

116TH CONGRESS
2D SESSION

S. 3570

To provide for the expedited procurement of equipment needed to combat COVID-19 under the Defense Production Act of 1950.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2020

Ms. BALDWIN (for herself, Mr. BLUMENTHAL, Mr. BENNET, Mr. BOOKER, Ms. DUCKWORTH, Mrs. SHAHEEN, Ms. HIRONO, Ms. HARRIS, Mr. VAN HOLLEN, Ms. HASSAN, Mr. CASEY, Ms. WARREN, Mr. KAINE, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. CARPER, Mr. TESTER, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide for the expedited procurement of equipment needed to combat COVID-19 under the Defense Production Act of 1950.

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. EXPEDITED PROCUREMENT OF EQUIPMENT**

4 **NEEDED TO COMBAT COVID-19.**

5 (a) REPORT REQUIRED.—Not later than 7 days after
6 the date of the enactment of this Act, the National Re-
7 sponse Coordination Center of the Federal Emergency
8 Management Agency, in coordination with the Defense

1 Logistics Agency and in consultation with the Department
2 of Health and Human Services, shall submit to Congress
3 and the President a report that includes—

4 (1) an assessment of the need across the United
5 States for equipment necessary to prevent, identify,
6 and mitigate cases of coronavirus disease 2019
7 (commonly known as “COVID-19”), including per-
8 sonal protective equipment and ventilators;

9 (2) an identification of the industry sectors and
10 manufacturers most ready to fulfill purchase orders
11 for such equipment; and

12 (3) an identification of government and pri-
13 vately owned stockpiles of equipment not included in
14 the Strategic National Stockpile that could be re-
15 paired or refurbished.

16 (b) PURCHASE ORDERS.—

17 (1) IMMEDIATE PURCHASES.—Not later than
18 24 hours after the enactment of this Act, the Presi-
19 dent shall issue a “DX” rated priority purchase
20 order pursuant to Department of Defense Directive
21 4400.1 to procure 300,000,000 N95 respirators and
22 facemasks under authorities provided by the Defense
23 Production Act of 1950 (50 U.S.C. 4501 et seq.).

24 (2) ADDITIONAL PURCHASES.—Not later than 7
25 days after receiving the report required by sub-

1 section (a), the President shall issue “DX” rated
2 priority purchase orders pursuant to Department of
3 Defense Directive 4400.1 to procure equipment iden-
4 tified under paragraph (1) of that subsection under
5 authorities provided by the Defense Production Act
6 of 1950 (50 U.S.C. 4501 et seq.).

7 (c) WAIVER OF CERTAIN REQUIREMENTS.—The re-
8 quirements of sections 301(d)(1)(A), 302(d)(1), and sub-
9 paragraphs (B) and (C) of section 303(a)(6) of the De-
10 fense Production Act of 1950 (50 U.S.C. 4531(d)(1)(A),
11 4532(d)(1), and 4533(a)(6)) are waived for purposes of
12 this section.

13 (d) FUNDING.—Amounts available in the Defense
14 Production Act Fund under section 304 of the Defense
15 Production Act of 1950 (50 U.S.C. 4534) shall be avail-
16 able for purchases made under this section.

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