

**AMENDMENT TO AMERICAN RESCUE PLAN ACT  
OF 2021  
OFFERED BY MR. BUDD OF NORTH CAROLINA**

Page 128, after line 9, insert the following:

1           (c) PHASED ALLOCATION INAPPLICABLE WHERE IT  
2 IS REASONABLY NECESSARY TO PREVENT THE EXPIRA-  
3 TION OF ANY DOSE OF VACCINE FOR COVID–19.—

4           (1) IN GENERAL.—Where it is reasonably nec-  
5 essary to prevent the expiration of any dose of vac-  
6 cine for COVID–19 purchased from the Federal  
7 Government, a vaccine provider may—

8                   (A) disregard any phased allocation of  
9                   such dose under applicable Federal, State, and  
10                   local law; and

11                   (B) administer such dose to an individual  
12                   who is in the next phased allocation group  
13                   under applicable Federal, State, and local law  
14                   for which the vaccine provider can locate indi-  
15                   viduals available and willing to receive the dose.

16           (2) PREEMPTION.—Subsection (a) preempts  
17 any State or local law to the contrary.

18           (3) RULE OF CONSTRUCTION.—Nothing in sub-  
19 section (a) shall be construed to override Federal,

1 State, or local law other than with respect to the  
2 phased allocation of dosing.

3 (4) DEFINITION.—In this section, the term  
4 “phased allocation” means the prioritization of  
5 groups for the receipt of the vaccine for COVID–19  
6 as determined by appropriate public health authori-  
7 ties.

8 (5) SUNSET.—Subsection (a) shall cease to  
9 apply at the end of the public health emergency de-  
10 clared for COVID–19 under section 319 of the Pub-  
11 lic Health Service Act (42 U.S.C. 247d), including  
12 renewals thereof.

