

110TH CONGRESS  
1ST SESSION

# S. 1777

To amend title II of the Public Health Service Act to restore the integrity to the office of the Surgeon General.

---

IN THE SENATE OF THE UNITED STATES

JULY 12, 2007

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To amend title II of the Public Health Service Act to restore the integrity to the office of the Surgeon General.

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 Integ-  
5       rity Restoration Act”.

6       **SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE**  
7       **ACT.**

8       Section 204 of the Public Health Service Act (42  
9       U.S.C. 205) is amended to read as follows:

1 **“SEC. 204. SURGEON GENERAL.**

2 “(a) APPOINTMENT.—

3 “(1) IN GENERAL.—The Surgeon General shall  
4 be appointed for a four-year term by the President  
5 by and with the advice and consent of the Senate as  
6 provided for in paragraph (2).

7 “(2) REQUIREMENTS FOR APPOINTMENT.—The  
8 Surgeon General shall be appointed from individuals  
9 who—

10 “(A) are, or who agree to become, mem-  
11 bers of the Regular Corps;

12 “(B) have specialized training or signifi-  
13 cant experience in public health programs; and

14 “(C) who are nominated by the Institute of  
15 Medicine under paragraph (3).

16 “(3) NOMINATIONS.—Upon a vacancy in the  
17 position of Surgeon General, the Institute of Medi-  
18 cine shall submit to the Secretary and the President  
19 a list of 10 nominees, that meet the requirements of  
20 paragraph (2), to fill such vacancy. The Secretary  
21 shall recommend to the President a nominee from  
22 such list unless the Secretary has rejected all such  
23 nominees. If the Secretary rejects all such nominees,  
24 the Secretary shall provide a written explanation as  
25 to why each such nominee was unsatisfactory.

1           “(4) EXPIRATION OF TERM.—Upon the expira-  
2           tion of the term of service, the Surgeon General, un-  
3           less reappointed under this subsection, shall revert  
4           to the grade and number in the Regular or Reserve  
5           Corps that he or she would have occupied had he not  
6           served as Surgeon General.

7           “(b) BUDGET AUTHORITY.—Notwithstanding any  
8           other provision of law, for each fiscal year, the Surgeon  
9           General shall prepare and submit, directly to the President  
10          for review and transmittal to Congress, an annual budget  
11          estimate (including the number and type of personnel  
12          needs for the Surgeon General) for the Office of the Sur-  
13          geon General, after reasonable opportunity for comment  
14          (but without change) by the Secretary. Such estimate shall  
15          also be submitted to the Committee on Health, Education,  
16          Labor, and Pensions of the Senate and the Committee on  
17          Energy and Commerce of the House of Representatives  
18          and made available to the general public.

19          “(c) RELEASE OF REPORTS.—The Surgeon General  
20          may submit any draft of a speech or report prepared by  
21          the Surgeon General to the Secretary or any employee of  
22          the Department of Health and Human Services for com-  
23          ment. The Surgeon General may issue, deliver, or release  
24          such speech or report notwithstanding any comment or ob-  
25          jection of the Secretary or any such employee.

1       “(d) STAFF.—Notwithstanding any other provision of  
2 law, the Surgeon General shall have the authority, subject  
3 to Federal civil service laws, to directly hire staff without  
4 otherwise obtaining clearance or undergoing review as  
5 generally required within the Department of Health and  
6 Human Services.

7       “(e) PROHIBITION OF CENSORSHIP.—With respect to  
8 any work product of the Surgeon General, such work prod-  
9 uct may not be censored in any manner (except to comply  
10 with Federal national security or privacy laws) by any  
11 Federal entity or official for political reasons. The Sur-  
12 geon General shall identify and separately label any pro-  
13 posed modifications to such a work product that the Sur-  
14 geon General does not consent to accept.”.

○