

116TH CONGRESS
2D SESSION

S. 4204

To establish an Interagency Task Force to analyze preparedness for national pandemics, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 2, 2020

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

A BILL

To establish an Interagency Task Force to analyze preparedness for national pandemics, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Emergency
5 Pandemic Response Act”.

6 **SEC. 2. INTERAGENCY TASK FORCE TO ANALYZE PRE-**
7 **PAREDNESS FOR NATIONAL PANDEMIC.**

8 (a) IN GENERAL.—The Secretary of Homeland Secu-
9 rity shall convene an Interagency Task Force (referred to
10 in this section as the “Task Force”) of Federal entities

1 for the purpose of analyzing the preparedness of the
2 United States for national pandemics.

3 (b) PARTICIPANTS.—The Task Force shall be com-
4 prised of the following members:

5 (1) The Secretary of Homeland Security.

6 (2) The Under Secretary for Management of
7 the Department of Homeland Security.

8 (3) The Administrator of the Federal Emer-
9 gency Management Agency.

10 (4) The Administrator of the Transportation
11 Security Agency.

12 (5) The Director of the Office of Countering
13 Weapons of Mass Destruction.

14 (6) The Secretary of Health and Human Serv-
15 ices.

16 (7) The Secretary of Defense.

17 (8) The Director of the Office of Management
18 and Budget.

19 (9) Any other head of a Federal agency as the
20 Secretary of Homeland Security determines nec-
21 essary.

22 (c) RESPONSIBILITIES.—The Task Force shall—

23 (1) determine the mission of the Strategic Na-
24 tional Stockpile and clearly define it;

1 (2) examine whether the mission statement de-
2 termined under paragraph (1) aligns with the name
3 of the Strategic National Stockpile and consider
4 whether it is necessary to change the name;

5 (3) perform an assessment of the current inven-
6 tory and future inventory needs of the Strategic Na-
7 tional Stockpile, including—

8 (A) list all current medical supplies, equip-
9 ment and other items in the stockpile;

10 (B) determine the appropriate inventory
11 levels for each item identified under subpara-
12 graph (A) in the stockpile;

13 (C) determine the appropriate location or
14 locations for storing the stockpile, and which
15 Federal agency should be responsible for main-
16 taining the inventory;

17 (D) develop a plan to ensure the proper
18 maintenance of the inventory, including when
19 supplies and equipment need to be rotated or
20 disposed of; and

21 (E) develop a plan to ensure maximum
22 interagency coordination of the management of
23 the stockpile;

24 (4) consider any other measures relating to the
25 Strategic National Stockpile necessary to ensure

1 that the stockpile is appropriately resourced for fu-
2 ture pandemic and related emergencies;

3 (5) share the information developed under para-
4 graphs (1) through (4) with the National Response
5 Coordination Center; and

6 (6) not later than 180 days after the date of
7 enactment of this Act, submit a report to Congress
8 on the recommendations of the Task Force devel-
9 oped under paragraphs (1) through (4).

10 **SEC. 3. ESTABLISHMENT OF THE UNIFIED COORDINATION**

11 **GROUP WITHIN THE FEDERAL EMERGENCY**

12 **MANAGEMENT AGENCY.**

13 (a) ESTABLISHMENT.—There is established within
14 the executive branch the Unified Coordination Group lead
15 by the Administrator of the Federal Emergency Manage-
16 ment Agency.

17 (b) OTHER PARTICIPANTS.—In addition to the Ad-
18 ministrator of the Federal Emergency Management agen-
19 cy, the Unified Coordination Group shall include—

20 (1) the Assistant Secretary for Preparedness
21 and Response at the Department of Health and
22 Human Services;

23 (2) the Assistant Secretary for Health at the
24 Department of Health and Human Services; and

1 (3) the Director of the Centers of Disease Con-
2 trol and Prevention at the Department of Health
3 and Human Services.

4 (c) ACTIVATING THE UNIFIED COORDINATION
5 GROUP.—The Unified Coordination Group shall only be
6 activated upon—

7 (1) the issuance of a public health emergency
8 by the Secretary of Health and Human Services;

9 (2) an emergency declaration by the Adminis-
10 trator of the Federal Emergency Management Agen-
11 cy; or

12 (3) a major disaster declaration as determined
13 by the President in response to a public health pan-
14 demic.

15 (d) RESPONSIBILITIES.—The Unified Coordination
16 Group shall—

17 (1) identify and periodically reevaluate the
18 needs of the Strategic National Stockpile;

19 (2) refer the information described in para-
20 graph (1) to the National Response Coordination
21 Center at the Federal Emergency Management
22 Agency, and the Department of Health and Human
23 Services; and

1 (3) share the information gathered from the re-
2 sponsibilities in paragraphs (1) and (2) with the Na-
3 tional Response Coordination Center.

4 **SEC. 4. ESTABLISHMENT OF THE SUPPLY CHAIN STA-**
5 **BILIZATION TASK FORCE WITHIN THE FED-**
6 **ERAL EMERGENCY MANAGEMENT AGENCY.**

7 (a) ESTABLISHMENT.—There is established within
8 the Federal Emergency Management Agency a Supply
9 Chain Stabilization Task Force to address the supply of
10 critical protective and life saving equipment.

11 (b) RESPONSIBILITIES.—The Supply Chain Sta-
12 bilization Task Force shall—

13 (1) develop a plan for how the Federal Govern-
14 ment will—

15 (A) preserve and replenish inventoried
16 equipment, including how to extend the shelf
17 life of personal protective equipment and other
18 supplies, including developing and verifying
19 techniques to clean and recycle necessary equip-
20 ment;

21 (B) accelerate the production of equipment
22 in the event of an emergency, including working
23 with the private sector to determine—

24 (i) the current United States manu-
25 facturing capacity of necessary equipment;

1 (ii) the expected timeframes for global
2 vendors to deliver necessary equipment to
3 United States distributors; and

4 (iii) how the production and access to
5 necessary equipment would be affected in
6 the event of a global pandemic;

7 (C) expand the production of necessary
8 equipment, including working with the private
9 sector to identify excess raw materials, work-
10 force, or factory production capacity in response
11 to a pandemic that are necessary to address
12 and overcome supply shortfalls; and

13 (D) equitably allocate the equipment in the
14 event of a pandemic, including working with
15 major commercial distributors to distribute the
16 rapid distribution of critical resources in short
17 supply to areas most in need during a pan-
18 demic; and

19 (2) participate in information sharing with the
20 National Response Coordination Center in devel-
21 oping the plan required under paragraph (1).

22 (c) AUTHORITY.—If necessary to meet current de-
23 mand in the event of a pandemic, the Secretary of Home-
24 land Security may delegate to the Administrator of the
25 Federal Emergency Management Agency, acting through

1 the Supply Chain Stabilization Task Force, the authority
2 to enter into contractual agreements with private shipping
3 companies by covering costs for direct shipping from over-
4 seas factories into United States airports for the purposes
5 of obtaining personal protective equipment.

6 **SEC. 5. NATIONAL RESPONSE COORDINATION CENTER**
7 **ROLE IN IMPROVING TRANSPARENCY.**

8 (a) COORDINATION WITH STATES.—The National
9 Response Coordination Center, acting through the appro-
10 priate Federal Emergency Management Agency Regional
11 Administrators, shall—

12 (1) request voluntary information from States
13 regarding their holdings of equipment and medical
14 supply necessary in the event of a pandemic; and

15 (2) share information with States regarding the
16 Federal Government’s current inventory and plan
17 developed under section 4(b)(1).

18 (b) REPORT TO CONGRESS.—The National Response
19 Coordination Center shall provide an annual report to
20 Congress on the activities under this section.

21 **SEC. 6. OTHER AUTHORITIES.**

22 (a) IN GENERAL.—The Administrator of the Federal
23 Emergency Management Agency, in coordination with the
24 Secretary of Health and Human Services, may sell medical
25 supplies and equipment maintained in the Strategic Na-

1 tional Stockpile, or its successor, to the private, nonprofit,
2 or State, local, Tribal, or territorial entity for immediate
3 use and distribution that are—

4 (1) within 1 year of the medial product or
5 equipment's expiration date; or

6 (2) the item maintained in the inventory is de-
7 termined to no longer be necessary to be maintained
8 in the inventory due to advances in medical and
9 technical capabilities.

10 (b) REQUIREMENT.—The Administrator of the Fed-
11 eral Emergency Management Agency, in coordination with
12 the Secretary of Health and Human Services, shall mon-
13 itor the inventory stockpile levels, economic and healthcare
14 models, and evaluate available data on supply and demand
15 trends to restock and increase the inventory of supplies
16 maintained in the Strategic National Stockpile or its suc-
17 cessor.

18 (c) AUTHORIZATION OF TRANSFER OF EQUIP-
19 MENT.—During a public health emergency declared by the
20 Secretary of Health and Human Services under section
21 319(a) of the Public Health Service Act (42 U.S.C.
22 247d(a)), the Secretary of Homeland Security, at the re-
23 quest of the Secretary of Health and Human Services,
24 may transfer to the Department of Health and Human
25 Services, on a reimbursable basis, personal protection

1 equipment or medically necessary equipment in the posses-
2 sion of the Department.

3 (d) DETERMINATION BY SECRETARIES.—

4 (1) IN GENERAL.—In carrying out subsection
5 (c)—

6 (A) before requesting a transfer under sub-
7 section (c), the Secretary of Health and Human
8 Services shall determine whether the personal
9 protection equipment or medically necessary
10 equipment is otherwise available, including
11 available by required performance of a contract
12 or order under section 101 of the Defense Pro-
13 duction Act of 1950 (50 U.S.C. 4511); and

14 (B) the Secretary of Homeland Security
15 shall determine whether the personal protection
16 equipment or medically necessary equipment re-
17 quested to be transferred under subsection (c)
18 is excess equipment.

19 (2) NOTIFICATION.—The Secretary of Health
20 and Human Services and the Secretary shall each
21 submit to Congress a notification explaining the de-
22 termination made under subparagraphs (A) and (B),
23 respectively, of paragraph (1).

24 (3) REQUIRED INVENTORY.—The Secretary of
25 Homeland Security shall—

1 (A) maintain an inventory of all personal
2 protection equipment and medically necessary
3 equipment in the possession of the Department;
4 and

5 (B) make the inventory required under
6 paragraph (1) available, on a continual basis,
7 to—

8 (i) the Secretary of Health and
9 Human Services; and

10 (ii) the Committee on Appropriations
11 and the Committee on Homeland Security
12 and Governmental Affairs of the Senate
13 and the Committee on Appropriations and
14 the Committee on Homeland Security of
15 the House of Representatives.

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