

111TH CONGRESS
2D SESSION

S. 3140

To grant the Secretary of Health and Human Services authority to design, construct, and operate facilities for the purpose of developing and producing biological products in order to meet critical national needs for such biological products, in response to potential bioterrorist attacks or naturally occurring pathogens.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2010

Mr. SPECTER (for himself and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To grant the Secretary of Health and Human Services authority to design, construct, and operate facilities for the purpose of developing and producing biological products in order to meet critical national needs for such biological products, in response to potential bioterrorist attacks or naturally occurring pathogens.

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 “Biosecurity and Vac-
5 cine Development Improvement Act of 2010”.

1 **SEC. 2. DEVELOPMENT AND PRODUCTION OF BIOLOGICAL**
2 **PRODUCTS.**

3 Subpart 1 of part F of title III of the Public Health
4 Service Act (42 U.S.C. 262 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 352A. DEVELOPMENT AND PRODUCTION OF BIOLOGI-**
7 **CAL PRODUCTS.**

8 “(a) IN GENERAL.—The Secretary may design, con-
9 struct, and operate one or more facilities for the purpose
10 of developing and producing biological products to meet
11 critical national needs for such biological products, in re-
12 sponse to potential bioterrorist attacks or to naturally oc-
13 ccurring pathogens, for which the Secretary determines
14 that private industry has not devoted adequate develop-
15 ment effort, or has not produced adequate stocks of, such
16 needed biological products.

17 “(b) COMPETITIVE AWARD.—In carrying out the au-
18 thority described in subsection (a), the Secretary—

19 “(1) shall ensure that there is competition and
20 may establish a public-private partnership to design,
21 construct, own, and operate a facility described in
22 subsection (a); and

23 “(2) may use the authority to enter into other
24 transactions under section 319L to establish such a
25 facility.”.