

116TH CONGRESS  
2D SESSION

# S. 4952

To establish a grant program to expand the domestic production of certain medical supplies.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 2, 2020

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To establish a grant program to expand the domestic production of certain medical supplies.

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 “Mobilize America to  
5 Manufacture Equipment Required for Independence from  
6 Communist Adversaries Act” or the “Mobilize AMERICA  
7 Act”.

1 **SEC. 2. EXPANDING THE DOMESTIC PRODUCTION OF MED-**  
2 **ICAL SUPPLIES.**

3 Title III of the Public Health Service Act is amended  
4 by inserting after section 319F-4 (42 U.S.C. 247d-6e)  
5 the following:

6 **“SEC. 319F-5. EXPANDING THE DOMESTIC PRODUCTION OF**  
7 **MEDICAL SUPPLIES.**

8 “(a) IN GENERAL.—The Secretary, in consultation  
9 with the Secretary of Defense, shall award grants to drug,  
10 biological product (including vaccines), device (including  
11 respiratory protective devices), and other medical supply  
12 manufacturers for the purpose of incentivizing such manu-  
13 facturers to manufacture such products domestically using  
14 advanced manufacturing, and to ensure that the Nation  
15 is able to retain or acquire necessary supplies to address  
16 critical public health needs, including countermeasures re-  
17 quired during a pandemic or other public health emer-  
18 gency.

19 “(b) ELIGIBLE PRODUCTS.—The Secretary, in con-  
20 sultation with the Secretary of Defense, shall compile and  
21 update a list of drugs, biological products (including vac-  
22 cines), devices (including respiratory protective devices),  
23 and other medical supplies that are, or may become, crit-  
24 ical supplies in the event of a pandemic or public health  
25 emergency.

1       “(c) ELIGIBILITY.—To be eligible for a grant under  
2 this section, a manufacturer shall submit an application  
3 to the Secretary at such time, in such manner, and con-  
4 taining such information as the Secretary may require, in-  
5 cluding the applicant’s plan for the advanced manufac-  
6 turing, domestically, of a product on the list under sub-  
7 section (b).

8       “(d) GRANT AWARDS.—A grant awarded under this  
9 section—

10           “(1) shall be used for the capital costs associ-  
11 ated with the installation of countermeasure manu-  
12 facturing equipment (including both final finished  
13 products and the related critical components re-  
14 quired for these products), including the building  
15 and assembly of manufacturing equipment, modifica-  
16 tions to existing facilities to accommodate such  
17 equipment, or expansion of existing facilities to ac-  
18 commodate such equipment, in accordance with the  
19 advanced manufacturing plan set forth in the appli-  
20 cation under subsection (c); and

21           “(2) shall be in amount not to exceed the  
22 amount sufficient to cover up to 50 percent of the  
23 costs described in paragraph (1).

24       “(e) WAIVER OF CERTAIN REQUIREMENTS.—The re-  
25 quirements of section 75.323 of title 45, Code of Federal

1 Regulations (or any successor regulations) shall not apply  
2 with respect to a grant awarded under this section.

3 “(f) ONGOING MONITORING.—The Secretary, in co-  
4 ordination with the Secretary of Defense, shall establish  
5 and implement procedures for the ongoing monitoring of  
6 the program under this section to ensure that such pro-  
7 gram works toward the goal of expanding domestic pro-  
8 duction of drugs, biological products (including vaccines),  
9 devices (including respiratory protective devices), and  
10 other medical supplies.

11 “(g) REPORTING.—Not later than 180 days after the  
12 date of the enactment of the Mobilize America to Manu-  
13 facture Equipment Required for Independence from Com-  
14 munist Adversaries Act and annually thereafter, the Sec-  
15 retary, in coordination with the Secretary of Defense, shall  
16 submit to Congress a report on the program under this  
17 section. Each such report shall include certification that  
18 all funds appropriated for the purpose of carrying out this  
19 section are used solely for such purpose.

20 “(h) AUTHORIZATION OF APPROPRIATIONS.—To  
21 carry out this section, there are authorized to be appro-  
22 priated \$250,000,000 for each of fiscal years 2021  
23 through 2025.”.

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