

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**116-57**

**OFFERED BY MR. VARGAS OF CALIFORNIA**

In subtitle E of title XVII, add at the end the following:

1 **SEC. \_\_\_\_ . COVID-19 EMERGENCY MEDICAL SUPPLIES EN-**  
2 **HANCEMENT.**

3 (a) DETERMINATION ON EMERGENCY SUPPLIES AND  
4 RELATIONSHIP TO STATE AND LOCAL EFFORTS.—

5 (1) DETERMINATION.—For the purposes of sec-  
6 tion 101 of the Defense Production Act of 1950 (50  
7 U.S.C. 4511), the following materials shall be  
8 deemed to be scarce and critical materials essential  
9 to the national defense and otherwise meet the re-  
10 quirements of section 101(b) of such Act during the  
11 COVID-19 emergency period:

12 (A) Diagnostic tests, including serological  
13 tests, for COVID-19 and the reagents and  
14 other materials necessary for producing or con-  
15 ducting such tests.

16 (B) Personal protective equipment, includ-  
17 ing face shields, N-95 respirator masks, and  
18 any other masks determined by the Secretary of

1 Health and Human Services to be needed to re-  
2 spond to the COVID-19 pandemic, and the ma-  
3 terials to produce such equipment.

4 (C) Medical ventilators, the components  
5 necessary to make such ventilators, and medi-  
6 cines needed to use a ventilator as a treatment  
7 for any individual who is hospitalized for  
8 COVID-19.

9 (D) Pharmaceuticals and any medicines  
10 determined by the Food and Drug Administra-  
11 tion or another Government agency to be effec-  
12 tive in treating COVID-19 (including vaccines  
13 for COVID-19) and any materials necessary to  
14 produce or use such pharmaceuticals or medi-  
15 cines (including self-injection syringes or other  
16 delivery systems).

17 (E) Any other medical equipment or sup-  
18 plies determined by the Secretary of Health and  
19 Human Services or the Secretary of Homeland  
20 Security to be scarce and critical materials es-  
21 sential to the national defense for purposes of  
22 section 101 of the Defense Production Act of  
23 1950 (50 U.S.C. 4511).

24 (2) EXERCISE OF TITLE I AUTHORITIES IN RE-  
25 LATION TO CONTRACTS BY STATE AND LOCAL GOV-

1       ERNMENTS.—In exercising authorities under title I  
2       of the Defense Production Act of 1950 (50 U.S.C.  
3       4511 et seq.) during the COVID–19 emergency pe-  
4       riod, the President (and any officer or employee of  
5       the United States to which authorities under such  
6       title I have been delegated)—

7               (A) may exercise the prioritization or allo-  
8               cation authority provided in such title I to ex-  
9               clude any materials described in paragraph (1)  
10              ordered by a State or local government that are  
11              scheduled to be delivered within 15 days of the  
12              time at which—

13                      (i) the purchase order or contract by  
14                      the Federal Government for such materials  
15                      is made; or

16                      (ii) the materials are otherwise allo-  
17                      cated by the Federal Government under  
18                      the authorities contained in such Act; and

19               (B) shall, within 24 hours of any exercise  
20              of the prioritization or allocation authority pro-  
21              vided in such title I—

22                      (i) notify any State or local govern-  
23                      ment if the exercise of such authorities  
24                      would delay the receipt of such materials  
25                      ordered by such government; and

1                   (ii) take such steps as may be nec-  
2                   essary to ensure that such materials or-  
3                   dered by such government are delivered in  
4                   the shortest possible period.

5                   (3) UPDATE TO THE FEDERAL ACQUISITION  
6                   REGULATION.—Not later than 15 days after the  
7                   date of the enactment of this Act, the Federal Ac-  
8                   quisition Regulation shall be revised to reflect the  
9                   requirements of paragraph (2)(A).

10                  (b) ENGAGEMENT WITH THE PRIVATE SECTOR.—

11                   (1) SENSE OF CONGRESS.—The Congress—

12                   (A) appreciates the willingness of private  
13                   companies not traditionally involved in pro-  
14                   ducing items for the health sector to volunteer  
15                   to use their expertise and supply chains to  
16                   produce essential medical supplies and equip-  
17                   ment;

18                   (B) encourages other manufacturers to re-  
19                   view their existing capacity and to develop ca-  
20                   pacity to produce essential medical supplies,  
21                   medical equipment, and medical treatments to  
22                   address the COVID–19 emergency; and

23                   (C) commends and expresses deep appre-  
24                   ciation to individual citizens who have been pro-  
25                   ducing personal protective equipment and other

1 materials for, in particular, use at hospitals in  
2 their community.

3 (2) OUTREACH REPRESENTATIVE.—

4 (A) DESIGNATION.—Consistent with the  
5 authorities in title VII of the Defense Produc-  
6 tion Act of 1950 (50 U.S.C. 4551 et seq.), the  
7 Administrator of the Federal Emergency Man-  
8 agement Agency, in consultation with the Sec-  
9 retary of Health and Human Services, shall  
10 designate or shall appoint, pursuant to section  
11 703 of such Act (50 U.S.C. 4553), an indi-  
12 vidual to be known as the “Outreach Rep-  
13 resentative”. Such individual shall—

14 (i) be appointed from among individ-  
15 uals with substantial experience in the pri-  
16 vate sector in the production of medical  
17 supplies or equipment; and

18 (ii) act as the Government-wide single  
19 point of contact during the COVID–19  
20 emergency for outreach to manufacturing  
21 companies and their suppliers who may be  
22 interested in producing medical supplies or  
23 equipment, including the materials de-  
24 scribed under subsection (a).

1           (B) ENCOURAGING PARTNERSHIPS.—The  
2           Outreach Representative shall seek to develop  
3           partnerships between companies, in coordina-  
4           tion with the Supply Chain Stabilization Task  
5           Force or any overall coordinator appointed by  
6           the President to oversee the response to the  
7           COVID–19 emergency, including through the  
8           exercise of the authorities under section 708 of  
9           the Defense Production Act of 1950 (50 U.S.C.  
10          4558).

11          (c) ENHANCEMENT OF SUPPLY CHAIN PRODUC-  
12          TION.—In exercising authority under title III of the De-  
13          fense Production Act of 1950 (50 U.S.C. 4531 et seq.)  
14          with respect to materials described in subsection (a), the  
15          President shall seek to ensure that support is provided to  
16          companies that comprise the supply chains for reagents,  
17          components, raw materials, and other materials and items  
18          necessary to produce or use the materials described in sub-  
19          section (a).

20          (d) OVERSIGHT OF CURRENT ACTIVITY AND  
21          NEEDS.—

22                 (1) RESPONSE TO IMMEDIATE NEEDS.—

23                         (A) IN GENERAL.—Not later than 7 days  
24                         after the date of the enactment of this Act, the  
25                         President, in coordination with the National

1 Response Coordination Center of the Federal  
2 Emergency Management Agency, the Adminis-  
3 trator of the Defense Logistics Agency, the Sec-  
4 retary of Health and Human Services, the Sec-  
5 retary of Veterans Affairs, and heads of other  
6 Federal agencies (as appropriate), shall submit  
7 to the appropriate congressional committees a  
8 report assessing the immediate needs described  
9 in subparagraph (B) to combat the COVID-19  
10 pandemic and the plan for meeting those imme-  
11 diate needs.

12 (B) ASSESSMENT.—The report required by  
13 this paragraph shall include—

14 (i) an assessment of the needs for  
15 medical supplies or equipment necessary to  
16 address the needs of the population of the  
17 United States infected by the virus SARS-  
18 CoV-2 that causes COVID-19 and to pre-  
19 vent an increase in the incidence of  
20 COVID-19 throughout the United States,  
21 including diagnostic tests, serological tests,  
22 medicines that have been approved by the  
23 Food and Drug Administration to treat  
24 COVID-19, and ventilators and medicines  
25 needed to employ ventilators;

1 (ii) based on meaningful consultations  
2 with relevant stakeholders, an identifica-  
3 tion of the target rate of diagnostic testing  
4 for each State and an assessment of the  
5 need for personal protective equipment and  
6 other supplies (including diagnostic tests)  
7 required by—

8 (I) health professionals, health  
9 workers, and hospital staff including  
10 supplies needed for worst case sce-  
11 narios for surges of COVID–19 infec-  
12 tions and hospitalizations;

13 (II) workers in industries and  
14 sectors described in the “Advisory  
15 Memorandum on Identification of Es-  
16 sential Critical Infrastructure Work-  
17 ers during the COVID–19 Response”  
18 issued by the Director of Cybersecu-  
19 rity and Infrastructure Security Agen-  
20 cy of the Department of Homeland  
21 Security on April 17, 2020 (and any  
22 expansion of industries and sectors in-  
23 cluded in updates to such advisory  
24 memorandum);



1 (III) students, teachers, and ad-  
2 ministrators at primary and secondary  
3 schools; and

4 (IV) other workers determined to  
5 be essential based on such consulta-  
6 tion;

7 (iii) an assessment of the quantities of  
8 equipment and supplies in the Strategic  
9 National Stockpile (established under sec-  
10 tion 319F-2 of the Public Health Service  
11 Act ((42 U.S.C. 247d-6b(a)(1))) as of the  
12 date of the report, and the projected gap  
13 between the quantities of equipment and  
14 supplies identified as needed in the assess-  
15 ment under clauses (i) and (ii) and the  
16 quantities in the Strategic National Stock-  
17 pile;

18 (iv) an identification of the industry  
19 sectors and manufacturers most ready to  
20 fulfill purchase orders for such equipment  
21 and supplies (including manufacturers that  
22 may be incentivized) through the exercise  
23 of authority under section 303(e) of the  
24 Defense Production Act of 1950 (50  
25 U.S.C. 4533(e)) to modify, expand, or im-

1           prove production processes to manufacture  
2           such equipment and supplies to respond  
3           immediately to a need identified in clause  
4           (i) or (ii);

5           (v) an identification of Government-  
6           owned and privately-owned stockpiles of  
7           such equipment and supplies not included  
8           in the Strategic National Stockpile that  
9           could be repaired or refurbished;

10          (vi) an identification of previously dis-  
11          tributed critical supplies that can be redis-  
12          tributed based on current need;

13          (vii) a description of any exercise of  
14          the authorities described under paragraph  
15          (1)(E) or (2)(A) of subsection (a); and

16          (viii) an identification of critical areas  
17          of need, by county and by areas identified  
18          by the Indian Health Service, in the  
19          United States and the metrics and criteria  
20          for identification as a critical area.

21          (C) PLAN.—The report required by this  
22          paragraph shall include a plan for meeting the  
23          immediate needs to combat the COVID–19 pan-  
24          demic, including the needs described in sub-  
25          paragraph (B). Such plan shall include—

1 (i) each contract the Federal Govern-  
2 ment has entered into to meet such needs,  
3 including the purpose of each contract, the  
4 type and amount of equipment, supplies, or  
5 services to be provided under the contract,  
6 the entity performing such contract, and  
7 the dollar amount of each contract;

8 (ii) each contract that the Federal  
9 Government intends to enter into within  
10 14 days after submission of such report,  
11 including the information described in sub-  
12 paragraph (B) for each such contract; and

13 (iii) whether any of the contracts de-  
14 scribed in clause (i) or (ii) have or will  
15 have a priority rating under the Defense  
16 Production Act of 1950 (50 U.S.C. 4501  
17 et seq.), including purchase orders pursu-  
18 ant to Department of Defense Directive  
19 4400.1 (or any successor directive), sub-  
20 part A of part 101 of title 45, Code of  
21 Federal Regulations, or any other applica-  
22 ble authority.

23 (D) ADDITIONAL REQUIREMENTS.—The  
24 report required by this paragraph, and each up-

1 date required by subparagraph (E), shall in-  
2 clude—

3 (i) any requests for equipment and  
4 supplies from State or local governments  
5 and Indian Tribes, and an accompanying  
6 list of the employers and unions consulted  
7 in developing these requests;

8 (ii) any modeling or formulas used to  
9 determine allocation of equipment and sup-  
10 plies, and any related chain of command  
11 issues on making final decisions on alloca-  
12 tions;

13 (iii) the amount and destination of  
14 equipment and supplies delivered;

15 (iv) an explanation of why any portion  
16 of any contract described under subpara-  
17 graph (C), whether to replenish the Stra-  
18 tegic National Stockpile or otherwise, will  
19 not be filled;

20 (v) of products procured under such  
21 contract, the percentage of such products  
22 that are used to replenish the Strategic  
23 National Stockpile, that are targeted to  
24 COVID-19 hotspots, and that are used for  
25 the commercial market;

1 (vi) a description of the range of  
2 prices for goods described in subsection  
3 (a), or other medical supplies and equip-  
4 ment that are subject to shortages, pur-  
5 chased by the United States Government,  
6 transported by the Government, or other-  
7 wise known to the Government, which shall  
8 also identify all such prices that exceed the  
9 prevailing market prices of such goods  
10 prior to March 1, 2020, and any actions  
11 taken by the Government under section  
12 102 of the Defense Production Act of 1950  
13 or similar provisions of law to prevent  
14 hoarding of such materials and charging of  
15 such increased prices between March 1,  
16 2020, and the date of the submission of  
17 the first report required by this paragraph,  
18 and, for all subsequent reports, within each  
19 reporting period;

20 (vii) metrics, formulas, and criteria  
21 used to determine COVID–19 hotspots or  
22 areas of critical need for a State, county,  
23 or an area identified by the Indian Health  
24 Service;

1 (viii) production and procurement  
2 benchmarks, where practicable; and

3 (ix) results of the consultation with  
4 the relevant stakeholders required by sub-  
5 paragraph (B)(ii).

6 (E) UPDATES.—The President, in coordi-  
7 nation with the National Response Coordination  
8 Center of the Federal Emergency Management  
9 Agency, the Administrator of the Defense Lo-  
10 gistics Agency, the Secretary of Health and  
11 Human Services, the Secretary of Veterans Af-  
12 fairs, and heads of other Federal agencies (as  
13 appropriate), shall update such report every 14  
14 days.

15 (F) PUBLIC AVAILABILITY.—The President  
16 shall make the report required by this para-  
17 graph and each update required by subpara-  
18 graph (E) available to the public, including on  
19 a Government website.

20 (2) RESPONSE TO LONGER-TERM NEEDS.—

21 (A) IN GENERAL.—Not later than 14 days  
22 after the date of enactment of this Act, the  
23 President, in coordination with the National  
24 Response Coordination Center of the Federal  
25 Emergency Management Agency, the Adminis-

1           trator of the Defense Logistics Agency, the Sec-  
2           retary of Health and Human Services, the Sec-  
3           retary of Veterans Affairs, and heads of other  
4           Federal agencies (as appropriate), shall submit  
5           to the appropriate congressional committees a  
6           report containing an assessment of the needs  
7           described in subparagraph (B) to combat the  
8           COVID–19 pandemic and the plan for meeting  
9           such needs during the 6-month period begin-  
10          ning on the date of submission of the report.

11                 (B) ASSESSMENT.—The report required by  
12          this paragraph shall include—

13                         (i) an assessment of the elements de-  
14                         scribe in clauses (i) through (v) and clause  
15                         (viii) of paragraph (1)(B);

16                         (ii) an assessment of needs related to  
17                         COVID–19 vaccines;

18                         (iii) an assessment of the manner in  
19                         which the Defense Production Act of 1950  
20                         could be exercised to increase services re-  
21                         lated to health surveillance to ensure that  
22                         the appropriate level of contact tracing re-  
23                         lated to detected infections is available  
24                         throughout the United States to prevent

1 future outbreaks of COVID–19 infections;  
2 and

3 (iv) an assessment of any additional  
4 services needed to address the COVID–19  
5 pandemic.

6 (C) PLAN.—The report required by this  
7 paragraph shall include a plan for meeting the  
8 longer-term needs to combat the COVID–19  
9 pandemic, including the needs described in sub-  
10 paragraph (B). This plan shall include—

11 (i) a plan to exercise authorities under  
12 the Defense Production Act of 1950 (50  
13 U.S.C. 4501 et seq.) necessary to increase  
14 the production of the medical equipment,  
15 supplies, and services that are essential to  
16 meeting the needs identified in subpara-  
17 graph (B), including the number of N–95  
18 respirator masks and other personal pro-  
19 tective equipment needed, based on mean-  
20 ingful consultations with relevant stake-  
21 holders, by the private sector to resume  
22 economic activity and by the public and  
23 nonprofit sectors to significantly increase  
24 their activities;



1 (ii) results of the consultations with  
2 the relevant stakeholders required by  
3 clause (i);

4 (iii) an estimate of the funding and  
5 other measures necessary to rapidly ex-  
6 pand manufacturing production capacity  
7 for such equipment and supplies, includ-  
8 ing—

9 (I) any efforts to expand, retool,  
10 or reconfigure production lines;

11 (II) any efforts to establish new  
12 production lines through the purchase  
13 and installation of new equipment; or

14 (III) the issuance of additional  
15 contracts, purchase orders, purchase  
16 guarantees, or other similar measures;

17 (iv) each contract the Federal Govern-  
18 ment has entered into to meet such needs  
19 or expand such production, the purpose of  
20 each contract, the type and amount of  
21 equipment, supplies, or services to be pro-  
22 vided under the contract, the entity per-  
23 forming such contract, and the dollar  
24 amount of each contract;

1 (v) each contract that the Federal  
2 Government intends to enter into within  
3 14 days after submission of such report,  
4 including the information described in  
5 clause (iv) for each such contract;

6 (vi) whether any of the contracts de-  
7 scribed in clause (iv) or (v) have or will  
8 have a priority rating under the Defense  
9 Production Act of 1950 (50 U.S.C. 4501  
10 et seq.), including purchase orders pursu-  
11 ant to Department of Defense Directive  
12 4400.1 (or any successor directive), sub-  
13 part A of part 101 of title 45, Code of  
14 Federal Regulations, or any other applica-  
15 ble authority; and

16 (vii) the manner in which the Defense  
17 Production Act of 1950 (50 U.S.C. 4501  
18 et seq.) could be used to increase services  
19 necessary to combat the COVID-19 pan-  
20 demic, including services described in sub-  
21 paragraph (B)(ii).

22 (D) UPDATES.—The President, in coordi-  
23 nation with the National Response Coordination  
24 Center of the Federal Emergency Management  
25 Agency, the Administrator of the Defense Lo-

1           gistics Agency, the Secretary of Health and  
2           Human Services, the Secretary of Veterans Af-  
3           fairs, and heads of other Federal agencies (as  
4           appropriate), shall update such report every 14  
5           days.

6           (E) PUBLIC AVAILABILITY.—The Presi-  
7           dent shall make the report required by this sub-  
8           section and each update required by subpara-  
9           graph (D) available to the public, including on  
10          a Government website.

11          (3) REPORT ON EXERCISING AUTHORITIES  
12          UNDER THE DEFENSE PRODUCTION ACT OF 1950.—

13           (A) IN GENERAL.—Not later than 14 days  
14           after the date of the enactment of this Act, the  
15           President, in consultation with the Adminis-  
16           trator of the Federal Emergency Management  
17           Agency, the Secretary of Defense, and the Sec-  
18           retary of Health and Human Services, shall  
19           submit to the appropriate congressional com-  
20           mittees a report on the exercise of authorities  
21           under titles I, III, and VII of the Defense Pro-  
22           duction Act of 1950 (50 U.S.C. 4501 et seq.)  
23           prior to the date of such report.

24           (B) CONTENTS.—The report required  
25           under subparagraph (A) and each update re-

1           required under subparagraph (C) shall include,  
2           with respect to each exercise of such author-  
3           ity—

4                   (i) an explanation of the purpose of  
5                   the applicable contract, purchase order, or  
6                   other exercise of authority (including an  
7                   allocation of materials, services, and facili-  
8                   ties under section 101(a)(2) of the Defense  
9                   Production Act of 1950 (50 U.S.C.  
10                  4511(a)(2));

11                  (ii) the cost of such exercise of au-  
12                  thority; and

13                  (iii) if applicable—

14                           (I) the amount of goods that  
15                           were purchased or allocated;

16                           (II) an identification of the entity  
17                           awarded a contract or purchase order  
18                           or that was the subject of the exercise  
19                           of authority; and

20                           (III) an identification of any en-  
21                           tity that had shipments delayed by the  
22                           exercise of any authority under the  
23                           Defense Production Act of 1950 (50  
24                           U.S.C. 4501 et seq.).

1 (C) UPDATES.—The President shall up-  
2 date the report required under subparagraph  
3 (A) every 14 days.

4 (D) PUBLIC AVAILABILITY.—The Presi-  
5 dent shall make the report required by this sub-  
6 section and each update required by subpara-  
7 graph (C) available to the public, including on  
8 a Government website.

9 (4) QUARTERLY REPORTING.—The President  
10 shall submit to Congress, and make available to the  
11 public (including on a Government website), a quar-  
12 terly report detailing all expenditures made pursuant  
13 to titles I, III, and VII of the Defense Production  
14 Act of 1950 (50 U.S.C. 4501 et seq.).

15 (5) EXERCISE OF LOAN AUTHORITIES.—

16 (A) IN GENERAL.—Any loan made pursu-  
17 ant to section 302 or 303 of the Defense Pro-  
18 duction Act of 1950, carried out by the Inter-  
19 national Development Finance Corporation pur-  
20 suant to the authorities delegated by Executive  
21 Order 13922, shall be subject to the notification  
22 requirements contained in section 1446 of the  
23 BUILD Act of 2018 (22 U.S.C. 9656).

24 (B) APPROPRIATE CONGRESSIONAL COM-  
25 MITTEES.—For purposes of the notifications re-

1           required by subparagraph (A), the term “appropriate congressional committees”, as used section 1446 of the BUILD Act of 2018, shall be deemed to include the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Development of the Senate.

2           (6) SUNSET.—The requirements of this subsection shall terminate on the later of—

3                           (A) December 31, 2021; or

4                           (B) the end of the COVID–19 emergency period.

5           (e) ENHANCEMENTS TO THE DEFENSE PRODUCTION ACT OF 1950.—

6                   (1) HEALTH EMERGENCY AUTHORITY.—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended by adding at the end the following:

7                   “(c) HEALTH EMERGENCY AUTHORITY.—With respect to a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act, or preparations for such a health emergency, the Secretary of Health and Human Services and the Administrator of the Federal Emergency Management Agency are authorized to carry out the au-

1 thorties provided under this section to the same extent  
2 as the President.”.

3 (2) EMPHASIS ON BUSINESS CONCERNS OWNED  
4 BY WOMEN, MINORITIES, VETERANS, AND NATIVE  
5 AMERICANS.—Section 108 of the Defense Produc-  
6 tion Act of 1950 (50 U.S.C. 4518) is amended—

7 (A) in the heading, by striking “**MOD-**  
8 **ERNIZATION OF SMALL BUSINESS SUP-**  
9 **PLIERS**” and inserting “**SMALL BUSINESS**  
10 **PARTICIPATION AND FAIR INCLUSION**”;

11 (B) by amending subsection (a) to read as  
12 follows:

13 “(a) PARTICIPATION AND INCLUSION.—

14 “(1) IN GENERAL.—In providing any assistance  
15 under this Act, the President shall accord a strong  
16 preference for subcontractors and suppliers that  
17 are—

18 “(A) small business concerns; or

19 “(B) businesses of any size owned by  
20 women, minorities, veterans, and the disabled.

21 “(2) SPECIAL CONSIDERATION.—To the max-  
22 imum extent practicable, the President shall accord  
23 the preference described under paragraph (1) to  
24 small business concerns and businesses described in  
25 paragraph (1)(B) that are located in areas of high

1 unemployment or areas that have demonstrated a  
2 continuing pattern of economic decline, as identified  
3 by the Secretary of Labor.”; and

4 (C) by adding at the end the following:

5 “(c) MINORITY DEFINED.—In this section, the term  
6 ‘minority’—

7 “(1) has the meaning given the term in section  
8 308(b) of the Financial Institutions Reform, Recov-  
9 ery, and Enforcement Act of 1989; and

10 “(2) includes any indigenous person in the  
11 United States, including any territories of the  
12 United States.”.

13 (3) ADDITIONAL INFORMATION IN ANNUAL RE-  
14 PORT.—Section 304(f)(3) of the Defense Production  
15 Act of 1950 (50 U.S.C. 4534(f)(3)) is amended by  
16 striking “year.” and inserting “year, including the  
17 percentage of contracts awarded using Fund  
18 amounts to each of the groups described in section  
19 108(a)(1)(B) (and, with respect to minorities,  
20 disaggregated by ethnic group), and the percentage  
21 of the total amount expended during such fiscal year  
22 on such contracts.”.

23 (4) DEFINITION OF NATIONAL DEFENSE.—Sec-  
24 tion 702(14) of the Defense Production Act of 1950  
25 is amended by striking “and critical infrastructure



1 protection and restoration” and inserting “, critical  
2 infrastructure protection and restoration, and health  
3 emergency preparedness and response activities”.

4 (f) SECURING ESSENTIAL MEDICAL MATERIALS.—

5 (1) STATEMENT OF POLICY.—Section 2(b) of  
6 the Defense Production Act of 1950 (50 U.S.C.  
7 4502) is amended—

8 (A) by redesignating paragraphs (3)  
9 through (8) as paragraphs (4) through (9), re-  
10 spectively; and

11 (B) by inserting after paragraph (2) the  
12 following:

13 “(3) authorities under this Act should be used  
14 when appropriate to ensure the availability of med-  
15 ical materials essential to national defense, including  
16 through measures designed to secure the drug sup-  
17 ply chain, and taking into consideration the impor-  
18 tance of United States competitiveness, scientific  
19 leadership and cooperation, and innovative capac-  
20 ity;”.

21 (2) STRENGTHENING DOMESTIC CAPABILITY.—

22 Section 107 of the Defense Production Act of 1950  
23 (50 U.S.C. 4517) is amended—

1 (A) in subsection (a), by inserting “(in-  
2 cluding medical materials)” after “materials”;  
3 and

4 (B) in subsection (b)(1), by inserting “(in-  
5 cluding medical materials such as drugs to di-  
6 agnose, cure, mitigate, treat, or prevent disease  
7 that essential to national defense)” after “es-  
8 sential materials”.

9 (3) STRATEGY ON SECURING SUPPLY CHAINS  
10 FOR MEDICAL ARTICLES.—Title I of the Defense  
11 Production Act of 1950 (50 U.S.C. 4511 et seq.) is  
12 amended by adding at the end the following:

13 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**  
14 **MEDICAL MATERIALS.**

15 “(a) IN GENERAL.—Not later than 180 days after  
16 the date of the enactment of this section, the President,  
17 in consultation with the Secretary of Health and Human  
18 Services, the Secretary of Commerce, the Secretary of  
19 Homeland Security, and the Secretary of Defense, shall  
20 transmit a strategy to the appropriate Members of Con-  
21 gress that includes the following:

22 “(1) A detailed plan to use the authorities  
23 under this title and title III, or any other provision  
24 of law, to ensure the supply of medical materials (in-  
25 cluding drugs to diagnose, cure, mitigate, treat, or

1 prevent disease) essential to national defense, to the  
2 extent necessary for the purposes of this Act.

3 “(2) An analysis of vulnerabilities to existing  
4 supply chains for such medical articles, and rec-  
5 ommendations to address the vulnerabilities.

6 “(3) Measures to be undertaken by the Presi-  
7 dent to diversify such supply chains, as appropriate  
8 and as required for national defense; and

9 “(4) A discussion of—

10 “(A) any significant effects resulting from  
11 the plan and measures described in this sub-  
12 section on the production, cost, or distribution  
13 of vaccines or any other drugs (as defined  
14 under section 201 of the Federal Food, Drug,  
15 and Cosmetic Act (21 U.S.C. 321));

16 “(B) a timeline to ensure that essential  
17 components of the supply chain for medical ma-  
18 terials are not under the exclusive control of a  
19 foreign government in a manner that the Presi-  
20 dent determines could threaten the national de-  
21 fense of the United States; and

22 “(C) efforts to mitigate any risks resulting  
23 from the plan and measures described in this  
24 subsection to United States competitiveness,  
25 scientific leadership, and innovative capacity,

1 including efforts to cooperate and proactively  
2 engage with United States allies.

3 “(b) PROGRESS REPORT.—Following submission of  
4 the strategy under subsection (a), the President shall sub-  
5 mit to the appropriate Members of Congress an annual  
6 progress report evaluating the implementation of the  
7 strategy, and may include updates to the strategy as ap-  
8 propriate. The strategy and progress reports shall be sub-  
9 mitted in unclassified form but may contain a classified  
10 annex.

11 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The  
12 term ‘appropriate Members of Congress’ means the  
13 Speaker, majority leader, and minority leader of the  
14 House of Representatives, the majority leader and minor-  
15 ity leader of the Senate, the Chairman and Ranking Mem-  
16 ber of the Committees on Armed Services and Financial  
17 Services of the House of Representatives, and the Chair-  
18 man and Ranking Member of the Committees on Armed  
19 Services and Banking, Housing, and Urban Affairs of the  
20 Senate.”.

21 (g) GAO REPORT.—

22 (1) IN GENERAL.—Not later than 270 days  
23 after the date of the enactment of this Act, and an-  
24 nually thereafter, the Comptroller General of the  
25 United States shall submit to the appropriate con-

1       gressional committees a report on ensuring that the  
2       United States Government has access to the medical  
3       supplies and equipment necessary to respond to fu-  
4       ture pandemics and public health emergencies, in-  
5       cluding recommendations with respect to how to en-  
6       sure that the United States supply chain for diag-  
7       nostic tests (including serological tests), personal  
8       protective equipment, vaccines, and therapies is bet-  
9       ter equipped to respond to emergencies, including  
10      through the use of funds in the Defense Production  
11      Act Fund under section 304 of the Defense Produc-  
12      tion Act of 1950 (50 U.S.C. 4534) to address short-  
13      ages in that supply chain.

14           (2) REVIEW OF ASSESSMENT AND PLAN.—

15           (A) IN GENERAL.—Not later than 30 days  
16           after each of the submission of the reports de-  
17           scribed in paragraphs (1) and (2) of subsection  
18           (d), the Comptroller General of the United  
19           States shall submit to the appropriate congress-  
20           sional committees an assessment of such re-  
21           ports, including identifying any gaps and pro-  
22           viding any recommendations regarding the sub-  
23           ject matter in such reports.

24           (B) MONTHLY REVIEW.—Not later than a  
25           month after the submission of the assessment

1           under subparagraph (A), and monthly there-  
2           after, the Comptroller General shall issue a re-  
3           port to the appropriate congressional commit-  
4           tees with respect to any updates to the reports  
5           described in paragraph (1) and (2) of sub-  
6           section (d) that were issued during the previous  
7           1-month period, containing an assessment of  
8           such updates, including identifying any gaps  
9           and providing any recommendations regarding  
10          the subject matter in such updates.

11          (h) DEFINITIONS.—In this section:

12           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
13          TEES.—The term “appropriate congressional com-  
14          mittees” means the Committees on Appropriations,  
15          Armed Services, Energy and Commerce, Financial  
16          Services, Homeland Security, and Veterans’ Affairs  
17          of the House of Representatives and the Committees  
18          on Appropriations, Armed Services, Banking, Hous-  
19          ing, and Urban Affairs, Health, Education, Labor,  
20          and Pensions, Homeland Security and Governmental  
21          Affairs, and Veterans’ Affairs of the Senate.

22           (2) COVID–19 EMERGENCY PERIOD.—The  
23          term “COVID–19 emergency period” means the pe-  
24          riod beginning on the date of enactment of this Act  
25          and ending after the end of the incident period for

1 the emergency declared on March 13, 2020, by the  
2 President under Section 501 of the Robert T. Staf-  
3 ford Disaster Relief and Emergency Assistance Act  
4 (42 U.S.C. 4121 et seq.) relating to the Coronavirus  
5 Disease 2019 (COVID–19) pandemic.

6 (3) RELEVANT STAKEHOLDER.—The term “rel-  
7 evant stakeholder” means—

8 (A) representative private sector entities;

9 (B) representatives of the nonprofit sector;

10 (C) representatives of primary and sec-  
11 ondary school systems; and

12 (D) representatives of labor organizations  
13 representing workers, including unions that rep-  
14 resent health workers, manufacturers, teachers,  
15 other public sector employees, and service sec-  
16 tor workers.

17 (4) STATE.—The term “State” means each of  
18 the several States, the District of Columbia, the  
19 Commonwealth of Puerto Rico, and any territory or  
20 possession of the United States.

