

117TH CONGRESS
1ST SESSION

S. 1018

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

MARCH 25, 2021

Ms. KLOBUCHAR (for herself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Access to Technology
3 and Equipment for Same-day Tests (TESTs) Act” or the
4 “Access to TESTs Act”.

5 **SEC. 2. GRANTS FOR SAME-DAY POINT-OF-CARE TESTING**
6 **IN COMMUNITIES.**

7 Section 2821 of the Public Health Service Act (42
8 U.S.C. 300hh–31) is amended—

9 (1) by redesignating subsection (b) as sub-
10 section (d); and

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

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

15 “(1) GRANTS.—The Secretary, acting through
16 the Director of the Centers for Disease Control and
17 Prevention, shall award grants to eligible entities to
18 assist such entities in acquiring legally marketed
19 same-day point-of care tests (as defined by the Di-
20 rector), equipment, and supplies, including molec-
21 ular, serological, and antigen tests.

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

24 “(A) be—

25 “(i) a hospital;

26 “(ii) a primary care facility;

1 “(iii) a clinic;

2 “(iv) a physician; or

3 “(v) another type health care provider
4 as the Secretary may define;

5 “(B) be qualified to have the same-day
6 point-of-care testing performed at the entity as
7 a result of operating under a Certificate of
8 Waiver, Certificate of Compliance, or Certificate
9 of Accreditation, under section 353; and

10 “(C) submit to the Secretary an applica-
11 tion at such time, in such manner, and con-
12 taining such information as the Secretary may
13 reasonably require.

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

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

21 “(5) PRIORITY IN MAKING AWARDS.—In award-
22 ing grants under paragraph (1), the Secretary shall
23 give priority first to eligible entities providing serv-
24 ices to underserved populations in rural areas and
25 then to eligible entities providing services to medi-

1 cally underserved populations (as defined in section
 2 330(b)(3)) in rural areas. The Secretary may then
 3 award such grants to eligible entities serving all
 4 other areas.”.

5 **SEC. 3. GRANTS FOR LABORATORIES TO ACQUIRE HIGH-**
 6 **THROUGHPUT DIAGNOSTIC EQUIPMENT.**

7 Section 2821 of the Public Health Service Act (42
 8 U.S.C. 300hh–31) is amended by inserting after sub-
 9 section (b) (as added by section 2), the following new sub-
 10 section:

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

13 “(1) GRANTS.—The Secretary, acting through
 14 the Director of the Centers for Disease Control and
 15 Prevention, shall award grants to eligible entities to
 16 assist such entities in purchasing high-throughput
 17 diagnostic equipment and related supplies.

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

20 “(A) be—

21 “(i) a State, local, or Tribal public
 22 health laboratory;

23 “(ii) a laboratory within a public
 24 health laboratory network coordinated or

1 managed by the Centers for Disease Con-
2 trol and Prevention; or

3 “(iii) a consortium of 2 or more enti-
4 ties described in any of clauses (i) and (ii);
5 and

6 “(B) submit to the Secretary an applica-
7 tion at such time, in such manner, and con-
8 taining such information as the Secretary may
9 reasonably require.

10 “(3) USE OF FUNDS.—Amounts received
11 through a grant under this subsection shall be used
12 to purchase high-throughput diagnostic equipment
13 and such materials as are necessary to administer,
14 store, and process such tests.

15 “(4) AMOUNT OF GRANT.—The amount of a
16 grant under paragraph (1) may not exceed
17 \$2,000,000, except in the case of eligible entity de-
18 scribed in paragraph (2)(A)(iv).

19 “(5) HIGH-THROUGHPUT DIAGNOSTIC EQUIP-
20 MENT DEFINED.—In this subsection, the term ‘high-
21 throughput diagnostic equipment’ means legally
22 marketed equipment and supplies capable of per-
23 forming multichannel analysis for use in clinical lab-
24 oratory testing, including diagnostic, serological, and
25 antigen tests.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 2821(d) of the Public Health Service Act (42
3 U.S.C. 300hh–31) (as so redesignated by section 2) is
4 amended—

5 (1) by redesignating paragraphs (1), (2), and
6 (3) as subparagraphs (A), (B), and (C), respectively,
7 and moving the margin of each such redesignated
8 subparagraph 2 ems to the right;

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

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

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

16 “(2) AUTHORIZATION OF APPROPRIATIONS.—

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

21 “(B) EQUIPMENT GRANTS.—For the pur-
22 pose of carrying out subsection (c), there is au-
23 thorized to be appropriated \$250,000,000 for
24 fiscal year 2021, to remain available until ex-
25 pended.

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

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