To provide, manufacture, and distribute high quality N–95 respirator masks for every individual in the United States during the COVID–19 pandemic using the Defense Production Act and other means.

IN THE SENATE OF THE UNITED STATES

Mr. Sanders (for himself, Ms. Baldwin, Mr. Bennet, Mr. Blumenthal, Mr. Booker, Ms. Duckworth, Ms. Gillibrand, Mr. Markey, Mr. Merkley, Mr. Padilla, Mr. Peters, Mr. Schumer, Ms. Smith, Mr. Van Hollen, Ms. Warren, and Mr. Wyden) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide, manufacture, and distribute high quality N–95 respirator masks for every individual in the United States during the COVID–19 pandemic 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,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Masks for All Act of
5 2022”.
SEC. 2. REQUIREMENT TO ELIMINATE MASK SHORTAGES.

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

(1) eliminate all shortages of N–95 respirator masks in the United States;

(2) manufacture N–95 respirator masks, to the greatest extent practicable, in the United States; and

(3) distribute N–95 respirator masks to the general public and the health care workforce in accordance with this Act.

SEC. 3. PROVIDING HIGH QUALITY FACE MASKS TO EVERY INDIVIDUAL IN THE UNITED STATES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator shall establish a program to provide a supply of 3 N–95 respirator masks to every individual in the United States, including individuals—

(1) experiencing homelessness; and

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

(b) NO COST TO INDIVIDUALS.—An individual that receives a supply of N–95 respirator masks under this section shall not be charged for the N–95 respirator masks, for the delivery of the N–95 respirator masks, or for any
other administrative cost relating to the N–95 respirator masks.

(c) Prohibition on Identification Requirement.—An individual that receives a supply of N–95 respirator masks under this section shall not be required to provide identification or proof of citizenship in order to receive the N–95 respirator masks.

(d) Deliveries.—To the greatest extent possible, N–95 respirator masks provided under this section shall be delivered using the United States Postal Service.

(e) Educational Materials.—

(1) In General.—N–95 respirator masks provided under this section shall be accompanied by a 1-page fact sheet on the importance of wearing N–95 respirator masks, the proper use of N–95 respirator masks, and the nearest N–95 respirator mask pickup sites designated under subsection (f).

(2) Requirements.—The information included in the fact sheet required under paragraph (1) shall be—

(A) scientifically and medically accurate;

(B) written for a layperson;

(C) presented in a size and type of font that is easy to read; and
(D) provided in the languages that are most appropriate for the community.

(3) Publication of information.—The information included in the fact sheet required under paragraph (1) shall be published on the public website of the Federal Emergency Management Agency and the Department of Health and Human Services in multiple languages and in a manner that is in compliance with the Americans with Disabilities Act of 1990 ((42 U.S.C. 12101 et seq.) for reading by the visually impaired.

(f) Mask pickup sites.—

(1) In general.—The Administrator shall designate N–95 respirator mask pickup sites in each community and shall provide N–95 respirator masks to each site, allocated according to population, to be distributed to the general public at no cost to the public.

(2) Requirements for designation of sites.—In designating sites as N–95 respirator mask pickup sites under paragraph (1), the Administrator shall choose—

(A) a location of a public entity, organization, or business that provides essential services to communities, such as a post office, commu-
(A) no individual shall be required to make a purchase in order to pick up N–95 respirator masks at such location; and

(B) the site shall agree to display information, supplied by the Administrator, in a prominent location that—

(i) advertises the availability of free N–95 respirator masks provided by the Federal Government; and

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

(g) DEVELOPMENTS IN N–95 RESPIRATOR MASKS.—

(1) IN GENERAL.—For purposes of delivering and providing the best available N–95 respirator
masks under this section, the Administrator shall
consider new designs to create the most comfortable,
well-fitting, and effective N–95 respirator masks
that—

(A) have adjustable sizing; or

(B) are available in different sizes, including
sizes for children.

(2) FLEXIBILITY.—For the purpose of fulfilling
the requirements of this section, the Administrator
may distribute respirator masks that—

(A) are equivalent to N–95 respirator
masks; and

(B) have been tested by the Federal Gov-
ernment.

(3) STRATEGIC NATIONAL STOCKPILE.—If sig-
nificant improvements in N–95 respirator mask
technology are made available, the Administrator, in
coordination with the Secretary, shall ensure that
such N–95 respirator masks are included in the
strategic national stockpile.

(h) REQUIRED COORDINATION AND CONSULTA-
TION.—

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

(2) CONSULTATION.—In carrying out this section, the Administrator shall consult with States, units of local government, pickup sites, and appropriate labor unions, including labor organizations representing employees of the United States Postal Service.

(i) EFFECT ON REQUESTS FOR PERSONAL PROTECTIVE EQUIPMENT.—Any N–95 respirator mask provided under this section shall not be taken into account for purposes of the Federal Government responding to State or health care 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.—Not later than 30 days after the date of enactment of this Act, the Administrator shall provide N–95 respirator masks to all individuals working in health care settings in the United States that are experiencing a shortage of such masks, including settings that have a short-term supply of such masks and settings that are practicing extended use and re-use of such masks, if such masks are single-use masks.
(b) No Cost to Persons or States.—A person or State that receives N–95 respirator masks under this section shall not be charged for the masks, for the delivery of the masks, or for any other administrative cost related to the masks.

c) Required Coordination.—In carrying out this section, the Administrator shall coordinate—

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

(2) to the greatest extent practicable, with other Federal programs that provide masks or other personal protective equipment to individuals working in health care settings.

d) Required Consultation.—In carrying out this section, the Administrator shall consult with 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.—In carrying out this Act—

(1) the President shall make use of any and all available authorities at the disposal of the Federal Government to procure and domestically manufacture N–95 respirator masks and support the domes-
tic manufacturing of N–95 respirator masks, includ-
ing emergency authorities, such as the Defense Pro-
duction Act of 1950 (50 U.S.C. 4501 et seq.), the
National Emergencies Act (50 U.S.C. 1601 et seq.),
and the Robert T. Stafford Disaster Relief and
Emergency Assistance Act (42 U.S.C. 5121 et seq.);
and

(2) the Administrator shall make use of au-
thorities delegated to the Administrator under title
I and title III of the Defense Production Act of
1950 (50 U.S.C. 4511 et seq.) to increase domestic
production of N–95 respirator masks.

(b) REQUIREMENT.—Any N–95 respirator masks
procured or manufactured for purposes of carrying out
this Act shall be purchased in accordance with Federal
Acquisition Regulation guidance on fair and reasonable
pricing.

(c) EXCESS MASKS.—Any N–95 respirator masks in
the possession of the Federal Emergency Management
Agency or the Department of Health and Human Services
for purposes of carrying out this Act that have not been
distributed as of the date described in section 6(d) shall
be added to the strategic national stockpile.
SEC. 6. APPROPRIATION; LIMITATIONS.

(a) APPROPRIATION.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until the date described in subsection (d), to the Administrator to carry out this Act, provided that the Administrator uses such amounts as are necessary to reimburse the United States Postal Service for the delivery of N–95 respirator masks under this Act.

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

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

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

(c) EMERGENCY DESIGNATION.—

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

(2) DESIGNATION IN HOUSE AND SENATE.— This section is designated as an emergency requirement pursuant to subsections (a) and (b) of section 4001 of S. Con. Res. 14 (117th Congress), the con-
current resolution on the budget for fiscal year 2022

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

SEC. 7. REPORTS TO CONGRESS.

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

1. eliminate all shortages of N-95 respirator masks;
2. increase domestic production of N-95 respirator masks to the greatest extent possible;
3. provide the greatest number possible of N-95 respirator masks manufactured in the United States;
4. distribute N-95 respirator masks to the general public and the health care workforce in accordance with this Act; and
5. fulfill all other requirements of this Act.

(b) WEEKLY PROGRESS REPORTS.—Beginning 7 days after the date on which the strategic plan is submitted under subsection (a), and every 7 days thereafter
until the requirements of this Act are met, the Administrator shall submit to Congress a detailed report on the activities undertaken to fulfill the requirements of this Act and a timeline for when such requirements will be fulfilled, which shall include—

1. information on—
   1. the use of funds under this Act, provided in an itemized list;
   2. the current and projected supply of N–95 respirator masks;
   3. the sources of N–95 respirator masks;
   4. the distribution of N–95 respirator masks by State, geographic area, and need;
   5. the prices paid by the Federal Government and to which suppliers such amounts were paid; and
   6. any other information requested by Congress.

(c) INSPECTOR GENERAL OVERSIGHT.—

1. In general.—The Inspector General of the Department of Homeland Security shall conduct monitoring and oversight of the receipt, disbursement, and use of funds made available under this Act.
(2) REPORT.—Not later than 1 year after the
date described in section 6(d), the Inspector General
of the Department of Homeland Security shall con-
duct an audit of the program established under this
Act and submit to Congress a report on the findings
of such audit.

SEC. 8. DEFINITIONS.

In this Act:

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

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

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

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

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

(A) any State of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau;

(J) the United States Virgin Islands; and

(K) each Indian Tribe.

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

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

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;
15

1 (I) the Republic of Palau;
2 (J) the United States Virgin Islands; and
3 (K) each Indian Tribe.