

## 116TH CONGRESS 2D SESSION

## S. 4210

To amend the Homeland Security Act of 2002 to authorize the transfer of certain equipment during a public health emergency, and for other purposes.

## IN THE SENATE OF THE UNITED STATES

July 2, 2020

Mr. Johnson (for himself and Mr. Peters) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

## A BILL

To amend the Homeland Security Act of 2002 to authorize the transfer of certain equipment during a public health emergency, 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 "Securing Healthcare
- 5 and Response Equipment Act of 2020" or the "SHARE
- 6 Act of 2020".

| 1  | SEC. 2. TRANSFER OF EQUIPMENT DURING A PUBLIC               |
|----|-------------------------------------------------------------|
| 2  | HEALTH EMERGENCY.                                           |
| 3  | (a) Amendment.—Title V of the Homeland Security             |
| 4  | Act of 2002 (6 U.S.C. 311) is amended by adding at the      |
| 5  | end the following:                                          |
| 6  | "SEC. 529. TRANSFER OF EQUIPMENT DURING A PUBLIC            |
| 7  | HEALTH EMERGENCY.                                           |
| 8  | "(a) Authorization of Transfer of Equip-                    |
| 9  | MENT.—During a public health emergency declared by the      |
| 10 | Secretary of Health and Human Services under section        |
| 11 | 319(a) of the Public Health Service Act (42 U.S.C.          |
| 12 | 247d(a)), the Secretary, at the request of the Secretary    |
| 13 | of Health and Human Services, may transfer to the De-       |
| 14 | partment of Health and Human Services, on a reimburs-       |
| 15 | able basis, personal protection equipment or medically nec- |
| 16 | essary equipment in the possession of the Department.       |
| 17 | "(b) Determination by Secretaries.—                         |
| 18 | "(1) In general.—In carrying out this sec-                  |
| 19 | tion—                                                       |
| 20 | "(A) before requesting a transfer under                     |
| 21 | subsection (a), the Secretary of Health and                 |
| 22 | Human Services shall determine whether the                  |
| 23 | personal protection equipment or medically nec-             |
| 24 | essary equipment is otherwise available, includ-            |
| 25 | ing available by required performance of a con-             |

| 1  | tract or order under section 101 of the Defense      |
|----|------------------------------------------------------|
| 2  | Production Act of 1950 (50 U.S.C. 4511); and         |
| 3  | "(B) the Secretary shall determine whether           |
| 4  | the personal protection equipment or medically       |
| 5  | necessary equipment requested to be trans-           |
| 6  | ferred under subsection (a) is excess equipment.     |
| 7  | "(2) Notification.—The Secretary of Health           |
| 8  | and Human Services and the Secretary shall each      |
| 9  | submit to Congress a notification explaining the de- |
| 10 | termination made under subparagraphs (A) and (B),    |
| 11 | respectively, of paragraph (1).                      |
| 12 | "(c) REQUIRED INVENTORY.—The Secretary shall—        |
| 13 | "(1) maintain an inventory of all personal pro-      |
| 14 | tection equipment and medically necessary equip-     |
| 15 | ment in the possession of the Department; and        |
| 16 | "(2) make the inventory required under para-         |
| 17 | graph (1) available, on a continual basis, to—       |
| 18 | "(A) the Secretary of Health and Human               |
| 19 | Services; and                                        |
| 20 | "(B) the Committee on Appropriations and             |
| 21 | the Committee on Homeland Security and Gov-          |
| 22 | ernmental Affairs of the Senate and the Com-         |
| 23 | mittee on Appropriations and the Committee on        |
| 24 | Homeland Security of the House of Representa-        |
| 25 | tives.".                                             |

- 1 (b) Table of Contents Amendment.—The table
- 2 of contents in section 1(b) of the Homeland Security Act
- 3 of 2002 (Public Law 107–296; 116 Stat. 2135) is amend-
- 4 ed by inserting after the item relating to section 528 the
- 5 following:

"Sec. 529. Transfer of equipment during a public health emergency.".

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