

116TH CONGRESS
2D SESSION

S. _____

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

Mr. MURPHY (for himself, Mr. SCHATZ, Mr. BENNET, Mr. HEINRICH, Mrs. GILLIBRAND, Mr. MANCHIN, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and 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 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.