

114TH CONGRESS  
2D SESSION

# S. 1915

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## AN ACT

To direct the Secretary of Homeland Security to make anthrax vaccines available to emergency response providers, and for other purposes.

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 “First Responder An-  
3 thrax Preparedness Act”.

4 **SEC. 2. VOLUNTARY PRE-EVENT ANTHRAX VACCINATION**

5                   **PILOT PROGRAM FOR EMERGENCY RE-**  
6                   **SPONSE PROVIDERS.**

7        (a) PILOT PROGRAM.—

8                   (1) ESTABLISHMENT.—The Secretary of Home-  
9 land Security, in coordination with the Secretary of  
10 Health and Human Services, shall carry out a pilot  
11 program to provide eligible anthrax vaccines from  
12 the Strategic National Stockpile under section  
13 319F–2(a) of the Public Health Service Act (42  
14 U.S.C. 247d–6b(a)) that will be nearing the end of  
15 their labeled dates of use at the time such vaccines  
16 are made available to States for administration to  
17 emergency response providers who would be at high  
18 risk of exposure to anthrax if such an attack should  
19 occur and who voluntarily consent to such adminis-  
20 tration.

21                   (2) DETERMINATION.—The Secretary of Health  
22 and Human Services shall determine whether an an-  
23 thrax vaccine is eligible to be provided to the Sec-  
24 retary of Homeland Security for the pilot program  
25 described in paragraph (1) based on—

(A) a determination that the vaccine is not otherwise allotted for other purposes;

(A) establish a communication platform for  
the pilot program;

(B) develop and deliver education and training for the pilot program;

(C) conduct economic analysis of the pilot program, including a preliminary estimate of total costs and expected benefits;

1                             (D) create a logistical platform for the an-  
2                             thrax vaccine request process under the pilot  
3                             program;

4                             (E) establish goals and desired outcomes  
5                             for the pilot program; and

6                             (F) establish a mechanism to reimburse  
7                             the Secretary of Health and Human Services  
8                             for—

9                                 (i) the costs of shipment and trans-  
10                             portation of such vaccines provided to the  
11                             Secretary of Homeland Security from the  
12                             Strategic National Stockpile under such  
13                             pilot program, including staff time directly  
14                             supporting such shipment and transpor-  
15                             tation; and

16                                 (ii) the amount, if any, by which the  
17                             warehousing costs of the Strategic Na-  
18                             tional Stockpile are increased in order to  
19                             operate such pilot program.

20                             (4) LOCATION.—

21                             (A) IN GENERAL.—In carrying out the  
22                             pilot program required under this subsection,  
23                             the Secretary of Homeland Security shall select  
24                             not fewer than 2 nor more than 5 States for  
25                             voluntary participation in the pilot program.



1       with disclosures and educational materials des-  
2       gnated by the Secretary of Health and Human  
3       Services, which may include—

4                 (A) materials regarding the associated ben-  
5       efits and risks of any vaccine provided under  
6       the pilot program, and of exposure to anthrax;

7                 (B) additional material consistent with the  
8       Centers for Disease Control and Prevention's  
9       clinical guidance; and

10                (C) notice that the Federal Government is  
11       not obligated to continue providing anthrax vac-  
12       cine after the date on which the pilot program  
13       ends.

14               (7) MEMORANDUM OF UNDERSTANDING.—Be-  
15       fore implementing the pilot program under this sub-  
16       section, the Secretary of Homeland Security shall  
17       enter into a memorandum of understanding with the  
18       Secretary of Health and Human Services to—

19                (A) define the roles and responsibilities of  
20       each Department for the pilot program; and

21                (B) establish other performance metrics  
22       and policies for the pilot program, as appro-  
23       priate.

24               (8) REPORT.—



#### (IV) total costs to the Strategic

## National Stockpile;

(ii) the number and percentage of eli-

gible emergency response providers, as determined by each pilot location, that volunteer to participate;

(iii) the degree to which participants complete the vaccine regimen;

(iv) the total number of doses of vac-

cine administered; and

(v) recommendations to improve ini-

tial and recurrent participation in the pilot program.

(B) FINAL REPORT.—The final report required under subparagraph (A) shall—

(i) consider whether the pilot program

required under this subsection should continue after the date described in subsection

(c); and

(ii) include—

## (I) an analysis of the costs and

benefits of continuing the program to provide anthrax vaccines to emergency response providers;

(II) an explanation of the economic, health, and other risks and benefits of administering vaccines through the pilot program rather than post-event treatment; and

(III) in the case of a recommendation under clause (i) to continue the pilot program after the date described in subsection (c), a plan under which the pilot program could be continued.

(b) DEADLINE FOR IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall begin implementing the pilot program under this section.

16 (c) SUNSET.—The authority to carry out the pilot  
17 program under this section shall expire on the date that  
18 is 5 years after the date of enactment of this Act.

Passed the Senate November 16, 2016.

Attest:

*Secretary.*

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