MTM&H, MS
Assistant Secretary for Preparedness and Response 

SUBJECT: Recommendation to Renew the Nationwide Public Health Emergency for COVID-19 under the Public Health Service Act – **DECISION**

ISSUE

The Assistant Secretary for Preparedness and Response recommends that the Secretary, pursuant to his authority under Section 319 of the Public Health Service (PHS) Act, renew for an additional 90 days the determination that a public health emergency exists nationwide as a result of the consequences of the coronavirus disease 2019 (COVID-19).

BACKGROUND

Under Section 319 of the PHS Act, the Secretary may determine that a public health emergency exists (and issue such a determination) if he “determines, after consultation with such public health officials as may be necessary, that (1) a disease or disorder presents a public health emergency, or (2) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists,” PHS Act § 319(a), 42 U.S.C. § 247d(a). Such a determination of a public health emergency expires after 90 days, unless the Secretary renews the determination “on the basis of the same or additional facts” as the initial determination was based.

As a result of the consequences of COVID-19, you made a determination, effective January 27, 2020, that a nationwide public health emergency exists. This determination was renewed twice for additional 90-day periods, effective on April 26, 2020, and again on July 25, 2020, respectively. The current 90-day public health emergency determination will expire on October 23, 2020, unless renewed.

Coronaviruses are a large family of viruses that most commonly infect animals. Rarely, coronaviruses can evolve to infect and spread rapidly between humans, such has been seen with Severe Acute Respiratory Syndrome (SARS) and Middle East Respiratory Syndrome (MERS). It is thought that person-to-person transmission of these diseases occurs via respiratory droplets, similar to how influenza and other respiratory pathogens spread.

First reported on January 11, 2020, as an outbreak of a novel coronavirus (2019-nCoV) in Wuhan, China, infections (the virus is now named SARS-CoV-2, which causes the illness COVID-19) have now spread to at least 188 countries and regions, including the United States. On March 11, 2020 the World Health Organization formally declared COVID-19 a pandemic. As of July 17, 2020, approximately 3.48 million cases and 136,938 deaths have been reported in the United States and infection rates continue to rise in parts of the country.

Among other things, renewing your public health emergency declaration is necessary to enable the Centers for Medicare & Medicaid Services to continue approving temporary modifications and waivers under Section 1135 of the Social Security Act, to enable HHS OPDIV and STAFFDIV heads to continue to approve under section 319(e) of the PHS Act temporary reassignments of state, local, and tribal personnel whose salaries are funded in whole or in part by PHS Act programs, and to enable you to continue to approve under section 319(f) of the PHS Act temporary waivers of the Paperwork Reduction Act for information collections related to COVID-19.

RECOMMENDATION

I recommend you renew the Public Health Emergency Declaration for COVID-19 pursuant to Section 319 of the Public Health Service Act U.S.C., 42 U.S.C. § 247



Robert P. Kadlec, MD, MTM&H, MS
Assistant Secretary for Preparedness and Response

DECISION

Renew the Public Health Emergency Declaration for the Coronavirus Disease 2019 (COVID-19) Pursuant to Section 319 of the Public Health Service Act, 42 U.S.C. § 247

Approved



Disapproved

Need More Information



Alex M. Azar II
Secretary

OCT 02 2020

Date

Attachments:

TAB A: PHE Renewal SARS-CoV-2

TAB B: Senate Notification PHE Renewal SARS-CoV-2

TAB C: House Notification PHE Renewal SARS-CoV-2