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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. RASKIN introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; DEFINITIONS; FINDINGS.**

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

4 (b) DEFINITIONS.—In this Act:

5 (1) The term “coronavirus” means SARS–  
6 CoV–2.

7 (2) The term “Governor” means the chief execu-  
8 tive officer of a State.

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

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

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

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

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

24 (2) Despite the necessity of such economic and  
25 social restrictions, it is critically important to the  
26 economy of the United States to progressively loosen

1       these restrictions and to reopen economic and social  
2       activity as soon and by as much as possible, but this  
3       reopening must occur under conditions that ensure  
4       infection transmission rates do not rise again, and  
5       that infections do not overwhelm health services,  
6       cause unnecessary deaths and illnesses, or neces-  
7       sitate successive new rounds of social isolation.

8               (3) Planning and implementation of State safe-  
9       guards will be critical to the achievement of success-  
10      ful economic and social reopening.

11              (4) Large increases in test kits, machines, and  
12      testing supplies and of protective gear and supplies  
13      designed to limit disease transmission, are essential  
14      to the implementation of reopening plans that do not  
15      lead to unacceptable increases in transmission rates  
16      and maximize the level and rate of economic reopen-  
17      ing.

18              (5) Once effective treatments become proven,  
19      quickly scaling up their production is also necessary  
20      to save lives and to increase the capacity of the  
21      country to remain open.

22              (6) Because of market uncertainties and the  
23      limited time for production, the necessary level of  
24      production will not occur without aggressive govern-

1       ment purchasing and market guaranties and  
2       prioritization of necessary resources.

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

8           (8) Because extensive testing for coronavirus  
9       protection will be a critical component of reopening  
10      strategies, it is necessary for the Federal Govern-  
11      ment to advance understanding of the capacities and  
12      potential uses of different, and rapidly emerging,  
13      tests.

14 **SEC. 2. CORONAVIRUS STATE REOPENING PLANS AND**  
15 **STATE PARTNERSHIP PROCUREMENT PLANS.**

16       (a) **SUBMISSION OF PLAN.**—Any Governor of a State  
17      may submit a reopening plan to the Secretary for the pur-  
18      pose of allowing the maximum level of economic and social  
19      activity in the State while simultaneously achieving the  
20      public health goals specified in subsection (c).

21       (b) **FEDERAL REIMBURSEMENT.**—Once per month,  
22      or on a more frequent schedule as specified by the Sec-  
23      retary—

24           (1) the Governor of a State with a reopening  
25      plan with an approval in effect under subsection (d)

1       may submit for reimbursement the sum of covered  
2       expenses of the State with appropriate documenta-  
3       tion as specified by the Secretary; and

4               (2) the Secretary shall reimburse the State for  
5       such covered expenses so long as the State is making  
6       reasonable efforts to implement the plan.

7       (c) PUBLIC HEALTH GOALS.—

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

12               (A) infection and transmission rates at the  
13      time of the commencement of reopening will not  
14      exceed the capacity of local hospitals to safely  
15      treat all patients using available treatment  
16      methods without resorting to crisis standards of  
17      care; and

18               (B) sufficient safeguards will be imple-  
19      mented—

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

22               (ii) to identify and take effective ac-  
23      tions to curb local infection outbreaks be-  
24      fore they lead to hospitalization rates that  
25      exceed the capacity of local hospital serv-

1                   ices to safely treat all patients without re-  
2                   sorting to crisis standards of care.

3                   (2) SPECIAL RULE.—A reopening plan may  
4                   allow for some limited initial relaxation of social iso-  
5                   lation requirements even while infection rates are  
6                   above those specified in paragraph (1)(A) so long  
7                   as—

8                   (A) the plan will keep transmission rates  
9                   below 1; and

10                  (B) the limited initial relaxation will not  
11                  appreciably increase infection rates.

12                  (d) PLAN APPROVAL.—

13                  (1) IN GENERAL.—In consultation with the Sec-  
14                  retary of the Treasury, the Secretary of Health and  
15                  Human Services shall approve or disapprove any re-  
16                  opening plan submitted under subsection (a) within  
17                  5 business days of submission if—

18                  (A) the plan provides reasonable assur-  
19                  ances of achieving the public health goals speci-  
20                  fied in subsection (c);

21                  (B) the plan includes appropriate docu-  
22                  mentation as specified by the Secretary, includ-  
23                  ing the contents required by subsection (e); and

1 (C) the actions identified in the plan are  
2 not clearly excessive for achieving the public  
3 health goals specified in subsection (c).

4 (2) RESUBMISSION.—If the Secretary dis-  
5 approves a reopening plan, or any revision of a re-  
6 opening plan—

7 (A) the Secretary shall provide an expla-  
8 nation of the disapproval to the Governor sub-  
9 mitting the plan or revision; and

10 (B) the Governor of the State involved  
11 may—

12 (i) consult the Secretary concerning  
13 the changes to the plan or revision needed  
14 for approval; and

15 (ii) revise and resubmit as many times  
16 as needed to obtain approval.

17 (3) REVISIONS.—A Governor may submit revi-  
18 sions to the reopening plan of the respective State  
19 as circumstances evolve, and the Secretary shall ap-  
20 prove or disapprove each such revision within 5 busi-  
21 ness days of submission.

22 (4) DEEMED APPROVED.—A reopening plan or  
23 a revision to a reopening plan shall be deemed to be  
24 approved if the Secretary fails to approve or dis-

1 approve the plan or revision within 5 business days  
2 of submission.

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

16 (e) CONTENTS.—

17 (1) IN GENERAL.—A reopening plan shall speci-  
18 fy—

19 (A) the level and timing of the relaxation  
20 of social distancing rules adopted in 2020 in  
21 the State to reduce the risk of coronavirus in-  
22 fections;

23 (B) the replacement measures the State  
24 will take; and

1 (C) the reopening safeguards the State will  
2 impose to limit coronavirus infections.

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

7 (A) Testing, including publicly adminis-  
8 tered testing, employment-based testing require-  
9 ments, mobile testing programs, school-based  
10 testing, or other testing requirements for social  
11 activities, and group testing.

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

18 (C) Requirements for public or private  
19 temperature readings or other simple screenings  
20 for coronavirus infections, and follow-up re-  
21 quirements for testing or isolation.

22 (D) Demonstrated public procedures, rules,  
23 personnel, and other resources and capacities  
24 for identifying infected individuals, tracing and

1 testing their contacts, and quarantining in-  
2 fected individuals.

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

5 (F) Increases in medical capacities and  
6 ability to shift capacities to address local out-  
7 breaks.

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

16 (f) STATE PARTNERSHIP PROCUREMENT PLANS.—

17 (1) IN GENERAL.—Prior to and in conjunction  
18 with submission of a reopening plan, Governors of  
19 two or more States may submit a State Partnership  
20 Procurement Plan to obtain Federal financing of  
21 State agreements with suppliers to increase produc-  
22 tion and thereby to more reliably assure a level of  
23 testing or other goods and services that would be  
24 valuable for carrying out the reopening plans of such  
25 States.

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

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

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

22           (h) DEFINITIONS.—In this section:

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

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

6 (B) Costs of implementing containment  
7 tracking, testing, and quarantine.

8 (C) Public costs of information and compli-  
9 ance systems needed to implement the plan,  
10 provide public information, and track compli-  
11 ance.

12 (D) Costs of implementing any certifi-  
13 cation systems.

14 (E) The costs of cleaning public facilities  
15 and infrastructure to avoid coronavirus con-  
16 tamination beyond the typical cleaning of such  
17 facilities and infrastructure.

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

22 (G) Reasonable State expenses undertaken  
23 in development of the plan.

24 (2) The term “reasonable costs” shall be based  
25 on—

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

3 (B) a process to be prescribed by the Sec-  
4 retary for determination of the reasonableness  
5 of expenses.

6 (i) FUNDING.—The Secretary may, without further  
7 appropriation, obligate and expend such sums as may be  
8 necessary for fiscal years 2020 and 2021 to carry out this  
9 section.

10 **SEC. 3. GUIDING POLICY OF FEDERAL RESPONSIBILITY**  
11 **FOR ECONOMY REOPENING.**

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

18 **SEC. 4. CORONAVIRUS HEALTH EQUIPMENT PRODUCTION**  
19 **BOARD.**

20 (a) ESTABLISHMENT.—The Director of the Defense  
21 Logistics Agency shall establish, within 5 business days  
22 of enactment of this Act, in the Defense Logistics Agency  
23 of the Department of Defense a board, to be known as  
24 the Coronavirus Health Equipment Production Board (in  
25 this section referred to as the “Board”).

1 (b) MEMBERS.—The members of the Board shall  
2 consist of—

3 (1) the Director of the Defense Logistics Agen-  
4 cy (or the Director’s delegate), who shall serve as  
5 the Chair of the Board.

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

8 (3) the Director of the Biomedical Advanced  
9 Research Development Agency (or the Director’s  
10 delegate);

11 (4) the Administrator of the Federal Emer-  
12 gency Management Agency (or the Administrator’s  
13 delegate);

14 (5) the Commissioner of Food and Drugs (or  
15 the Commissioner’s delegate); and

16 (6) the Director of the National Institute of Al-  
17 lergy and Infectious Diseases (or the Director’s dele-  
18 gate).

19 (c) DUTIES.—The Board shall—

20 (1) engage in the activities listed in subsection  
21 (d) as appropriate to ensure adequate national and  
22 regional availability of medical and testing equip-  
23 ment and supplies, and other goods and services for  
24 responding to the coronavirus epidemic and imple-  
25 mentation of reopening plans; and

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

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

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

10          (2) Procuring and distributing supplies and  
11          equipment.

12          (3) Providing financial guaranties for all or  
13          portions of the costs of production of any goods and  
14          services.

15          (4) Contracting for advisory services.

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

21          (f) PROCUREMENT METHODS.—The Board—

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

24               (2) may, if the Board determines necessary, use  
25               the authorities granted the President under titles I

1 and III of the Defense Production Act of 1950 (50  
2 U.S.C. 4501 et seq.).

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

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

11 (a) IN GENERAL.—Not later than the date that is  
12 2 weeks after the date of enactment of this Act, using  
13 the best available information, including information gen-  
14 erated in implementing this Act, the Secretary shall issue  
15 guidance on the development of reopening plans that eval-  
16 uates the efficiency of different safeguards and the capac-  
17 ity of different combinations of safeguards to meet the  
18 public health goals of such plans while maximizing social  
19 and economic reopening.

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

1 **SEC. 6. IMPROVED UNDERSTANDING OF CORONAVIRUS**  
2 **TESTING AND CONTRIBUTION TO REOPEN-**  
3 **ING PLANS.**

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

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

17 (1) EVALUATION OF SELF-ADMINISTERED  
18 TESTS.—The Director shall institute, on an expe-  
19 dited basis, an evaluation of those promising self-ad-  
20 ministered test products that have the capacity to  
21 provide cost-effective, high volume human testing of  
22 either presence of active virus or proof of prior infec-  
23 tion and likely immunity or resistance to reinfection.  
24 The Director shall establish a network of hospitals  
25 and research institutions capable of carrying out  
26 these analyses, and shall quickly develop protocols

1 for such testing with a goal of providing useful in-  
2 formation within one week and more complete infor-  
3 mation in two weeks.

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

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

24 (4) POTENTIAL SCALE-UP.—The Director shall  
25 consult with industry and shall determine the max-

1       imum technical and economic capacity and shortest  
2       times that would be possible to scale up production  
3       and supplies of different methods of testing.

4           (5) DETERMINATION OF INFECTION RATES.—

5       The Director shall implement an emergency sero-  
6       logic testing program in at least two distinct geo-  
7       graphic areas of high infection rates to help deter-  
8       mine levels of infection relative to levels of those  
9       with symptoms, those hospitalized, and those in need  
10      of intensive care.

11          (6) USE OF TESTS IN REOPENING PLANS.—The

12      Director shall evaluate the potential and logistics of  
13      different forms of testing, including mobile testing  
14      units, using different products as appropriate, to  
15      contribute to reopening plans. Possible ways of using  
16      testing to be evaluated shall include using different  
17      forms of tests as a way to filter those available for  
18      employment or eligible to engage on other social ac-  
19      tivities, use of tests for contact tracing and quar-  
20      antine, use of tests for particular categories of high-  
21      contact employment, and use of population-level test-  
22      ing. Based on these analyses and the best available  
23      information regarding sources and levels of disease  
24      transmission, the Director shall provide as soon as  
25      possible recommendations for how different forms of

1 testing under different requirements might be capa-  
2 ble of contributing to reopening plans and shall up-  
3 date these recommendations as new information be-  
4 comes available.

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

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

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

16 (a) IN GENERAL.—Within 10 business days of the  
17 date of enactment of this Act, the Director of the Defense  
18 Logistics Agency shall establish a panel, to be known as  
19 the Coronavirus Reopening Advisory Panel, to advise the  
20 Secretary and the members of the Coronavirus Health  
21 Equipment Production Board in carrying out their duties  
22 and authorities under this Act.

23 (b) MEMBERSHIP.—

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

1 (A) three epidemiologists or other experts  
2 in public health;

3 (B) three experts in economics or business;

4 (C) three experts in production systems;

5 and

6 (D) three experts with experience directly  
7 representing workers and ensuring their health  
8 and safety in the workplace.

9 (2) APPOINTMENT.—The President, the Speak-  
10 er of the House of Representatives, and the majority  
11 leader of the Senate shall each appoint 1 member of  
12 the Advisory Panel in each of the 4 categories listed  
13 in paragraph (1).

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

17 (4) PAY.—Each member of the Advisory Panel  
18 shall be paid at a rate equal to the daily equivalent  
19 of the annual rate of basic pay for level I of the Ex-  
20 ecutive Schedule for each day (including travel time)  
21 during which such member is engaged in the actual  
22 performance of duties vested in the Advisory Panel.

23 (c) OBTAINING OFFICIAL DATA.—The Advisory  
24 Panel may secure directly from any department or agency  
25 of the United States information necessary to enable the

1 Advisory Panel to carry out this section. Upon request of  
2 the Chair of the Advisory Panel, the head of that depart-  
3 ment or agency shall furnish that information to the Advi-  
4 sory Panel.

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

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

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

15 (g) FUNDING.—The Director of the Defense Logis-  
16 tics Agency shall fund the costs of this panel from the  
17 sums authorized and appropriated to the Coronavirus  
18 Health Equipment Production Board.