



Trump Invokes Defense Production Act to Surge Industrial Capacity

March 19, 2020

On Wednesday, March 18, 2020, President Trump issued an executive order invoking Section 101 of the Defense Production Act of 1950 in an effort to "surge capacity and capability to respond to the spread of COVID-19."

The DPA – a Korean War-era law – has been invoked dozens of times since its enactment in 1950 and provides the government with special authority during emergencies to control, prioritize and direct production and the provision of services by commercial enterprises. Specifically, the DPA authorizes the president to require companies to enter into government contracts and fulfill purchase orders and to prioritize the production of materials and performance of services necessary for national defense. The DPA also allows the president to use loans and other incentives to increase production of essential products.

Historically used for military production purposes, this authority may be used presently to procure "personal protective equipment and ventilators," and "other health and medical resources needed to respond to the spread of COVID-19 within the United States."

The Cooley [government contracts](#) team stands ready to help with any questions or concerns.

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