

Department of Homeland Security
DHS Delegation Number: 5001
Revision Number: 00
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DELEGATION TO THE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER

I. Purpose

This delegation vests authority in the Assistant Secretary for Health Affairs and Chief Medical Officer to execute and administer the programs and responsibilities set forth herein.

II. Delegation

Subject to my oversight, direction, and guidance, I hereby delegate to the Assistant Secretary for Health Affairs and Chief Medical Officer the authority to exercise oversight over all medical and public health activities of the Department of Homeland Security (DHS). This authority shall include, but not be limited to:

Biodefense Activities

- A. Leading the Department's biodefense activities, to include oversight and management responsibility for implementation of Homeland Security Presidential Directive 10, *Biodefense for the 21st Century*, consistent with formal DHS planning processes, end-to-end planning for biological attacks, bio-surveillance integration, operational early warning systems, veterinary, food and agro-defense, and, in collaboration with the Directorate for Science and Technology, guiding and informing medical countermeasure requirements.
- B. Managing the Department's operational biodefense programs, to include BioWatch, the National Biosurveillance Integration System, and successor programs, as well as operational chemical detection programs, including the Rapidly Deployable Chemical Detection System.
- C. Providing oversight and management of the Department's implementation of Homeland Security Presidential Directive - 9, Defense of United States Agriculture and Food, integrating the efforts of other DHS Components, and coordinating those efforts with appropriate Federal Departments and agencies, tribal, state and local governments, and the private sector.

Component Medical Services

D. Providing medical guidance for the Department's personnel programs, including fitness-for-duty, return-to-work, drug testing, health screening and monitoring, pre-placement evaluations, immunizations, medical surveillance, medical recordkeeping, deployment physicals, and medical exam protocols.

E. Medical credentialing and development of quality assurance and clinical policy, requirements, standards, and metrics for all human and veterinary clinical activities within DHS. This includes responsibility for the professional oversight of medical activities by medical service personnel within or detailed to the Department, including any credentialing or de-credentialing activities within DHS, as well as responsibility as the senior intra-departmental medical review authority for determinations regarding whether the standard of care has been met when there are claims or allegations of improper or substandard healthcare against the Department or any of its Components, employees, detailees, or contractors.

F. Except for Officers of the U.S. Public Health Service (USPHS) assigned to the United States Coast Guard (USCG), serving as the single official liaison between DHS and the Department of Health and Human Services (HHS) for administration of personnel actions between DHS and HHS related to USPHS Commissioned Corps Officers. Individual Components retain authority for funding, determination of specific duties, and supervision of USPHS officers detailed to them. A Component utilizing a USPHS officer shall also be responsible for resourcing and providing support to the Office of the General Counsel for the handling and payment of claims arising out of the service of USPHS officers to that Component.

Operations Support

G. Assuring an effective coordinated medical response to natural or man-made disasters or acts of terrorism. This authority shall include, but is not limited to:

1. Supporting the Department, including FEMA and its regional components, in providing medical advice and assistance in developing response requirements related to chemical, biological, nuclear, or radiological agents or mass casualty events.
2. Supporting the National Operations Center, National Response Coordination Center, and Component leadership to ensure that operations have appropriate medical support, to specifically include coordination of medical activities for any level of incident with biological or medical consequences.

H. Leading the development of strategy, policy, and requirements for any DHS funding mechanisms for medical and public health activities, including assistance programs related thereto. Policy derived in the course of these activities will be developed jointly with the DHS Office of Policy and in coordination with the DHS Office of Occupational Safety and Environmental Programs.

I. Entering into agreements and contracts to discharge the authorities, duties, and responsibilities of the Office of Health Affairs or activities associated with this delegation, to include:

1. In coordination with the Chief Financial Officer, the Chief Procurement Officer, and the Office of the General Counsel entering into grants, cooperative agreements, interagency agreements, and contracts and distribute funds as necessary.

2. In coordination with the Chief Procurement Officer and the Office of the General Counsel, entering into work agreements, joint sponsorships, contracts, or any other agreements with the Department of Energy regarding the use of the national laboratories or sites.

3. Entering into Memoranda of Understanding and Memoranda of Agreement.

4. Contracting with one or more Federally funded research and development centers to accomplish the duties of the Office of Health Affairs.

5. In coordination with the Under Secretary for Management and the Office of the General Counsel, Regulatory Affairs, issuing necessary regulations.

III. Limitations

A. This delegation is not intended to supplant or supersede statutory responsibilities of other DHS Components or other Federal departments or agencies. Nothing in this delegation shall be construed as superseding or circumventing the authorities vested:

1. by Title VII of the Homeland Security Act in the Under Secretary for Management regarding procurement and grants;

2. by Title VIII of the Homeland Security Act in the Under Secretary for Science and Technology; and

3. by Title I of the Homeland Security Act in the General Counsel. Nothing in this delegation provides the authority to contract for legal services.

B. Exercise of the authorities delineated in Section II shall be coordinated with other Department Components and other federal departments and agencies where appropriate.

C. With respect to the USCG's medical program, including Commissioned Corps Officers of the USPHS assigned to the USCG, exercise of the authorities listed in Section II.D, II.E, and II.F will account for military policy, requirements, and standards, including the requirements of consistency and interoperability with the military services of the Department of Defense. Perceived conflicts with military policy, requirements, surveillance capabilities, standards or metrics that cannot be resolved at lower levels will be resolved by the Secretary or his/her designee.

To the extent that previously exercised authority consistent with this order may require verification, it is hereby affirmed and ratified.

IV. Re-delegation

Unless re-delegation is otherwise prohibited by law, the authorities delegated herein may be re-delegated in writing to an appropriate subordinate official of the Assistant Secretary for Health Affairs and Chief Medical Officer and to Component heads.

V. Authorities

A. Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135 (2002), as amended

B. Post-Katrina Emergency Management Reform Act of 2006, Public Law 109-295, 120 Stat. 1355 (2006)

C. Implementing Recommendations of the 9/11 Commission Act of 2007 Public Law 110-53, 121 Stat. 266 (2007)

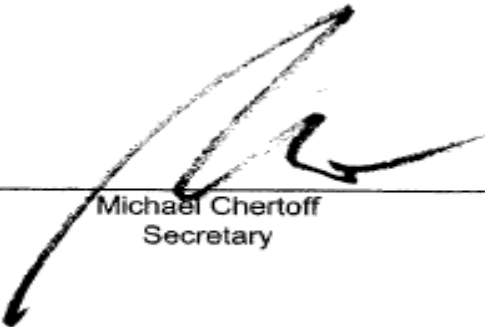
D. Title 5, United States Code, Section 301, "Department regulations"

E. Title 6, United States Code, Section 321(e), "Chief Medical Officer"

F. Title 6, United States Code, Section 195b, "National Biosurveillance Center"

VI. Office of Primary Interest

The Office of the Assistant Secretary for Health Affairs and Chief Medical Officer is the office of primary interest in this delegation.



Michael Chertoff
Secretary



Date