

110TH CONGRESS  
1ST SESSION

# H. R. 3447

To amend the Public Health Service Act to ensure the independence of the Surgeon General from political interference.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. WAXMAN (for himself, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. LEE, Ms. SLAUGHTER, Ms. SOLIS, Mr. TOWNS, Ms. BALDWIN, Ms. DEGETTE, Mrs. CHRISTENSEN, Mr. COHEN, Ms. HOOLEY, Mr. COOPER, and Mr. LEWIS of Georgia) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to ensure the independence of the Surgeon General from political interference.

- 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 “Surgeon General Inde-
- 5        pendence Act”.

1 **SEC. 2. INDEPENDENCE OF THE SURGEON GENERAL OF**  
2 **THE PUBLIC HEALTH SERVICE.**

3 (a) IN GENERAL.—Section 204 of the Public Health  
4 Service Act (42 U.S.C. 205) is amended to read as follows:

5 “SURGEON GENERAL

6 “SEC. 204. (a) APPOINTMENT.—

7 “(1) IN GENERAL.—The Surgeon General shall  
8 be appointed for a 4-year term by the President, in  
9 accordance with paragraph (2), by and with the ad-  
10 vice and consent of the Senate.

11 “(2) REQUIREMENTS FOR APPOINTMENT.—The  
12 Surgeon General shall be appointed from individuals  
13 who—

14 “(A) are licensed physicians with special-  
15 ized training and significant experience in pub-  
16 lic health;

17 “(B) are, or agree upon appointment to  
18 become, members of the Regular Corps; and

19 “(C) are nominated by the Secretary pur-  
20 suant to paragraph (3).

21 “(3) NOMINATIONS.—The Regular Corps shall  
22 submit to the Secretary and the President a list of  
23 6 nominees, who meet the requirements of para-  
24 graph (2), and of whom not fewer than 3 shall be  
25 Regular Corps officers of flag rank, to fill any exist-  
26 ing or pending vacancy in the position of Surgeon

1       General. The Secretary shall forward such list to the  
2       President, the Committee on Energy and Commerce  
3       of the House of Representatives, and the Committee  
4       on Health, Education, Labor, and Pensions of the  
5       Senate.

6       “(4) TERM LIMIT.—An individual shall not  
7       serve more than 3 full terms as Surgeon General.

8       “(5) GRADE AND NUMBER.—Upon expiration of  
9       an individual’s service as the Surgeon General, the  
10       individual, unless reappointed, shall revert to the  
11       grade and number in the Regular Corps or Reserve  
12       Corps which the individual would have occupied if  
13       not for such service.

14       “(b) REMOVAL.—The President may only remove the  
15       Surgeon General during a term for cause. If a Surgeon  
16       General is removed, the Secretary shall provide to the  
17       Committee on Energy and Commerce of the House of  
18       Representatives and the Committee on Health, Education,  
19       Labor, and Pensions of the Senate a written explanation  
20       as to the cause for the removal.

21       “(c) LINE OF AUTHORITY.—Notwithstanding section  
22       201, the Surgeon General, under the supervision and di-  
23       rection of the Secretary, shall administer the Office of the  
24       Surgeon General, the Regular Corps, and the Reserve  
25       Corps.

1       “(d) BUDGET AUTHORITY.—Notwithstanding any  
2 other provision of law, for each fiscal year, the Surgeon  
3 General shall prepare and submit, directly to the President  
4 for review and transmittal to the Congress, an annual  
5 budget estimate (including the number and type of per-  
6 sonnel needs for the Surgeon General) for the Office of  
7 the Surgeon General, after reasonable opportunity for  
8 comment (but without change) by the Secretary.

9       “(e) STAFF.—Subject to the availability of appropria-  
10 tions, the provisions of this title, and applicable Federal  
11 civil service laws, the Surgeon General shall have the au-  
12 thority to hire and terminate employees of and consultants  
13 to the Office of the Surgeon General without obtaining  
14 approval by, or clearance from, any employee of or con-  
15 sultant to the Department of Health and Human Services.

16       “(f) REPORTS, CALLS TO ACTION, AND OTHER COM-  
17 MUNICATIONS.—

18       “(1) IN GENERAL.—The Surgeon General shall  
19 from time to time issue reports, calls to action, and  
20 other communications on matters of importance to  
21 the health of the American people.

22       “(2) ANNUAL REPORT.—In carrying out para-  
23 graph (1), the Surgeon General shall submit to the  
24 Congress and make publicly available an annual re-  
25 port on the state of the Nation’s health. Each such

1 report shall include an analysis of the potential im-  
2 pact of global health trends on the Nation's health.

3       “(3) PUBLIC HEALTH SCIENCE.—The reports,  
4 calls to action, and other communications issued  
5 under paragraphs (1) and (2) shall be based on the  
6 Surgeon General's professional judgment regarding  
7 the best available public health science.

8       “(4) ROLE OF THE SECRETARY.—The Sec-  
9 retary shall have exclusive authority to disapprove  
10 the issuance of a report, call to action, or other com-  
11 munication proposed by the Surgeon General. If the  
12 Secretary disapproves the issuance of a report, call  
13 to action, or other communication proposed by the  
14 Surgeon General, the Secretary shall, within 10 days  
15 of disapproval, submit to the Committee on Energy  
16 and Commerce of the House of Representatives and  
17 the Committee on Health, Education, Labor, and  
18 Pensions of the Senate a full explanation of the rea-  
19 sons for such disapproval.”.

20       (b) CONFORMING AMENDMENT.—Section 201 of the  
21 Public Health Service Act (42 U.S.C. 202) is amended  
22 by striking “The Public Health Service” and inserting  
23 “Subject to section 204(c), the Public Health Service”.

