

**AMENDMENT TO AMERICAN RESCUE PLAN ACT  
OF 2021**

**OFFERED BY MR. CARTER OF GEORGIA**

Page 129, line 13, strike “In addition” and insert the following: “(a) IN GENERAL.—In addition”.

Page 129, after line 24, add the following:

1       (b) ADDITIONAL USES OF FUNDS.—Funds made  
2 available under subsection (a) may be used carry out the  
3 following with respect to the Strategic National Stockpile  
4 under section 319F–2(a) of the Public Health Service Act  
5 (42 U.S.C. 247d–6b(a)):

6           (1) transfer to any Federal department or  
7 agency, on a reimbursable basis, any drugs, vaccines  
8 and other biological products, medical devices, and  
9 other supplies in the Stockpile, if—

10           (A) the transferred supplies are less than  
11 one year from expiry;

12           (B) the stockpile is able to replenish the  
13 supplies, as appropriate; and

14           (C) the Secretary decides the transfer is in  
15 the best interest of the United States Govern-  
16 ment;

1           (2) enter into contracts for the procurement of  
2 equipment maintenance services for the Stockpile;

3           (3) enhance medical supply chain elasticity and  
4 establish and maintain domestic reserves of critical  
5 medical supplies (including personal protective  
6 equipment, ancillary medical supplies, and other ap-  
7 plicable supplies required for the administration of  
8 drugs, vaccines and other biological products, and  
9 other medical devices (including diagnostic tests))  
10 by—

11           (A) increasing emergency stock of critical  
12 medical supplies;

13           (B) geographically diversifying domestic  
14 production of such medical supplies, as appro-  
15 priate;

16           (C) entering into cooperative agreements  
17 or partnerships with respect to manufacturing  
18 lines, facilities, and equipment for the domestic  
19 production of such medical supplies; and

20           (D) managing, either directly or through  
21 cooperative agreements with manufacturers and  
22 distributors, domestic reserves established  
23 under this subparagraph by refreshing and re-  
24 plenishing stock of such medical supplies;

1           (4) conduct a study to investigate the feasibility  
2 of establishing user fees to offset certain Federal  
3 costs attributable to the procurement of single-  
4 source materials for the Strategic National Stockpile  
5 and distributions of such materials from the Stock-  
6 pile and consider, in conducting such study, to the  
7 extent information is available—

8           (A) whether entities receiving such dis-  
9 tributions generate profits from those distribu-  
10 tions;

11           (B) any Federal costs attributable to such  
12 distributions;

13           (C) whether such user fees would provide  
14 the Secretary with funding to potentially offset  
15 procurement costs of such materials for the  
16 Strategic National Stockpile; and

17           (D) any other issues the Secretary identi-  
18 fies as relevant;

19           (5) establish a pilot program consisting of  
20 awarding grants to States to expand or maintain a  
21 strategic stockpile of commercially available drugs,  
22 devices, personal protective equipment, and other  
23 products deemed by the State to be essential in the  
24 event of a public health emergency for use by States  
25 to—

1 (A) acquire commercially available prod-  
2 ucts determined by the Secretary to be nec-  
3 essary for inclusion in the State's strategic  
4 stockpile;

5 (B) store, maintain, and distribute prod-  
6 ucts in such stockpile; and

7 (C) conduct planning in connection with  
8 such activities;

9 (6) in consultation with the Administrator of  
10 the Federal Emergency Management Agency—

11 (A) not later than April 1, 2021, issue a  
12 report to the Committee on Energy and Com-  
13 merce of the House of Representatives and the  
14 Committee on Health, Education, Labor, and  
15 Pensions of the Senate regarding all State,  
16 local, Tribal, and territorial requests for sup-  
17 plies from the Strategic National Stockpile re-  
18 lated to COVID-19; and

19 (B) not less than every 30 days thereafter  
20 through the end of the emergency period (as  
21 such term is defined in section 1135(g)(1)(B)  
22 of the Social Security Act (42 U.S.C. 1320b-  
23 5(g)(1)(B))), submit to such committees an up-  
24 dated version of such report; and

1           (7) not later than April 1, 2021, develop and  
2           implement improved, transparent processes for the  
3           use and distribution of drugs, vaccines and other bi-  
4           ological products, medical devices, and other supplies  
5           (including personal protective equipment, ancillary  
6           medical supplies, and other applicable supplies re-  
7           quired for the administration of drugs, vaccines and  
8           other biological products, medical devices, and diag-  
9           nostic tests) in the Strategic National Stockpile.

