

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**117-13**

**OFFERED BY MR. HILL OF ARKANSAS**

In title LI, add at the end the following:

1 **SEC. 5106. SAVE ACT OF 2021.**

2 (a) SECURING ESSENTIAL MEDICAL MATERIALS.—

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

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

9 (B) by inserting after paragraph (2) the  
10 following:

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

1           (2) STRENGTHENING DOMESTIC CAPABILITY.—  
2       Section 107 of the Defense Production Act of 1950  
3       (50 U.S.C. 4517) is amended—

4           (A) in subsection (a), by inserting “(in-  
5       cluding medical materials)” after “materials”;  
6       and

7           (B) in subsection (b)(1), by inserting “(in-  
8       cluding medical materials such as drugs, de-  
9       vices, and biological products to diagnose, cure,  
10      mitigate, treat, or prevent disease that are es-  
11      sential to national defense)” after “essential  
12      materials”.

13       (3) STRATEGY ON SECURING SUPPLY CHAINS  
14      FOR MEDICAL MATERIALS.—Title I of the Defense  
15      Production Act of 1950 (50 U.S.C. 4511 et seq.) is  
16      amended by adding at the end the following:

17   **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**  
18           **MEDICAL MATERIALS.**

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

1           “(1) A detailed plan to use the authorities  
2           under this title and title III, or any other provision  
3           of law, to ensure the supply of medical materials (in-  
4           cluding drugs, devices, and biological products (as  
5           that term is defined in section 351 of the Public  
6           Health Service Act (42 U.S.C. 262)) to diagnose,  
7           cure, mitigate, treat, or prevent disease) essential to  
8           national defense, to the extent necessary for the pur-  
9           poses of this Act.

10           “(2) An analysis of vulnerabilities to existing  
11           supply chains for such medical materials, and rec-  
12           ommendations to address the vulnerabilities.

13           “(3) Measures to be undertaken by the Presi-  
14           dent to diversify such supply chains, as appropriate  
15           and as required for national defense.

16           “(4) A discussion of—

17                   “(A) any significant effects resulting from  
18                   the plan and measures described in this sub-  
19                   section on the production, cost, or distribution  
20                   of biological products (as that term is defined  
21                   in section 351 of the Public Health Service Act  
22                   (42 U.S.C. 262)) or any other devices or drugs  
23                   (as defined under the Federal Food, Drug, and  
24                   Cosmetic Act (21 U.S.C. 301 et seq.));

1           “(B) a timeline to ensure that essential  
2           components of the supply chain for medical ma-  
3           terials are not under the exclusive control of a  
4           foreign government in a manner that the Presi-  
5           dent determines could threaten the national de-  
6           fense of the United States; and

7           “(C) efforts to mitigate any risks resulting  
8           from the plan and measures described in this  
9           subsection to United States competitiveness,  
10          scientific leadership, and innovative capacity,  
11          including efforts to cooperate and proactively  
12          engage with United States allies.

13          “(b) PROGRESS REPORT.—Following submission of  
14          the strategy under subsection (a), the President shall sub-  
15          mit to the appropriate Members of Congress an annual  
16          progress report until September 30, 2025, evaluating the  
17          implementation of the strategy, and may include updates  
18          to the strategy as appropriate. The strategy and progress  
19          reports shall be submitted in unclassified form but may  
20          contain a classified annex.

21          “(c) APPROPRIATE MEMBERS OF CONGRESS.—The  
22          term ‘appropriate Members of Congress’ means the  
23          Speaker, majority leader, and minority leader of the  
24          House of Representatives, the majority leader and minor-  
25          ity leader of the Senate, the Chairman and Ranking Mem-

1 ber of the Committee on Financial Services of the House  
2 of Representatives, and the Chairman and Ranking Mem-  
3 ber of the Committee on Banking, Housing, and Urban  
4 Affairs of the Senate.”.

5 (b) INVESTMENT IN SUPPLY CHAIN SECURITY.—

6 (1) IN GENERAL.—Section 303 of the Defense  
7 Production Act of 1950 (50 U.S.C. 4533) is amend-  
8 ed by adding at the end the following:

9 “(h) INVESTMENT IN SUPPLY CHAIN SECURITY.—

10 “(1) IN GENERAL.—In addition to other au-  
11 thorities in this title, the President may make avail-  
12 able to an eligible entity described in paragraph (2)  
13 payments to increase the security of supply chains  
14 and supply chain activities, if the President certifies  
15 to Congress not less than 30 days before making  
16 such a payment that the payment is critical to meet  
17 national defense requirements of the United States.

18 “(2) ELIGIBLE ENTITY.—An eligible entity de-  
19 scribed in this paragraph is an entity that—

20 “(A) is organized under the laws of the  
21 United States or any jurisdiction within the  
22 United States; and

23 “(B) produces—

24 “(i) one or more critical components;

25 “(ii) critical technology; or

1                   “(iii) one or more products or raw  
2                   materials for the security of supply chains  
3                   or supply chain activities.

4                   “(3) DEFINITIONS.—In this subsection, the  
5                   terms ‘supply chain’ and ‘supply chain activities’  
6                   have the meanings given those terms by the Presi-  
7                   dent by regulation.”.

8                   (2) REGULATIONS.—

9                   (A) IN GENERAL.—Not later than 90 days  
10                  after the date of the enactment of this Act, the  
11                  President shall prescribe regulations setting  
12                  forth definitions for the terms “supply chain”  
13                  and “supply chain activities” for the purposes  
14                  of section 303(h) of the Defense Production Act  
15                  of 1950 (50 U.S.C. 4533(h)), as added by sub-  
16                  section (a).

17                  (B) SCOPE OF DEFINITIONS.—The defini-  
18                  tions required by paragraph (1)—

19                         (i) shall encompass—

20                                 (I) the organization, people, ac-  
21                                 tivities, information, and resources in-  
22                                 volved in the delivery and operation of  
23                                 a product or service used by the Gov-  
24                                 ernment; or

1 (II) critical infrastructure as de-  
2 fined in Presidential Policy Directive  
3 21 (February 12, 2013; relating to  
4 critical infrastructure security and re-  
5 silience); and

6 (ii) may include variations as deter-  
7 mined necessary and appropriate by the  
8 President for purposes of national defense.

