

117TH CONGRESS  
1ST SESSION

# S. 3394

To amend the Federal Food, Drug, and Cosmetic Act with respect to  
emergency use authorization transparency.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2021

Ms. HASSAN (for herself, Mr. BRAUN, and Ms. MURKOWSKI) 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 amend the Federal Food, Drug, and Cosmetic Act with  
respect to emergency use authorization transparency.

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 “Emergency Use Trans-  
5       parency Act”.

6       **SEC. 2. INCREASING EUA TRANSPARENCY.**

7       Section 564(h)(1) of the Federal Food, Drug, and  
8       Cosmetic Act (21 U.S.C. 360bbb–3(h)(1)) is amended—

1           (1) by inserting “on the internet website of the  
2       Food and Drug Administration and” after “prompt-  
3       ly publish”; and

4           (2) by striking “application under section  
5       505(i) 512(j), or 520(g), even if such summary may  
6       indirectly reveal the existence of such application”  
7       and inserting “application, request, or submission  
8       under this section or section 505(b), 505(i), 505(j),  
9       512(b), 512(j), 512(n), 515, 510(k), 513(f)(2),  
10      520m(g), 520(m), 571, or 572 of this Act, or section  
11      351(a) or 351(k) of the Public Health Service Act,  
12      even if such summary may reveal the existence of  
13      such an application, request, or submission, or data  
14      contained in such application, request, or submis-  
15      sion”.

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