S 3440

A bill to amend the Federal Food, Drug, and Cosmetic Act and the Defense Production Act of 1950 to prohibit the Federal Government from limiting State access to key therapies, such as monoclonal antibodies, and from prioritizing Federal contracts over State contracts relating to purchasing supplies to combat the COVID-19 pandemic.

Congress: 117 (2021–2023, Ended)
Chamber: Senate
Policy Area: Health
Introduced: Jan 4, 2022
Current Status: Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.
Latest Action: Read twice and referred to the Committee on Banking, Housing, and Urban Affairs. (Jan 4, 2022)
Official Text: https://www.congress.gov/bill/117th-congress/senate-bill/3440

Sponsor

Name: Sen. Cruz, Ted [R-TX]
Party: Republican • **State:** TX • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Banking, Housing, and Urban Affairs Committee	Senate	Referred To	Jan 4, 2022

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
117 HR 6832	Identical bill	**Feb 28, 2022:** Referred to the Subcommittee on Health.

Summary (as of Jan 4, 2022)

This bill restricts various presidential and federal authorities related to the acquisition of supplies to combat COVID-19.

Specifically, the bill prohibits the President from exercising certain authorities under the Defense Production Act of 1950 to prioritize the performance of federal contracts or orders for COVID-19 supplies over the performance of state or territorial contracts or orders. In addition, states or territories may use federal COVID-19 relief funds for COVID-19 supplies that they had been unable to purchase because of prioritized performance of federal contracts or orders. (The Defense Production Act of 1950 confers upon the President a broad set of authorities to influence domestic industry in order to provide essential materials and goods needed for the national defense.)

Additionally, the Food and Drug Administration may not ration, limit, restrict access to, or otherwise control the quantity of a medical product authorized for use during an emergency, including by requiring products to be distributed through a state- or territorial-based system.

Actions Timeline

- **Jan 4, 2022:** Introduced in Senate
- **Jan 4, 2022:** Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.