

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

S. 4204

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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 Director of the Office of
9 Management and Budget or the head of another Federal
10 agency, as determined by the Director of Office of Man-
11 agement and Budget, shall convene an Interagency Task
12 Force (referred to in this section as the “Task Force”)

1 of Federal entities for the purpose of analyzing the pre-
2 paredness of the 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 Administration.

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

14 (6) The Chief Medical Officer of the Depart-
15 ment of Homeland Security.

16 (7) The Secretary of Health and Human Serv-
17 ices.

18 (8) The Assistant Secretary for Preparedness
19 and Response of the Department of Health and
20 Human Services.

21 (9) The Director for the Centers for Disease
22 Control and Prevention.

23 (10) The Secretary of Defense.

24 (11) The Director of the Office of Management
25 and Budget.

1 (12) Any other head of a Federal agency as the
2 Director of the Office of Management and Budget
3 determines necessary.

4 (13) Any other representatives of relevant enti-
5 ties, including State, local, Tribal, and territorial
6 public health officials, representatives from private
7 and nonprofit sector healthcare organizations, and
8 entities the Director of Management of Budget de-
9 termines necessary.

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

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

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

17 (3) perform an assessment of the current inven-
18 tory and future inventory needs of the Strategic Na-
19 tional Stockpile, including by—

20 (A) listing all current medical supplies,
21 equipment, and other items in the stockpile;

22 (B) determining the appropriate inventory
23 levels for each item identified under subpara-
24 graph (A) in the stockpile, which shall in-
25 clude—

1 (i) an assessment of information ob-
2 tained from State, local, Tribal, and terri-
3 torial governments on historical and cur-
4 rent estimates of inventory requirements
5 for pandemic-related items; and

6 (ii) a comparison of inventory require-
7 ments identified in section 3(b)(2)(A) with
8 the currently available inventory and sup-
9 ply chain activity;

10 (C) determining how the stockpile will be
11 resourced and funded to ensure long-term sus-
12 tainability and inventory refresh;

13 (D) determining the appropriate location
14 or locations for storing the stockpile, as well as
15 approaches to building a stockpile, such as con-
16 solidated or distributed, and which Federal
17 agency should be responsible for maintaining
18 the inventory;

19 (E) developing a plan to ensure the proper
20 maintenance of the inventory, including when
21 supplies and equipment need to be rotated or
22 disposed of; and

23 (F) developing a plan to ensure maximum
24 interagency coordination, to include public
25 health in the management of the stockpile;

1 (4) consider any other measures relating to the
2 Strategic National Stockpile necessary to ensure
3 that the stockpile is appropriately resourced for fu-
4 ture pandemic and related emergencies;

5 (5) evaluate ways to enhance the biosurveillance
6 efforts in the United States to include actions to ad-
7 dress infectious disease threats;

8 (6) share the information developed under para-
9 graphs (1) through (5) with the National Response
10 Coordination Center and public health organizations;

11 (7) not later than 1 year after the date of en-
12 actment of this Act, submit a report to Congress on
13 the recommendations of the Task Force developed
14 under paragraphs (1) through (5), which shall be
15 submitted in an unclassified form, but may include
16 a classified annex; and

17 (8) carry out any other responsibilities deter-
18 mined appropriate by the Director of Office of Man-
19 agement and Budget.

20 **SEC. 3. ESTABLISHMENT OF THE SUPPLY CHAIN STA-**
21 **BILIZATION TASK FORCE WITHIN THE FED-**
22 **ERAL EMERGENCY MANAGEMENT AGENCY.**

23 (a) **ESTABLISHMENT.**—There is established within
24 the Federal Emergency Management Agency a Supply
25 Chain Stabilization Task Force to address the supply of

1 critical protective and life-saving equipment, pharma-
2 ceuticals, and medicine.

3 (b) RESPONSIBILITIES.—The Supply Chain Sta-
4 bilization Task Force shall—

5 (1) identify and assess weaknesses in the supply
6 chain;

7 (2) develop a plan for how the Federal Govern-
8 ment will—

9 (A) preserve and replenish inventoried
10 equipment, including how to extend the shelf
11 life of personal protective equipment and other
12 supplies, including developing and verifying
13 techniques to clean and recycle necessary equip-
14 ment;

15 (B) accelerate the production of equipment
16 in the event of an emergency, including working
17 with the private sector to determine—

18 (i) the current United States manu-
19 facturing capacity of necessary equipment;

20 (ii) the expected timeframes for global
21 vendors to deliver necessary equipment to
22 United States distributors; and

23 (iii) how the production and access to
24 necessary equipment would be affected in
25 the event of a global pandemic;

1 (C) expand the production of necessary
2 equipment, including working with the private
3 sector to identify excess raw materials, work-
4 force, or factory production capacity in response
5 to a pandemic that are necessary to address
6 and overcome supply shortfalls;

7 (D) equitably allocate, to the extent prac-
8 ticable, the equipment in the event of a pan-
9 demic, including working with major commer-
10 cial distributors to distribute the rapid distribu-
11 tion of critical resources in short supply to
12 areas most in need during a pandemic; and

13 (E) execute any other responsibilities the
14 Administrator determines necessary; and

15 (3) participate in information sharing with the
16 National Response Coordination Center in devel-
17 oping the plan required under paragraph (2).

18 **SEC. 4. NATIONAL RESPONSE COORDINATION CENTER**

19 **ROLE IN IMPROVING TRANSPARENCY.**

20 (a) COORDINATION WITH STATES.—During pan-
21 demic and related public health emergencies involving the
22 Federal Emergency Management Agency, the National
23 Response Coordination Center, acting through the appro-
24 priate Federal Emergency Management Agency Regional
25 Administrators, shall—

1 (1) request voluntary information from State,
2 local, Tribal, and territorial governments regarding
3 their holdings of equipment and medical supply nec-
4 essary during an public health emergency response
5 period; and

6 (2) share information with State, local, Tribal,
7 and territorial governments regarding the inventory
8 of the Federal Government inventory and the plan
9 developed under section 3(b)(2).

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

13 **SEC. 5. OTHER AUTHORITIES.**

14 (a) IN GENERAL.—The Secretary of Health and
15 Human Services, in coordination with the Secretary of
16 Homeland Security, may sell drugs, vaccines and other bi-
17 ological products, medical devices, or other supplies main-
18 tained in the Strategic National Stockpile, or its successor,
19 to a Federal agency or private, nonprofit, State, local,
20 tribal, or territorial entity for immediate use and distribu-
21 tion, provided that any such items being sold are—

22 (1) within 1 year of their expiration date; or

23 (2) determined by the Secretary of Health and
24 Human Services to no longer be needed in the stock-

1 pile due to advances in medical or technical capabili-
2 ties.

3 (b) AUTHORIZATION OF TRANSFER OF EQUIP-
4 MENT.—During a public health emergency declared by the
5 Secretary of Health and Human Services under section
6 319(a) of the Public Health Service Act (42 U.S.C.
7 247d(a)), the Secretary of Homeland Security, at the re-
8 quest of the Secretary of Health and Human Services,
9 may transfer to the Department of Health and Human
10 Services, on a reimbursable basis, excess personal protec-
11 tive equipment or medically necessary equipment in the
12 possession of the Department.

13 (c) DETERMINATION BY SECRETARIES.—

14 (1) IN GENERAL.—In carrying out this sec-
15 tion—

16 (A) before requesting a transfer under sub-
17 section (b), the Secretary of Health and Human
18 Services shall determine whether the personal
19 protective equipment or medically necessary
20 equipment is otherwise available; and

21 (B) before initiating a transfer under sub-
22 section (b), the Secretary of Homeland Secu-
23 rity, in consultation with the heads of each
24 component within the Department of Homeland
25 Security, shall—

1 (i) determine whether the personal
2 protective equipment or medically nec-
3 essary equipment requested to be trans-
4 ferred under subsection (b) is excess equip-
5 ment; and

6 (ii) certify that the transfer of the
7 personal protective equipment or medically
8 necessary equipment will not adversely im-
9 pact the health or safety of officers, em-
10 ployees, or contractors of the Department
11 of Homeland Security

12 (2) NOTIFICATION.—The Secretary of Health
13 and Human Services and the Secretary of Homeland
14 Security shall each submit to Congress a notification
15 explaining the determination made under subpara-
16 graphs (A) and (B), respectively, of paragraph (1).

17 (3) REQUIRED INVENTORY.—

18 (A) IN GENERAL.—The Secretary of
19 Homeland Security shall—

20 (i) acting through the Chief Medical
21 Officer of the Department of Homeland
22 Security, maintain an inventory of all per-
23 sonal protective equipment and medically
24 necessary equipment in the possession of
25 the Department; and

1 (ii) make the inventory required under
2 clause (i) available, on a continual basis,
3 to—

4 (I) the Secretary of Health and
5 Human Services; and

6 (II) the Committee on Appropria-
7 tions and the Committee on Home-
8 land Security and Governmental Af-
9 fairs of the Senate and the Committee
10 on Appropriations and the Committee
11 on Homeland Security of the House of
12 Representatives.

13 (B) FORM.—Each inventory required to be
14 made available under subparagraph (A) shall be
15 submitted in unclassified form, but may include
16 a classified annex.