

FEMA Establishes a Voluntary Agreement with Industry to Assist in Pandemic Response

Federal Emergency Management Agency (FEMA) established a voluntary agreement for enhanced coordination and cooperation with private sector manufacturers, distributors and industry representatives to provide critical health and medical resources to respond to COVID-19 and future pandemics. This five-year agreement was made under the authority of the Defense Production Act, Sec. 708.

With this voluntary agreement, federal departments and agencies can engage with private sector partners to develop sector-specific plans of action for improved information sharing and coordination within supply chain networks. It will better allow the federal government to plan for response activities with private sector partners and acquire and use real-time data to make important decisions. Participants of the agreement are granted relief from antitrust laws for specific actions taken under the agreement.

In May, FEMA held a public meeting with private sector representatives to seek feedback on the agreement. A transcript of the meeting can be found [here](#).

Based on stakeholder feedback, FEMA adopted a two-part structure for the voluntary agreement.

- The agreement allows FEMA to form the Committee for the Distribution of Medical Resources Necessary to Respond to a Pandemic. In addition to FEMA and other federal partners, the Committee will include representatives from stakeholders involved with the distribution or manufacturing of critical medical resources.
- Based on response needs, the Committee may then form subcommittees to execute specific plans of action targeting sector specific medical items or identified challenges.

As required by the DPA, FEMA sought and received determination from the Attorney General, in consultation with the Federal Trade Commission, that the agreement was necessary and appropriately limited in its anti-competitive impact.

President Trump first invoked the DPA in response to COVID-19 in Executive Order 13909 on March 18 and delegated additional authority to the Department of Homeland Security in Executive Order 13911.

Title I of the DPA Act allows the government to priority-rate contracts and orders where needed for the national defense, and to allocate scarce resources in the market. DPA Title I rating authority allows government-rated orders to receive priority in fulfillment. Title I has been implemented in the last few months by FEMA to secure N95 respirators from 3M and by HHS with several contracts to provide personal protective equipment and ventilators.



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Title III of the DPA allows the federal government to make loans, loan guarantees, and to take other actions to increase or protect materials and services essential to the national defense. The Coronavirus Aid, Relief, and Economic Security (CARES) Act allocated \$1 billion for Title III projects related to COVID-19. Title III funds are managed by the Department of Defense.

The authority for the voluntary agreement is found in Title VII of the DPA. For more information on DPA authorities, [click here](#).

More Information

For more information on the agreement, visit the [Federal Register](#) where the agreement was published on August 17, 2020. Companies and organizations who wish to participate in this agreement may contact FEMA-DPA@fema.dhs.gov.

Contact Us

If you have any questions, please contact FEMA Office of External Affairs:

- Congressional Affairs at (202) 646-4500 or at FEMA-Congressional-Affairs@fema.dhs.gov
- Intergovernmental Affairs at (202) 646-3444 or at FEMA-IGA@fema.dhs.gov
- Tribal Affairs at (202) 646-3444 or at FEMA-Tribal@fema.dhs.gov
- Private Sector Engagement at (202) 646-3444 or at nbeoc@max.gov

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