

116TH CONGRESS
2D SESSION

S. RES. _____

Encouraging the President to use authorities provided by the Defense Production Act of 1950 to scale up the national response to the coronavirus crisis.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Encouraging the President to use authorities provided by the Defense Production Act of 1950 to scale up the national response to the coronavirus crisis.

Whereas more than 3,800 people in the United States have already tested positive for the novel coronavirus across 49 States, the District of Columbia, and 3 territories, with experts believing the number is already much higher;

Whereas the Centers for Disease Control and Prevention have projected that between 160,000,000 and 214,000,000 people could be infected by the novel coronavirus in the United States over the course of the pandemic;

Whereas the United States health care sector is facing severe shortages of critical supplies for coronavirus testing and

treatment, including personal protective equipment for staff and infected patients, N95 respirators, sanitizing materials, ventilators, and test kit supplies;

Whereas the Strategic National Stockpile contains only a fraction of the supplies that the Department of Health and Human Services estimates will be necessary to respond to the coronavirus crisis, with the stockpile currently holding less than 0.3 percent of the amount of respirators estimated to be necessary;

Whereas the President has the existing authority under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) to take immediate action to mobilize United States industry for emergency preparedness activities conducted pursuant to title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), which has been previously used to respond to public health hazards; and

Whereas the President issued a national emergency declaration relating to the novel coronavirus under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) on March 13, 2020: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) calls on the President to use existing au-
3 thorities under the Defense Production Act of 1950
4 (50 U.S.C. 4501 et seq.) to massively and quickly
5 ramp up production in the United States of medical
6 supplies, including personal protective equipment,
7 needed to respond to the ongoing public health

1 emergency driven by the spread of the novel
2 coronavirus;

3 (2) urges the President to prioritize the use of
4 those authorities to produce and secure additional
5 personal protective equipment, test kit supplies, res-
6 pirators, ventilators, and sanitizing materials for use
7 within the health care sector in the United States;

8 (3) supports the use of authorities under title
9 I of the Defense Production Act of 1950 (50 U.S.C.
10 4511 et seq.) to allocate and control the distribution
11 of medical materials needed for testing and treating
12 the novel coronavirus, including by directing sup-
13 pliers to prioritize and accept government contracts
14 to restock the Strategic National Stockpile where
15 necessary;

16 (4) supports the use of authorities under title
17 III of the Defense Production Act of 1950 (50
18 U.S.C. 4531 et seq.) to provide financial incentives
19 to manufacturers and suppliers of critical medical
20 equipment, including loans, loan guarantees, direct
21 purchases, and purchase commitments; and

22 (5) supports the use of authorities under title
23 VII of the Defense Production Act of 1950 (50
24 U.S.C. 4551 et seq.) to establish voluntary agree-
25 ments between the Federal Government and private

1 industry that would allow for the temporary coordi-
2 nation of production of necessary and scarce medical
3 supplies.