

110TH CONGRESS  
1ST SESSION

# S. 2476

To amend the Public Health Service Act to improve immunization rates  
by increasing the supply of vaccines.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2007

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

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## A BILL

To amend the Public Health Service Act to improve  
immunization rates by increasing the supply of 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 “Improved Vaccine Sup-  
5       ply Act”.

6       **SEC. 2. SUPPLY OF VACCINES.**

7       Title XXI of the Public Health Service Act (42  
8       U.S.C. 300aa–1 et seq.) is amended by adding at the end  
9       the following:

1       **“Subtitle 3—Adequate Vaccine**  
2                               **Supply**

3   **“SEC. 2141. SUPPLY OF VACCINES.**

4       “(a) IN GENERAL.—

5               “(1) PLAN.—Not later than 3 months after the  
6       date of enactment of this section, the Secretary, act-  
7       ing through the Director of the Centers for Disease  
8       Control and Prevention, shall develop a plan for the  
9       purchase, storage, and rotation of a supply of vac-  
10      cines sufficient to provide routinely recommended  
11      vaccinations for a 6-month period for—

12               “(A) a national stockpile of vaccines for all  
13      children as authorized under section 1928(d)(6)  
14      of the Social Security Act (42 U.S.C.  
15      1396s(d)(6)); and

16               “(B) adults.

17               “(2) SUPPLY.—The supply of vaccines under  
18      paragraph (1) shall—

19               “(A) include all vaccines routinely rec-  
20      ommended for children by the Advisory Com-  
21      mittee on Immunization Practices;

22               “(B) include all vaccines routinely rec-  
23      ommended for adults by the Advisory Com-  
24      mittee on Immunization Practices; and

1 “(C) include other vaccines, as designated  
2 by the Secretary, that contribute to public  
3 health preparedness efforts.

4 “(3) SUPPLY AUTHORITY.—The Secretary shall  
5 carry out—

6 “(A) paragraph (2)(A) using the authority  
7 provided for under section 1928(d)(6) of the  
8 Social Security Act (42 U.S.C. 1396s(d)(6));  
9 and

10 “(B) paragraph (2)(B) using—

11 “(i) the authority provided for under  
12 section 317; and

13 “(ii) any other authority relating to  
14 the vaccines described in such paragraph.

15 “(b) SUBMISSION OF PLAN.—

16 “(1) IN GENERAL.—Not later than 6 months  
17 after the date of enactment of this section, the Sec-  
18 retary shall submit the plan developed under sub-  
19 section (a) to—

20 “(A) the Committee on Health, Education,  
21 Labor, and Pensions of the Senate;

22 “(B) the Committee on Finance of the  
23 Senate; and

24 “(C) the Committee on Energy and Com-  
25 merce of the House of Representatives.

1           “(2) INCLUSIONS.—The plan shall include a  
2       discussion of the considerations that formed—

3                       “(A) the basis for the plan; and

4                       “(B) the prioritization of the schedule for  
5       purchasing vaccines set forth in the plan.

6       “(c) IMPLEMENTATION OF THE PLAN.—Not later  
7       than September 30, 2008, the Secretary shall fully imple-  
8       ment the plan developed under subsection (a).

9       “(d) NOTICE.—

10           “(1) IN GENERAL.—For the purposes of main-  
11       taining and administering the supply of vaccines de-  
12       scribed under subsection (a), the Secretary shall re-  
13       quire by contract that the manufacturer of a vaccine  
14       included in such supply provide not less than 1 year  
15       notice to the Secretary of a discontinuance of the  
16       manufacture of the vaccine, or of other factors, that  
17       may prevent the manufacturer from providing vac-  
18       cines pursuant to an arrangement made to carry out  
19       this section.

20           “(2) REDUCTION OF PERIOD OF NOTICE.—The  
21       notification period required under paragraph (1)  
22       may be reduced if the manufacturer certifies to the  
23       Secretary that good cause exists for reduction, under  
24       the conditions described in section 506C(b) of the

1 Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
2 356c).

3 “(e) PROCEEDS.—Any proceeds received by the Sec-  
4 retary from the sale of vaccines contained in the supply  
5 maintained pursuant to this section, shall be available to  
6 the Secretary for the purpose of purchasing additional  
7 vaccines for the supply. Such proceeds shall remain avail-  
8 able until expended.

9 “(f) ONGOING REPORTS.—

10 “(1) IN GENERAL.—Not later than 2 years  
11 after submitting the plan pursuant to subsection (b),  
12 and periodically thereafter, the Secretary shall sub-  
13 mit a report to the Committees identified in sub-  
14 section (b)(1) that—

15 “(A) details the progress made in imple-  
16 menting the plan developed under subsection  
17 (a); and

18 “(B) notes impediments, if any, to imple-  
19 menting the plan developed under subsection  
20 (a).

21 “(2) RECOMMENDATION.—The Secretary shall  
22 include in the first of such reports required under  
23 paragraph (1)—

1           “(A) a recommendation as to whether the  
2           vaccine supply should be extended beyond the  
3           6-month period provided in subsection (a); and

4           “(B) a discussion of the considerations  
5           that formed the recommendation under sub-  
6           paragraph (A).

7           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
8           are authorized to be appropriated to carry out this section  
9           such sums as may be necessary for each of fiscal years  
10          2008 through 2012.”.

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