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*Ben Sanders*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: 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 SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

**S. 4049**

**AMENDMENT N<sup>o</sup> 1920**

By Sanders

To: \_\_\_\_\_

S. 4049

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AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . ESTABLISHING A NATIONAL PROGRAM TO DIS-**  
3 **TRIBUTE FACE MASKS DURING THE COVID-19**  
4 **EMERGENCY.**

5 (a) ESTABLISHMENT OF PROGRAM.—

6 (1) IN GENERAL.—Not later than 30 days after  
7 the date of enactment of this Act, the President, act-  
8 ing through the Administrator, in coordination with  
9 the Secretary, the Postmaster General, and the

1 heads of any other relevant Federal agencies, and in  
2 consultation with Governors and appropriate labor  
3 unions, shall establish a program to provide, and de-  
4 liver through the United States Postal Service, a  
5 monthly supply of face masks, free of charge, to  
6 every individual and household in the United States,  
7 until the date described in paragraph (4).

8 (2) ADDITIONAL DELIVERIES.—In developing  
9 the program under paragraph (1), the President,  
10 acting through the Administrator, in coordination  
11 with the Secretary, shall work with States and units  
12 of local government to ensure a monthly supply of  
13 masks is provided to individuals who do not receive  
14 masks that are delivered to households by the  
15 United States Postal Service, including—

16 (A) all individuals who are experiencing  
17 homelessness; and

18 (B) all individuals who are living in group  
19 quarters, as defined by the Census Bureau for  
20 the purposes of the most recent decennial cen-  
21 sus.

22 (3) PROHIBITION ON IDENTIFICATION RE-  
23 QUIREMENT.—The program developed under para-  
24 graph (1) shall not require any individual in the

1 United States to provide identification or proof of  
2 citizenship in order to receive masks.

3 (4) DATE DESCRIBED.—The date described in  
4 this subsection is the date on which no new cases of  
5 COVID–19 are reported in the United States for a  
6 period of not less than 14 consecutive days.

7 (b) USE OF AUTHORITIES.—

8 (1) IN GENERAL.—To carry out this section,  
9 the President shall make use of any and all available  
10 authorities at the disposal of the Federal Govern-  
11 ment to procure, manufacturer, and support the do-  
12 mestic manufacturing of face masks, including emer-  
13 gency authorities, such as the Defense Production  
14 Act of 1950 (50 U.S.C. 4511 et seq.), the National  
15 Emergencies Act (50 U.S.C. 1601 et seq.), and the  
16 Robert T. Stafford Disaster Relief and Emergency  
17 Assistance Act (42 U.S.C. 5121 et seq.).

18 (2) REQUIREMENT.—Any face masks procured  
19 or manufactured for purposes of carrying out this  
20 section shall be purchased in accordance with Fed-  
21 eral Acquisition Regulation guidance on fair and  
22 reasonable pricing.

23 (c) FUNDING.—

24 (1) APPROPRIATION.—There is appropriated,  
25 out of amounts in the Treasury not otherwise appro-

1        priated, \$75,000,000,000 to the Administrator to  
2        carry out this section.

3           (2) LIMITATION.—No funds made available  
4        under this subsection shall be provided to—

5            (A) any person who is a Federal elected of-  
6        ficial or serving in a Senior Executive Service  
7        position; or

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

11        (3) EMERGENCY DESIGNATION.—

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

17           (B) DESIGNATION IN SENATE.—In the  
18        Senate, this section is designated as an emer-  
19        gency requirement pursuant to section 4112(a)  
20        of H. Con. Res. 71 (115th Congress), the con-  
21        current resolution on the budget for fiscal year  
22        2018.

23        (d) REPORTS TO CONGRESS.—Beginning 7 days after  
24        the date of enactment of this Act, and every 7 days there-  
25        after until the date described in subsection (a)(4), the Ad-

1 administrator and the Secretary shall jointly submit to Con-  
2 gress a detailed report on the implementation of and ac-  
3 tivities authorized by this section, including—

4 (1) detailed plans to establish and implement  
5 the program required under this section;

6 (2) information on—

7 (A) the use of funds under this section;

8 (B) the current and projected supply of  
9 face masks, and the sources of such masks;

10 (C) the distribution of face masks by  
11 State, geographic area, and need;

12 (D) the prices paid by the Federal Govern-  
13 ment and to which suppliers such amounts were  
14 paid; and

15 (3) any other information requested by Con-  
16 gress.

17 (e) EFFECT ON STATE REQUESTS FOR PPE.—Any  
18 face masks delivered under this section shall not be taken  
19 into account for purposes of the Federal Government re-  
20 sponding to State or health provider requests for personal  
21 protective equipment or other supplies related to COVID-  
22 19.

23 (f) REQUIRED CONSULTATION.—The consultation  
24 with appropriate labor unions required under subsection  
25 (a)(1) shall include consultation with labor organizations

1 representing employees of the United States Postal Serv-  
2 ice, including regarding the safety of such employees who  
3 carry out the activities authorized under this section.

4 (g) EXCESS MASKS.—Any face masks in the posses-  
5 sion of the Federal Emergency Management Agency or the  
6 Department of Health and Human Services for purposes  
7 of carrying out this section that have not been distributed  
8 as of the date described in subsection (a)(4) shall be added  
9 to the strategic national stockpile.

10 (h) DEFINITIONS.—In this section:

11 (1) ADMINISTRATOR.—The term “Adminis-  
12 trator” means the Administrator of the Federal  
13 Emergency Management Agency.

14 (2) FACE MASK.—The term “face mask”  
15 means—

16 (A) a surgical mask; or

17 (B) if there is a shortage of surgical  
18 masks, a tight-weave cloth mask.

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

23 (4) MONTHLY SUPPLY.—The term “monthly  
24 supply” means not less than 5 face masks per  
25 month per individual.

1           (5) SECRETARY.—The term “Secretary” means  
2           the Secretary of Health and Human Services.

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

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

9                   (A) each of the several States of the  
10           United States;

11                   (B) the District of Columbia;

12                   (C) the Commonwealth of Puerto Rico;

13                   (D) Guam;

14                   (E) American Samoa;

15                   (F) the Commonwealth of the Northern  
16           Mariana Islands;

17                   (G) the Federated States of Micronesia;

18                   (H) the Republic of the Marshall Islands;

19                   (I) the Republic of Palau;

20                   (J) the United States Virgin Islands; and

21                   (K) each Indian Tribe.