AMENDMENT TO RULES COMMITTEE PRINT 116–57

OFFERED BY MR. WENSTRUP OF OHIO

At the end of subtitle D of title VII, add the following new section:

SEC. 7___. STUDY ON JOINT DEPLOYMENT FORMULARY.

(a) STUDY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Health and Human Services, the Commissioner of Food and Drugs, and the heads of other departments and agencies of the Federal Government that the Secretary of Defense determines appropriate, shall submit to the appropriate congressional committees a report containing a study on the joint deployment formulary

(b) ELEMENTS.—The study under subsection (a) shall include—

(1) a list of the drugs and vaccines on the joint deployment formulary;

(2) an identification of the active pharmaceutical ingredients of such drugs and vaccines and the components of such active pharmaceutical ingredients;

(3) the country of origin of—

(A) the active pharmaceutical ingredients;

(B) the components of such ingredients; and

(C) the source materials of such ingredients and components;

(4) a list of each manufacturer of such drugs and vaccines that is owned, in whole or in part, by a foreign entity, including—

(A) identification of each such foreign entity; and

(B) the percentage of such ownership by each such foreign entity;

(5) identification of any barriers, limitations, or constraints that may inhibit the ability of the Department of Defense to procure and sustain its supply of drugs and vaccines, including with respect to—

(A) the Federal Acquisition Regulation;

(B) applicable laws and regulations of the Federal Government; and

(C) whether the raw materials can be found in the United States;

(6) an identification of military partners and allies of the United States who could help manufacture such components and materials;

(7) an assessment of the steps the Secretary of Defense is currently taking to mitigate any shortages of critical drugs and vaccines on the joint deployment formulary;

(8) a description of how the Secretary of Defense coordinates with the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Secretary of Commerce, the Secretary of Veterans Affairs, and other applicable heads of departments and agencies of the Federal Government; and

(9) if the Secretary is unable to provide any of the information under paragraphs (1) through (8), identification of any barriers in providing such information.

(c) FORM.—

(1) IN GENERAL.—The report submitted under subsection (a) shall be submitted in classified form and shall include an unclassified summary.

(2) PROTECTION OF INFORMATION.—The Secretary of Defense—

(A) shall ensure that the unclassified summary described in paragraph (1) protects proprietary information pursuant to the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation; and

(B) may not disclose in such unclassified summary any information that is a trade secret under section 552(b)(4) of title 5, United States Code, or confidential information under section 1905 of title 18, United States Code.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(3) any other committee of Congress the Secretary of Defense determines appropriate.

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