

109TH CONGRESS
1ST SESSION

S. 2112

To provide for the establishment of programs and activities to increase influenza vaccination rates through the provision of free vaccines.

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2005

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

A BILL

To provide for the establishment of programs and activities to increase influenza vaccination rates through the provision of free vaccines.

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 “Seasonal Influenza and
5 Pandemic Preparation Act of 2005”.

6 **SEC. 2. FREE INFLUENZA VACCINE PROGRAM.**

7 (a) ESTABLISHMENT.—The Secretary shall establish
8 a national voluntary influenza vaccination program for
9 adults and children under which any individual may re-
10 ceive an influenza vaccine at no cost at any Federally

1 qualified health center, public or private hospital, physi-
2 cian office, clinic, or other entity determined appropriate
3 by the Secretary.

4 (b) PARTICIPATING ENTITIES.—

5 (1) REIMBURSEMENT.—An entity described in
6 subsection (a) that elects to provide vaccines to indi-
7 viduals through the program shall be reimbursed for
8 the costs of administering such vaccines by the Sec-
9 retary at the rate determined by the Secretary for
10 such vaccine for purposes of title XIX of the Social
11 Security Act (42 U.S.C. 1396 et seq.), or at such
12 higher rate, including cost-based reimbursement, as
13 determined appropriate by the Secretary. Such reim-
14 bursement may include the costs of practice ex-
15 penses or other costs associated with the administra-
16 tion of the influenza vaccine.

17 (2) LIMITATION ON CHARGES.—An entity par-
18 ticipating in the program shall not charge a co-pay-
19 ment or apply any other cost-sharing requirements
20 associated with the administration of influenza vac-
21 cines, including any co-payment or other cost-shar-
22 ing for the visit associated with the administration
23 of such vaccine.

24 (3) VOLUNTARY PARTICIPATION.—Participation
25 by an entity in the program shall be voluntary.

1 (c) PUBLIC-PRIVATE PARTNERSHIPS.—

2 (1) GRANTS.—The Secretary shall award
3 grants to State and local health departments, public
4 hospitals, Federally qualified health centers, and
5 other entities to facilitate the establishment of influ-
6 enza vaccination programs in partnership with pri-
7 vate entities, including retail outlets, pharmacies,
8 faith-based organizations, private employers, and
9 others as determined appropriate by the Secretary.

10 (2) LIMITATION ON CHARGES.—Any influenza
11 vaccination provided to an individual under a grant
12 under this subsection shall be at no cost to the indi-
13 vidual.

14 (3) REIMBURSEMENT.—An entity participating
15 in a program under a grant under this subsection
16 may request reimbursement from the Secretary
17 under the program under subsection (a) in addition
18 to the amounts received under the grant.

19 (4) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to carry out
21 this subsection, \$500,000,000 for fiscal year 2006,
22 and such sums as may be necessary for each fiscal
23 year thereafter.

24 (d) SCHOOL PARTNERSHIPS.—

25 (1) GRANTS TO PUBLIC ENTITIES.—

1 (A) IN GENERAL.—The Secretary shall
2 award grants to local health departments, pub-
3 lic hospitals, Federally qualified health centers,
4 and other entities to facilitate the development
5 of influenza vaccination programs for students
6 and families of students in partnership with
7 local primary and secondary educational institu-
8 tions (including private institutions and Head
9 Start programs).

10 (B) LIMITATION ON CHARGES.—Any influ-
11 enza vaccination provided to an individual
12 under a grant under this subsection shall be at
13 no cost to the individual.

14 (2) GRANTS TO SCHOOLS.—The Secretary shall
15 award grants to elementary and secondary schools to
16 facilitate the development of a voluntary influenza
17 vaccination program.

18 (3) LIMITATION ON CHARGES.—Any influenza
19 vaccination provided to an individual under this sub-
20 section shall be at no cost to the individual.

21 (4) AUTHORIZATION OF APPROPRIATIONS.—
22 There are authorized to be appropriated to carry out
23 this subsection, \$150,000,000 for fiscal year 2006,
24 and such sums as may be necessary for each fiscal
25 year thereafter.

1 (e) IMMUNIZATION PLANS.—The Secretary, under
2 the programs under titles XVIII, XIX, and XXI of the
3 Social Security Act, shall develop an immunization plan
4 with immunization target numbers for the respective pop-
5 ulations served under the program under each such title.
6 The Secretary shall provide bonus payments to eligible
7 health care providers and other entities who meet immuni-
8 zation targets established by the Secretary in such plans.

9 **SEC. 3. VOLUNTEER VACCINE CORPS.**

10 (a) ESTABLISHMENT.—The Secretary shall establish
11 a Volunteer Vaccine Corps (referred to in this section as
12 the “Corps”) to facilitate the distribution and provision
13 of vaccines to individuals under any voluntary influenza
14 vaccination program established by a State or local entity.

15 (b) ACTIVATION AND ASSIGNMENT OF MEMBERS.—

16 (1) ACTIVATION.—The members of the Corps
17 shall be activated by the Secretary upon a declara-
18 tion by the Secretary of a public health emergency
19 under section 319 of the Public Health Service Act
20 related to an influenza outbreak (including a sea-
21 sonal outbreak).

22 (2) ASSIGNMENT.—Upon activation, members
23 of the Corps shall be assigned to State and local en-
24 tities to carry out the provisions of a State or local

1 voluntary influenza vaccination program during such
2 emergency.

3 (3) REQUESTS.—The Secretary may request
4 members of the Corps from a State or territory to
5 participate in the vaccination program of another
6 State or territory. The Secretary shall enter into
7 agreements with such States to accept licensure and
8 certification from such other States for the purpose
9 of carrying out activities under an influenza vaccina-
10 tion program.

11 (c) PARTICIPATION.—

12 (1) IN GENERAL.—All duly licensed or certified
13 health professionals, including retired health profes-
14 sionals, as determined appropriate by the Secretary,
15 may participate in the Corps under procedures es-
16 tablished by the Secretary and after passing an ap-
17 proved training course developed by the Secretary.

18 (2) DATABASE.—The Secretary, in cooperation
19 and consultation with State and local entities, shall
20 maintain a database of Corps members. Such data-
21 base shall, with respect to each Corps member, in-
22 clude contact information, appropriate licensure or
23 certification information, and other information the
24 Secretary determines necessary to perform the ac-
25 tivities of the Corps.

1 (d) TRAINING GRANTS.—The Secretary shall award
2 grants to State and local public health departments, Fed-
3 erally qualified health centers, public and private hos-
4 pitals, and other entities for the training of Corps mem-
5 bers.

6 (e) LIABILITY.—Members of the Corps, when per-
7 forming their duties under an activation and assignment
8 by the Secretary under subsection (b) shall only be subject
9 to liability for their actions under such assignment as pro-
10 vided for under the Federal Tort Claims Act.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section,
13 \$100,000,000 for fiscal year 2006, and such sums as may
14 be necessary for each fiscal year thereafter.

15 **SEC. 4. PUBLIC OUTREACH.**

16 (a) IN GENERAL.—The Director of the Centers for
17 Disease Control and Prevention shall establish and imple-
18 ment a national public affairs campaign, to be carried out
19 through radio, television, print, and other media and
20 methods determined appropriate by the Secretary, to in-
21 crease influenza immunization rates.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section,
24 \$15,000,000 for fiscal year 2006, and such sums as may
25 be necessary for each fiscal year thereafter.

1 **SEC. 5. DEFINITIONS.**

2 In this Act:

3 (1) PROGRAM.—The term “program” means
4 the national voluntary influenza vaccination program
5 established under section 2(a).

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of Health and Human Services.

○