

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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