

# Improving CDC Quarantine Station Network’s Response to Emerging Threats

## Legal Authority

The Centers for Disease Control and Prevention (CDC) has broad regulatory authority to control the introduction and interstate spread of communicable diseases in the United States. This authority to implement measures to reduce infectious disease transmission is derived from the Public Health Service Act (PHSA) (see the table below). However, the COVID-19 pandemic demonstrated that public health authority designated by legislation enacted before the age of large-scale global travel needs to be modernized. *Improving the CDC Quarantine Station Network’s Response to Emerging Threats* discusses the potential changes to laws and regulations that may be required to implement recommendations on infrastructure, workforce, and data systems to ensure CDC’s Division of Global Migration and Quarantine has the powers it needs to safeguard the public.

### LEGAL AUTHORITY

AUTHORITY	STATUTE
Power to make and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases into the United States from foreign countries and across state and territorial borders within the United States.	Public Health Service Act (PHSA) Section 361(a)
Power to apprehend, detain, and conditionally release individuals to prevent inter- or intrastate cross-border spread of communicable diseases designated as quarantinable <sup>1</sup> by Executive Order.	PHSA Section 361(b)
Power to inspect, disinfect, and destroy animals and articles infected or contaminated by any communicable disease deemed “dangerous” to humans.	PHSA Section 361(a)
Power to implement border controls required in the interest of the public health to avert serious danger of the introduction of a communicable disease into the United States.	PHSA Section 362
Power to implement other “necessary measures” to prevent the spread of communicable disease into the United States from foreign countries or across state and territorial borders.	PHSA Section 361(a)

<sup>1</sup>Current list of quarantinable diseases: cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, viral hemorrhagic fevers, severe acute respiratory syndromes, influenza viruses with pandemic potential, and measles.

### **ACTIONS TAKEN DURING COVID-19**

- Testing, detaining, and releasing persons entering the United States who are suspected of carrying certain communicable diseases.
- Issuing federal isolation and quarantine orders.
- Restricting the importation of animals or other items that may pose public health threats.

### **CHALLENGES**

Many of the CDC orders enacted during the COVID-19 pandemic were challenged or even blocked by the courts. Despite the increasing number and complexity of public health emergencies (PHEs) involving DGMQ, the division's core funding has seen little increase. Current large-scale funding methods for PHEs are inadequate.

### **RECOMMENDED ACTIONS**

- Give CDC authority to effectively act to prevent or mitigate current and future public health threats. CDC should have the authority it needs but must act consistently with scientific evidence, and only where necessary to prevent the interstate, intrastate, or international spread of infectious diseases.

- Specifically delegate congressional power to reflect what CDC needs to carry out its mission through evidence-based measures. These delegations should provide CDC with robust authority and the necessary flexibility to implement science-based public health measures.
- Include protections for individual rights and freedoms, including procedural due process, where constitutionally warranted and feasible, to challenge any order under the PHSA.
- Ensure that CDC authorities are fairly and equitably utilized.

### **CONCLUSION**

The work of DGMQ is more important than ever. Congress must modernize the PHSA, which was enacted before the era of mass travel, migration, trade, and close animal-human interchange. Doing so will enable CDC to implement measures to improve its infrastructure, workforce, data systems, and ability to safeguard the public.

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