

116TH CONGRESS
2D SESSION

H. R. 8943

To direct the President to use authority under the Defense Production Act of 1950 to ensure an adequate supply of equipment necessary for limiting the spread of COVID–19, to elevate the Director of the Defense Logistics Agency as the head of the COVID–19 Joint Acquisition Task Force, to require the Director of the Defense Logistics Agency to establish a system for States and localities to access covered items during a covered emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2020

Mr. LARSON of Connecticut (for himself, Mr. COURTNEY, Mrs. HAYES, and Mr. HIMES) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Financial Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the President to use authority under the Defense Production Act of 1950 to ensure an adequate supply of equipment necessary for limiting the spread of COVID–19, to elevate the Director of the Defense Logistics Agency as the head of the COVID–19 Joint Acquisition Task Force, to require the Director of the Defense Logistics Agency to establish a system for States and localities to access covered items during a covered emergency, 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 “Pandemic Supplies
5 Production Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The global shortage of medical and sanita-
9 tion supplies due to the COVID–19 pandemic has
10 paralyzed health care systems and strained emer-
11 gency response capabilities of governments around
12 the world.

13 (2) The pandemic demonstrated the inter-
14 dependent nature and the limitations of global sup-
15 ply chains as both our nation and the world com-
16 petes for a finite number of suppliers for critical
17 medical and sanitation resources.

18 (3) Providing a comprehensive understanding of
19 how to procure, manage, deliver, and sustain at scale
20 was necessary during this crisis, and will be critical
21 as the U.S. replenishes current supplies and plans
22 for future crises.

23 (4) The Federal Emergency Management Agen-
24 cy and the Department of Health and Human Serv-
25 ices were challenged to rapidly identify, procure, and

1 deploy large quantities of goods and services while
2 simultaneously responding and planning for the re-
3 covery of the United States from this global pan-
4 demic.

5 (5) The traditional interagency emergency re-
6 sponse structure, built to respond to natural disas-
7 ters typically defined by geographic locales, does not
8 have the capacity to scale quickly to address a crisis
9 of this magnitude.

10 (6) The Department of Defense leveraged ac-
11 quisition and supply chain expertise are uniquely
12 suited to rapidly scale and establish acquisition
13 strategies, for both procurement of supplies, expan-
14 sion of industrial capabilities and distribution of
15 such supplies as the COVID–19 response require-
16 ments evolved.

17 (7) As the combat logistics support agency for
18 the Nation, the Defense Logistics Agency (“DLA”)
19 manages the global supply chain—from raw mate-
20 rials to end user to disposition—for the Army, Ma-
21 rine Corps, Navy, Air Force, Space Force, Coast
22 Guard, 11 combatant commands, other Federal
23 agencies, and partner and allied nations.

24 (8) DLA has supported the COVID–19 re-
25 sponse of the Department of Defense by increasing

1 the production and acquisition of critical items
2 through existing large-scale contracts across multiple
3 supply chains.

4 (9) As a logistics integrator and acquisition and
5 service provider, DLA has the unique capability to
6 manage the supply chain that few other organiza-
7 tions, public or private, can match to assist States,
8 local governments, hospitals, and health care pro-
9 viders around the country with supplies so they are
10 not needlessly competing against one another.

11 (10) Additionally, the COVID–19 Joint Acqui-
12 sition Task Force (“JATF”), established by the
13 Under Secretary of Defense for Acquisition and
14 Sustainment, plays a critical role in the national re-
15 sponse to the COVID–19 pandemic.

16 (11) The JATF’s understanding of reliance on
17 foreign suppliers, often many tiers down in the sup-
18 ply chain, and the impact of that reliance on pro-
19 ducing at scale has allowed the Secretary of Health
20 and Human Services to better plan for replenish-
21 ment of the Strategic National Stockpile.

22 (12) DLA should provide direct support for
23 States during the COVID–19 pandemic and future
24 emergencies.

1 (13) DLA can identify private sector capacity
2 and assess additional needs for vaccines and supplies
3 during the COVID–19 pandemic and during future
4 emergencies.

5 (14) The Department of Health and Human
6 Services estimated that healthcare providers may
7 need 3,500,000,000 face masks to meet potential
8 long-term need.

9 (15) Testing capacity and testing materials
10 have not met existing needs, as well as therapeutics.

11 **SEC. 3. USE OF DEFENSE PRODUCTION ACT AUTHORITY**
12 **FOR EQUIPMENT NECESSARY FOR LIMITING**
13 **SPREAD OF COVID-19.**

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

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

19 (A) medical equipment and supplies, test-
20 ing materials, ventilators, and personal protec-
21 tive equipment are scarce and critical material
22 essential to the national defense; and

23 (B) the requirements of the national de-
24 fense for such equipment cannot be met without
25 exercising the authorities provided by the De-

1 fense Production Act of 1950 (50 U.S.C. 4501
2 et seq.);

3 (2) identify private sector capacity to produce
4 such equipment; and

5 (3) exercise the authorities provided by the De-
6 fense Production Act of 1950 to the extent nec-
7 essary—

8 (A) to mitigate, where possible, the de-
9 pendency of the United States on overseas
10 sources of supply of each such materials during
11 the global shortage; and

12 (B) to ensure the immediate adequacy of
13 productive capacity and supply of ventilators,
14 N-95 masks and other essential personal pro-
15 tective equipment, therapeutics, and tests and
16 testing supplies needed to address the COVID-
17 19 crisis based on an assessment of needs.

18 (b) REPORTS.—Beginning on the date of the declara-
19 tion of a national pandemic or the declaration of a public
20 health emergency and ending on the date that is 7 days
21 after the termination of such pandemic or emergency, the
22 head of the agency coordinating the National response to
23 the pandemic or emergency, shall submit to Congress
24 weekly reports on—

1 (1) the status of the production of equipment,
2 ventilators, medical protective gear, therapeutics,
3 and tests and testing supplies;

4 (2) available resources; and

5 (3) the plan for the distribution of equipment,
6 ventilators, medical protective gear, therapeutics,
7 and tests and testing supplies.

8 (c) TERMINATION.—This section, and authorities
9 carried out pursuant to this section, shall terminate on
10 the date on which the national emergency declared under
11 the National Emergencies Act (50 U.S.C. 1601 et seq.),
12 relating to the COVID-19 outbreak, terminates.

13 **SEC. 4. DEFENSE LOGISTICS AGENCY SYSTEM TO ACCESS**
14 **COVERED ITEMS DURING A COVERED EMER-**
15 **GENCY.**

16 (a) ESTABLISHMENT.—Not later than 90 days after
17 the date of the enactment of this Act, the Director of the
18 Defense Logistics Agency shall—

19 (1) establish and maintain a online system, or
20 expand access to an existing system, through which
21 States and local governments affected by a covered
22 emergency may submit requests for covered items;
23 and

24 (2) establish procedures for fulfilling such re-
25 quests.

1 (b) FUNDING.—The Secretary of Homeland Security,
2 acting through the Director of the Federal Emergency
3 Management Agency, shall transfer such amounts as de-
4 termined by the Secretary of Defense, acting through the
5 Director of the Defense Logistics Agency, to be derived
6 from the unobligated balances of amounts appropriated or
7 otherwise made available to the Disaster Relief Fund, to
8 reimburse costs that the Secretary of Defense certifies to
9 the Secretary of Homeland Security were incurred to carry
10 out this section.

11 (c) DEFINITIONS.—In this section:

12 (1) The term “covered emergency” means—

13 (A) a major disaster declared by the Presi-
14 dent under section 401 of the Robert T. Staf-
15 ford Disaster Relief and Emergency Assistance
16 Act; or

17 (B) an emergency or disaster declared by
18 a Governor of a State or the head of a unit of
19 local government.

20 (2) The term “covered item” means a good or
21 service determined by the Director of the Defense
22 Logistics Agency to be essential to respond to a cov-
23 ered emergency.

24 (3) The term “unit of local government” means
25 a county, municipality, town, township, village, par-

1 ish, borough, Tribe, or other unit of general govern-
2 ment.

3 **SEC. 5. COVID–19 JOINT ACQUISITION TASK FORCE.**

4 The Under Secretary of Defense for Acquisition and
5 Sustainment shall designate the Director of the Defense
6 Logistics Agency as the head of the COVID–19 Joint Ac-
7 quisition Task Force (established on March 25, 2020).

8 **SEC. 6. REPORTS.**

9 (a) MASS PRODUCTION OF COVID–19 VACCINE.—
10 Not later than 60 days after the date of the enactment
11 of this Act, the Director of the Defense Logistics Agency
12 shall submit to Congress a report describing the needs of
13 the domestic manufacturing base for the mass production
14 of a COVID–19 vaccine, including the raw materials need-
15 ed and an identification of specific entities that could sup-
16 port such mass production.

17 (b) QUARTERLY REPORTS.—

18 (1) IN GENERAL.—Each quarter, the Director
19 of the Defense Logistics Agency shall submit to
20 Congress—

21 (A) an assessment of the identified needs,
22 personnel requirements, funding requirements,
23 and timelines and milestones of operations for
24 the response and recovery efforts of the Defense
25 Logistics Agency and the COVID–19 Joint Ac-

1 quisition Task Force during the COVID–19
2 pandemic; and

3 (B) a description of any challenges faced
4 in carrying out such efforts and recommenda-
5 tions to resolve such challenges.

6 (2) TERMINATION.—The requirement under
7 paragraph (1) shall terminate at the end of the first
8 quarter that begins after the national emergency de-
9 clared under the National Emergencies Act (50
10 U.S.C. 1601 et seq.), relating to the COVID–19 out-
11 break, terminates.

○