

AMENDMENT TO THE RULES COMMITTEE PRINT

117-54

OFFERED BY MR. HILL OF ARKANSAS

Add at the end of title LIV of division E the following:

1 **SEC. 5403. SECURING AMERICA'S VACCINES FOR EMER-**
2 **GENCIES.**

3 (a) SECURING ESSENTIAL MEDICAL MATERIALS.—

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

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

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

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

1 leadership and cooperation, and innovative capac-
2 ity;”.

3 (2) STRENGTHENING DOMESTIC CAPABILITY.—
4 Section 107 of the Defense Production Act of 1950
5 (50 U.S.C. 4517) is amended—

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

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

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

19 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
20 **MEDICAL MATERIALS.**

21 “(a) IN GENERAL.—Not later than 180 days after
22 the date of the enactment of this section, the President,
23 in consultation with the Secretary of Health and Human
24 Services, the Secretary of Commerce, the Secretary of
25 Homeland Security, and the Secretary of Defense, shall

1 transmit a strategy to the appropriate Members of Con-
2 gress that includes the following:

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

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

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

18 “(4) A discussion of—

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

1 (as defined under the Federal Food, Drug, and
2 Cosmetic Act (21 U.S.C. 301 et seq.));

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

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

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

23 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The
24 term ‘appropriate Members of Congress’ means the
25 Speaker, majority leader, and minority leader of the

1 House of Representatives, the majority leader and minor-
2 ity leader of the Senate, the Chairman and Ranking Mem-
3 ber of the Committee on Energy and Commerce of the
4 House of Representatives, the Chairman and Ranking
5 Member of the Committee on Financial Services of the
6 House of Representatives, the Chairman and Ranking
7 Member of the Committee on Banking, Housing, and
8 Urban Affairs of the Senate, and the Chairman and Rank-
9 ing Member of the Committee on Health, Education,
10 Labor, and Pensions of the Senate.”.

11 (b) INVESTMENT IN SUPPLY CHAIN SECURITY.—

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

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

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

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

1 “(A) is organized under the laws of the
2 United States or any jurisdiction within the
3 United States; and

4 “(B) produces—

5 “(i) one or more critical components;

6 “(ii) critical technology; or

7 “(iii) one or more products or raw
8 materials for the security of supply chains
9 or supply chain activities.

10 “(3) DEFINITIONS.—In this subsection, the
11 terms ‘supply chain’ and ‘supply chain activities’
12 have the meanings given those terms by the Presi-
13 dent by regulation.”.

14 (2) REGULATIONS.—

15 (A) IN GENERAL.—Not later than 90 days
16 after the date of the enactment of this Act, the
17 President shall prescribe regulations setting
18 forth definitions for the terms “supply chain”
19 and “supply chain activities” for the purposes
20 of section 303(h) of the Defense Production Act
21 of 1950 (50 U.S.C. 4533(h)), as added by para-
22 graph (1).

23 (B) SCOPE OF DEFINITIONS.—The defini-
24 tions required by subparagraph (A)—

25 (i) shall encompass—

1 (I) the organization, people, ac-
2 tivities, information, and resources in-
3 volved in the delivery and operation of
4 a product or service used by the Gov-
5 ernment; or

6 (II) critical infrastructure as de-
7 fined in Presidential Policy Directive
8 21 (February 12, 2013; relating to
9 critical infrastructure security and re-
10 silience); and

11 (ii) may include variations as deter-
12 mined necessary and appropriate by the
13 President for purposes of national defense.

