

117TH CONGRESS  
1ST SESSION

# H. R. 1720

To provide additional funding under the Defense Production Act of 1950 related to medical supplies and equipment directly related to combating the COVID–19 pandemic, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2021

Mr. VARGAS (for himself and Ms. WATERS) introduced the following bill;  
which was referred to the Committee on Financial Services

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## A BILL

To provide additional funding under the Defense Production Act of 1950 related to medical supplies and equipment directly related to combating 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 Medical  
5       Production Act”.

1 **SEC. 2. COVID-19 EMERGENCY MEDICAL SUPPLIES EN-**  
2 **HANCEMENT.**

3 (a) SUPPORTING ENHANCED USE OF THE DEFENSE  
4 PRODUCTION ACT OF 1950.—In addition to funds other-  
5 wise available, there is appropriated, out of amounts in  
6 the Treasury not otherwise appropriated, for fiscal year  
7 2021, \$10,000,000,000, to remain available until Sep-  
8 tember 30, 2025, to carry out titles I, III, and VII of the  
9 Defense Production Act of 1950 (50 U.S.C. 4501 et seq.)  
10 in accordance with subsection (b).

11 (b) MEDICAL SUPPLIES AND EQUIPMENT.—

12 (1) TESTING, PPE, VACCINES, AND OTHER MA-  
13 TERIALS.—Except as provided in paragraph (2),  
14 amounts appropriated in subsection (a) shall be used  
15 for the purchase, production (including the construc-  
16 tion, repair, and retrofitting of government-owned or  
17 private facilities as necessary), or distribution of  
18 medical supplies and equipment (including durable  
19 medical equipment) related to combating the  
20 COVID-19 pandemic, including—

21 (A) in vitro diagnostic products (as defined  
22 in section 809.3(a) of title 21, Code of Federal  
23 Regulations) for the detection of SARS-CoV-2  
24 or the diagnosis of the virus that causes  
25 COVID-19, and the reagents and other mate-  
26 rials necessary for producing, conducting, or

1 administering such products, and the machin-  
2 ery, equipment, laboratory capacity, or other  
3 technology necessary to produce such products;

4 (B) face masks and personal protective  
5 equipment, including face shields, nitrile gloves,  
6 N-95 filtering facepiece respirators, and any  
7 other masks or equipment (including durable  
8 medical equipment) determined by the Sec-  
9 retary of Health and Human Services to be  
10 needed to respond to the COVID-19 pandemic,  
11 and the materials, machinery, additional manu-  
12 facturing lines or facilities, or other technology  
13 necessary to produce such equipment; and

14 (C) drugs and devices (as those terms are  
15 defined in the Federal Food, Drug, and Cos-  
16 metic Act (21 U.S.C. 301 et seq.)) and biologi-  
17 cal products (as that term is defined by section  
18 351 of the Public Health Service Act (42  
19 U.S.C. 262)) that are approved, cleared, li-  
20 censed, or authorized under either of such Acts  
21 for use in treating or preventing COVID-19  
22 and symptoms related to COVID-19, and any  
23 materials, manufacturing machinery, additional  
24 manufacturing or fill-finish lines or facilities,  
25 technology, or equipment (including durable

1 medical equipment) necessary to produce or use  
2 such drugs, biological products, or devices (in-  
3 cluding syringes, vials, or other supplies or  
4 equipment related to delivery, distribution, or  
5 administration).

6 (2) RESPONDING TO PUBLIC HEALTH EMER-  
7 GENCIES.—After September 30, 2022, amounts ap-  
8 propriated in subsection (a) may be used for any ac-  
9 tivity authorized by paragraph (1), or any other ac-  
10 tivity that the Secretary of Health and Human Serv-  
11 ices determines to be necessary, to meet critical pub-  
12 lic health needs of the United States, with respect  
13 to any pathogen that the President has determined  
14 has the potential for creating a public health emer-  
15 gency.

16 (c) DELEGATION AUTHORITY.—For purposes of  
17 using amounts appropriated in subsection (a), the Presi-  
18 dent shall only delegate authority to—

19 (1) with respect to any uses described under  
20 subsection (b), the Secretary of Health and Human  
21 Services;

22 (2) with respect to uses described under sub-  
23 section (b)(1), the head of any other agency respon-  
24 sible for responding to the COVID–19 pandemic if  
25 the President determines that such delegation is im-

1       portant to an effective response to such pandemic;  
2       and

3               (3) with respect to uses described under sub-  
4       section (b)(2), the head of any other agency respon-  
5       sible for responding to any pathogen with the poten-  
6       tial for creating a public health emergency if the  
7       President determines that such delegation is impor-  
8       tant to an effective response to a public health emer-  
9       gency that may be created by such pathogen.

10       (d) APPLICATION OF LIMITATIONS UNDER THE DE-  
11       FENSE PRODUCTION ACT OF 1950.—The requirements  
12       described in section 304(e) of the Defense Production Act  
13       of 1950 (50 U.S.C. 4534(e)) shall not apply to the funds  
14       appropriated in subsection (a) until September 30, 2025.

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