

117TH CONGRESS
2D SESSION

H. R. 6377

To direct the Secretary of Health and Human Services to purchase and make available for free rapid tests for SARS-CoV-2, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2022

Mr. BEYER (for himself, Ms. TITUS, Mr. MORELLE, and Mr. KAHELE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Health and Human Services to purchase and make available for free rapid tests for SARS-CoV-2, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Free At-Home Tests
5 for All Act”.

6 **SEC. 2. FREE RAPID TEST PROGRAM.**

7 (a) BULK PURCHASES.—The Secretary of Health
8 and Human Services (in this Act referred to as the “Sec-

1 retary”) shall purchase in bulk a sufficient quantity of
2 rapid tests for SARS-CoV-2 to provide two such tests per
3 week to every resident of the United States over the 12-
4 month period beginning on the date of enactment of this
5 Act.

6 (b) FREE AVAILABILITY.—The Secretary shall make
7 the tests purchased pursuant to subsection (a) available
8 for free—

9 (1) at pharmacies, including online pharmacies
10 participating in a pharmacy partnership program;

11 (2) at public schools; and

12 (3) by online order or phone call directly from
13 the Department of Health and Human Services.

14 (c) PROCTORING; RETURN ENVELOPES.—The tests
15 purchased pursuant to subsection (a) shall—

16 (1) each be proctored without charge; and

17 (2) be made available together with a free post-
18 age-paid envelope for delivering completed tests to
19 the Centers for Disease Control and Prevention or
20 a relevant public health laboratory for genomic se-
21 quencing.

22 (d) MATERIALS FOR INDIVIDUALS WHO TEST POSI-
23 TIVE.—The Secretary shall—

24 (1) distribute to proctors of tests purchased
25 pursuant to subsection (a) informational materials

1 about social distancing, treatment, and further test-
2 ing for individuals who test positive; and

3 (2) require such proctors to provide such mate-
4 rials to such individuals.

5 (e) RELATION TO DEFENSE PRODUCTION ACT.—In
6 making purchases authorized under this section, the Presi-
7 dent may utilize the authorities provided under title I of
8 the Defense Production Act of 1950 (50 U.S.C. 4511 et
9 seq.).

10 (f) DEFINITION.—In this section, the term “rapid
11 test” means an antigen diagnostic test.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
13 out this section, there are authorized to be appropriated
14 such sums as may be necessary. The amounts authorized
15 to be appropriated by the preceding sentence are in addi-
16 tion to amounts otherwise available to carry out this sec-
17 tion.

18 **SEC. 3. COORDINATION WITH MEDICARE AND MEDICAID**
19 **PROGRAMS.**

20 The Secretary shall—

21 (1) conduct outreach to individuals entitled to
22 benefits under the Medicare or Medicaid programs
23 regarding the availability of rapid tests (as defined
24 in section 2); and

1 (2) make such tests available through the Medi-
2 care and Medicaid programs at no cost to such indi-
3 viduals, including by mail.

4 **SEC. 4. FOOD AND DRUG ADMINISTRATION.**

5 (a) AUTOMATIC EUA.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 during the period of the public health emergency for
8 COVID–19 in effect under section 319 of the Public
9 Health Service Act (42 U.S.C. 247d), including any
10 extensions thereof, an antigen diagnostic test for
11 SARS–CoV–2 is deemed to have in effect an emer-
12 gency use authorization under section 564 of the
13 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
14 360bbb–3) if the test is listed for emergency use
15 by—

16 (A) the World Health Organization; or

17 (B) a stringent regulatory authority (as
18 defined by the World Health Organization for
19 purposes of medicine procurement decisions).

20 (2) CONTINUED AUTHORITY.—Upon the deem-
21 ing of an emergency use authorization by paragraph
22 (1) for a test, the Secretary of Health and Human
23 Services and the Commissioner of Food and Drugs
24 shall continue to have all authorities vested in such
25 officials by the Federal Food, Drug, and Cosmetic

1 Act (21 U.S.C. 301 et seq.) and other applicable law
2 to rescind such emergency use authorization or oth-
3 erwise regulate such test.

4 (b) ADVISORY COMMITTEE ON DIAGNOSTIC AND SE-
5 ROLOGICAL TESTING.—The Secretary of Health and
6 Human Services, acting through the Commissioner of
7 Food and Drugs, shall establish and maintain a perma-
8 nent advisory committee to advise the Department of
9 Health and Human Services regarding the development,
10 manufacture, distribution, and use of diagnostic and sero-
11 logical testing for public health needs.

○