

116TH CONGRESS
2D SESSION

S. 3568

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 SENATE OF THE UNITED STATES

MARCH 23, 2020

Mr. MURPHY (for himself, Mr. SCHATZ, Mr. BENNET, Mr. HEINRICH, Mrs. GILLIBRAND, Mr. MANCHIN, Mr. BLUMENTHAL, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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”.

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

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

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

8 (A) medical equipment described in para-
9 graph (3)(A) is scarce and a critical material
10 essential to the national defense; and

11 (B) the requirements of the national de-
12 fense for such equipment cannot be met without
13 exercising the authorities provided by the De-
14 fense Production Act of 1950 (50 U.S.C. 4501
15 et seq.);

16 (2) identify private sector capacity to produce
17 such equipment;

18 (3) exercise the authorities provided by the De-
19 fense Production Act of 1950 to the extent nec-
20 essary—

21 (A) to require emergency production of—

22 (i) not less than—

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

24 (II) 200,000 medical ventilators;

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

1 (IV) 500,000,000 pairs of med-
2 ical exam gloves; and

3 (V) 20,000,000 surgical gowns;
4 and

5 (ii) such other medical equipment as
6 the President determines to be necessary
7 to address the coronavirus disease 2019
8 (commonly known as “COVID-19”) out-
9 break; and

10 (B) to establish a fair and reasonable price
11 for the sale of medical equipment produced pur-
12 suant to subparagraph (A).

13 (b) COORDINATION.—The President shall coordinate
14 and direct the allocation of medical equipment produced
15 under subsection (a) based on requests from the Gov-
16 ernors of the States and the needs of the States, as deter-
17 mined based on—

18 (1) the number of cases of COVID-19 in a
19 State; and

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

23 (c) FUNDING.—Amounts available in the Defense
24 Production Act Fund under section 304 of the Defense

1 Production Act of 1950 (50 U.S.C. 4534) shall be avail-
2 able to carry out this section.

3 (d) TERMINATION.—

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

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

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