

Mike Braun
Amendment #3

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Public Health Service Act to authorize grants for acquiring equipment and supplies capable of performing same-day clinical laboratory testing in a point-of-care setting, and to assist laboratories in meeting the cost of acquiring high-throughput equipment, and for other purposes.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3799

To prepare for, and respond to, existing viruses, emerging new threats, and pandemics.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BRAUN

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . ACCESS TO TECHNOLOGY AND EQUIPMENT FOR**
- 3 **SAME-DAY TESTS.**
- 4 (a) GRANTS FOR SAME-DAY POINT-OF-CARE TEST-
- 5 ING IN COMMUNITIES.—Section 2821 of the Public Health
- 6 Service Act (42 U.S.C. 300hh–31) is amended—
- 7 (1) by redesignating subsection (b) as sub-
- 8 section (d); and

1 (2) by inserting after subsection (a) the fol-
2 lowing new subsection:

3 “(b) GRANTS FOR SAME-DAY POINT-OF-CARE TEST-
4 ING IN COMMUNITIES.—

5 “(1) GRANTS.—The Secretary, acting through
6 the Director of the Centers for Disease Control and
7 Prevention, shall award grants to eligible entities to
8 assist such entities in acquiring legally-marketed
9 same-day point-of care tests (as defined by the Di-
10 rector), equipment, and supplies, including molec-
11 ular, serological, and antigen tests.

12 “(2) ELIGIBILITY.—To be eligible for a grant
13 under paragraph (1), an entity shall—

14 “(A) be—

15 “(i) a hospital;

16 “(ii) a primary care facility;

17 “(iii) a clinic;

18 “(iv) a physician; or

19 “(v) another type health care provider
20 as the Secretary may define;

21 “(B) be qualified to have the same-day
22 point-of-care testing performed at the entity as
23 a result of operating under a Certificate of
24 Waiver, Certificate of Compliance, or Certificate
25 of Accreditation, under section 353; and

1 “(C) submit to the Secretary an applica-
2 tion at such time, in such manner, and con-
3 taining such information as the Secretary may
4 reasonably require.

5 “(3) USE OF FUNDS.—Amounts received
6 through a grant under this subsection shall be used
7 to purchase legally-marketed same-day point-of-care
8 testing and materials as are necessary to administer,
9 store, and process such tests.

10 “(4) AMOUNT OF GRANT.—The amount of a
11 grant under paragraph (1) may not exceed \$20,000.

12 “(5) PRIORITY IN MAKING AWARDS.—In award-
13 ing grants under paragraph (1), the Secretary shall
14 give priority first to eligible entities providing serv-
15 ices to underserved populations in rural areas and
16 then to eligible entities providing services to medi-
17 cally underserved populations (as defined in section
18 330(b)(3)) in rural areas. The Secretary may then
19 award such grants to eligible entities serving all
20 other areas.”.

21 (b) GRANTS FOR LABORATORIES TO ACQUIRE HIGH-
22 THROUGHPUT DIAGNOSTIC EQUIPMENT.—Section 2821
23 of the Public Health Service Act (42 U.S.C. 300hh-31)
24 is amended by inserting after subsection (b) (as added by
25 subsection (a)), the following new subsection:

1 “(c) GRANTS FOR LABORATORIES TO ACQUIRE
2 HIGH-THROUGHPUT DIAGNOSTIC EQUIPMENT.—

3 “(1) GRANTS.—The Secretary, acting through
4 the Director of the Centers for Disease Control and
5 Prevention, shall award grants to eligible entities to
6 assist such entities in purchasing high-throughput
7 diagnostic equipment and related supplies.

8 “(2) ELIGIBILITY.—To be eligible for a grant
9 under paragraph (1), an entity shall—

10 “(A) be—

11 “(i) a State, local, or Tribal public
12 health laboratory;

13 “(ii) a laboratory within a public
14 health laboratory network coordinated or
15 managed by the Centers for Disease Con-
16 trol and Prevention; or

17 “(iii) a consortium of 2 or more enti-
18 ties described in any of clauses (i) and (ii);
19 and

20 “(B) submit to the Secretary an applica-
21 tion at such time, in such manner, and con-
22 taining such information as the Secretary may
23 reasonably require.

24 “(3) USE OF FUNDS.—Amounts received
25 through a grant under this subsection shall be used

1 to purchase high-throughput diagnostic equipment
2 and such materials as are necessary to administer,
3 store, and process such tests.

4 “(4) AMOUNT OF GRANT.—The amount of a
5 grant under paragraph (1) may not exceed
6 \$2,000,000, except in the case of eligible entity de-
7 scribed in paragraph (2)(A)(iv).

8 “(5) HIGH-THROUGHPUT DIAGNOSTIC EQUIP-
9 MENT DEFINED.—In this subsection, the term ‘high-
10 throughput diagnostic equipment’ means legally-
11 marketed equipment and supplies capable of per-
12 forming multichannel analysis for use in clinical lab-
13 oratory testing, including diagnostic, serological, and
14 antigen tests.”.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
16 2821(d) of the Public Health Service Act (42 U.S.C.
17 300hh-31) (as so redesignated by subsection (a)) is
18 amended—

19 (1) by redesignating paragraphs (1), (2), and
20 (3) as subparagraphs (A), (B), and (C), respectively,
21 and moving the margin of each such redesignated
22 subparagraph 2 ems to the right;

23 (2) by striking “There are authorized to be ap-
24 propriated to carry out this section” and inserting
25 the following:

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated to carry out subsection (a)”;

3 (3) by adding at the end, the following new
4 paragraph:

5 “(2) AUTHORIZATION OF APPROPRIATIONS.—

6 “(A) TESTING GRANTS.—For the purpose
7 of carrying out subsection (b), there is author-
8 ized to be appropriated \$500,000,000 for fiscal
9 year 2021, to remain available until expended.

10 “(B) EQUIPMENT GRANTS.—For the pur-
11 pose of carrying out subsection (c), there is au-
12 thorized to be appropriated \$250,000,000 for
13 fiscal year 2021, to remain available until ex-
14 pended.

15 “(C) ADMINISTRATIVE EXPENSES.—Of the
16 amount made available to carry out subsection
17 (b) or (c) for any fiscal year, the Secretary may
18 not use more than 5 percent of such amount for
19 the expenses of administering this section.”