

116TH CONGRESS
2D SESSION

H. R. 8562

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, to ensure that the Director of the Defense Logistics Agency is the head of the COVID–19 Joint Acquisition Task Force, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2020

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 Transportation and Infrastructure, 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 require the Director of the Defense Logistics Agency to establish a system for States and localities to access covered items during a covered emergency, to ensure that the Director of the Defense Logistics Agency is the head of the COVID–19 Joint Acquisition Task Force, 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 Essential
3 Supplies 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 U.S. replenishes current supplies and plans
20 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) Additionally, the COVID–19 Joint Acqui-
11 sition Task Force (“JATF”), established by the Un-
12 dersecretary of Defense for Acquisition and
13 Sustainment, plays a critical role in the national re-
14 sponse to the COVID–19 pandemic.

15 (11) The JATF’s understanding of reliance on
16 foreign suppliers, often many tiers down in the sup-
17 ply chain, and the impact of that reliance on pro-
18 ducing at scale has allowed the Secretary of Health
19 and Human Services to better plan for replenish-
20 ment of the Strategic National Stockpile.

21 (12) DLA should provide direct support for
22 States during the COVID–19 pandemic and future
23 emergencies.

24 (13) DLA can identify private sector capacity
25 and assess additional needs for rapid mass produc-

1 tion a COVID–19 vaccine in advance of approval by
2 the Federal Drug Administration of such vaccine.

3 (14) The Secretary of Defense should be pre-
4 pared to reconvene the JATF to support future
5 emergencies such as COVID–19.

6 **SEC. 3. 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 an 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) COVERED EMERGENCY.—The term “covered
6 emergency” means—

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

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

14 (2) COVERED ITEM.—The term “covered item”
15 means a good or service determined by the Director
16 of the Defense Logistics Agency to be essential to
17 respond to a covered emergency.

18 (3) UNIT OF LOCAL GOVERNMENT.—The term
19 “unit of local government” means a county, munici-
20 pality, town, township, village, parish, borough, or
21 other unit of general government.

22 **SEC. 4. COVID-19 JOINT ACQUISITION TASK FORCE.**

23 The Under Secretary of Defense for Acquisition and
24 Sustainment shall designate the Director of the Defense

1 Logistics Agency as the head of the COVID–19 Joint Ac-
2 quisition Task Force (established on March 25, 2020).

3 **SEC. 5. REPORTS.**

4 (a) MASS PRODUCTION OF COVID–19 VACCINE.—
5 Not later than 60 days after the date of the enactment
6 of this Act, the Director of the Defense Logistics Agency
7 shall submit to Congress a report describing the needs of
8 the domestic manufacturing base for the mass production
9 of a COVID–19 vaccine, including the raw materials need-
10 ed and an identification of specific entities that could sup-
11 port such mass production.

12 (b) QUARTERLY REPORTS.—

13 (1) IN GENERAL.—Each quarter, the Director
14 of the Defense Logistics Agency shall submit to
15 Congress—

16 (A) an assessment of the identified needs,
17 personnel requirements, funding requirements,
18 and timelines and milestones of operations for
19 the response and recovery efforts of Defense
20 Logistics Agency and the COVID–19 Joint Ac-
21 quisition Task Force during the COVID–19
22 pandemic; and

23 (B) a description of any challenges faced
24 in carrying out such efforts and recommenda-
25 tions to resolve such challenges.

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

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