

116TH CONGRESS
2D SESSION

H. R. 6390

To require the President to use authorities under the Defense Production Act of 1950 to require emergency production of medical equipment to address the COVID-19 outbreak.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2020

Mr. RYAN (for himself, Ms. SLOTKIN, Mr. KATKO, Mr. SCHNEIDER, Mrs. TORRES of California, Mr. ROSE of New York, Mr. RUPPERSBERGER, Mr. DAVID SCOTT of Georgia, Mr. RUSH, Mr. LUJÁN, Mr. SOTO, Mr. MALINOWSKI, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. HIMES, Mr. KHANNA, Ms. PRESSLEY, Mr. LAMB, Mrs. TRAHAN, Mr. BROWN of Maryland, Ms. PINGREE, Mr. PHILLIPS, Mr. GARCÍA of Illinois, Mr. PAYNE, Mr. GALLEG0, Ms. KAPTUR, Ms. FUDGE, Mr. LYNCH, Ms. LEE of California, Ms. SPEIER, Mr. RASKIN, Mr. CISNEROS, Ms. BARRAGÁN, Mr. KILDEE, Ms. STEVENS, Ms. HOULAHAN, Ms. WEXTON, Mr. ALLRED, Ms. SHERRILL, Ms. ESHOO, Mr. DEFazio, Ms. GABBARD, Ms. SPANBERGER, Mr. COURTNEY, Mr. LOEBSACK, Mr. GOTTHEIMER, Mr. SCHIFF, Mr. HASTINGS, Mrs. WATSON COLEMAN, Miss RICE of New York, Mr. NORCROSS, Mr. KILMER, Ms. CRAIG, Mr. THOMPSON of Mississippi, Ms. BONAMICI, Ms. SCANLON, Ms. NORTON, Mr. BEYER, Ms. KUSTER of New Hampshire, Mr. LARSON of Connecticut, Mr. YARMUTH, Ms. ESCOBAR, Mr. SIRES, Mr. PERLMUTTER, Mr. KIM, Mr. BALDERSON, and Mr. NEGUSE) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To require the President to use authorities under the Defense Production Act of 1950 to require emergency production of medical equipment to address the COVID-19 outbreak.

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 “Medical Supply Chain
5 Emergency Act of 2020”.

6 **SEC. 2. EMERGENCY PRODUCTION OF MEDICAL EQUIP-**
7 **MENT TO ADDRESS COVID-19 OUTBREAK.**

8 (a) IN GENERAL.—Immediately upon the enactment
9 of this Act, the President shall—

10 (1) determine under section 101(b) of the De-
11 fense Production Act of 1950 (50 U.S.C. 4511(b))
12 that—

13 (A) medical equipment described in para-
14 graph (3)(A) is scarce and a critical material
15 essential to the national defense; and

16 (B) the requirements of the national de-
17 fense for such equipment cannot be met without
18 exercising the authorities provided by the De-
19 fense Production Act of 1950 (50 U.S.C. 4501
20 et seq.);

21 (2) identify private sector capacity to produce
22 such equipment; and

23 (3) exercise the authorities provided by the De-
24 fense Production Act of 1950 to the extent nec-
25 essary—

1 (A) to require emergency production of—

2 (i) not less than—

3 (I) 500,000,000 N95 respirators;

4 (II) 200,000 medical ventilators;

5 (III) 20,000,000 face shields;

6 (IV) 500,000,000 pairs of med-

7 ical exam gloves; and

8 (V) 20,000,000 surgical gowns;

9 and

10 (ii) such other medical equipment as

11 the President determines to be necessary

12 to address the coronavirus disease 2019

13 (commonly known as “COVID-19”) out-

14 break; and

15 (B) to establish a fair and reasonable price

16 for the sale of medical equipment produced pur-

17 suant to subparagraph (A).

18 (b) COORDINATION.—The President shall coordinate

19 and direct the allocation of medical equipment produced

20 under subsection (a) based on requests from the Gov-

21 ernors of the States and the needs of the States, as deter-

22 mined based on—

23 (1) the number of cases of COVID-19 in a

24 State; and

1 (2) the proportion of the population in a State
2 with a higher risk of developing a serious illness
3 from COVID-19.

4 (c) FUNDING.—Amounts available in the Defense
5 Production Act Fund under section 304 of the Defense
6 Production Act of 1950 (50 U.S.C. 4534) shall be avail-
7 able to carry out this section.

8 (d) TERMINATION.—

9 (1) IN GENERAL.—This section, and authorities
10 carried out pursuant to this section, shall terminate
11 on the date on which the national emergency de-
12 clared under the National Emergencies Act (50
13 U.S.C. 1601 et seq.) on March 13, 2020, relating to
14 the COVID-19 outbreak, terminates.

15 (2) DISPOSITION OF UNUSED MEDICAL EQUIP-
16 MENT.—Any medical equipment produced pursuant
17 to subsection (a) using amounts from the Defense
18 Production Act Fund and unused as of the date de-
19 scribed in paragraph (1) shall be deposited in the
20 Strategic National Stockpile.

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