

Union Calendar No. 99

107TH CONGRESS
1ST SESSION

H. R. 943

[Report No. 107-168]

To amend the Public Health Service Act with respect to the availability of influenza vaccine through the program under section 317 of such Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2001

Mr. CONDIT (for himself, Mr. UDALL of New Mexico, and Mrs. EMERSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

JULY 26, 2001

Additional sponsors: Mr. SAWYER, Mr. THOMPSON of California, Mr. FROST, Mr. DEFazio, Ms. ROYBAL-ALLARD, Ms. ESHOO, Mr. SCHIFF, Mr. WAXMAN, and Mr. BROWN of Ohio

JULY 26, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Public Health Service Act with respect to the availability of influenza vaccine through the program under section 317 of such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Flu Vaccine Avail-
3 ability Act of 2001”.

4 **SEC. 2. AMENDMENT TO PUBLIC HEALTH SERVICE ACT**
5 **REGARDING AVAILABILITY OF INFLUENZA**
6 **VACCINE.**

7 Section 317(j) of the Public Health Service Act (42
8 U.S.C. 247b(j)) is amended by adding at the end the fol-
9 lowing paragraph:

10 “(3)(A) For the purpose of carrying out activities re-
11 lating to influenza vaccine under the immunization pro-
12 gram under this subsection, there are authorized to be ap-
13 propriated such sums as may be necessary for each of the
14 fiscal years 2001 and 2002. Such authorization is in addi-
15 tion to amounts available under paragraphs (1) and (2)
16 for such purpose.

17 “(B) The authorization of appropriations established
18 in subparagraph (A) is not effective for a fiscal year unless
19 the total amount appropriated under paragraphs (1) and
20 (2) for the fiscal year is not less than such total for fiscal
21 year 2000.

22 “(C) The purposes for which amounts appropriated
23 under subparagraph (A) are available include the payment
24 of program expenses for the immunization program under
25 this subsection in order to ensure that influenza vaccines
26 purchased under this subsection are received by the

1 States, and distributed to qualifying health care providers
2 for the immunization of children, adolescents, and adults,
3 in accordance with criteria of the Secretary for the oper-
4 ation of the immunization program under this subsection.

5 “(D) The Secretary shall submit reports to the Con-
6 gress describing the activities of the Secretary under this
7 subsection regarding influenza vaccine. Such reports may
8 include any recommendations of the Secretary for admin-
9 istrative or legislative actions to improve operations under
10 this subsection regarding such vaccine. The first such re-
11 port shall be submitted not later than February 1, 2002,
12 the second report shall be submitted not later than Feb-
13 ruary 1, 2003, and subsequent reports shall be submitted
14 biennially thereafter.

15 “(E) For purposes of this paragraph, the term ‘quali-
16 fying health care provider’ means—

17 “(i) a physician as defined in section 1861(r) of
18 the Social Security Act; and

19 “(ii) a provider of services under section
20 1861(u) of such Act.”.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Flu Vaccine Availability*
23 *Act of 2001”.*

1 **SEC. 2. AMENDMENT TO PUBLIC HEALTH SERVICE ACT RE-**
2 **GARDING AVAILABILITY OF INFLUENZA VAC-**
3 **CINE.**

4 *Section 317(j) of the Public Health Service Act (42*
5 *U.S.C. 247b(j)) is amended by adding at the end the fol-*
6 *lowing paragraph:*

7 *“(3)(A) For the purpose of carrying out activities re-*
8 *lating to influenza vaccine under the immunization pro-*
9 *gram under this subsection, there are authorized to be ap-*
10 *propriated such sums as may be necessary for each of the*
11 *fiscal years 2002 and 2003. Such authorization is in addi-*
12 *tion to amounts available under paragraphs (1) and (2)*
13 *for such purpose.*

14 *“(B) The authorization of appropriations established*
15 *in subparagraph (A) is not effective for a fiscal year unless*
16 *the total amount appropriated under paragraphs (1) and*
17 *(2) for the fiscal year is not less than such total for fiscal*
18 *year 2000.*

19 *“(C) The purposes for which amounts appropriated*
20 *under subparagraph (A) are available to the Secretary in-*
21 *clude providing for improved State and local infrastructure*
22 *for influenza immunizations under this subsection in ac-*
23 *cordance with the following:*

24 *“(i) Increasing influenza immunization rates in*
25 *populations considered by the Secretary to be high*

1 *risk for influenza-related complications and in their*
2 *contacts.*

3 “(ii) *Recommending that health care providers*
4 *actively target influenza vaccine available in Sep-*
5 *tember, October, and November to individuals at in-*
6 *creased risk for influenza-related complications and to*
7 *their contacts.*

8 “(iii) *Providing for the continued availability of*
9 *influenza immunizations through December of such*
10 *year, and for additional periods to the extent that in-*
11 *fluenza vaccine remains available.*

12 “(iv) *Encouraging States as appropriate to de-*
13 *velop contingency plans (including plans for public*
14 *and professional educational activities) for maxi-*
15 *mizing influenza immunizations for high-risk popu-*
16 *lations in the event of a delay or shortage of influenza*
17 *vaccine.*

18 “(D) *The Secretary shall submit to the Committee on*
19 *Energy and Commerce in the House of Representatives, and*
20 *the Committee on Health, Education, Labor, and Pensions*
21 *in the Senate, periodic reports Congress describing the ac-*
22 *tivities of the Secretary under this subsection regarding in-*
23 *fluenza vaccine. The first such report shall be submitted not*
24 *later than June 6, 2002, the second report shall be sub-*

- 1 *mitted not later than June 6, 2003, and subsequent reports*
- 2 *shall be submitted biennially thereafter.”.*

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