

# Influenza-Related Authorizing Legislation

## 109<sup>th</sup> Congress

### (As of June 5, 2006)

- S 96**      *Flu Vaccine Incentive Act of 2005*  
(referred to Committee on Finance)  
*Senator Inhofe (R-OK)*
- Provides funding for research and development to encourage the production of flu vaccines to eliminate price caps, and provide tax credits
- S 375/  
H 813**      *Flu Protection Act*  
(referred to Finance Committee, Ways and Means and Energy and Commerce Committees)  
*Senator Evan Bayh (D-IN)*  
*Representative Rahm Emanuel (D-IL)*
- Urges federal government to complete the federal epidemic/pandemic flu preparedness plan
  - Provides tax incentives to increase vaccine production capacity
  - Directs a public awareness, education, and outreach program regarding influenza
- S 969/  
HR 3369**      *AVIAN (Attacking Viral-Influenza Across Nations) Act of 2005*  
(referred to HELP Committee; Energy and Commerce Committee)  
*Senator Barack Obama (D-IL)*  
*Representative Nita Lowey (D-NY)*
- Encourages pandemic flu preparedness, coordination of surveillance, procurement of vaccines and medicines
  - Requires all states to publicly release pandemic plans with CDC approval
  - Mandates federal government to stockpile Tamiflu (oseltamivir)
- S 975**      *Project Bioshield II Act of 2005*  
(hearing held before HELP Subcommittee on Bioterrorism and Public Health Preparedness 7/21)  
*Senators Joseph Lieberman (D-CT; Orrin Hatch (R-UT) and Sam Brownback (R-KS)*
- Provides incentives to increase research by private sector entities to develop medical countermeasures (a vaccine, anti-infective, antibiotic, microbicide, diagnostic technology or other tool)

- Conducts research and development in-house or using outside entities for the sole purpose of bolstering the strategic national stockpile
- Proposes incentives for patent term extension, greater liability protection for the producer to include intellectual property
- Increases incentives to bolster the vaccine industry such as constructing sufficient manufacturing facilities; developing better cell lines; improving preservatives for vaccines; and overall, developing newer and more efficient cell-culture or other vaccine production technologies to produce better and more efficient production lines.
- Encourages federal government to continue building international and national surveillance capacity

**S 1042**      *Defense Authorization Bill - Fiscal Year 2006 (FY06)*  
Admt. 1453 by *Senator Barack Obama (D-IL)* – (printed but not offered 7/25)

- Secretary to report on pandemic avian influenza, addressing procurement of vaccines, antivirals and other supplies and protocols for distribution, quarantine measures, surge capacity, surveillance and coordination with other international entities

**S 1437**      *Bioterror and Pandemic Preparedness Protection Act*  
(referred to HELP Committee)  
*Senator Judd Gregg (R-NH)*

- Provides liability protections for pandemics, epidemics and security countermeasures for all claims relating to the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, administration, and use of a security countermeasure or qualified pandemic or epidemic product.
- Creates a rebuttable presumption that the federal government is immune from liability relating to the use of a security countermeasure or a qualified pandemic or epidemic product

**S 1527/  
HR 3502**      *Vaccine Access and Supply Act of 2005*  
(referred to HELP Committee; Ways and Means Committee)  
*Senator Edward Kennedy (D-MA)*  
*Representative Henry Waxman (D-CA)*

- Establishes program to vaccinate uninsured and underinsured adults in public health clinics
- Encourages manufacturers to increase their production of influenza vaccine by having the government share the risk of unsold vaccines
- Increases funding available for states to strengthen their vaccine outreach, tracking, and delivery

- Requires companies leaving the vaccine market to provide advance warning to public health officials
- Requires the Secretary of Health and Human Services (HHS) to provide a plan to Congress addressing the filling of the pediatric vaccine stockpile
- Ensures that if there is a vaccine shortage, public health officials can determine where available vaccines exist in their community and have plans to distribute them

**S 1821**      *Pandemic Preparedness and Response Act of 2005*  
**HR 4062**      (referred to HELP Committee; Committee on Energy and Commerce)  
*Senators Harry Reid (D-NV), Barack Obama (D-IL), Evan Bayh (D-IN) and Ted Kennedy (D-MA)*  
*Representatives Nita Lowey (D-NY) and Rahm Emanuel (D-IL)*

- Requires the finalization, implementation and funding for pandemic preparedness and response plans
- Creates a Director of Pandemic Preparedness and Response in the office of the President
- Improves surveillance
- Expands vaccine production and distribution capacity
- Provides for stockpiling of antivirals, vaccines and essential medical equipment
- Increases public awareness and provides for added surge capacity

**S 1828**      *Influenza Vaccine Security Act*  
(referred to HELP Committee)  
*Senator Hillary Rodham Clinton (D-NY)*

- Provides market guarantees and buyback protocols
- Requires stockpiling of antiviral medications for an influenza pandemic
- Provides regulatory incentives for manufacturers
- Establishes a vaccine tracking system and increased outreach and education
- Provides increased liability protection to manufacturers

**S 1873**      *National Biodefense Act of 2005*  
(referred to HELP Committee)  
*Senator Richard Burr (R-NC)*

- Establishes a Biomedical Advanced Research and Development Agency
- Encourages research and manufacture of innovative new products, including incentives for manufacturing of countermeasures and pandemic/epidemic products
- Limits liability risk for manufacturers

- S 2112**      *Seasonal Influenza and Pandemic Preparation Act of 2005*  
(referred to HELP Committee)  
*Senator Tom Harkin (D-IA)*
- Increase vaccine rates through the provision of free vaccines
  - Provides grants to state and local health departments, health centers, public hospitals and other entities
- HR 4245**      *Influenza Preparedness and Prevention Act of 2005*  
(referred to Committee on Energy and Commerce, with additional joint referrals)  
*Representative Jerry Lewis (R-CA)*
- Provides for the development of criteria to evaluate state pandemic preparedness plans
  - Puts in place liability protections for manufacturers
  - Provides funds for vaccine and antiviral purchase; public education on pandemic influenza; domestic and international surveillance; and biomedical research
- HR 4358**      *Influenza Vaccine Emergency Act*  
(referred to Committee on Energy and Commerce)  
*Representative Peter DeFazio (D-OR)*
- In the case of a flu vaccine shortage or flu epidemic, the Secretary of HHS can declare a national health emergency
  - If a manufacturer or distributor is not in compliance with government distribution guidelines, under a national health emergency, gives the Secretary authority to seize and distribute vaccine supplies from manufacturers and distributors.
- HR 4392**      To provide for the importation of pharmaceutical products under a compulsory license as provided for under the WTO  
(referred to the Committee on Ways and Means)  
*Representative Thomas Allen (D-ME)*
- Authorizes the President to import pharmaceutical products manufactured under a compulsory license to meet public health needs or to address situations of inadequate supply caused by insufficient domestic manufacturing capacity, in accordance with the World Trade Organization
- S 1912**      *Global Network for Avian Influenza Surveillance Act*  
**HR 4476**      (referred to Committee on Energy and Commerce, with additional joint referrals)  
*Senator Joe Lieberman (D-CT)*  
*Representative Rosa DeLauro (D-CT)*

- Establishes a Global Network for Avian Influenza Surveillance
- Provides for more rapid and efficient reporting on infectious diseases in migratory birds, including avian influenza
- Expands surveillance of migratory bird diseases
- To collaborate with appropriate partners within and outside government, domestically and overseas

**HR 4603**     *Pandemic and Seasonal Influenza Act of 2005*  
 (referred to Committee on Science, with additional joint referrals)  
*Representative Lowey (D-NY)*

- Provides a compensation program for injuries from covered countermeasures
- Provides liability protections to manufacturers, distributors and health care providers
- Requires reports to Congress concerning the HHS Pandemic Influenza Plan
- Provides preparedness grants to states, localities and hospitals; funds for global avian influenza global surveillance, procurement of antivirals, vaccines and other necessary supplies; public education and awareness, biomedical research

**HR 5237**     *Global Trade Requires Unmitigated Truth Act*  
*Representative Markey (D-MA)*

- Directs the USTR to advocate inclusion of national compliance with WHO international health regulations as a condition of WTO membership
- Directs HHS to report to Congress on the compliance of WTO members with WHO international health regulations

**S 2291**     *Responsible Public Readiness and Emergency Preparedness Act of 2006*  
*Senator Kennedy (D-MA)*

- Repeals pandemic influenza countermeasure liability protections included in the FY 2006 Defense Appropriations legislation
- Provides a compensation program for injuries from covered countermeasures
- Provides liability protections to manufacturers, distributors and health care providers