

## Trump Administration Reaches Out to Private Sector Companies who can Donate and/or Produce Large-Scale Quantities of Critical Supplies

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### An McV Government Affairs Alert

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On March 18, 2020, President Donald J. Trump issued an Executive Order on prioritizing and allocating health and medical resources to respond to the spread of COVID-19, invoking the Defense Production Act of 1950 (“DPA”). The DPA confers on the President of the United States certain authorities to ensure that critical supplies and services from the private sector are available to meet the national defense needs.

The President found that “health and medical resources needed to respond to the COVID-19, including personal protective equipment (PPE) and ventilators, meet the criteria specified” in the DPA. He also delegated the authority conferred upon him by the DPA to the Secretary of Health and Human Services (“HHS”) with respect to all health and medical resources needed to respond to the spread of COVID-19 within the United States. The HHS, in consultation with the Secretary of Commerce and the head of other executive departments and agencies, may use the delegated authority to determine “the proper nationwide priorities and allocation of all health and medical resources, including controlling the distribution of such materials (including applicable services) in the civilian market, for responding to the spread of COVID-19 within the United States.” For a summary of the key sections of the DPA, please refer to the Fact Sheet (*Use of Defense Production Act Authorities to Support the Pandemic Response*) published by FEMA on March 20, 2020.

As healthcare facilities face shortages of masks, gloves, ventilators, and other medical and personal protective equipment (PPE), **the Trump administration has reached out to the private sector asking for volunteers who can donate and provide and/or produce within two weeks large-scale quantities of critical supplies to help the nation respond to the COVID-19 pandemic, including:**

- Cotton swabs with long wooden sticks
- Endotracheal tubes (assorted sizes)

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- Falcon tubes
- Gloves (all sizes)
- Lightweight protective suits
- N95 masks
- Over-the-shoe booties
- Powered air-purifying respirators (PAPRs)
- Rapid PCR test kits
- Ventilators, specifically Positive End Expiratory Pressure (PEEP) ventilators
- Vital sign monitors
- Viral transport media

At this time of crisis, we must unite forces in battling this pandemic. **If your company can donate or manufacture any of the above items** please contact any of the attorneys listed below so we may connect you with the proper authorities. As you know, our attorneys are diligently working remotely and can be reached by email or by phone.

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