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H. R. 6525

To provide the necessary Federal financial and logistical support so States can reopen their economies once periods of isolation have sufficiently reduced coronavirus infection and transmission rates, and with adequate testing and other safeguards to ensure infection rates do not exceed medical resources, and virus transmission rates are maintained below 1 and thereby steadily reduce the number of infected, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2020

Mr. RASKIN (for himself, Ms. SHALALA, Mr. JEFFRIES, Ms. ESHOO, Mr. WELCH, Mr. ALLRED, Mr. NEGUSE, Mr. TED LIEU of California, Mr. CICILLINE, Ms. SCANLON, Ms. JACKSON LEE, Mr. MALINOWSKI, Mr. BUTTERFIELD, Mr. MCGOVERN, Mr. CISNEROS, Mr. DANNY K. DAVIS of Illinois, Mr. HASTINGS, Ms. NORTON, Mr. CÁRDENAS, Mrs. DINGELL, Mr. TAKANO, Mrs. FLETCHER, Mr. LEVIN of Michigan, Ms. GARCIA of Texas, Mr. LOWENTHAL, Ms. ESCOBAR, Mr. CASTEN of Illinois, Ms. SCHRIER, Mr. GARCÍA of Illinois, Mr. SOTO, Mr. CASE, Ms. WASSERMAN SCHULTZ, Mr. LARSON of Connecticut, Ms. HAALAND, Mr. CLAY, Mr. DEUTCH, Mr. MOULTON, Ms. MUCARSEL-POWELL, Mr. ROUDA, Ms. VELÁZQUEZ, Mr. COX of California, Ms. PRESSLEY, Mr. KENNEDY, Mr. GARAMENDI, Mr. ESPAILLAT, Ms. UNDERWOOD, Mr. NADLER, Mr. RYAN, Mr. POCAN, Mrs. LAWRENCE, Mr. PETERS, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Financial Services, 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

A BILL

To provide the necessary Federal financial and logistical support so States can reopen their economies once peri-

ods of isolation have sufficiently reduced coronavirus infection and transmission rates, and with adequate testing and other safeguards to ensure infection rates do not exceed medical resources, and virus transmission rates are maintained below 1 and thereby steadily reduce the number of infected, 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; DEFINITIONS; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Reopen America Act of 2020”.

6 (b) DEFINITIONS.—In this Act:

7 (1) The term “coronavirus” means SARS–
 8 CoV–2.

9 (2) The term “Governor” means the chief execu-
 10 utive officer of a State.

11 (3) The term “reopening plan” means a
 12 coronavirus State economy reopening plan under
 13 section 2.

14 (4) Except as otherwise specified, the term
 15 “Secretary” means the Secretary of Health and
 16 Human Services.

17 (5) The term “State” means any of the several
 18 States, the District of Columbia, a Tribal govern-
 19 ment, or a territory of the United States.

20 (c) FINDINGS.—The Congress finds the following:

1 (1) The majority of States have imposed forms
2 of extreme social isolation, including strict limita-
3 tions on businesses and social behaviors, to reduce
4 coronavirus transmission rates and avoid cata-
5 strophic harms to health from infections.

6 (2) Despite the necessity of such economic and
7 social restrictions, it is critically important to the
8 economy of the United States to progressively loosen
9 these restrictions and to reopen economic and social
10 activity as soon and by as much as possible, but this
11 reopening must occur under conditions that ensure
12 infection transmission rates do not rise again, and
13 that infections do not overwhelm health services,
14 cause unnecessary deaths and illnesses, or neces-
15 sitate successive new rounds of social isolation.

16 (3) Planning and implementation of State safe-
17 guards will be critical to the achievement of success-
18 ful economic and social reopening.

19 (4) Large increases in test kits, machines, and
20 testing supplies and of protective gear and supplies
21 designed to limit disease transmission, are essential
22 to the implementation of reopening plans that do not
23 lead to unacceptable increases in transmission rates
24 and maximize the level and rate of economic reopen-
25 ing.

1 (5) Once effective treatments become proven,
2 quickly scaling up their production is also necessary
3 to save lives and to increase the capacity of the
4 country to remain open.

5 (6) Because of market uncertainties and the
6 limited time for production, the necessary level of
7 production will not occur without aggressive govern-
8 ment purchasing and market guaranties and
9 prioritization of necessary resources.

10 (7) It is in the public interest for the Federal
11 Government to assume the added costs of State re-
12 opening plans and to support such plans with nec-
13 essary technical support and coordinated procure-
14 ment and distribution of necessary supplies.

15 (8) Because extensive testing for coronavirus
16 protection will be a critical component of reopening
17 strategies, it is necessary for the Federal Govern-
18 ment to advance understanding of the capacities and
19 potential uses of different, and rapidly emerging,
20 tests.

21 **SEC. 2. CORONAVIRUS STATE REOPENING PLANS AND**
22 **STATE PARTNERSHIP PROCUREMENT PLANS.**

23 (a) SUBMISSION OF PLAN.—Any Governor of a State
24 may submit a reopening plan to the Secretary for the pur-
25 pose of allowing the maximum level of economic and social

1 activity in the State while simultaneously achieving the
2 public health goals specified in subsection (c).

3 (b) FEDERAL REIMBURSEMENT.—Once per month,
4 or on a more frequent schedule as specified by the Sec-
5 retary—

6 (1) the Governor of a State with a reopening
7 plan with an approval in effect under subsection (d)
8 may submit for reimbursement the sum of covered
9 expenses of the State with appropriate documenta-
10 tion as specified by the Secretary; and

11 (2) the Secretary shall reimburse the State for
12 such covered expenses so long as the State is making
13 reasonable efforts to implement the plan.

14 (c) PUBLIC HEALTH GOALS.—

15 (1) IN GENERAL.—Subject to paragraph (2), a
16 reopening plan achieves the public health goals spec-
17 ified in this subsection if the plan provides reason-
18 able assurance that—

19 (A) infection and transmission rates at the
20 time of the commencement of reopening will not
21 exceed the capacity of local hospitals to safely
22 treat all patients using available treatment
23 methods without resorting to crisis standards of
24 care; and

1 (B) sufficient safeguards will be imple-
2 mented—

3 (i) to keep transmission rates of
4 coronavirus below 1 within the State; and

5 (ii) to identify and take effective ac-
6 tions to curb local infection outbreaks be-
7 fore they lead to hospitalization rates that
8 exceed the capacity of local hospital serv-
9 ices to safely treat all patients without re-
10 sorting to crisis standards of care.

11 (2) SPECIAL RULE.—A reopening plan may
12 allow for some limited initial relaxation of social iso-
13 lation requirements even while infection rates are
14 above those specified in paragraph (1)(A) so long
15 as—

16 (A) the plan will keep transmission rates
17 below 1; and

18 (B) the limited initial relaxation will not
19 appreciably increase infection rates.

20 (d) PLAN APPROVAL.—

21 (1) IN GENERAL.—In consultation with the Sec-
22 retary of the Treasury, the Secretary of Health and
23 Human Services shall approve or disapprove any re-
24 opening plan submitted under subsection (a) within
25 5 business days of submission if—

1 (A) the plan provides reasonable assur-
2 ances of achieving the public health goals speci-
3 fied in subsection (c);

4 (B) the plan includes appropriate docu-
5 mentation as specified by the Secretary, includ-
6 ing the contents required by subsection (e); and

7 (C) the actions identified in the plan are
8 not clearly excessive for achieving the public
9 health goals specified in subsection (c).

10 (2) RESUBMISSION.—If the Secretary dis-
11 approves a reopening plan, or any revision of a re-
12 opening plan—

13 (A) the Secretary shall provide an expla-
14 nation of the disapproval to the Governor sub-
15 mitting the plan or revision; and

16 (B) the Governor of the State involved
17 may—

18 (i) consult the Secretary concerning
19 the changes to the plan or revision needed
20 for approval; and

21 (ii) revise and resubmit as many times
22 as needed to obtain approval.

23 (3) REVISIONS.—A Governor may submit revi-
24 sions to the reopening plan of the respective State
25 as circumstances evolve, and the Secretary shall ap-

1 prove or disapprove each such revision within 5 busi-
2 ness days of submission.

3 (4) DEEMED APPROVED.—A reopening plan or
4 a revision to a reopening plan shall be deemed to be
5 approved if the Secretary fails to approve or dis-
6 approve the plan or revision within 5 business days
7 of submission.

8 (5) EXPENSES.—In approving a reopening
9 plan, the Secretary may preapprove a proposed
10 schedule of reimbursements for covered expenses in
11 agreement with the Governor. If an expense schedule
12 is not preagreed, the Governor may carry out the
13 plan and obtain reimbursement for the reasonable
14 cost of covered expenses. No reimbursement shall
15 occur for goods and services provided directly to a
16 State or territory by the Coronavirus Health Equip-
17 ment Production Board. In the case of a dispute, a
18 Governor may seek review of the Secretary's reim-
19 bursement decision in the United States Court of
20 Federal Claims.

21 (e) CONTENTS.—

22 (1) IN GENERAL.—A reopening plan shall speci-
23 fy—

24 (A) the level and timing of the relaxation
25 of social distancing rules adopted in 2020 in

1 the State to reduce the risk of coronavirus in-
2 fections;

3 (B) the replacement measures the State
4 will take; and

5 (C) the reopening safeguards the State will
6 impose to limit coronavirus infections.

7 (2) REOPENING SAFEGUARDS.—A reopening
8 plan shall specify safeguards to achieve the public
9 health goals specified in subsection (c). Such safe-
10 guards may include any of the following:

11 (A) Testing, including publicly adminis-
12 tered testing, employment-based testing require-
13 ments, mobile testing programs, school-based
14 testing, or other testing requirements for social
15 activities, and group testing.

16 (B) Requirements for wearing of masks
17 and other protective gear in employment and
18 social activities, including requirements that
19 vary by type of work, by risk factors of individ-
20 uals, and by activities such as use of mass tran-
21 sit.

22 (C) Requirements for public or private
23 temperature readings or other simple screenings
24 for coronavirus infections, and follow-up re-
25 quirements for testing or isolation.

1 (D) Demonstrated public procedures, rules,
2 personnel, and other resources and capacities
3 for identifying infected individuals, tracing and
4 testing their contacts, and quarantining in-
5 fected individuals.

6 (E) The types of activities reopened, condi-
7 tions of reopening, and timing of reopening.

8 (F) Increases in medical capacities and
9 ability to shift capacities to address local out-
10 breaks.

11 (3) EVIDENCE OF ADEQUACY.—A reopening
12 plan shall include the analysis of public health and
13 other scientific experts used to assess the adequacy
14 of the plan for achieving the public health goals
15 specified in subsection (c), and such other informa-
16 tion as the Secretary shall, within 10 business days
17 of the date of enactment of this Act, require to be
18 included.

19 (f) STATE PARTNERSHIP PROCUREMENT PLANS.—

20 (1) IN GENERAL.—Prior to and in conjunction
21 with submission of a reopening plan, Governors of
22 two or more States may submit a State Partnership
23 Procurement Plan to obtain Federal financing of
24 State agreements with suppliers to increase produc-
25 tion and thereby to more reliably assure a level of

1 testing or other goods and services that would be
2 valuable for carrying out the reopening plans of such
3 States.

4 (2) REVIEW AND ADMINISTRATION.—A State
5 Partnership Procurement Plan shall be approved by
6 the Secretary in consultation with the Secretary of
7 the Treasury if it will reasonably contribute to the
8 implementation of the State reopening plans. In re-
9 viewing such a State Partnership Procurement Plan
10 for approval, and in reimbursing States for the costs
11 of such plans, the Secretary shall follow the proce-
12 dures set forth in paragraphs (2) through (5) of
13 subsection (d).

14 (3) FEMA.—The Administrator of the Federal
15 Emergency Management Agency shall work with
16 States, if requested, in the development and carrying
17 out of procurement plans under paragraph (1).

18 (g) REPORTING.—Every two weeks, or on such sched-
19 ule as the Secretary may specify, the Governor of a State
20 with an approved reopening plan shall provide to the Sec-
21 retary such information as necessary and as specified by
22 the Secretary to assess whether implementation of the
23 plan is achieving the public health goals specified in sub-
24 section (c).

25 (h) DEFINITIONS.—In this section:

1 (1) The term “covered expenses” means the
2 reasonable costs associated with the following re-
3 opening plan activities:

4 (A) Costs of testing equipment, kits, lab-
5 oratory processing, and test administration, ex-
6 cluding costs of testing by medical personnel
7 that are otherwise covered by private or public
8 health insurance.

9 (B) Costs of implementing containment
10 tracking, testing, and quarantine.

11 (C) Public costs of information and compli-
12 ance systems needed to implement the plan,
13 provide public information, and track compli-
14 ance.

15 (D) Costs of implementing any certifi-
16 cation systems.

17 (E) The costs of cleaning public facilities
18 and infrastructure to avoid coronavirus con-
19 tamination beyond the typical cleaning of such
20 facilities and infrastructure.

21 (F) Costs of increasing hospital capacity to
22 address COVID–19 patients except that treat-
23 ment of such costs as covered expenses shall be
24 at the discretion of the Secretary.

1 (G) Reasonable State expenses undertaken
2 in development of the plan.

3 (2) The term “reasonable costs” shall be based
4 on—

5 (A) a schedule of costs preapproved by the
6 Secretary and agreed upon by the Governor; or

7 (B) a process to be prescribed by the Sec-
8 retary for determination of the reasonableness
9 of expenses.

10 (i) FUNDING.—The Secretary may, without further
11 appropriation, obligate and expend such sums as may be
12 necessary for fiscal years 2020 and 2021 to carry out this
13 section.

14 **SEC. 3. GUIDING POLICY OF FEDERAL RESPONSIBILITY**
15 **FOR ECONOMY REOPENING.**

16 The Federal Government shall ensure an adequate
17 national supply of testing, protective gear, and critical
18 medical resources and other equipment and supplies to en-
19 able States to be able to develop and administer reopening
20 plans that meet both public health and economic recovery
21 goals.

22 **SEC. 4. CORONAVIRUS HEALTH EQUIPMENT PRODUCTION**
23 **BOARD.**

24 (a) ESTABLISHMENT.—The Director of the Defense
25 Logistics Agency shall establish, within 5 business days

1 of enactment of this Act, in the Defense Logistics Agency
2 of the Department of Defense a board, to be known as
3 the Coronavirus Health Equipment Production Board (in
4 this section referred to as the “Board”).

5 (b) MEMBERS.—The members of the Board shall
6 consist of—

7 (1) the Director of the Defense Logistics Agen-
8 cy (or the Director’s delegate), who shall serve as
9 the Chair of the Board;

10 (2) the Director of the Centers for Disease
11 Control and Prevention (or the Director’s delegate);

12 (3) the Director of the Biomedical Advanced
13 Research Development Agency (or the Director’s
14 delegate);

15 (4) the Administrator of the Federal Emer-
16 gency Management Agency (or the Administrator’s
17 delegate);

18 (5) the Commissioner of Food and Drugs (or
19 the Commissioner’s delegate); and

20 (6) the Director of the National Institute of Al-
21 lergy and Infectious Diseases (or the Director’s dele-
22 gate).

23 (c) DUTIES.—The Board shall—

24 (1) engage in the activities listed in subsection

25 (d) as appropriate to ensure adequate national and

1 regional availability of medical and testing equip-
2 ment and supplies, and other goods and services for
3 responding to the coronavirus epidemic and imple-
4 mentation of reopening plans; and

5 (2) ensure development of the manufacturing
6 and distribution capacity needed to be able to
7 produce and distribute as rapidly as possible valu-
8 able coronavirus treatments and vaccines as they be-
9 come available.

10 (d) ACTIVITIES.—In carrying out this section, the
11 Board may engage in any of the following:

12 (1) Evaluating needs, uses, and potential short-
13 ages of supplies and equipment.

14 (2) Procuring and distributing supplies and
15 equipment.

16 (3) Providing financial guaranties for all or
17 portions of the costs of production of any goods and
18 services.

19 (4) Contracting for advisory services.

20 (e) STAFF OF FEDERAL AGENCIES.—Upon request
21 of the Chair of the Board, the head of any Federal depart-
22 ment or agency may detail any of the personnel of that
23 department or agency to the Board to assist it in carrying
24 out its duties under this section.

25 (f) PROCUREMENT METHODS.—The Board—

1 (1) shall make maximum effort to carry out its
2 procurement using voluntary methods; and

3 (2) may, if the Board determines necessary, use
4 the authorities granted the President under titles I
5 and III of the Defense Production Act of 1950 (50
6 U.S.C. 4501 et seq.).

7 (g) FUNDING.—The Board may, without further ap-
8 propriation in fiscal years 2020 and 2021, obligate and
9 expend such sums as are necessary, as determined by the
10 Board, to carry out this section, except that the Board
11 may obligate and expend not more than \$75,000,000 in
12 each of fiscal years 2020 and 2021, for administrative
13 costs.

14 **SEC. 5. GUIDANCE FOR STATE REOPENING PLANS.**

15 (a) IN GENERAL.—Not later than the date that is
16 2 weeks after the date of enactment of this Act, using
17 the best available information, including information gen-
18 erated in implementing this Act, the Secretary shall issue
19 guidance on the development of reopening plans that eval-
20 uates the efficiency of different safeguards and the capac-
21 ity of different combinations of safeguards to meet the
22 public health goals of such plans while maximizing social
23 and economic reopening.

1 (b) UPDATES.—Not less than every two weeks, the
2 Secretary shall update such guidance as appropriate to re-
3 flect changes in knowledge and information.

4 **SEC. 6. IMPROVED UNDERSTANDING OF CORONAVIRUS**
5 **TESTING AND CONTRIBUTION TO REOPEN-**
6 **ING PLANS.**

7 (a) IN GENERAL.—The Director of the Biomedical
8 Advanced Research and Development Authority (in this
9 section referred to as the “Director”), in coordination with
10 the Director of the Centers for Disease Control and Pre-
11 vention, shall carry out an emergency program to evaluate
12 on an expedited basis both the reliability of different tests
13 and forms of testing and the capacity of those tests to
14 contribute to reopening plans.

15 (b) PROGRAM COMPONENTS.—This program under
16 this section shall recognize the different practicalities to
17 scale up different forms of tests, including self-adminis-
18 tered and professionally administered tests, and shall in-
19 clude the following:

20 (1) EVALUATION OF SELF-ADMINISTERED
21 TESTS.—The Director shall institute, on an expe-
22 dited basis, an evaluation of those promising self-ad-
23 ministered test products that have the capacity to
24 provide cost-effective, high volume human testing of
25 either presence of active virus or proof of prior infec-

1 tion and likely immunity or resistance to reinfection.
2 The Director shall establish a network of hospitals
3 and research institutions capable of carrying out
4 these analyses, and shall quickly develop protocols
5 for such testing with a goal of providing useful in-
6 formation within one week and more complete infor-
7 mation in two weeks.

8 (2) EVALUATION OF PROFESSIONALLY ADMIN-
9 ISTERED TESTS.—The Director shall review infor-
10 mation regarding different tests that have been de-
11 veloped that require independent technical personnel
12 and shall conduct such independent evaluations as
13 the Director determines will be helpful to determine
14 those mechanisms that have the greatest potential to
15 contribute to reopening plans.

16 (3) EVALUATION OF POPULATION-LEVEL TEST-
17 ING.—The Director shall evaluate the potential and
18 feasibility of population-level testing for contributing
19 to State reopening plans. For purposes of this para-
20 graph, the term “population-level testing” means
21 testing of significant parts of the population that
22 might be accomplished other than at points of med-
23 ical care, and may include testing of the entire or
24 portions of the population, random testing, rota-
25 tional testing, mobile testing programs, and testing

1 of categories of individuals at high risk of becoming
2 infected or passing on infections.

3 (4) POTENTIAL SCALE-UP.—The Director shall
4 consult with the industry and shall determine the
5 maximum technical and economic capacity and
6 shortest times that would be possible to scale up
7 production and supplies of different methods of test-
8 ing.

9 (5) DETERMINATION OF INFECTION RATES.—
10 The Director shall implement an emergency sero-
11 logic testing program in at least two distinct geo-
12 graphic areas of high infection rates to help deter-
13 mine levels of infection relative to levels of those
14 with symptoms, those hospitalized, and those in need
15 of intensive care.

16 (6) USE OF TESTS IN REOPENING PLANS.—The
17 Director shall evaluate the potential and logistics of
18 different forms of testing, including mobile testing
19 units, using different products as appropriate, to
20 contribute to reopening plans. Possible ways of using
21 testing to be evaluated shall include using different
22 forms of tests as a way to filter those available for
23 employment or eligible to engage on other social ac-
24 tivities, use of tests for contact tracing and quar-
25 antine, use of tests for particular categories of high-

1 contact employment, and use of population-level test-
2 ing. Based on these analyses and the best available
3 information regarding sources and levels of disease
4 transmission, the Director shall provide as soon as
5 possible recommendations for how different forms of
6 testing under different requirements might be capa-
7 ble of contributing to reopening plans and shall up-
8 date these recommendations as new information be-
9 comes available.

10 (7) ASSISTANCE BY GOVERNMENT.—All Federal
11 departments and agencies shall make available on an
12 emergency basis any requested or useful information
13 to the Director and to the Coronavirus Testing Advi-
14 sory Panel for carrying out this section.

15 (c) AUTHORIZATION.—For the period beginning on
16 the date of enactment of this Act and ending at the end
17 of fiscal year 2021, the Director may expend such funds,
18 without further appropriation, as necessary as determined
19 by the Director for carrying out this section.

20 **SEC. 7. CORONAVIRUS REOPENING ADVISORY PANEL.**

21 (a) IN GENERAL.—Within 10 business days of the
22 date of enactment of this Act, the Director of the Defense
23 Logistics Agency shall establish a panel, to be known as
24 the Coronavirus Reopening Advisory Panel, to advise the
25 Secretary and the members of the Coronavirus Health

1 Equipment Production Board in carrying out their duties
2 and authorities under this Act.

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The membership of the Ad-
5 visory Panel shall consist of—

6 (A) three epidemiologists or other experts
7 in public health;

8 (B) three experts in economics or business;

9 (C) three experts in production systems;

10 and

11 (D) three experts with experience directly
12 representing workers and ensuring their health
13 and safety in the workplace.

14 (2) APPOINTMENT.—The President, the Speak-
15 er of the House of Representatives, and the majority
16 leader of the Senate shall each appoint 1 member of
17 the Advisory Panel in each of the 4 categories listed
18 in paragraph (1).

19 (3) CHAIR.—At the first meeting of the Advi-
20 sory Panel, the Advisory Panel shall select a chair
21 of the Advisory Panel from among its members.

22 (4) PAY.—Each member of the Advisory Panel
23 shall be paid at a rate equal to the daily equivalent
24 of the annual rate of basic pay for level I of the Ex-
25 ecutive Schedule for each day (including travel time)

1 during which such member is engaged in the actual
2 performance of duties vested in the Advisory Panel.

3 (c) OBTAINING OFFICIAL DATA.—The Advisory
4 Panel may secure directly from any department or agency
5 of the United States information necessary to enable the
6 Advisory Panel to carry out this section. Upon request of
7 the Chair of the Advisory Panel, the head of that depart-
8 ment or agency shall furnish that information to the Advi-
9 sory Panel.

10 (d) INDEPENDENCE.—The Advisory Panel shall for-
11 mulate and deliver advice pursuant to this section on an
12 independent basis and shall not be required by any execu-
13 tive branch official to limit or alter its advice.

14 (e) PUBLIC SUMMARY.—Not less than every 2 weeks,
15 the Advisory Panel shall publish a public summary of the
16 advice provided by the Advisory Panel under this section.

17 (f) RELATION TO OTHER LAW.—The Federal Advi-
18 sory Committee Act (5 U.S.C. App.) shall not apply to
19 the Advisory Panel.

20 (g) FUNDING.—The Director of the Defense Logis-
21 tics Agency shall fund the costs of this panel from the
22 sums authorized and appropriated to the Coronavirus
23 Health Equipment Production Board.

○