

116TH CONGRESS
2D SESSION

H. R. 6880

To direct the Administrator of the Federal Emergency Management Agency to coordinate the development of plans, designs, and guidance relating to the production, in accordance with other applicable law, of certain homeland security-critical supplies to address potential national emergencies and disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2020

Ms. SLOTKIN (for herself and Mr. VAN DREW) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, 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 Administrator of the Federal Emergency Management Agency to coordinate the development of plans, designs, and guidance relating to the production, in accordance with other applicable law, of certain homeland security-critical supplies to address potential national emergencies and disasters, 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 “Emergency Medical
3 Manufacturing Library Act of 2020”.

4 **SEC. 2. DEVELOPING CRISIS CAPABILITIES TO MEET**
5 **NEEDS FOR HOMELAND SECURITY-CRITICAL**
6 **SUPPLIES.**

7 (a) IN GENERAL.—The Administrator of the Federal
8 Emergency Management Agency shall coordinate with the
9 Secretary of Health and Human Services, the Adminis-
10 trator of the Environmental Protection Agency, and the
11 heads of other relevant Federal departments and agen-
12 cies—

13 (1) to identify categories of homeland security-
14 critical supplies that would be needed to address po-
15 tential national emergencies or disasters, including
16 any such public health emergency, terrorist incident,
17 armed attack, or cyber attack;

18 (2) to develop plans, designs, and guidance re-
19 lating to the production, in accordance with other
20 applicable law, of the categories of homeland secu-
21 rity-critical supplies identified pursuant to para-
22 graph (1) to address the respective national emer-
23 gencies and disasters, including such production by
24 nontraditional manufacturers; and

25 (3) based on such final plans, designs, and
26 guidance, to enter into such contingent arrange-

1 ments with governmental and private entities, in ac-
2 cordance with other applicable law, as may be nec-
3 essary to expedite the production of homeland secu-
4 rity-critical supplies in the event of a national emer-
5 gency or disaster.

6 (b) PROCESS.—In coordinating the development or
7 revision of a plan, design, or guidance with respect to any
8 homeland security-critical supply under this section:

9 (1) The Administrator shall give each Federal
10 department or agency with responsibility for regu-
11 lating the supply an opportunity—

12 (A) to contribute to the development or re-
13 vision of the plan, design, or guidance; and

14 (B) to approve or disapprove the plan, de-
15 sign, or guidance under regulations appropriate
16 to approving the supply for emergency or dis-
17 aster use.

18 (2) If a Federal department or agency with re-
19 sponsibility for regulating the homeland security-
20 critical supply disapproves of the plan, design, or
21 guidance with respect to the supply, the head of the
22 disapproving department or agency shall provide to
23 the Administrator the rationale for the disapproval.

24 (3) The Administrator may—

1 (A) if no Federal department or agency
2 disapproves a plan, design, or guidance as de-
3 scribed in paragraphs (1)(B) and (2), finalize
4 the plan, design, or guidance for purposes of
5 subsections (a)(3) and (c); and

6 (B) if a Federal department or agency
7 does disapprove a plan, design, or guidance as
8 described in paragraphs (1)(B) and (2), provide
9 an updated plan, design, or guidance for review
10 and approval or disapproval in accordance with
11 paragraphs (1) and (2).

12 (c) PUBLIC POSTING.—The Administrator shall pub-
13 lish each final plan, design, or guidance that is developed
14 under this section on a public website, except that the Ad-
15 ministrator may withhold publication of, or redact infor-
16 mation from the publication of, a plan, design, or guidance
17 if—

18 (1) publicly posting the information would not
19 be in the interest of homeland security;

20 (2) the information is protected from public dis-
21 closure by other applicable law; or

22 (3) the information is protected from public dis-
23 closure by contract.

24 (d) RELATION TO OTHER LAW.—Nothing in this sec-
25 tion shall be construed to expand, repeal, limit, or other-

1 wise affect the provisions of other applicable law per-
2 taining to the regulation of a homeland security-critical
3 supply.

4 (e) BIENNIAL REVIEW.—Not less than every two
5 years, in accordance with subsections (a) through (e), the
6 Administrator shall coordinate the review and, as needed,
7 revision of each plan, design, and guidance in effect under
8 this section.

9 (f) DEFINITION.—In this section:

10 (1) Except as otherwise specified, the term
11 “Administrator” means the Administrator of the
12 Federal Emergency Management Agency.

13 (2) The term “homeland security-critical sup-
14 ply”—

15 (A) means any supply needed to ensure
16 public safety and welfare during—

17 (i) a national emergency or disaster,
18 including any such public health emer-
19 gency, terrorist incident, armed attack, or
20 cyber attack; or

21 (ii) any other reasonably foreseeable
22 contingency of grave consequence to the
23 United States during which shortages are
24 reasonably anticipated; and

1 (B) includes a vaccine, a medication, med-
2 ical equipment, and personal protective equip-
3 ment.

4 (3) The term “nontraditional manufacturer”
5 may include (as determined by the Administrator)—

6 (A) a home craftsperson;

7 (B) a distiller;

8 (C) a cosmetic manufacturer;

9 (D) a manufacturing facility primarily de-
10 signed for an industry other than manufac-
11 turing homeland security-critical supplies;

12 (E) an institution of higher education;

13 (F) an advanced manufacturing facility;

14 (G) a machine shop; and

15 (H) a research laboratory.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
17 out this section, there is authorized to be appropriated
18 \$10,000,000 for each of fiscal years 2020 through 2024.

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