

116TH CONGRESS 2D SESSION

S. 4542

To prohibit distribution abroad of COVID-19 vaccines developed with the support of Federal funding until the domestic need for the vaccine has been met.

IN THE SENATE OF THE UNITED STATES

September 9, 2020

Mr. Tillis introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To prohibit distribution abroad of COVID-19 vaccines developed with the support of Federal funding until the domestic need for the vaccine has been met.

- 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 "America First Vaccine
- 5 Act".
- 6 SEC. 2. COVID-19 VACCINE DISTRIBUTION.
- 7 (a) Certification Requirement.—
- 8 (1) IN GENERAL.—Notwithstanding any other
- 9 provision of law, subject to paragraph (2), a manu-

facturer of a vaccine described in subsection (b) that
is headquartered in the United States may not distribute such vaccine outside of the United States unless the Secretary of Health and Human Services
(referred to in this section as the "Secretary"), in
consultation with the Commissioner of Food and
Drugs, certifies that domestic need for the vaccine

already has been met.

- 9 (2) WAIVER.—The Secretary may waive the 10 certification requirement under paragraph (1) with 11 respect to a vaccine described in subsection (b) and 12 permit the distribution of such vaccine outside of the 13 United States, if the Secretary determines that such 14 waiver and distribution is in the interest of the 15 American public health.
- (b) VACCINES DESCRIBED.—A vaccine described inthis subsection is a COVID-19 vaccine that—
- 18 (1) is authorized under section 564 of the Fed-19 eral Food, Drug, and Cosmetic Act (21 U.S.C. 20 360bbb-3) or licensed under section 351 of the Pub-21 lic Health Service Act (42 U.S.C. 262); and
- 22 (2) was developed with support of Federal fund-23 ing made available under the Coronavirus Prepared-24 ness and Response Supplemental Appropriations Act 25 (Public Law 116–123), the Families First

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- 1 Coronavirus Response Act (Public Law 116–127),
- the Coronavirus Aid, Relief, and Economic Security
- 3 Act (Public Law 116–136), or the Paycheck Protec-
- 4 tion Program and Health Care Enhancement Act
- 5 (Public Law 116–139).
- 6 (c) VIOLATIONS.—In the case of a manufacturer who
- 7 violates subsection (a), such manufacturer shall be re-
- 8 quired to reimburse the Federal Government for all
- 9 amounts received by the manufacturer in support of devel-
- 10 opment of the vaccine, plus interest in an amount deter-
- 11 mined by the Secretary of the Treasury.
- 12 (d) Rule of Construction.—Nothing in this Act
- 13 shall be construed to limit or otherwise restrict the Sec-
- 14 retary's authority to enter into bilateral or multilateral
- 15 agreements with international manufacturers to procure
- 16 vaccines described in subsection (b) for the people of the
- 17 United States.

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