

116TH CONGRESS
2D SESSION

S. 3921

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

JUNE 9, 2020

Mr. SANDERS introduced the following bill; which was read twice and referred
to the Committee on Homeland Security and Governmental Affairs

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. SHORT TITLE.**

4 This Act may be cited as the “Emergency Medical
5 Supplies Procurement Act”.

6 **SEC. 2. FEDERAL PROVISION OF CRITICAL HEALTH CARE**
7 **RESOURCES.**

8 (a) REQUIREMENT TO PROVIDE CRITICAL HEALTH
9 CARE RESOURCES.—

1 (1) IN GENERAL.—The President, acting
2 through the Administrator of the Federal Emer-
3 gency Management Agency, and in consultation with
4 the Secretary of Health and Human Services and
5 the head of any other relevant Federal agency, shall
6 fulfill, to the greatest extent possible and with due
7 urgency, according to need, all requests from States
8 for critical health care resources that are required to
9 support medical providers, treat patients, or promote
10 the general well-being in response to, or to recover
11 from, the outbreak of COVID–19.

12 (2) USE OF AUTHORITIES.—To carry out para-
13 graph (1), the President shall make use of any and
14 all available authorities at the disposal of the Fed-
15 eral Government to procure, manufacture, and sup-
16 port the manufacturing of critical health care re-
17 sources, including emergency authorities such as the
18 Defense Production Act of 1950 (50 U.S.C. 4511 et
19 seq.), the National Emergencies Act (50 U.S.C.
20 1601 et seq.), and the Robert T. Stafford Disaster
21 Relief and Emergency Assistance Act (42 U.S.C.
22 5121 et seq.).

23 (3) DETERMINATION OF EMERGENCY END
24 DATE.—The Secretary of Health and Human Serv-

1 ices and the Administrator of the Federal Emer-
2 gency Management Agency shall jointly—

3 (A) determine the date on which all re-
4 quests from States for critical health care re-
5 sources related to the outbreak of COVID–19
6 are fulfilled or otherwise resolved, which shall
7 not be earlier than the day after the date on
8 which no new cases of COVID–19 are reported
9 in the United States for a period of not less
10 than 14 consecutive days; and

11 (B) promptly submit to Congress and the
12 Secretary of the Treasury a certification indi-
13 cating the date determined under subparagraph
14 (A).

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

23 (1) the use of funds;

24 (2) the number of requests received from States
25 for critical health care resources, including the con-

1 tents of the requests and the dates on which the re-
2 quests are received and fulfilled;

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

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

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

11 (6) the sources of the critical health care re-
12 sources provided to States, including the prices paid
13 by the Federal Government for such critical health
14 care resources and to which suppliers such amounts
15 were paid.

16 (c) FUNDING; LIMITATIONS.—

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

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

1 (A) any person who is a Federal elected of-
 2 ficial or serving in a Senior Executive Service
 3 position; or

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

7 (3) EMERGENCY DESIGNATION.—

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

13 (B) DESIGNATION IN SENATE.—In the
 14 Senate, this section is designated as an emer-
 15 gency requirement pursuant to section 4112(a)
 16 of H. Con. Res. 71 (115th Congress), the con-
 17 current resolution on the budget for fiscal year
 18 2018.

19 (d) DEFINITIONS.—In this section—

20 (1) the term “COVID–19 emergency end date”
 21 means the date on which all requests from States for
 22 critical health care resources related to the outbreak
 23 of COVID–19 are fulfilled or otherwise resolved, as
 24 certified by the Administrator of the Federal Emer-

1 agency Management Agency and the Secretary of
2 Health and Human Services under subsection (a)(3);

3 (2) the term “critical health care resources” in-
4 cludes—

5 (A) personal protective equipment (such as
6 surgical masks, N-95 respirator masks, sur-
7 gical gowns, and face visors);

8 (B) ventilators;

9 (C) testing reagents and compounds;

10 (D) approved vaccines, therapeutics, diag-
11 nostics, pharmaceuticals, small molecule active
12 pharmaceutical ingredients, and other necessary
13 drugs;

14 (E) ancillary medical supplies, and other
15 applicable supplies required for the administra-
16 tion of drugs, vaccines and other biological
17 products, medical devices, and diagnostic tests;
18 and

19 (F) other medical supplies or hospital in-
20 frastructure, as necessary;

21 (3) the term “Senior Executive Service posi-
22 tion” has the meaning given that term in section
23 3132(a) of title 5, United States Code; and

24 (4) the term “State” means—

- 1 (A) each of the several States of the
2 United States;
3 (B) the District of Columbia;
4 (C) the Commonwealth of Puerto Rico;
5 (D) Guam;
6 (E) American Samoa;
7 (F) the Commonwealth of the Northern
8 Mariana Islands;
9 (G) the Federated States of Micronesia;
10 (H) the Republic of the Marshall Islands;
11 (I) the Republic of Palau;
12 (J) the United States Virgin Islands; and
13 (K) an Indian tribe, as defined in section
14 4(e) of the Indian Self-Determination and Edu-
15 cation Assistance Act (25 U.S.C. 5304(e)).

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