

AMENDMENT TO
RULES COMMITTEE PRINT 118–10
OFFERED BY MR. VARGAS OF CALIFORNIA

In subtitle C of title XVIII of division A, add at the end the following:

1 **SEC. 1859. PUBLIC HEALTH EMERGENCY MEDICAL SUP-**
2 **PLIES ENHANCEMENT.**

3 (a) PUBLIC HEALTH EMERGENCIES.—

4 (1) FUTURE PREPAREDNESS FOR HEALTH
5 EMERGENCIES.—Section 702(14) of the Defense
6 Production Act of 1950 is amended by striking “and
7 critical infrastructure protection and restoration”
8 and inserting “, critical infrastructure protection
9 and restoration, and public health emergency pre-
10 paredness and response activities”.

11 (2) PUBLIC HEALTH EMERGENCY.—The De-
12 fense Production Act of 1950 (50 U.S.C. 4501 et
13 seq.) is amended by inserting after section 711 the
14 following:

15 **“SEC. 712. PUBLIC HEALTH EMERGENCIES.**

16 **“(a) SCARCE AND CRITICAL MATERIALS.—**During a
17 public health emergency, any medical equipment or sup-
18 plies determined by the Secretary of Health and Human

1 Services or the Secretary of Homeland Security to be
2 scarce and critical materials essential to the national de-
3 fense for purposes of section 101 may be deemed by the
4 President to be a scarce and critical material essential to
5 the national defense for purposes of section 101 and other-
6 wise meet the requirements of section 101(b), and funds
7 available to implement this Act may be used for the pur-
8 chase, production (including the construction, repair, and
9 retrofitting of government-owned facilities as necessary),
10 or distribution of such medical equipment or supplies.

11 “(b) EXERCISE OF TITLE I AUTHORITIES IN RELA-
12 TION TO CONTRACTS BY STATE, LOCAL, OR TRIBAL GOV-
13 ERNMENTS.—In exercising authorities under title I during
14 a public health emergency, the President (and any officer
15 or employee of the United States to which authorities
16 under such title I have been delegated)—

17 “(1) may exercise the prioritization or alloca-
18 tion authority provided in such title I to exclude any
19 materials or supplies described in subsection (a) or-
20 dered by a State, local, or Tribal government that
21 are scheduled to be delivered within 15 days of the
22 time at which—

23 “(A) the purchase order or contract by the
24 Federal Government for such materials or sup-
25 plies is made; or

1 “(B) the materials or supplies are other-
2 wise allocated by the Federal Government
3 under the authorities contained in this Act; and

4 “(2) shall, within 24 hours of any exercise of
5 the prioritization or allocation authority provided in
6 such title I—

7 “(A) to the extent practicable notify any
8 State, local, or Tribal government if the Presi-
9 dent determines that the exercise of such au-
10 thorities would delay the receipt of such mate-
11 rials or supplies ordered by such government;
12 and

13 “(B) take such steps as may be necessary,
14 and as authorized by law, to ensure that such
15 materials or supplies ordered by such govern-
16 ment are delivered in the shortest possible pe-
17 riod, consistent with the purposes of this Act.

18 “(c) ENGAGEMENT WITH THE PRIVATE SECTOR.—

19 “(1) OUTREACH REPRESENTATIVE.—Consistent
20 with the authorities in this title VII, the Adminis-
21 trator of the Federal Emergency Management Agen-
22 cy, in consultation with the Secretary of Health and
23 Human Services, may designate or appoint, pursu-
24 ant to section 703, an individual to be known as the

1 ‘Outreach Representative’ for any public health
2 emergency. Such individual shall—

3 “(A) be appointed from among individuals
4 with substantial experience in the production or
5 distribution of medical supplies or equipment;
6 and

7 “(B) act as the governmentwide single
8 point of contact during the public health emer-
9 gency for outreach to manufacturing companies
10 and their suppliers who may be interested in
11 producing medical supplies or equipment, in-
12 cluding the materials described under sub-
13 section (a).

14 “(2) ENCOURAGING PARTNERSHIPS.—During a
15 public health emergency, the Outreach Representa-
16 tive shall seek to develop partnerships between com-
17 panies, in coordination with any overall coordinator
18 appointed by the President to oversee the response
19 to the public health emergency, including through
20 the exercise of the authorities delegated by the
21 President under section 708.

22 “(d) ENHANCEMENT OF SUPPLY CHAIN PRODUC-
23 TION.—In exercising authority under title III during a
24 public health emergency with respect to materials de-
25 scribed in subsection (a), the President shall seek to en-

1 sure that support is provided to companies that comprise
2 the supply chains for reagents, components, raw materials,
3 and other materials and items necessary to produce or use
4 the materials described in subsection (a), if applicable, to
5 the extent necessary for the national defense during the
6 public health emergency.

7 “(e) ENHANCED REPORTING DURING A PUBLIC
8 HEALTH EMERGENCY.—

9 “(1) IN GENERAL.—Not later than 90 days
10 after the use of authorities under this Act with re-
11 spect to a public health emergency, and every 120
12 days thereafter until the termination of such public
13 health emergency, the President, in consultation
14 with the Administrator of the Federal Emergency
15 Management Agency, the Secretary of Defense, and
16 the Secretary of Health and Human Services, shall
17 submit to the appropriate congressional committees
18 a report on the exercise of authorities under titles I,
19 III, and VII with respect to the public health emer-
20 gency.

21 “(2) CONTENTS.—Each report required under
22 paragraph (1) shall include the following:

23 “(A) IN GENERAL.—With respect to each
24 exercise of such authority—

1 “(i) an explanation of the purpose of
2 the applicable contract, purchase order, or
3 other exercise of authority (including an
4 allocation of materials, services, and facili-
5 ties under section 101(a)(2));

6 “(ii) the cost of such exercise of au-
7 thority; and

8 “(iii) if applicable—

9 “(I) the amount of goods that
10 were purchased or allocated;

11 “(II) an identification of the enti-
12 ty awarded a contract or purchase
13 order or that was the subject of the
14 exercise of authority; and

15 “(III) an identification of any en-
16 tity that had shipments delayed by the
17 exercise of any authority under this
18 Act.

19 “(B) CONSULTATIONS.—A description of
20 any consultations conducted with relevant
21 stakeholders on the needs addressed by the ex-
22 ercise of the authorities described in paragraph
23 (1).

24 “(3) UPDATE.—The President shall provide an
25 additional briefing to the appropriate congressional

1 committees on the matters described under para-
2 graph (2) no later than four months after the sub-
3 mission of each report.

4 “(f) DEFINITIONS.—In this section:

5 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term ‘appropriate congressional com-
7 mittees’ means the Committees on Appropriations,
8 Armed Services, Energy and Commerce, Financial
9 Services, and Homeland Security of the House of
10 Representatives and the Committees on Appropria-
11 tions, Armed Services, Banking, Housing, and
12 Urban Affairs, Health, Education, Labor, and Pen-
13 sions, Homeland Security and Governmental Affairs,
14 and Veterans’ Affairs of the Senate.

15 “(2) RELEVANT STAKEHOLDER.—The term
16 ‘relevant stakeholder’ means—

17 “(A) representative private sector entities;

18 “(B) representatives of the nonprofit sec-
19 tor;

20 “(C) representatives of primary and sec-
21 ondary school systems; and

22 “(D) representatives of organizations rep-
23 resenting workers, including health workers,
24 manufacturers, teachers, other public sector
25 employees, and service sector workers.

1 “(3) STATE.—The term ‘State’ means each of
2 the several States, the District of Columbia, the
3 Commonwealth of Puerto Rico, and any territory or
4 possession of the United States.”.

5 (3) UPDATE TO FEDERAL REGULATIONS.—

6 (A) DPAS.—Not later than 30 days after
7 the date of enactment of this Act, the Defense
8 Property Accountability System regulations (15
9 C.F.R. part 700) shall be revised to reflect the
10 requirements of section 712(b) of the Defense
11 Production Act of 1950.

12 (B) FAR.—Not later than 30 days after
13 the revisions required by subparagraph (A) are
14 made, the Federal Acquisition Regulation shall
15 be revised to reflect the requirements of section
16 712(b) of the Defense Production Act of 1950,
17 consistent with the revisions made pursuant to
18 subparagraph (A).

19 (b) REPORT ON ACTIVITIES INVOLVING SMALL BUSI-
20 NESS.—The report required by section 304(f)(3) of the
21 Defense Production Act of 1950 (50 U.S.C. 4534(f)(3))
22 with respect to fiscal years 2023 and 2024 shall include
23 the percentage of contracts awarded using funds to carry
24 out the Defense Production Act of 1950 for each of the

- 1 fiscal years 2023 and 2024, respectively, to small business
- 2 concerns (as defined under section 702 of such Act).

