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:

SEC. 1859. PUBLIC HEALTH EMERGENCY MEDICAL SUPPLIES ENHANCEMENT.

(a) Public Health Emergencies.—

(1) Future preparedness for health emergencies.—Section 702(14) of the Defense Production Act of 1950 is amended by striking “and critical infrastructure protection and restoration” and inserting “, critical infrastructure protection and restoration, and public health emergency preparedness and response activities”.

(2) Public health emergency.—The Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) is amended by inserting after section 711 the following:

“SEC. 712. PUBLIC HEALTH EMERGENCIES.

“(a) Scarce and Critical Materials.—During a public health emergency, any medical equipment or supplies determined by the Secretary of Health and Human
Services or the Secretary of Homeland Security to be scarce and critical materials essential to the national defense for purposes of section 101 may be deemed by the President to be a scarce and critical material essential to the national defense for purposes of section 101 and otherwise meet the requirements of section 101(b), and funds available to implement this Act may be used for the purchase, production (including the construction, repair, and retrofitting of government-owned facilities as necessary), or distribution of such medical equipment or supplies.

“(b) Exercise of Title I Authorities in Relation to Contracts by State, Local, or Tribal Governments.—In exercising authorities under title I during a public health emergency, the President (and any officer or employee of the United States to which authorities under such title I have been delegated)—

“(1) may exercise the prioritization or allocation authority provided in such title I to exclude any materials or supplies described in subsection (a) ordered by a State, local, or Tribal government that are scheduled to be delivered within 15 days of the time at which—

“(A) the purchase order or contract by the Federal Government for such materials or supplies is made; or
“(B) the materials or supplies are otherwise allocated by the Federal Government under the authorities contained in this Act; and

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

“(A) to the extent practicable notify any State, local, or Tribal government if the President determines that the exercise of such authorities would delay the receipt of such materials or supplies ordered by such government; and

“(B) take such steps as may be necessary, and as authorized by law, to ensure that such materials or supplies ordered by such government are delivered in the shortest possible period, consistent with the purposes of this Act.

“(c) ENGAGEMENT WITH THE PRIVATE SECTOR.—

“(1) OUTREACH REPRESENTATIVE.—Consistent with the authorities in this title VII, the Administrator of the Federal Emergency Management Agency, in consultation with the Secretary of Health and Human Services, may designate or appoint, pursuant to section 703, an individual to be known as the
‘Outreach Representative’ for any public health emergency. Such individual shall—

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

“(B) act as the governmentwide single point of contact during the public health emergency for outreach to manufacturing companies and their suppliers who may be interested in producing medical supplies or equipment, including the materials described under subsection (a).

“(2) ENCOURAGING PARTNERSHIPS.—During a public health emergency, the Outreach Representative shall seek to develop partnerships between companies, in coordination with any overall coordinator appointed by the President to oversee the response to the public health emergency, including through the exercise of the authorities delegated by the President under section 708.

“(d) ENHANCEMENT OF SUPPLY CHAIN PRODUCTION.—In exercising authority under title III during a public health emergency with respect to materials described in subsection (a), the President shall seek to en-
sure that support is provided to companies that comprise
the supply chains for reagents, components, raw materials,
and other materials and items necessary to produce or use
the materials described in subsection (a), if applicable, to
the extent necessary for the national defense during the
public health emergency.

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

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

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

“(A) IN GENERAL.—With respect to each
exercise of such authority—
“(i) an explanation of the purpose of the applicable contract, purchase order, or other exercise of authority (including an allocation of materials, services, and facilities under section 101(a)(2));

“(ii) the cost of such exercise of authority; and

“(iii) if applicable—

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

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

“(III) an identification of any entity that had shipments delayed by the exercise of any authority under this Act.

“(B) CONSULTATIONS.—A description of any consultations conducted with relevant stakeholders on the needs addressed by the exercise of the authorities described in paragraph (1).

“(3) UPDATE.—The President shall provide an additional briefing to the appropriate congressional
committees on the matters described under paragraph (2) no later than four months after the submission of each report.

“(f) DEFINITIONS.—In this section:


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

“(A) representative private sector entities;

“(B) representatives of the nonprofit sector;

“(C) representatives of primary and secondary school systems; and

“(D) representatives of organizations representing workers, including health workers, manufacturers, teachers, other public sector employees, and service sector workers.
“(3) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.”.

(3) UPDATE TO FEDERAL REGULATIONS.—

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

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

(b) REPORT ON ACTIVITIES INVOLVING SMALL BUSINESS.—The report required by section 304(f)(3) of the Defense Production Act of 1950 (50 U.S.C. 4534(f)(3)) with respect to fiscal years 2023 and 2024 shall include the percentage of contracts awarded using funds to carry 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).