

108TH CONGRESS  
2D SESSION

# S. 2959

To amend the Public Health Service Act to ensure an adequate supply and distribution of influenza vaccine.

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2004

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

---

## A BILL

To amend the Public Health Service Act to ensure an adequate supply and distribution of influenza vaccine.

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 “Influenza Preparation  
5 and Vaccination Act”.

6 **SEC. 2. INFLUENZA VACCINATIONS.**

7 Part B of title III of the Public Health Service Act  
8 is amended by inserting after section 319K (42 U.S.C.  
9 247d–7d) the following:

1 **“SEC. 319L. INFLUENZA VACCINATIONS.**

2 “(a) VACCINATION OF HEALTH CARE WORKERS.—

3 “(1) IN GENERAL.—To be eligible to receive  
4 Federal funds, a health care facility shall ensure  
5 that health care workers employed by or providing  
6 services at such facility are vaccinated for influenza.

7 “(2) DETERMINATIONS BY SECRETARY.—For  
8 purposes of administering this subsection, the Sec-  
9 retary shall determine—

10 “(A) a definition of health care facility;

11 “(B) which health care workers shall be re-  
12 quired to be vaccinated;

13 “(C) the types of vaccinations required;  
14 and

15 “(D) the vaccination schedules for each  
16 year.

17 “(3) RELIGIOUS ACCOMMODATION.—Nothing in  
18 this subsection shall be construed to require any  
19 health care worker to receive a vaccination if such  
20 worker objects thereto on religious grounds.

21 “(b) ENHANCED RESEARCH AND DEVELOPMENT.—

22 “(1) GRANTS.—The Secretary shall award  
23 grants to eligible entities to enable such entities to  
24 conduct research and development activities for the  
25 purpose of ensuring an adequate supply of influenza  
26 vaccine.

1           “(2) ELIGIBILITY.—To be eligible to receive a  
2 grant under paragraph (1), an entity shall prepare  
3 and submit to the Secretary an application at such  
4 time, in such manner, and containing such informa-  
5 tion as the Secretary may require.

6           “(3) NUMBER AND AMOUNT OF GRANTS.—The  
7 Secretary shall determine the number and amount of  
8 grants awarded under paragraph (1) based on esti-  
9 mates of the amount of influenza vaccine that is  
10 needed for the year involved. Such estimates shall be  
11 based upon vaccine production and use in the pre-  
12 vious year.

13           “(4) PURCHASE OF EXCESS VACCINE.—

14           “(A) IN GENERAL.—As part of a grant  
15 agreement entered into with an entity under  
16 paragraph (1), the Secretary shall agree to pur-  
17 chase any unused vaccines (that were the sub-  
18 ject of the grant) from the entity at the price  
19 specified in the agreement if such vaccine meets  
20 production guidelines established by the Direc-  
21 tor of the Centers for Disease Control and Pre-  
22 vention and is delivered on time.

23           “(B) NEGOTIATION OF PRICES.—In car-  
24 rying out subparagraph (A), the Secretary  
25 shall, to the extent practicable, ensure that the

1 prices provided for in agreements referred to in  
2 such subparagraph are comparable to the prices  
3 provided for in agreements negotiated by the  
4 Secretary on behalf of grantees under section  
5 317(j)(1).

6 “(c) STATE AND LOCAL HEALTH INFRASTRUC-  
7 TURE.—

8 “(1) LOANS.—The Secretary may provide loans  
9 to State and local health departments to ensure the  
10 stability of State and local health department infra-  
11 structure. Such loans shall be used to assist State  
12 or local health department in providing for a con-  
13 tinuation of health services by department personnel.

14 “(2) ELIGIBILITY.—To be eligible to receive a  
15 grant under paragraph (1), an entity shall—

16 “(A) be a State or local health department;  
17 and

18 “(B) prepare and submit to the Secretary  
19 an application at such time, in such manner,  
20 and containing such information as the Sec-  
21 retary may require.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—There are authorized to be  
24 appropriated to carry out this section, \$50,000,000

1 for fiscal year 2005, and such sums as may be nec-  
2 essary for each of fiscal years 2006 through 2010.

3 “(2) LOANS.—Of the amount appropriated  
4 under paragraph (1) for each fiscal year,  
5 \$10,000,000 shall be made available to carry out  
6 subsection (c).”.

○