

116TH CONGRESS
2D SESSION

S. _____

To require the Federal Government to provide critical health care resources
in response to the COVID–19 pandemic.

IN THE SENATE OF THE UNITED STATES

Mr. SANDERS introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To require the Federal Government to provide critical health
care resources in response to the COVID–19 pandemic.

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. FEDERAL PROVISION OF CRITICAL HEALTH**

4 **CARE RESOURCES.**

5 (a) REQUIREMENT TO PROVIDE CRITICAL HEALTH
6 CARE RESOURCES.—

7 (1) IN GENERAL.—The President, acting
8 through the Administrator of the Federal Emer-
9 gency Management Agency, and in consultation with
10 the Secretary of Health and Human Services and

1 the head of any other relevant Federal agency, shall
2 fulfill, to the greatest extent possible and with due
3 urgency, according to need, all requests from States
4 for critical health care resources that are required to
5 support medical providers, treat patients, or promote
6 the general well-being in response to, or to recover
7 from, the outbreak of COVID–19.

8 (2) USE OF AUTHORITIES.—To carry out para-
9 graph (1), the President shall make use of any and
10 all available authorities at the disposal of the Fed-
11 eral Government to procure, manufacture, and sup-
12 port the manufacturing of critical health care re-
13 sources, including emergency authorities such as the
14 Defense Production Act of 1950 (50 U.S.C. 4511 et
15 seq.), the National Emergencies Act (50 U.S.C.
16 1601 et seq.), and the Robert T. Stafford Disaster
17 Relief and Emergency Assistance Act (42 U.S.C.
18 5121 et seq.).

19 (3) DETERMINATION OF EMERGENCY END
20 DATE.—The Secretary of Health and Human Serv-
21 ices and the Administrator of the Federal Emer-
22 gency Management Agency shall jointly—

23 (A) determine the date on which all re-
24 quests from States for critical health care re-
25 sources related to the outbreak of COVID–19

1 are fulfilled or otherwise resolved, which shall
2 not be earlier than the day after the date on
3 which no new cases of COVID–19 are reported
4 in the United States for a period of not less
5 than 14 consecutive days; and

6 (B) promptly submit to Congress and the
7 Secretary of the Treasury a certification indi-
8 cating the date determined under subparagraph
9 (A).

10 (b) REPORTS TO CONGRESS.—Not later than 7 days
11 after the date of enactment of this Act, and every 7 days
12 thereafter until the COVID–19 emergency end date, the
13 Secretary of Health and Human Services and the Admin-
14 istrator of the Federal Emergency Management Agency
15 shall jointly submit to Congress a report on the implemen-
16 tation of and activities authorized by this section, includ-
17 ing information on—

18 (1) the use of funds;

19 (2) the number of requests received from States
20 for critical health care resources, including the con-
21 tents of the requests and the dates on which the re-
22 quests are received and fulfilled;

23 (3) if any State request received has not been
24 fulfilled or has been partially fulfilled, the reasons
25 why the request was not fully fulfilled;

1 (4) the distribution of critical health care re-
2 sources by State, geographic area, and need;

3 (5) the criteria or methodology used to guide
4 the prioritization of State requests and the distribu-
5 tion of critical health care resources; and

6 (6) the sources of the critical health care re-
7 sources provided to States, including the prices paid
8 by the Federal Government for such critical health
9 care resources and to which suppliers such amounts
10 were paid.

11 (c) FUNDING; LIMITATIONS.—

12 (1) FUNDING.—There is appropriated, out of
13 amounts in the Treasury not otherwise appropriated,
14 for the fiscal year ending September 30, 2020, to re-
15 main available until the COVID–19 emergency end
16 date, \$75,000,000,000 to the Federal Emergency
17 Management Agency to carry out this section.

18 (2) LIMITATION.—No funds made available
19 under this section shall be provided to—

20 (A) any person who is a Federal elected of-
21 ficial or serving in a Senior Executive Service
22 position; or

23 (B) any entity that is controlled in whole
24 or in part by a Federal elected official or serv-
25 ing in a Senior Executive Service position.

1 (3) EMERGENCY DESIGNATION.—

2 (A) IN GENERAL.—The amounts provided
3 under this section are designated as an emer-
4 gency requirement pursuant to section 4(g) of
5 the Statutory Pay-As-You-Go Act of 2010 (2
6 U.S.C. 933(g)).

7 (B) DESIGNATION IN SENATE.—In the
8 Senate, this section is designated as an emer-
9 gency requirement pursuant to section 4112(a)
10 of H. Con. Res. 71 (115th Congress), the con-
11 current resolution on the budget for fiscal year
12 2018.

13 (d) DEFINITIONS.—In this section—

14 (1) the term “COVID–19 emergency end date”
15 means the date on which all requests from States for
16 critical health care resources related to the outbreak
17 of COVID–19 are fulfilled or otherwise resolved, as
18 certified by the Administrator of the Federal Emer-
19 gency Management Agency and the Secretary of
20 Health and Human Services under subsection (a)(3);

21 (2) the term “critical health care resources” in-
22 cludes—

23 (A) personal protective equipment (such as
24 surgical masks, N-95 respirator masks, surgical
25 gowns, and face visors);

1 (B) ventilators;

2 (C) testing reagents and compounds;

3 (D) approved vaccines, therapeutics,
4 diagnostics, pharmaceuticals, small molecule ac-
5 tive pharmaceutical ingredients, and other nec-
6 essary drugs;

7 (E) ancillary medical supplies, and other
8 applicable supplies required for the administra-
9 tion of drugs, vaccines and other biological
10 products, medical devices, and diagnostic tests;
11 and

12 (F) other medical supplies or hospital in-
13 frastructure, as necessary;

14 (3) the term “Senior Executive Service posi-
15 tion” has the meaning given that term in section
16 3132(a) of title 5, United States Code; and

17 (4) the term “State” means—

18 (A) each of the several States of the
19 United States;

20 (B) the District of Columbia;

21 (C) the Commonwealth of Puerto Rico;

22 (D) Guam;

23 (E) American Samoa;

24 (F) the Commonwealth of the Northern
25 Mariana Islands;

- 1 (G) the Federated States of Micronesia;
- 2 (H) the Republic of the Marshall Islands;
- 3 (I) the Republic of Palau;
- 4 (J) the United States Virgin Islands; and
- 5 (K) an Indian tribe, as defined in section
- 6 4(e) of the Indian Self-Determination and Edu-
- 7 cation Assistance Act (25 U.S.C. 5304(e)).