

116TH CONGRESS
2D SESSION

H. R. 8508

To require the President to use authorities under the Defense Production Act of 1950 to require emergency production of the supplies necessary for distributing and administering the COVID–19 vaccine, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2020

Mr. CRIST (for himself, Mr. POCAN, and Ms. BLUNT ROCHESTER) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To require the President to use authorities under the Defense Production Act of 1950 to require emergency production of the supplies necessary for distributing and administering the COVID–19 vaccine, 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 “COVID–19 Vaccine
5 Distribution and Production Act”.

1 **SEC. 2. EMERGENCY PRODUCTION OF THE SUPPLIES NEC-**
2 **CESSARY FOR EQUITABLY DISTRIBUTING AND**
3 **ADMINISTERING THE COVID-19 VACCINE.**

4 (a) IN GENERAL.—Not later than 1 day after the
5 date of the enactment of this section, the President shall—

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

9 (A) supplies necessary for equitably dis-
10 tributing and administering the COVID-19 vac-
11 cine are a scarce and critical material essential
12 to the national defense; and

13 (B) the requirements of the national de-
14 fense for the supplies necessary for equitably
15 distributing and administering the COVID-19
16 vaccine cannot be met without exercising the
17 authorities provided by the Defense Production
18 Act of 1950 (50 U.S.C. 4501 et seq.);

19 (2) identify private sector capacity to produce
20 the supplies necessary for equitably distributing and
21 administering the COVID-19 vaccine; and

22 (3) exercise the authorities provided by the De-
23 fense Production Act of 1950 (50 U.S.C. 4501 et
24 seq.) to the extent necessary—

1 (A) to require emergency production of the
2 supplies necessary for equitably distributing
3 and administering the COVID–19 vaccine; and

4 (B) to establish a fair and reasonable price
5 for the sale of the supplies produced pursuant
6 to subparagraph (A).

7 (b) COORDINATION.—The President shall coordinate
8 and direct the equitable distribution of the supplies pro-
9 duced under subsection (a)(3)(A) based on—

10 (1) requests submitted to the President by the
11 Governors of the States; and

12 (2) the needs of the States, as determined
13 based on the populations of each State.

14 (c) FUNDING.—Amounts available in the Defense
15 Production Act Fund under section 304 of the Defense
16 Production Act of 1950 (50 U.S.C. 4534) shall be avail-
17 able to carry out this section.

18 (d) TERMINATION.—

19 (1) IN GENERAL.—This section shall terminate
20 on the date on which there are no remaining re-
21 quests under subsection (b)(1).

22 (2) DISPOSITION OF UNUSED SUPPLIES NEC-
23 ESSARY FOR EQUITABLY DISTRIBUTING OR ADMIN-
24 ISTERING THE COVID–19 VACCINE.—Any supplies
25 produced pursuant to subsection (a)(3)(A) using

1 amounts from the Defense Production Act Fund and
2 unused as of the date described in paragraph (1)
3 shall be deposited in the Strategic National Stock-
4 pile under section 319F–2 of the Public Health
5 Service Act (42 U.S.C. 247d–6b), including any
6 such supplies authorized for emergency use under
7 section 564 of the Federal Food, Drug, and Cos-
8 metic Act (21 U.S.C. 360bbb–3).

9 (e) DEFINITIONS.—In this section:

10 (1) COVID–19 VACCINE.—The term “COVID–
11 19 vaccine” means a vaccine to prevent or mitigate
12 COVID–19 that the Food and Drug Administration
13 licenses or authorizes for emergency use.

14 (2) STATE.—The term “State” includes the
15 District of Columbia, the Commonwealth of Puerto
16 Rico, the Virgin Islands, Guam, American Samoa,
17 and the Commonwealth of the Northern Mariana Is-
18 lands.

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