

117TH CONGRESS  
2D SESSION

# H. R. 6385

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2022

Mr. KHANNA (for himself, Mrs. TRAHAN, Mrs. WATSON COLEMAN, Mr. BOWMAN, Ms. BUSH, Mr. CARSON, Mr. CARTER of Louisiana, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COOPER, Mr. COSTA, Mr. DANNY K. DAVIS of Illinois, Mrs. DINGELL, Mr. ESPAILLAT, Mr. EVANS, Ms. GARCIA of Texas, Mr. GOMEZ, Mr. GRIJALVA, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mrs. KIRKPATRICK, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LOWENTHAL, Ms. MENG, Mrs. NAPOLITANO, Ms. NEWMAN, Ms. NORTON, Mr. PAYNE, Ms. PRESSLEY, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Ms. TLAIB, Mr. TORRES of New York, Ms. VELÁZQUEZ, Mr. WELCH, and Ms. WILLIAMS of Georgia) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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”.

6       **SEC. 2. REQUIREMENT TO ELIMINATE MASK SHORTAGES.**

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

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

11              (2) manufacture N-95 respirator masks, to the  
12       greatest extent practicable, in the United States;  
13       and

14              (3) distribute N-95 respirator masks to the  
15       general public and the health care workforce in ac-  
16       cordance with this Act.

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

19       (a) IN GENERAL.—Not later than 30 days after the  
20       date of enactment of this Act, the Administrator shall es-  
21       tablish a program to provide a supply of 3 N-95 respirator  
22       masks to every individual in the United States, including  
23       individuals—

24              (1) experiencing homelessness; and

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

4       (b) NO COST TO INDIVIDUALS.—An individual that  
5       receives a supply of N-95 respirator masks under this sec-  
6       tion shall not be charged for the N-95 respirator masks,  
7       for the delivery of the N-95 respirator masks, or for any  
8       other administrative cost relating to the N-95 respirator  
9       masks.

10      (c) PROHIBITION ON IDENTIFICATION REQUIRE-  
11      MENT.—An individual that receives a supply of N-95 res-  
12      pirator masks under this section shall not be required to  
13      provide identification or proof of citizenship in order to  
14      receive the N-95 respirator masks.

15      (d) DELIVERIES.—To the greatest extent possible,  
16      N-95 respirator masks provided under this section shall  
17      be delivered using the United States Postal Service.

18      (e) EDUCATIONAL MATERIALS.—

19           (1) IN GENERAL.—N-95 respirator masks pro-  
20      vided under this section shall be accompanied by a  
21      1-page fact sheet on the importance of wearing N-  
22      95 respirator masks, the proper use of N-95 res-  
23      pirator masks, and the nearest N-95 respirator  
24      mask pickup sites designated under subsection (f).

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

4                   (A) scientifically and medically accurate;

5                   (B) written for a layperson;

6                   (C) presented in a size and type of font  
7           that is easy to read; and

8                   (D) provided in the languages that are  
9           most appropriate for the community.

10          (3) PUBLICATION OF INFORMATION.—The in-  
11          formation included in the fact sheet required under  
12          paragraph (1) shall be published on the public  
13          website of the Federal Emergency Management  
14          Agency and the Department of Health and Human  
15          Services in multiple languages and in a manner that  
16          is in compliance with the Americans with Disabilities  
17          Act of 1990 (42 U.S.C. 12101 et seq.) for reading  
18          by the visually impaired.

19          (f) MASK PICKUP SITES.—

20               (1) IN GENERAL.—The Administrator shall des-  
21          ignate N-95 respirator mask pickup sites in each  
22          community and shall provide N-95 respirator masks  
23          to each site, allocated according to population, to be  
24          distributed to the general public at no cost to the  
25          public.

1           (2) REQUIREMENTS FOR DESIGNATION OF  
2       SITES.—In designating sites as N-95 respirator  
3       mask pickup sites under paragraph (1), the Admin-  
4       istrator shall choose—

5           (A) a location of a public entity, organiza-  
6       tion, or business that provides essential services  
7       to communities, such as a post office, commu-  
8       nity pharmacy, Federally-qualified health cen-  
9       ter, senior center, congregate meal site, and  
10      COVID-19 testing or vaccination site;

11          (B) a location that is easily accessible and  
12      appropriate to maximize the public health re-  
13      sponse to COVID-19; and

14          (C) when possible, a location that is feder-  
15      ally operated or is a recipient of Federal funds.

16      (3) REQUIREMENT FOR PICKUP SITES.—If a  
17      site is designated as an N-95 respirator mask pick-  
18      up site under paragraph (1)—

19          (A) no individual shall be required to make  
20      a purchase in order to pick up N-95 respirator  
21      masks at such location; and

22          (B) the site shall agree to display informa-  
23      tion, supplied by the Administrator, in a promi-  
24      nent location that—

1 (i) advertises the availability of free  
2 N-95 respirator masks provided by the  
3 Federal Government; and

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

6 (g) DEVELOPMENTS IN N-95 RESPIRATOR MASKS.—

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

13 (A) have adjustable sizing; or

14 (B) are available in different sizes, includ-  
15 ing sizes for children.

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

19 (A) are equivalent to N-95 respirator  
20 masks; and

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

23 (3) STRATEGIC NATIONAL STOCKPILE.—If sig-  
24 nificant improvements in N-95 respirator mask  
25 technology are made available, the Administrator, in

1 coordination with the Secretary, shall ensure that  
2 such N-95 respirator masks are included in the  
3 strategic national stockpile.

4 (h) REQUIRED COORDINATION AND CONSULTA-  
5 TION.—

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

11 (2) CONSULTATION.—In carrying out this sec-  
12 tion, the Administrator shall consult with States,  
13 units of local government, pickup sites, and appro-  
14 priate labor unions, including labor organizations  
15 representing employees of the United States Postal  
16 Service.

17 (i) EFFECT ON REQUESTS FOR PERSONAL PROTEC-  
18 TIVE EQUIPMENT.—Any N-95 respirator mask provided  
19 under this section shall not be taken into account for pur-  
20 poses of the Federal Government responding to State or  
21 health care provider requests for surgical masks, N-95  
22 respirator masks, personal protective equipment, or other  
23 supplies related to COVID-19.

1 **SEC. 4. HEALTH CARE WORKFORCE.**

2 (a) IN GENERAL.—Not later than 30 days after the  
3 date of enactment of this Act, the Administrator shall pro-  
4 vide N–95 respirator masks to all individuals working in  
5 health care settings in the United States that are experi-  
6 encing a shortage of such masks, including settings that  
7 have a short-term supply of such masks and settings that  
8 are practicing extended use and re-use of such masks, if  
9 such masks are single-use masks.

10 (b) NO COST TO PERSONS OR STATES.—A person or  
11 State that receives N–95 respirator masks under this sec-  
12 tion shall not be charged for the masks, for the delivery  
13 of the masks, or for any other administrative cost related  
14 to the masks.

15 (c) REQUIRED COORDINATION.—In carrying out this  
16 section, the Administrator shall coordinate—

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

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

24 (d) REQUIRED CONSULTATION.—In carrying out this  
25 section, the Administrator shall consult with health care  
26 providers and labor organizations representing health pro-



1 fessionals and other individuals working in health care set-  
2 tings.

3 **SEC. 5. USE OF AUTHORITIES.**

4 (a) IN GENERAL.—In carrying out this Act—

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

16 (2) the Administrator shall make use of au-  
17 thorities delegated to the Administrator under title  
18 I and title III of the Defense Production Act of  
19 1950 (50 U.S.C. 4511 et seq.) to increase domestic  
20 production of N-95 respirator masks.

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

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

7 **SEC. 6. APPROPRIATION; LIMITATIONS.**

8 (a) APPROPRIATION.—There is appropriated, out of  
9 amounts in the Treasury not otherwise appropriated,  
10 \$5,000,000,000, to remain available until the date de-  
11 scribed in subsection (d), to the Administrator to carry  
12 out this Act, provided that the Administrator uses such  
13 amounts as are necessary to reimburse the United States  
14 Postal Service for the delivery of N-95 respirator masks  
15 under this Act.

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

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

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

23 (c) EMERGENCY DESIGNATION.—

24 (1) IN GENERAL.—The amounts provided under  
25 this section are designated as an emergency require-

1       ment pursuant to section 4(g) of the Statutory Pay-  
2       As-You-Go Act of 2010 (2 U.S.C. 933(g)).

3               (2) DESIGNATION IN HOUSE AND SENATE.—

4       This section is designated as an emergency require-  
5       ment pursuant to subsections (a) and (b) of section  
6       4001 of S. Con. Res. 14 (117th Congress), the con-  
7       current resolution on the budget for fiscal year  
8       2022.

9       (d) DATE DESCRIBED.—The date described in this  
10      subsection is the date on which no new cases of COVID—  
11      19 are reported in the United States for a period of not  
12      less than 14 consecutive days.

13      **SEC. 7. REPORTS TO CONGRESS.**

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

18               (1) eliminate all shortages of N–95 respirator  
19      masks;

20               (2) increase domestic production of N–95 res-  
21      pirator masks to the greatest extent possible;

22               (3) provide the greatest number possible of N–  
23      95 respirator masks manufactured in the United  
24      States;

1           (4) distribute N-95 respirator masks to the  
2       general public and the health care workforce in ac-  
3       cordance with this Act; and

4           (5) fulfill all other requirements of this Act.

5       (b) WEEKLY PROGRESS REPORTS.—Beginning 7  
6       days after the date on which the strategic plan is sub-  
7       mitted under subsection (a), and every 7 days thereafter  
8       until the requirements of this Act are met, the Adminis-  
9       trator shall submit to Congress a detailed report on the  
10      activities undertaken to fulfill the requirements of this Act  
11      and a timeline for when such requirements will be fulfilled,  
12      which shall include—

13           (1) information on—

14                (A) the use of funds under this Act, pro-  
15                vided in an itemized list;

16                (B) the current and projected supply of N-  
17                95 respirator masks;

18                (C) the sources of N-95 respirator masks;

19                (D) the distribution of N-95 respirator  
20                masks by State, geographic area, and need; and

21                (E) the prices paid by the Federal Govern-  
22                ment and to which suppliers such amounts were  
23                paid; and

24           (2) any other information requested by Con-  
25      gress.

1 (c) INSPECTOR GENERAL OVERSIGHT.—

2 (1) IN GENERAL.—The Inspector General of  
3 the Department of Homeland Security shall conduct  
4 monitoring and oversight of the receipt, disburse-  
5 ment, and use of funds made available under this  
6 Act.

7 (2) REPORT.—Not later than 1 year after the  
8 date described in section 6(d), the Inspector General  
9 of the Department of Homeland Security shall con-  
10 duct an audit of the program established under this  
11 Act and submit to Congress a report on the findings  
12 of such audit.

13 **SEC. 8. DEFINITIONS.**

14 In this Act:

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

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

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

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

3           (5) 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           (6) STATE.—The term “State” means—

8                 (A) any State of the United States;

9                 (B) the District of Columbia;

10                (C) the Commonwealth of Puerto Rico;

11                (D) Guam;

12                (E) American Samoa;

13                (F) the Commonwealth of the Northern  
14     Mariana Islands;

15                (G) the Federated States of Micronesia;

16                (H) the Republic of the Marshall Islands;

17                (I) the Republic of Palau;

18                (J) the United States Virgin Islands; and

19                (K) each Indian Tribe.

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

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

24                (B) the District of Columbia;

25                (C) the Commonwealth of Puerto Rico;

- 1 (D) Guam;
- 2 (E) American Samoa;
- 3 (F) the Commonwealth of the Northern
- 4 Mariana Islands;
- 5 (G) the Federated States of Micronesia;
- 6 (H) the Republic of the Marshall Islands;
- 7 (I) the Republic of Palau;
- 8 (J) the United States Virgin Islands; and
- 9 (K) each Indian Tribe.

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