

116TH CONGRESS
2D SESSION

H. R. 6541

To amend the Public Health Service Act to provide for maintaining adequate supplies in Strategic National Stockpile, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2020

Mr. MALINOWSKI (for himself, Ms. DELAURO, Ms. ESCOBAR, Mr. GALLEGO, Ms. JACKSON LEE, Mrs. NAPOLITANO, Mr. PAYNE, Ms. KUSTER of New Hampshire, Mr. GRIJALVA, Mr. PAPPAS, Mr. COHEN, Ms. SCANLON, Mr. NEGUSE, Mrs. HAYES, Ms. SCHAKOWSKY, Ms. PORTER, Mr. GONZALEZ of Texas, Mr. MCNERNEY, Mr. RUPPERSBERGER, Ms. BARRAGÁN, Ms. NORTON, Mr. VARGAS, Mr. ROUDA, Ms. OMAR, Mr. CISNEROS, Mr. NADLER, Ms. GARCIA of Texas, Mr. CASTRO of Texas, Mr. LEVIN of California, Mrs. BEATTY, Mr. ESPAILLAT, Ms. BROWNLEY of California, Mr. GARAMENDI, Mr. POCAN, Mrs. AXNE, Ms. MATSUI, Ms. WASSERMAN SCHULTZ, and Mr. HASTINGS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, 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 amend the Public Health Service Act to provide for maintaining adequate supplies in Strategic National Stockpile, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Providing Protective
3 Equipment Act of 2020” or the “PPE Act of 2020”.

4 **SEC. 2. MAINTAINING ADEQUATE SUPPLIES IN STRATEGIC**
5 **NATIONAL STOCKPILE.**

6 (a) IN GENERAL.—Section 319F–2(a)(3) of the Pub-
7 lic Health Service Act (42 U.S.C. 247d–6b(a)(3)) is
8 amended—

9 (1) in subparagraph (I), by striking “and” at
10 the end;

11 (2) in subparagraph (J), by striking the period
12 at the end and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(K) in consultation with the working
15 group under section 319F(a) and the Public
16 Health Emergency Medical Countermeasures
17 Enterprise established under section 2811–1,
18 annually determine the minimum level of rel-
19 evant supplies that must be maintained in the
20 national stockpile at all times, especially in case
21 of a significant pandemic.”.

22 (b) DETERMINATION.—Section 319F–2(a) of the
23 Public Health Service Act (42 U.S.C. 247d–6b(a)) is
24 amended by adding at the end the following:

25 “(6) SUPPLY ADEQUACY.—

1 “(A) BUDGET SUBMISSION.—Not later
2 than February 1 of each year, the Secretary
3 shall include in the annual budget submission
4 for the Department, and submit to the Con-
5 gress, the Secretary’s request with respect to
6 expenditures necessary to maintain the min-
7 imum level of relevant supplies in the stockpile,
8 as determined under subsection (a)(3)(K).

9 “(B) DEFENSE PRODUCTION ACT.—If the
10 Secretary cannot maintain such minimum level
11 due to other issues, including production issues,
12 the Secretary shall request that the President
13 use the authority provided under title I or III
14 of the Defense Production Act of 1950 to attain
15 and maintain that minimum level.”.

16 (c) REIMBURSABLE TRANSFERS FROM STRATEGIC
17 NATIONAL STOCKPILE.—Section 319F–2(a) of the Public
18 Health Service Act (42 U.S.C. 247d–6b(a)), as amended
19 by subsection (b), is further amended by adding at the
20 end the following:

21 “(7) TRANSFERS AND REIMBURSEMENTS.—
22 Without regard to chapter 5 of title 40, United
23 States Code, the Secretary may transfer to any Fed-
24 eral department or agency, on a reimbursable basis,
25 any drugs, vaccines and other biological products,

1 medical devices, and other supplies in the stockpile
2 if the transferred supplies are less than six months
3 from expiry.”.

4 (d) REMOVAL OF LIMITATION ON THE DEFENSE
5 PRODUCTION ACT FUND.—Section 304 of the Defense
6 Production Act of 1950 (50 U.S.C. 4534) is amended—

7 (1) by striking subsection (e); and

8 (2) by redesignating subsections (f) and (g) as
9 subsections (e) and (f), respectively.

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