

118TH CONGRESS  
1ST SESSION

# S. 3383

To reform the Centers for Disease Control and Prevention, limit the scope of public health authorities, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2023

Mr. SCHMITT (for himself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To reform the Centers for Disease Control and Prevention, limit the scope of public health authorities, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End COVID Tyranny  
5 Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) the vaccine mandate in response to  
9 COVID–19 that applied to military personnel and

1 the resulting discharge of servicemen and service-  
2 women threatened our military readiness;

3 (2) prolonged school closures in response to  
4 COVID–19 directly impacted students’ schooling  
5 and contributed to learning loss;

6 (3) steps to distribute vaccines based on race do  
7 not reflect the values of the United States;

8 (4) during the COVID–19 public health emer-  
9 gency, Federal agencies colluded with private cor-  
10 porations to stifle legitimate political speech and in-  
11 fringe on the first amendment rights of Americans;

12 (5) economic lockdowns threatened the liveli-  
13 hoods of American families, and directly led to  
14 record closures of small businesses;

15 (6) on account of the Centers for Disease Con-  
16 trol and Prevention’s inconsistent and confusing  
17 messaging, which was not based on science, the  
18 United States relinquished its ability to effectively  
19 control the pandemic;

20 (7) forced lockdowns worsened an already  
21 pressing mental health crisis, leading to an increase  
22 in suicides rates and drug abuse; and

23 (8) the roles of the Centers for Disease Control  
24 and Prevention and other agencies and offices of the  
25 Department of Health and Human Services are

1 strictly advisory, and such agencies and offices have  
2 not been empowered by Congress to establish laws or  
3 mandates.

4 **SEC. 3. PROHIBITIONS ON IMPOSING A MASK MANDATE IN**  
5 **EDUCATION SETTINGS.**

6 (a) DEFINITIONS.—In this section:

7 (1) APPLICABLE PERIOD.—The term “applica-  
8 ble period” means the period that begins on the date  
9 of enactment of this Act and ends on December 31,  
10 2024.

11 (2) HEAD START PROGRAM.—The term “Head  
12 Start program” means such a program, including an  
13 Early Head Start program, carried out under the  
14 Head Start Act (42 U.S.C. 9831 et seq.).

15 (3) MASK.—The term “mask” means a mate-  
16 rial covering the nose and mouth of the wearer, ex-  
17 cluding face shields.

18 (4) MASK MANDATE.—The term “mask man-  
19 date” means an order, directive, or ordinance, in re-  
20 sponse to a public health emergency, that requires  
21 an individual to wear a mask to enter, or remain in,  
22 a facility.

23 (b) RESTRICTION ON THE USE OF FEDERAL  
24 FUNDS.—During the applicable period, notwithstanding  
25 any other provision of law, no Federal funds may be obli-

1 gated or expended to propose, establish, implement, or en-  
2 force, directly or indirectly through the imposition of a  
3 condition on receipt of Federal funds, any requirement  
4 that an individual wear a mask or comply with a mask  
5 mandate while in a facility of a Head Start program.

6 (c) NO MASK REQUIREMENTS IN SCHOOLS OR INSTI-  
7 TUTIONS OF HIGHER EDUCATION.—Notwithstanding any  
8 other provision of law, during the applicable period, nei-  
9 ther the President nor any other Federal officer, employee,  
10 agency, or office, shall issue or enforce a mask mandate  
11 requiring individuals to wear a mask in any facility of a  
12 Head Start program.

13 (d) NO AUTHORITY TO REFUSE ACCESS TO EDU-  
14 CATION.—During the applicable period, a Head Start pro-  
15 gram shall not refuse entry to, or participation in, any  
16 educational service or activity to a child, teacher, parent,  
17 or other individual on the basis that the child, teacher,  
18 parent, or other individual refuses to wear a mask or com-  
19 ply with a mask mandate during the educational service  
20 or activity.

21 (e) NO AUTHORITY TO ISSUE OR ENFORCE MASK  
22 MANDATES IN EDUCATIONAL SETTINGS IN RESPONSE TO  
23 A PUBLIC HEALTH EMERGENCY.—Section 361 of the  
24 Public Health Service Act (42 U.S.C. 264) is amended  
25 by adding at the end the following:

1       “(f) Nothing in this section authorizes the Secretary  
 2 to require individuals to comply with a mask mandate (as  
 3 defined in section 2(a) of the End COVID Tyranny Act)  
 4 in any facility of a Head Start program (as defined in  
 5 such section 2(a)) in response to a public health emer-  
 6 gency declared under section 319 during the applicable pe-  
 7 riod (as defined in such section 2(a)).”.

8 **SEC. 4. APPOINTMENT AND AUTHORITY OF THE DIRECTOR**  
 9                   **OF THE CENTERS FOR DISEASE CONTROL**  
 10                   **AND PREVENTION; TERMS OF CDC AND NIH**  
 11                   **DIRECTORS.**

12       (a) APPOINTMENT AUTHORITY.—Section 2101(b) of  
 13 the Prepare for and Respond to Existing Viruses, Emerg-  
 14 ing New Threats, and Pandemics Act (Public Law 117–  
 15 328) is amended by striking “January 20, 2025” and in-  
 16 serting “the date of enactment of the End COVID Tyr-  
 17 anny Act”.

18       (b) TERM OF CDC DIRECTOR.—Section 305(a) of  
 19 the Public Health Service Act (42 U.S.C. 242c(a)) is  
 20 amended by adding at the end the following: “No indi-  
 21 vidual may serve as Director for a total period of more  
 22 than 12 years.”.

23       (c) TERM OF NIH DIRECTOR.—Section 402(a) of the  
 24 Public Health Service Act (42 U.S.C. 282(a)) is amended  
 25 by adding at the end the following: “No individual may

1 serve as Director of NIH for a total period of more than  
2 12 years.”.

3 **SEC. 5. LIMITING THE CDC STRATEGIC PLAN.**

4 Section 305(c)(2)(A) of the Public Health Service Act  
5 (42 U.S.C. 242c–1(c)(2)(A)) is amended—

6 (1) in clause (i), by striking “and noncommu-  
7 nicable diseases or conditions, and addressing inju-  
8 ries, and occupational and environmental hazards”  
9 and inserting “diseases”;

10 (2) in clause (ii), by striking “or conditions”;

11 (3) in clause (iii), by adding “and” at the end;

12 (4) in clause (iv), by striking “; and” and in-  
13 serting a period; and

14 (5) by striking clause (v).

15 **SEC. 6. ADVISORY COMMITTEE TO THE CDC DIRECTOR.**

16 Section 305A(c) of the Public Health Service Act (42  
17 U.S.C. 242c–1(c)) is amended—

18 (1) in paragraph (1), by striking “by the Sec-  
19 retary under” and inserting “as described in”; and

20 (2) in paragraph (3), by striking subparagraphs  
21 (A) and (B) and inserting the following:

22 “(A) Three members shall be appointed by  
23 the Secretary of Health and Human Services—

1                   “(i) 1 of whom shall be appointed to  
2                   represent the Department of Health and  
3                   Human Services; and

4                   “(ii) 1 of whom shall be a public  
5                   health official.

6                   “(B) Two members shall be appointed by  
7                   the majority leader of the Senate.

8                   “(C) Two members shall be appointed by  
9                   the minority leader of the Senate.

10                  “(D) Two members shall be appointed by  
11                  the Speaker of the House of Representatives.

12                  “(E) Two members shall be appointed by  
13                  the minority leader of the House of Representa-  
14                  tives.

15                  “(F) Four members shall be appointed by  
16                  the Comptroller General of the United States.”.

17 **SEC. 7. LIMITING THE SCOPE OF REGULATIONS OF THE DE-**  
18 **PARTMENT OF HEALTH AND HUMAN SERV-**  
19 **ICES TO CONTROL COMMUNICABLE DIS-**  
20 **EASES.**

21                  Section 361(a) of the Public Health Service Act (42  
22 U.S.C. 264(a)) is amended to read as follows:

23                  “(a) To prevent the introduction, transmission, or  
24                  spread of communicable diseases from foreign countries  
25                  into the States or possessions, or from one State or posses-

1 sion into any other State or possession, the Secretary may  
2 make and enforce regulations for the inspection, fumiga-  
3 tion, disinfection, sanitation, pest extermination, or de-  
4 struction of animals or articles found to be so infected or  
5 contaminated as to be sources of dangerous infection to  
6 human beings.”.

7 **SEC. 8. ELIGIBILITY FOR ORGAN TRANSPLANTATION.**

8 (a) IN GENERAL.—Notwithstanding any other provi-  
9 sion of law—

10 (1) no individual may be determined to be ineli-  
11 gible for organ donation or receipt of an organ  
12 transplant on the basis of the COVID–19 vaccina-  
13 tion status of the individual;

14 (2) no individual may be given a higher or  
15 lower priority for such a donation or receipt on such  
16 basis; and

17 (3) the incidence of COVID–19 positive rates in  
18 a geographic area or region, as determined by public  
19 health officials, may not be a factor in determining  
20 eligibility to donate organs or to receive organs.

21 (b) APPLICATION OF REQUIREMENTS.—Paragraphs  
22 (1) through (3) of subsection (a) shall apply with respect  
23 to all organ donations and receipt of organ transplants  
24 in the United States, including under the laws adminis-



1 tered by the Secretary of Veterans Affairs and the laws  
2 administered by the Secretary of Defense.

3 (c) ORGAN PROCUREMENT AND TRANSPLANTATION  
4 NETWORK.—Section 372(b) of the Public Health Service  
5 Act (42 U.S.C. 274(b)) is amended by adding at the end  
6 the following:

7 “(4) CLARIFICATION REGARDING COVID–19 VAC-  
8 CINATION STATUS.—The criteria and standards es-  
9 tablished under paragraph (2) may not include any  
10 consideration of the COVID–19 vaccination status of  
11 organ donors or recipients, or of the incidence of  
12 COVID–19 positive rates in a geographic area or re-  
13 gion, as determined by public health officials.”.

14 **SEC. 9. CONGRESSIONAL APPROVAL FOR PUBLIC HEALTH**  
15 **EMERGENCIES.**

16 Section 319(a) of the Public Health Service Act (42  
17 U.S.C. 247d(a)) is amended by striking the third and  
18 fourth sentences and inserting the following: “Determina-  
19 tions that terminate under the preceding sentence may be  
20 renewed by a majority vote in both chambers of Congress,  
21 and such a renewal period terminates upon the Secretary  
22 declaring that the emergency no longer exists or the expi-  
23 ration of the 90-day period beginning on the date on which  
24 both chambers of Congress have voted in favor of such  
25 renewal, whichever occurs first. Not later than 48 hours

1 after making a determination under this subsection of a  
2 public health emergency, the Secretary shall submit to the  
3 Congress written notification of the determination.”.

4 **SEC. 10. HOSPITAL VISITATION.**

5 (a) IN GENERAL.—Section 1861(e)(8) of the Social  
6 Security Act (42 U.S.C. 1395x(e)(8)) is amended—

7 (1) in paragraph (8), by striking “and” at the  
8 end;

9 (2) by redesignating paragraph (9) as para-  
10 graph (10); and

11 (3) by inserting after paragraph (8) the fol-  
12 lowing new paragraph:

13 “(9) has written policies and procedures regard-  
14 ing the visitation rights of individuals receiving  
15 items and services at the institution, which shall in-  
16 clude—

17 “(A) a description of any clinically nec-  
18 essary or reasonable restriction or limitation  
19 that such institution may need to place on such  
20 rights and the reasons for the clinical restric-  
21 tion or limitation; and

22 “(B) a requirement that such institution  
23 inform each such individual of—

24 “(i) the right, subject to the individ-  
25 ual’s consent, to receive the visitors whom

1 the individual designates, including a  
2 spouse, another family member, or a  
3 friend; and

4 “(ii) the individual’s right to withdraw  
5 or deny such consent at any time; and”.

6 (b) CONFORMING AMENDMENTS.—Section  
7 1861(e)(8) of the Social Security Act (42 U.S.C.  
8 1395x(e)(8)) is amended, in the flush matter following  
9 paragraph (1), as redesignated by subsection (a)(2)—

10 (1) in subparagraph (B), by striking “para-  
11 graph (9)” and inserting “paragraph (10)”; and

12 (2) in subparagraph (C), by striking “para-  
13 graph (9)” each place it appears and inserting  
14 “paragraph (10)”.

15 (c) EFFECTIVE DATE.—The amendments made by  
16 subsection (a) shall take effect on the date that is 1 year  
17 after the date of enactment of this section.

18 **SEC. 11. FOREIGN LABORATORY INSPECTIONS AND CER-**  
19 **TIFICATION.**

20 (a) IN GENERAL.—Section 495 of the Public Health  
21 Service Act (42 U.S.C. 289d) is amended by adding at  
22 the end the following:

23 “(f) INSPECTION AND CERTIFICATION OF FOREIGN  
24 LABORATORIES.—

1           “(1) IN GENERAL.—As a condition of eligibility  
2           to perform research involving animals under a grant,  
3           contract, or cooperative agreement administered by  
4           the National Institutes of Health or any national re-  
5           search institute, a laboratory located outside the  
6           United States that receives Federal funds shall be  
7           subject to quarterly inspections to evaluate compli-  
8           ance with the requirements under this title.

9           “(2) INSPECTION AND CERTIFICATION RE-  
10          QUIREMENTS.—

11           “(A) QUARTERLY INSPECTION PROCESS.—

12           The Secretary, in consultation with appropriate  
13           foreign regulatory authorities and international  
14           organizations, shall establish and implement a  
15           process for conducting quarterly inspections of  
16           foreign laboratories that have received an Ani-  
17           mal Welfare Assurance (as defined in section  
18           9.2 of title 42, Code of Federal Regulations) to  
19           ensure their continued compliance with the re-  
20           quirements under this title.

21           “(B) ASSURANCES.—The inspection proc-  
22           ess established by the Secretary pursuant to  
23           subparagraph (A) shall evaluate the compliance  
24           of foreign laboratories with the requirements  
25           under subsection (c)(1), including—

1           “(i) the establishment and operation  
2           of animal care committees;

3           “(ii) the review and evaluation of ani-  
4           mal care and treatment; and

5           “(iii) proper record-keeping and re-  
6           porting procedures.

7           “(3) CERTIFICATION OF COMPLIANCE AND PUB-  
8           LIC ACCESS.—

9           “(A) ISSUANCE.—Following each quarterly  
10          inspection required under paragraph (2), the in-  
11          specting authority shall issue a certification of  
12          compliance to the laboratories determined to be  
13          in compliance with the requirements under  
14          paragraph (2)(B).

15          “(B) PUBLIC ACCESS.—Copies of the cer-  
16          tificates of compliance issued pursuant to sub-  
17          paragraph (A) shall be maintained by the Office  
18          of Laboratory Animal Welfare and shall remain  
19          publicly accessible with other information about  
20          currently issued Animal Welfare Assurances.

21          “(C) CORRECTIVE ACTION.—Laboratories  
22          that fail to comply with the requirements under  
23          paragraph (2)(B) shall be given a reasonable  
24          opportunity to take corrective action.

1           “(4) SUSPENSION OR REVOCATION OF GRANT  
2           OR CONTRACT FOR NON-COMPLIANT FOREIGN LAB-  
3           ORATORIES.—If the Secretary determines that a for-  
4           eign facility is not in compliance with the require-  
5           ments under subsection (c)(1) and does not take ap-  
6           propriate corrective action after given a reasonable  
7           opportunity to do so, the Secretary shall suspend or  
8           revoke the applicable grant, contract, or cooperative  
9           agreement involving research on animals under such  
10          conditions as the Director of NIH determines appro-  
11          priate, in accordance with subsection (d).

12          “(5) DESIGNATION OF INSPECTING AUTHOR-  
13          ITY.—The Secretary, in consultation with the Direc-  
14          tor of NIH, shall designate an appropriate authority  
15          to conduct the quarterly inspections required under  
16          paragraph (2) and issue certifications of compliance  
17          in accordance with paragraph (3).

18          “(6) COORDINATION WITH FOREIGN AUTHORI-  
19          TIES.—The Secretary and the Director of NIH shall  
20          coordinate with appropriate foreign regulatory au-  
21          thorities and enter into agreements with foreign gov-  
22          ernments, as needed, to facilitate the implementation  
23          and enforcement of this subsection while respecting  
24          the sovereignty and laws of foreign nations.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect on the date that is 180  
3 days after the date of enactment of this Act.

4 **SEC. 12. TRANSFER OF OFFICES TO NIH.**

5 (a) IN GENERAL.—Effective on the date that is 2  
6 years after the date of enactment of this Act, notwith-  
7 standing any other provision of law, the authorities, func-  
8 tions, personnel, and assets of the offices described in sub-  
9 section (b) shall be transferred from the Centers for Dis-  
10 ease Control and Prevention to the National Institutes of  
11 Health.

12 (b) OFFICES DESCRIBED.—The offices described in  
13 this subsection are the following:

14 (1) The National Center on Birth Defects and  
15 Developmental Disabilities.

16 (2) The National Center for Chronic Disease  
17 Prevention and Health Promotion.

18 (3) The National Center for Environmental  
19 Health.

20 (4) The Agency for Toxic Substances and Dis-  
21 ease Registry.

22 (5) The National Center for Health Statistics.

23 (6) The National Center for HIV, Viral Hepa-  
24 titis, STD, and TB Prevention.

1           (7) The National Center for Injury Prevention  
2           and Control.

3           (8) The National Institute for Occupational  
4           Safety and Health.

5 **SEC. 13. REGULATIONS.**

6           Not later than 90 days after the date of enactment  
7           of this Act, the Secretary of Health and Human Services  
8           shall issue such new or revised regulations as are nec-  
9           essary to carry out this Act (including the amendments  
10          made by this Act).

11 **SEC. 14. PREEMPTION.**

12          The provisions of this Act (including the amendments  
13          made by this Act) shall supersede any provision of Fed-  
14          eral, State, Tribal, territorial, or local law, declaration,  
15          guidance, or directive to the extent that such law, declara-  
16          tion, guidance, or directive is inconsistent with this Act  
17          (including such amendments).

○