

Administration of Donald J. Trump, 2020

Memorandum on an Order Under the Defense Production Act of 1950 Regarding the Purchase of Ventilators

April 2, 2020

Memorandum for the Secretary of Health and Human Services and the Secretary of Homeland Security

Subject: Order Under the Defense Production Act Regarding the Purchase of Ventilators

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Defense Production Act of 1950, as amended (50 U.S.C. 4501 *et seq.*) (the "Act"), it is hereby ordered as follows:

Section 1. Policy. On March 13, 2020, I declared a national emergency recognizing the threat that the novel (new) coronavirus known as SARS-CoV-2 poses to our healthcare systems. In recognizing the public health risk, I noted that on March 11, 2020, the World Health Organization announced that the outbreak of COVID-19 (the disease caused by SARS-CoV-2) can be characterized as a pandemic. I also noted that while the Federal Government, along with State and local governments, have taken preventive and proactive measures to slow the spread of the virus and to treat those affected, the spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. I further noted that, to ensure that our healthcare systems are able to surge capacity and capability to respond to the spread of COVID-19, it is critical that all health and medical resources needed to respond to the spread of COVID-19 are properly distributed to the Nation's healthcare systems and others that need them most at this time. Accordingly, I found that health and medical resources needed to respond to the spread of COVID-19, including personal protective equipment and ventilators, meet the criteria specified in section 101(b) of the Act (50 U.S.C. 4511(b)).

Sec. 2. Presidential Direction to the Secretary of Health and Human Services (Secretary). The Secretary, in consultation with the Secretary of Homeland Security, shall use any and all authority available under the Act to facilitate the supply of materials to the appropriate subsidiary or affiliate of the following entities for the production of ventilators: General Electric Company; Hill-Rom Holdings, Inc.; Medtronic Public Limited Company; ResMed Inc.; Royal Philips N.V.; and Vyair Medical, Inc.

Sec. 3. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

NOTE: An original was not available for verification of the content of this memorandum.

Categories: Communications to Federal Agencies : Defense Production Act of 1950 orders regarding purchase of ventilators, memorandum.

Subjects: Business and industry : Manufacturing industry :: Government and private sector, coordination efforts; Defense Production Act of 1950, executive authorities; Diseases : Coronavirus, domestic prevention efforts; Health and Human Services, Department of : Secretary; Health and medical care : Medical equipment and supplies.

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