

File No. 200318

Committee Item No. \_\_\_\_\_

Board Item No. 16

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: March 31, 2020

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- \_\_\_\_\_
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- \_\_\_\_\_
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Prepared by: Brent Jalipa

Date: March 26, 2020

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Urging the President of the United States to Exercise the Full Powers of the Defense  
2 Production Act During the COVID-19 Emergency]

3 **Resolution urging the President of the United States to exercise his powers under the**  
4 **Defense Production Act to compel private manufacturers, insurance providers, and**  
5 **healthcare providers to produce personal protective equipment and provide free**  
6 **testing and other critical healthcare needs during the COVID-19 State of Emergency.**  
7

8 WHEREAS, On March 11, 2020, the World Health Organization declared the novel  
9 Coronavirus, COVID-19, a pandemic and urged countries to take urgent action to stop the  
10 virus; and

11 WHEREAS, The World Health Organization and United States intelligence agencies  
12 repeatedly briefed the President of the United States (President) on the emergence of  
13 COVID-19 and the threat it posed to Americans throughout January and February 2020; and

14 WHEREAS, The President’s decision not to utilize COVID-19 tests offered by the  
15 World Health Organization in February 2020 severely inhibited our nation’s capacity to  
16 monitor and control the spread of COVID-19; and

17 WHEREAS, The Defense Production Act of 1950 authorizes the President to require  
18 private companies to sign contracts, fulfill orders, and allocate materials, services, and  
19 facilities deemed necessary for national defense; and

20 WHEREAS, The Act also authorizes the President to requisition property, force  
21 industry to expand production and the supply of basic resources, impose wage and price  
22 controls, and allocate raw materials towards national defense; and

23 WHEREAS, The Act has been utilized periodically since the Korean War to impose  
24 price controls, regulate production, develop new technologies, compel disclosure of  
25

1 information, and compel the provision of essential services during national emergencies  
2 including wars and natural disasters; and

3 WHEREAS, on March 18, 2020, the President announced his intention to invoke the  
4 Defense Production Act to expand production of essential medical supplies in response to the  
5 COVID-19 pandemic; and

6 WHEREAS, According to the President's statements on Twitter as of March 24, 2020,  
7 his administration has not yet utilized the Act to compel companies to produce essential  
8 protective gear and medical devices; and

9 WHEREAS, The President's statements contradict those of the Federal Emergency  
10 Management Agency (FEMA) Administrator, who claims the Administration is using the Act to  
11 compel production of face masks; and

12 WHEREAS, The President has repeatedly expressed his reluctance to exercise the  
13 powers of the Act to compel private companies, and inaccurately claimed he was utilizing the  
14 act, when, in fact, he was not; and

15 WHEREAS, The Speaker of the House and Senate Minority Leader have both urged  
16 the President to use the powers of the Act to compel mass production and distribution of  
17 critical supplies including ventilators, swabs, and personal protective equipment; and

18 WHEREAS, Our ability to minimize loss of life resulting from the COVID-19 pandemic  
19 at a local, state, and national level is largely dependent on our Federal government's  
20 commitment to executing the rapid expansion of public health infrastructure necessary to  
21 provide adequate medical care to all who contract COVID-19; and

22 WHEREAS, In 2018, over 27 million people living in the US did not have health  
23 insurance; and

24  
25

1           WHEREAS, Individuals without health insurance frequently delay seeking medical  
2 care, or decline to seek it at all, due to prohibitively expensive costs and the potential of  
3 incurring crushing debt; and

4           WHEREAS, For the purposes of minimizing loss of life and the spread of the virus, it is  
5 essential that anyone who may have contracted COVID-19 immediately seek medical advice  
6 and care; and

7           WHEREAS, It is unclear based on conflicting accounts provided by the President and  
8 his Administration whether they are using the powers of the Act, and if so, to what extent;  
9 now, therefore, be it

10          RESOLVED, That the San Francisco Board of Supervisors hereby urges the President  
11 to exercise the full powers of the Defense Production Act to compel all capable private  
12 companies to produce COVID-19 tests, face masks, ventilators, and other essential medical  
13 devices; and, be it

14          FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby urges  
15 the President to exercise the full powers of the Defense Production Act to compel insurance  
16 and healthcare providers to provide healthcare, free of cost, for all uninsured individuals for  
17 the duration of the COVID-19 emergency; and, be it

18          FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby urges  
19 the President to exercise the full powers of the Defense Production Act to compel insurance  
20 and healthcare providers to provide healthcare, free of cost-sharing, for all insured individuals  
21 for the duration of the COVID-19 emergency.

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only