

**[Discussion Draft]**

**AMENDMENT TO RULES COMMITTEE PRINT**

**117-54**

**OFFERED BY MR. VARGAS OF CALIFORNIA**

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

1 **SEC. 54** \_\_\_\_ . **NATIONWIDE EMERGENCY DECLARATION MED-**  
2 **ICAL SUPPLIES ENHANCEMENT.**

3 (a) **DETERMINATION ON EMERGENCY SUPPLIES AND**  
4 **OTHER PUBLIC HEALTH EMERGENCIES.**—For the pur-  
5 poses of section 101 of the Defense Production Act of  
6 1950 (50 U.S.C. 4511), the following materials may be  
7 deemed by the President, during a nationwide emergency  
8 declaration period, to be scarce and critical materials es-  
9 sential to the national defense and otherwise meet the re-  
10 quirements of section 101(b) of such Act, and funds avail-  
11 able to implement such Act may be used for the purchase,  
12 production (including the construction, repair, and retro-  
13 fitting of government-owned facilities as necessary), or  
14 distribution of such materials:

15 (1) Face masks and personal protective equip-  
16 ment, including non-surgical isolation gowns, face  
17 shields, nitrile gloves, N-95 filtering facepiece res-

1       pirators, and any other masks or equipment (includ-  
2       ing durable medical equipment) determined by the  
3       Secretary of Health and Human Services to be need-  
4       ed to respond during a nationwide emergency dec-  
5       laration period, and the materials, machinery, addi-  
6       tional manufacturing lines or facilities, or other  
7       technology necessary to produce such equipment.

8           (2) Drugs and devices (as those terms are de-  
9       fined in the Federal Food, Drug, and Cosmetic Act  
10      (21 U.S.C. 301 et seq.)) and biological products (as  
11      that term is defined by section 351 of the Public  
12      Health Service Act (42 U.S.C. 262)) that are ap-  
13      proved, cleared, licensed, or authorized for use dur-  
14      ing a nationwide emergency, and any materials,  
15      manufacturing machinery, additional manufacturing  
16      or fill-finish lines or facilities, technology, or equip-  
17      ment (including durable medical equipment) nec-  
18      essary to produce or use such drugs, biological prod-  
19      ucts, or devices (including syringes, vials, or other  
20      supplies or equipment related to delivery, distribu-  
21      tion, or administration).

22           (3) Any other medical equipment or supplies  
23      determined by the Secretary of Health and Human  
24      Services or the Secretary of Homeland Security to  
25      be scarce and critical materials essential to the na-

1 tional defense for purposes of section 101 of the De-  
2 fense Production Act of 1950 (50 U.S.C. 4511).

3 (b) ENHANCEMENT OF SUPPLY CHAIN PRODUC-  
4 TION.—In exercising authority under title III of the De-  
5 fense Production Act of 1950 (50 U.S.C. 4531 et seq.)  
6 with respect to materials described in subsection (a), the  
7 President shall seek to ensure that support is provided to  
8 companies that comprise the supply chains for reagents,  
9 components, raw materials, and other materials and items  
10 necessary to produce or use the materials described in sub-  
11 section (a) to the extent necessary for the national defense  
12 during a nationwide emergency declaration and subse-  
13 quent major disaster declarations under sections 501 and  
14 401, respectively, of the Robert T. Stafford Disaster Relief  
15 and Emergency Assistance Act (42 U.S.C. 5191, 5170).

16 (c) ENHANCED REPORTING DURING NATIONWIDE  
17 DISASTER DECLARATIONS.—

18 (1) REPORT ON EXERCISING AUTHORITIES  
19 UNDER THE DEFENSE PRODUCTION ACT OF 1950.—

20 (A) IN GENERAL.—Not later than 90 days  
21 after the date of the enactment of this Act, the  
22 President, in consultation with the Adminis-  
23 trator of the Federal Emergency Management  
24 Agency, the Secretary of Defense, and the Sec-  
25 retary of Health and Human Services, shall

1 submit to the appropriate congressional com-  
2 mittees a report on the exercise of authorities  
3 under titles I, III, and VII of the Defense Pro-  
4 duction Act of 1950 (50 U.S.C. 4501 et seq.)  
5 prior to the date of such report for the purposes  
6 of the nationwide emergency declaration re-  
7 sponse.

8 (B) CONTENTS.—The report required  
9 under subparagraph (A) and the update re-  
10 quired under subparagraph (C) shall include  
11 the following:

12 (i) IN GENERAL.—With respect to  
13 each exercise of such authority—

14 (I) an explanation of the purpose  
15 of the applicable contract, purchase  
16 order, or other exercise of authority  
17 (including an allocation of materials,  
18 services, and facilities under section  
19 101(a)(2) of the Defense Production  
20 Act of 1950 (50 U.S.C. 4511(a)(2));

21 (II) the cost of such exercise of  
22 authority; and

23 (III) if applicable—

24 (aa) the amount of goods  
25 that were purchased or allocated;

1 (bb) an identification of the  
2 entity awarded a contract or pur-  
3 chase order or that was the sub-  
4 ject of the exercise of authority;  
5 and

6 (cc) an identification of any  
7 entity that had shipments de-  
8 layed by the exercise of any au-  
9 thority under the Defense Pro-  
10 duction Act of 1950 (50 U.S.C.  
11 4501 et seq.).

12 (ii) CONSULTATIONS.—A description  
13 of any consultations conducted with rel-  
14 evant stakeholders on the needs addressed  
15 by the exercise of the authorities described  
16 in subparagraph (A).

17 (C) UPDATE.—The President shall provide  
18 an additional briefing to the appropriate con-  
19 gressional committees on the matters described  
20 under subparagraph (B) no later than four  
21 months after the submission of the report.

22 (2) SUNSET.—The requirements of this section  
23 shall terminate at the end of the nationwide emer-  
24 gency declaration period.

