

THE MASKS FOR ALL ACT of 2020
Section by Section Summary

SEC. 1. SHORT TITLE.

SEC. 2. REQUIREMENT TO ELIMINATE MASK SHORTAGES.

Requires the President, acting through the FEMA Administrator (Administrator), to (1) eliminate U.S. shortages of face masks, surgical masks, and N-95 respirator masks; (2) manufacture the masks to the greatest extent practicable in the U.S.; and (3) distribute the masks to the general public and health workforce in accordance with the Act as soon as practicable.

SEC. 3. PROVIDING HIGH QUALITY FACE MASKS TO THE PUBLIC.

(a) In General: Requires the Administrator to establish a program within 30 days to provide three high quality, reusable face masks to every individual in the U.S., including those experiencing homelessness and those living in group quarters as defined by the Census Bureau.

(b) No Cost to Individuals: Ensures no individual is charged for the face masks, the delivery of the face masks, or any other administrative cost related to the face masks under this section.

(c) Prohibition on Identification Requirement: Ensures no individual is required to provide identification or proof of citizenship in order to receive the face masks under this section.

(d) Deliveries: Masks shall be delivered by the Postal Service, to the greatest extent possible.

(e) Educational Materials: (1) Face masks shall be delivered with a one page fact sheet on the importance of wearing masks, proper use of masks, and nearest face mask pickup sites (see subsection (f)); (2) Fact sheets will be scientifically and medically accurate, written for a layperson, in an easy to read font, and in the languages appropriate for a community; (3) The information in the fact sheets shall also be published on the FEMA and HHS websites in multiple languages, in a manner that complies with the ADA for reading by the visually impaired.

(f) Face Mask Pickup Sites:

(1) The Administrator shall designate face mask pickup sites in each community, where individuals can pick up additional free masks. Masks shall be allocated to sites by population.

(2) Face mask pickup sites shall be (A) public entities, organizations, or businesses that are providing essential services to communities such as post offices, community pharmacies, health centers, senior centers, congregate meal sites, and COVID-19 testing sites; (B) easily accessible and appropriately located to maximize public health; and (C) when possible, a location that is federally operated or is a recipient of federal funds

(3)(A) No individual will be required to make a purchase at a site in order to receive masks; (B) Sites shall agree to display provided information advertising the availability of free masks; such information must meet the educational materials requirements described in subsection (e)

(g) New Technology: (1) In order to provide the best face masks available, the Administrator is required to consider new designs for the most comfortable, well-fitting, and 2-way face masks that have adjustable sizing; (2) when there are significant improvements in mask technology, the Administrator and the Secretary of HHS shall ensure the Strategic National Stockpile is updated.

(h) Required Coordination and Consultation: Requires the Administrator to (1) coordinate with the Secretary of HHS, the Assistant Secretary for Preparedness and Response (ASPR), the Postmaster General, and the heads of any other appropriate Federal departments or agencies; and (2) consult States, units of local government, pickup sites, and appropriate labor unions, including postal unions (“state” includes D.C., territories, and each Indian tribe).

(i) Effect on Requests for Personal Protective Equipment: Clarifies that any face masks provided to the general public under this section shall not be taken into account by the Federal Government when responding to State or health provider requests for surgical masks, N-95 respirator masks, personal protective equipment, or other supplies related to COVID-19.

SEC. 4. HEALTH CARE WORKFORCE.

(a) In General: Requires the Administrator, within 30 days, to provide surgical masks and N-95 respirator masks to all individuals working in health care settings, including settings that have a short-term supply of masks and settings that are practicing extending use and re-use of single-use masks.

(b) No Costs to Persons or States: No person or State that receives masks under this section shall be charged for the masks, the delivery of the masks, or any other administrative cost related to the masks.

(c) Required Coordination: Requires the Administrator to coordinate with (1) the Secretary of HHS, ASPR, the Postmaster General, and the heads of any other appropriate Federal departments or agencies; and (2) other Federal programs providing masks or PPE to health settings.

(d) – Required Consultation: Requires the Administrator to consult health care providers and labor organizations representing health professionals and other individuals working in health care settings.

SEC. 5. USE OF AUTHORITIES.

(a) In General: (1) Requires the President to make use of any and all available authorities at the disposal of the Federal government, including emergency authorities such as the Defense Production Act (DPA), the National Emergencies Act, and the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to procure, domestically manufacture, support domestic manufacturing of, and distribute face masks, surgical masks, and N-95 respirator masks; (2) Requires the Administrator to use delegated authorities under title I and title II of the DPA to increase the domestic production of masks.

(b) Requirement: Any face masks, surgical masks, and N-95 respirator masks procured or manufactured under this Act shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing.

(c) Excess Masks: Any face masks, surgical masks, and N-95 respirator masks in possession of FEMA or HHS that have not been distributed as of the date on which there have been no new cases of COVID-19 in the U.S. for 14 consecutive days shall be added to the strategic national stockpile.

SEC. 6. APPROPRIATION; LIMITATIONS.

Subsection (a) – Appropriation: Appropriates, out of amounts in the Treasury not otherwise appropriated, \$5,000,000,000 to the Administrator to carry out the Act; funds are available until the date on which there have been no new cases of COVID-19 in the U.S. for 14 consecutive days; the Postal Service shall be reimbursed for the delivery of masks.

Subsection (b) – Limitation: No funds provided under the Act may go to an individual who is a Federal elected official or is serving in a Senior Executive Service position, or to an entity that is controlled in whole or in part by such an individual.

Subsection (c) – Emergency Designation: Gives an emergency designation to funds provided, both in the Senate and pursuant to section 4(g) of the Statutory Pay-As-You-Go-Act of 2010.

SEC. 7. REPORTS TO CONGRESS.

(a) Submission of Plan: Requires the Administrator to submit a strategic plan to Congress within 14 days to (1) eliminate all mask shortages, (2) increase domestic production of masks, (3) provide the greatest number possible of masks that are made in the U.S., (4) distribute masks, and (5) fulfill all other requirements of the Act. Such plan shall include monthly, measurable targets for achieving these items.

(b) Weekly Progress Reports: Requires the Administrator to submit a detailed weekly report to Congress every week until the requirements of the Act are met; report shall include information on the use of funds (in an itemized list), current and projected mask supply, prices of masks, distribution, actions taken to meet requirements of the Act and an estimate of when such requirements will be met.

(c) Inspector General Oversight: The Inspector General of the Department of Homeland Security shall (1) conduct monitoring and oversight of the receipt, disbursement, and use of funds under the Act; and (2) submit a report to Congress on the audit findings within 1 year after the expiration of funding.

SEC. 8. DEFINITIONS.