

116TH CONGRESS
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H. R. 7836

To provide, manufacture, and distribute high-quality face masks for every individual in the United States during the COVID–19 emergency using the Defense Production Act and other means.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2020

Mr. KHANNA (for himself, Mrs. TRAHAN, Mrs. WATSON COLEMAN, Mrs. BEATTY, Mr. CARSON of Indiana, Mr. CICILLINE, Ms. CLARKE of New York, Mr. GARCÍA of Illinois, Mr. GRIJALVA, Ms. HAALAND, Mr. KENNEDY, Ms. LEE of California, Mr. TED LIEU of California, Mr. LOWENTHAL, Mr. MCNERNEY, Mr. NEGUSE, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, Mr. PAYNE, Mr. POCAN, Ms. PRESSLEY, Mr. RUSH, Ms. SCANLON, Ms. SEWELL of Alabama, Ms. SHALALA, Mr. SOTO, Ms. TLAIB, Mr. VARGAS, Ms. VELÁZQUEZ, Mr. WELCH, and Ms. JAYAPAL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, Energy and Commerce, and the Budget, 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 provide, manufacture, and distribute high-quality face masks for every individual in the United States during the COVID–19 emergency using the Defense Production Act and other means.

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 “Masks for All Act of
3 2020”.

4 **SEC. 2. REQUIREMENT TO ELIMINATE MASK SHORTAGES.**

5 The President, acting through the Administrator,
6 shall, as soon as practicable—

7 (1) eliminate all shortages of face masks, sur-
8 gical masks, and N-95 respirator masks in the
9 United States;

10 (2) manufacture the masks described in para-
11 graph (1), to the greatest extent practicable, in the
12 United States; and

13 (3) distribute the masks described in paragraph
14 (1) to the general public and the health care work-
15 force in accordance with this Act.

16 **SEC. 3. PROVIDING HIGH-QUALITY FACE MASKS TO EVERY**
17 **INDIVIDUAL IN THE UNITED STATES.**

18 (a) IN GENERAL.—Not later than 30 days after the
19 date of enactment of this Act, the Administrator shall es-
20 tablish a program to provide a supply of 3 high-quality,
21 reusable face masks to every individual in the United
22 States, including individuals—

23 (1) experiencing homelessness; and

24 (2) living in group quarters, as defined by the
25 Census Bureau for the purposes of the most recent
26 decennial census.

1 (b) NO COST TO INDIVIDUALS.—An individual that
2 receives a supply of face masks under this section shall
3 not be charged for the face masks, for the delivery of the
4 face masks, or for any other administrative cost related
5 to the face masks.

6 (c) PROHIBITION ON IDENTIFICATION REQUIRE-
7 MENT.—An individual that receives a supply of face masks
8 under this section shall not be required to provide identi-
9 fication or proof of citizenship in order to receive the face
10 masks.

11 (d) DELIVERIES.—To the greatest extent possible,
12 face masks under this section shall be delivered using the
13 United States Postal Service.

14 (e) EDUCATIONAL MATERIALS.—

15 (1) IN GENERAL.—Face masks provided under
16 this section shall be accompanied by a 1-page fact
17 sheet on the importance of wearing face masks, the
18 proper use of face masks, and the nearest face mask
19 pickup sites designated under subsection (f).

20 (2) REQUIREMENTS.—The information included
21 in the fact sheet required under paragraph (1) shall
22 be—

23 (A) scientifically and medically accurate;

24 (B) written for a layperson;

1 (C) presented in a size and type of font
2 that is easy to read; and

3 (D) provided in the languages that are
4 most appropriate for the community.

5 (3) PUBLICATION OF INFORMATION.—The in-
6 formation included in the fact sheet required under
7 paragraph (1) shall be published on the public
8 website of the Federal Emergency Management
9 Agency and the Department of Health and Human
10 Services in multiple languages and in a manner that
11 is in compliance with the Americans with Disabilities
12 Act of 1990 for reading by the visually impaired.

13 (f) FACE MASK PICKUP SITES.—

14 (1) IN GENERAL.—The Administrator shall des-
15 ignate face mask pickup sites in each community
16 and shall provide face masks to each site, allocated
17 according to population, to be distributed to the gen-
18 eral public at no cost to the public.

19 (2) REQUIREMENTS FOR DESIGNATION OF
20 SITES.—In designating sites as face mask pickup
21 sites under paragraph (1), the Administrator shall
22 choose—

23 (A) a location of a public entity, organiza-
24 tion, or business that is providing essential
25 services to communities, such as a post office,

1 community pharmacy, Federally-qualified health
2 center, senior center, congregate meal site, and
3 COVID–19 testing site;

4 (B) a location that is easily accessible and
5 appropriate to maximize the public health re-
6 sponse to COVID–19; and

7 (C) when possible, a location that is feder-
8 ally operated or is a recipient of Federal funds.

9 (3) REQUIREMENT FOR PICKUP SITES.—If a
10 site is designated as a face mask pickup site under
11 paragraph (1)—

12 (A) no individual shall be required to make
13 a purchase in order to pick up masks at such
14 location; and

15 (B) the site shall agree to display informa-
16 tion, supplied by the Administrator, in a promi-
17 nent location that—

18 (i) advertises the availability of free
19 face masks provided by the Federal Gov-
20 ernment; and

21 (ii) meets the requirements described
22 in subsection (e)(2).

23 (g) NEW TECHNOLOGY.—

24 (1) IN GENERAL.—For purposes of delivering
25 and providing the best available masks under this

1 section, the Administrator shall consider new designs
2 to create the most comfortable, well-fitting, reusable,
3 and 2-way face masks that have adjustable sizing.

4 (2) STRATEGIC NATIONAL STOCKPILE.—If sig-
5 nificant improvements in face mask technology are
6 made available, the Administrator, in coordination
7 with the Secretary, shall ensure that such face
8 masks are included in the strategic national stock-
9 pile.

10 (h) REQUIRED COORDINATION AND CONSULTA-
11 TION.—

12 (1) COORDINATION.—In carrying out this sec-
13 tion, the Administrator shall coordinate with the
14 Secretary, the Assistant Secretary, the Postmaster
15 General, and the heads of any other appropriate
16 Federal departments or agencies.

17 (2) CONSULTATION.—In carrying out this sec-
18 tion, the Administrator shall consult with States,
19 units of local government, pickup sites, and appro-
20 priate labor unions, including labor organizations
21 representing employees of the United States Postal
22 Service.

23 (i) EFFECT ON REQUESTS FOR PERSONAL PROTEC-
24 TIVE EQUIPMENT.—Any face masks provided under this
25 section shall not be taken into account for purposes of the

1 Federal Government responding to State or health care
2 provider requests for surgical masks, N-95 respirator
3 masks, personal protective equipment, or other supplies
4 related to COVID-19.

5 **SEC. 4. HEALTH CARE WORKFORCE.**

6 (a) IN GENERAL.—Not later than 30 days after the
7 date of enactment of this Act, the Administrator shall pro-
8 vide surgical masks and N-95 respirator masks to all indi-
9 viduals working in health care settings in the United
10 States that are experiencing a shortage of such masks, in-
11 cluding settings that have a short-term supply of such
12 masks and settings that are practicing extended use and
13 re-use of such masks, if such masks are single-use masks.

14 (b) NO COST TO PERSONS OR STATES.—A person or
15 State that receives surgical masks and N-95 respirator
16 masks under this section shall not be charged for the
17 masks, for the delivery of the masks, or for any other ad-
18 ministrative cost related to the masks.

19 (c) REQUIRED COORDINATION.—In carrying out this
20 section, the Administrator shall coordinate—

21 (1) with the Secretary, the Assistant Secretary,
22 the Postmaster General, and the heads of any other
23 appropriate Federal departments or agencies; and

24 (2) to the greatest extent practicable, with
25 other Federal programs that provide masks or other

1 personal protective equipment to individuals working
2 in health care settings.

3 (d) **REQUIRED CONSULTATION.**—In carrying out this
4 section, the Administrator shall consult with health care
5 providers and labor organizations representing health pro-
6 fessionals and other individuals working in health care set-
7 tings.

8 **SEC. 5. USE OF AUTHORITIES.**

9 (a) **IN GENERAL.**—In carrying out this Act—

10 (1) the President shall make use of any and all
11 available authorities at the disposal of the Federal
12 Government to procure, domestically manufacture,
13 support the domestic manufacturing of face masks,
14 and distribute face masks, surgical masks, and N-
15 95 respirator masks, including emergency authori-
16 ties, such as the Defense Production Act of 1950
17 (50 U.S.C. 4511 et seq.), the National Emergencies
18 Act (50 U.S.C. 1601 et seq.), and the Robert T.
19 Stafford Disaster Relief and Emergency Assistance
20 Act (42 U.S.C. 5121 et seq.); and

21 (2) the Administrator shall make use of au-
22 thorities delegated to the Administrator under title
23 I and title III of the Defense Production Act of
24 1950 (50 U.S.C. 4511 et seq.) to increase domestic
25 production of masks.

1 (b) REQUIREMENT.—Any face masks, surgical
2 masks, and N-95 respirator masks procured or manufac-
3 tured for purposes of carrying out this Act shall be pur-
4 chased in accordance with Federal Acquisition Regulation
5 guidance on fair and reasonable pricing.

6 (c) EXCESS MASKS.—Any face masks, surgical
7 masks, and N-95 respirator masks in the possession of
8 the Federal Emergency Management Agency or the De-
9 partment of Health and Human Services for purposes of
10 carrying out this Act that have not been distributed as
11 of the date described in section 6(d) shall be added to the
12 strategic national stockpile.

13 **SEC. 6. APPROPRIATION; LIMITATIONS.**

14 (a) APPROPRIATION.—There is appropriated, out of
15 amounts in the Treasury not otherwise appropriated,
16 \$5,000,000,000, to remain available until the date de-
17 scribed in subsection (d), to the Administrator to carry
18 out this Act, provided that the Administrator uses such
19 amounts as are necessary to reimburse the United States
20 Postal Service for the delivery of masks under this Act.

21 (b) LIMITATION.—No funds made available under
22 this section shall be provided to—

23 (1) any person who is a Federal elected official
24 or serving in a Senior Executive Service position; or

1 (2) any entity that is controlled in whole or in
2 part by a Federal elected official or serving in a
3 Senior Executive Service position.

4 (c) EMERGENCY DESIGNATION.—

5 (1) IN GENERAL.—The amounts provided under
6 this section are designated as an emergency require-
7 ment pursuant to section 4(g) of the Statutory Pay-
8 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

9 (2) DESIGNATION IN SENATE.—In the Senate,
10 this section is designated as an emergency require-
11 ment pursuant to section 4112(a) of H. Con. Res.
12 71 (115th Congress), the concurrent resolution on
13 the budget for fiscal year 2018.

14 (d) DATE DESCRIBED.—The date described in this
15 subsection is the date on which no new cases of COVID-
16 19 are reported in the United States for a period of not
17 less than 14 consecutive days.

18 **SEC. 7. REPORTS TO CONGRESS.**

19 (a) SUBMISSION OF PLAN.—Not later than 14 days
20 after the date of enactment of this Act, the Administrator
21 shall submit to Congress a strategic plan that includes
22 monthly, measurable targets, to, as soon as practicable—

23 (1) eliminate all shortages of face masks, sur-
24 gical masks, and N-95 respirator masks;

1 (2) increase domestic production of high-quality
2 masks to the greatest extent possible;

3 (3) provide the greatest number possible of
4 masks manufactured in the United States;

5 (4) distribute masks to the general public and
6 the health care workforce in accordance with this
7 Act; and

8 (5) fulfill all other requirements of this Act.

9 (b) WEEKLY PROGRESS REPORTS.—Beginning 7
10 days after the date of on which the strategic plan is sub-
11 mitted under subsection (a), and every 7 days thereafter
12 until the requirements of this Act are met, the Adminis-
13 trator shall submit to Congress a detailed report on the
14 activities undertaken to fulfill the requirements of this Act
15 and a timeline for when such requirements will be fulfilled,
16 which shall include—

17 (1) information on—

18 (A) the use of funds under this Act, pro-
19 vided in an itemized list;

20 (B) the current and projected supply of
21 face masks, surgical masks, and N-95 res-
22 pirator masks;

23 (C) the sources of face masks, surgical
24 masks, and N-95 respirator masks;

1 (D) the distribution of face masks, surgical
2 masks, and N-95 respirator masks, by State,
3 geographic area, and need; and

4 (E) the prices paid by the Federal Govern-
5 ment and to which suppliers such amounts were
6 paid; and

7 (2) any other information requested by Con-
8 gress.

9 (c) INSPECTOR GENERAL OVERSIGHT.—

10 (1) IN GENERAL.—The Inspector General of
11 the Department of Homeland Security shall conduct
12 monitoring and oversight of the receipt, disburse-
13 ment, and use of funds made available under this
14 Act.

15 (2) REPORT.—Not later than 1 year after the
16 date described in section 6(d), the Inspector General
17 of the Department of Homeland Security shall con-
18 duct an audit of the program established under this
19 Act and submit to Congress a report on the findings
20 of such audit.

21 **SEC. 8. DEFINITIONS.**

22 In this Act:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Federal
25 Emergency Management Agency.

1 (2) ASSISTANT SECRETARY.—The term “Assist-
2 ant Secretary” means the Assistant Secretary for
3 Preparedness and Response of the Department of
4 Health and Human Services.

5 (3) INDIAN TRIBE.—The term “Indian Tribe”
6 has the meaning given the term “Indian tribe” in
7 section 4(e) of the Indian Self-Determination and
8 Education Assistance Act (25 U.S.C. 5304(e)).

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of Health and Human Services.

11 (5) SENIOR EXECUTIVE SERVICE POSITION.—
12 The term “Senior Executive Service position” has
13 the meaning given that term in section 3132(a) of
14 title 5, United States Code.

15 (6) STATE.—The term “State” means—

16 (A) any State of the United States;

17 (B) the District of Columbia;

18 (C) the Commonwealth of Puerto Rico;

19 (D) Guam;

20 (E) American Samoa;

21 (F) the Commonwealth of the Northern
22 Mariana Islands;

23 (G) the Federated States of Micronesia;

24 (H) the Republic of the Marshall Islands;

25 (I) the Republic of Palau;

1 (J) the United States Virgin Islands; and

2 (K) each Indian Tribe.

3 (7) UNITED STATES.—The term “United
4 States” means—

5 (A) each of the several States of the
6 United States;

7 (B) the District of Columbia;

8 (C) the Commonwealth of Puerto Rico;

9 (D) Guam;

10 (E) American Samoa;

11 (F) the Commonwealth of the Northern
12 Mariana Islands;

13 (G) the Federated States of Micronesia;

14 (H) the Republic of the Marshall Islands;

15 (I) the Republic of Palau;

16 (J) the United States Virgin Islands; and

17 (K) each Indian Tribe.

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