

117TH CONGRESS
1ST SESSION

H. R. 2032

To direct the President to use authority under the Defense Production Act of 1950 to ensure an adequate supply equipment necessary for limiting the spread of COVID–19, 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

MARCH 18, 2021

Mr. LARSON of Connecticut (for himself and Mr. COURTNEY) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Financial Services, 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 equipment necessary for limiting the spread of COVID–19, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pandemic Supplies
3 Production Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

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

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

21 (4) The Federal Emergency Management Agen-
22 cy and the Department of Health and Human Serv-
23 ices were challenged to rapidly identify, procure and
24 deploy large quantities of goods and services while
25 simultaneously responding and planning for the re-

1 covery of the United States from this global pan-
2 demic.

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

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

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

22 (8) DLA has supported the COVID–19 re-
23 sponse of the Department of Defense by increasing
24 the production and acquisition of critical items

1 through existing large-scale contracts across multiple
2 supply chains.

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

10 (10) The understanding of the reliance of the
11 United States on foreign suppliers, often many tiers
12 down in the supply chain, and the impact of that re-
13 liance on producing at scale, has allowed the Sec-
14 retary of Health and Human Services to better plan
15 for replenishment of the Strategic National Stock-
16 pile.

17 (11) DLA should provide direct support for
18 States during the COVID-19 pandemic and future
19 emergencies.

20 (12) DLA can identify private sector capacity
21 and assess additional needs for vaccines, thera-
22 peutics, tests, personal protective equipment, and
23 supplies during the COVID-19 pandemic and during
24 future emergencies.

1 (13) Testing capacity and testing materials
2 have not met existing needs, as well as therapeutics.

3 **SEC. 3. USE OF DEFENSE PRODUCTION ACT AUTHORITY**
4 **FOR EQUIPMENT NECESSARY FOR LIMITING**
5 **SPREAD OF COVID-19.**

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

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

11 (A) medical equipment and supplies, test-
12 ing materials, ventilators, and personal protec-
13 tive equipment are scarce and critical material
14 essential to the national defense; and

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

20 (2) identify private sector capacity to produce
21 such equipment; and

22 (3) exercise the authorities provided by the De-
23 fense Production Act of 1950 to the extent nec-
24 essary—

1 (A) to mitigate, where possible, the de-
2 pendency of the United States on overseas
3 sources of supply of each such materials during
4 the global shortage; and

5 (B) to ensure the immediate adequacy of
6 productive capacity and supply of ventilators,
7 N-95 masks and other essential personal pro-
8 tective equipment, therapeutics, and tests and
9 testing supplies needed to address the COVID-
10 19 crisis based on an assessment of needs.

11 (b) REPORTS.—Beginning on the date of the declara-
12 tion of a national pandemic or the declaration of a public
13 health emergency and ending on the date that is 7 days
14 after the termination of such pandemic or emergency, the
15 head of the agency coordinating the National response to
16 the pandemic or emergency, shall submit to Congress
17 weekly reports on—

18 (1) the status of the production of equipment,
19 ventilators, medical protective gear, therapeutics,
20 and tests and testing supplies;

21 (2) available resources; and

22 (3) the plan for the distribution of equipment,
23 ventilators, medical protective gear, therapeutics,
24 and tests and testing supplies.

1 (c) TERMINATION.—This section, and authorities
2 carried out pursuant to this section, shall terminate on
3 the date on which the national emergency declared under
4 the National Emergencies Act (50 U.S.C. 1601 et seq.),
5 relating to the COVID–19 outbreak, terminates.

6 **SEC. 4. DEFENSE LOGISTICS AGENCY SYSTEM TO ACCESS**
7 **COVERED ITEMS DURING A COVERED EMER-**
8 **GENCY.**

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

12 (1) establish and maintain a online system, or
13 expand access to an existing system, through which
14 States and local governments affected by a covered
15 emergency may submit requests for covered items;
16 and

17 (2) establish procedures for fulfilling such re-
18 quests.

19 (b) FUNDING.—The Secretary of Homeland Security,
20 acting through the Director of the Federal Emergency
21 Management Agency, shall transfer such amounts as de-
22 termined by the Secretary of Defense, acting through the
23 Director of the Defense Logistics Agency, to be derived
24 from the unobligated balances of amounts appropriated or
25 otherwise made available to the Disaster Relief Fund, to

1 reimburse costs that the Secretary of Defense certifies to
2 the Secretary of Homeland Security were incurred to carry
3 out this section.

4 (c) DEFINITIONS.—In this section:

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

6 (A) a major disaster declared by the Presi-
7 dent under section 401 of the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance
9 Act; or

10 (B) an emergency or disaster declared by
11 a Governor of a State or the head of a unit of
12 local government.

13 (2) The term “covered item” means a good or
14 service determined by the Director of the Defense
15 Logistics Agency to be essential to respond to a cov-
16 ered emergency.

17 (3) The term “unit of local government” means
18 a county, municipality, town, township, village, par-
19 ish, borough, Tribe, or other unit of general govern-
20 ment.

21 **SEC. 5. REPORTS.**

22 (a) MASS PRODUCTION OF COVID-19 VACCINE.—
23 Not later than 60 days after the date of the enactment
24 of this Act, the Director of the Defense Logistics Agency
25 shall submit to Congress a report describing the needs of

1 the domestic manufacturing base for the mass production
2 of a COVID–19 vaccine, including the raw materials need-
3 ed and an identification of specific entities that could sup-
4 port such mass production.

5 (b) QUARTERLY REPORTS.—

6 (1) IN GENERAL.—Each quarter, the Director
7 of the Defense Logistics Agency shall submit to
8 Congress—

9 (A) an assessment of the identified needs,
10 personnel requirements, funding requirements,
11 and timelines and milestones of operations for
12 the response and recovery efforts of Defense
13 Logistics Agency and the COVID–19 Joint Ac-
14 quisition Task Force during the COVID–19
15 pandemic; and

16 (B) a description of any challenges faced
17 in carrying out such efforts and recommenda-
18 tions to resolve such challenges.

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

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