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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To require the President to use authorities under the Defense Production Act of 1950 to require emergency production of COVID–19 supplies to address the COVID–19 pandemic, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. POCAN introduced the following bill; which was referred to the Committee
on _____

A BILL

To require the President to use authorities under the Defense Production Act of 1950 to require emergency production of COVID–19 supplies to address the COVID–19 pandemic, 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 “COVID–19 Emergency
5 Production Act”.

1 **SEC. 2. EMERGENCY PRODUCTION OF SUPPLIES TO AD-**
2 **DRESS COVID-19 PANDEMIC.**

3 (a) IN GENERAL.—Not later than 1 day after the
4 date of the enactment of this section, 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) COVID-19 supplies are a scarce and
9 critical material essential to the national de-
10 fense; and

11 (B) the requirements of the national de-
12 fense for such COVID-19 supplies cannot be
13 met without exercising the authorities provided
14 by the Defense Production Act of 1950 (50
15 U.S.C. 4501 et seq.);

16 (2) identify private sector capacity to produce
17 such COVID-19 supplies; and

18 (3) exercise the authorities provided by the De-
19 fense Production Act of 1950 (50 U.S.C. 4501 et
20 seq.) to the extent necessary—

21 (A) to require emergency production of the
22 supplies needed to respond to the COVID-19
23 pandemic; and

24 (B) to establish a fair and reasonable price
25 for the sale of COVID-19 supplies produced
26 pursuant to subparagraph (A).

1 (b) COORDINATION.—The President shall coordinate
2 and direct the distribution of COVID–19 supplies pro-
3 duced under subsection (a)(3)(A) based on—

4 (1) requests submitted to the President by the
5 Governors of the States; and

6 (2) the needs of the States, as determined
7 based on the populations of each State.

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

12 (d) TERMINATION.—

13 (1) IN GENERAL.—This section shall terminate
14 on the date on which there are no remaining re-
15 quests under subsection (b)(1).

16 (2) DISPOSITION OF UNUSED COVID–19 SUP-
17 PLIES.—Any COVID–19 supplies produced pursuant
18 to subsection (a)(3)(A) using amounts from the De-
19 fense Production Act Fund and unused as of the
20 date described in paragraph (1) shall be deposited in
21 the Strategic National Stockpile under section
22 319F–2 of the Public Health Service Act (42 U.S.C.
23 247d–6b), including any such supplies authorized for
24 emergency use under section 564 of the Federal

1 Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-
2 3).

3 (e) DEFINITIONS.—In this Act:

4 (1) COVID-19 SUPPLIES.—The term “COVID-
5 19 supplies” includes—

6 (A) personal protective equipment, includ-
7 ing face shields, N-95 respirator masks, and
8 any other masks determined by the Secretary of
9 Health and Human Services to be needed to re-
10 spond to the COVID-19 pandemic and the ma-
11 terials necessary to produce such personal pro-
12 tective equipment;

13 (B) diagnostic tests for COVID-19 and
14 the reagents and other materials necessary for
15 producing or conducting such tests; and

16 (C) any vaccine approved by the Food and
17 Drug Administration to prevent COVID-19 and
18 other materials necessary for producing and ad-
19 ministering such vaccines.

20 (2) STATE.—The term “State” includes the
21 District of Columbia, the Commonwealth of Puerto
22 Rico, the Virgin Islands, Guam, American Samoa,
23 and the Commonwealth of the Northern Mariana Is-
24 lands.