

AMENDMENT TO S. CON. RES. 5
OFFERED BY MR. BUDD OF NORTH CAROLINA

At the end of title IV, insert the following:

1 **SEC. 4009. PHASED ALLOCATION INAPPLICABLE WHERE IT**
2 **IS REASONABLY NECESSARY TO PREVENT**
3 **THE EXPIRATION OF ANY DOSE OF VACCINE**
4 **FOR COVID-19.**

5 (a) **IN GENERAL.**—Where it is reasonably necessary
6 to prevent the expiration of any dose of vaccine for
7 COVID-19 purchased from the Federal Government, a
8 vaccine provider may—

9 (1) disregard any phased allocation of such dose
10 under applicable Federal, State, and local law; and

11 (2) administer such dose to an individual who
12 is in the next phased allocation group under applica-
13 ble Federal, State, and local law for which the vac-
14 cine provider can locate individuals available and
15 willing to receive the dose.

16 (b) **PREEMPTION.**—Subsection (a) preempts any
17 State or local law to the contrary.

18 (c) **RULE OF CONSTRUCTION.**—Nothing in sub-
19 section (a) shall be construed to override Federal, State,

1 or local law other than with respect to the phased alloca-
2 tion of dosing.

3 (d) DEFINITION.—In this section, the term “phased
4 allocation” means the prioritization of groups for the re-
5 ceipt of the vaccine for COVID–19 as determined by ap-
6 propriate public health authorities.

7 (e) SUNSET.—Subsection (a) shall cease to apply at
8 the end of the public health emergency declared for
9 COVID–19 under section 319 of the Public Health Service
10 Act (42 U.S.C. 247d), including renewals thereof.

