

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**117-13**

**OFFERED BY M** . \_\_\_\_\_

After title LIII, insert the following:

1 **TITLE LIV—COVID-19 EMER-**  
2 **GENCY MEDICAL SUPPLIES**

3 **SEC. 5401. SHORT TITLE.**

4 This title may be cited as the “COVID-19 Emer-  
5 gency Medical Supplies Enhancement Act of 2021”.

6 **SEC. 5402. DETERMINATION ON EMERGENCY SUPPLIES**  
7 **AND RELATIONSHIP TO STATE AND LOCAL**  
8 **EFFORTS.**

9 (a) DETERMINATION.—For the purposes of section  
10 101 of the Defense Production Act of 1950 (50 U.S.C.  
11 4511), the following materials shall be deemed to be scarce  
12 and critical materials essential to the national defense and  
13 otherwise meet the requirements of section 101(b) of such  
14 Act during the COVID-19 emergency period:

15 (1) Diagnostic tests, including serological tests,  
16 for COVID-19 and the reagents and other materials  
17 necessary for producing or conducting such tests.

18 (2) Personal protective equipment, including  
19 face shields, N-95 respirator masks, and any other

1 masks determined by the Secretary of Health and  
2 Human Services to be needed to respond to the  
3 COVID–19 pandemic, and the materials to produce  
4 such equipment.

5 (3) Medical ventilators, the components nec-  
6 essary to make such ventilators, and medicines need-  
7 ed to use a ventilator as a treatment for any indi-  
8 vidual who is hospitalized for COVID–19.

9 (4) Pharmaceuticals and any medicines deter-  
10 mined by the Food and Drug Administration or an-  
11 other Government agency to be effective in treating  
12 COVID–19 (including vaccines for COVID–19) and  
13 any materials necessary to produce or use such  
14 pharmaceuticals or medicines (including self-injec-  
15 tion syringes or other delivery systems).

16 (5) Any other medical equipment or supplies  
17 determined by the Secretary of Health and Human  
18 Services or the Secretary of Homeland Security to  
19 be scarce and critical materials essential to the na-  
20 tional defense for purposes of section 101 of the De-  
21 fense Production Act of 1950 (50 U.S.C. 4511).

22 (b) EXERCISE OF TITLE I AUTHORITIES IN RELA-  
23 TION TO CONTRACTS BY STATE AND LOCAL GOVERN-  
24 MENTS.—In exercising authorities under title I of the De-  
25 fense Production Act of 1950 (50 U.S.C. 4511 et seq.)

1 during the COVID–19 emergency period, the President  
2 (and any officer or employee of the United States to which  
3 authorities under such title I have been delegated)—

4 (1) may exercise the prioritization or allocation  
5 authority provided in such title I to exclude any ma-  
6 terials described in subsection (a) ordered by a State  
7 or local government that are scheduled to be deliv-  
8 ered within 15 days of the time at which—

9 (A) the purchase order or contract by the  
10 Federal Government for such materials is  
11 made; or

12 (B) the materials are otherwise allocated  
13 by the Federal Government under the authori-  
14 ties contained in such Act; and

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

18 (A) notify any State or local government if  
19 the exercise of such authorities would delay the  
20 receipt of such materials ordered by such gov-  
21 ernment; and

22 (B) take such steps as may be necessary to  
23 ensure that such materials ordered by such gov-  
24 ernment are delivered in the shortest possible  
25 period.

1 (c) UPDATE TO THE FEDERAL ACQUISITION REGU-  
2 LATION.—Not later than 15 days after the date of the en-  
3 actment of this Act, the Federal Acquisition Regulation  
4 shall be revised to reflect the requirements of subsection  
5 (b)(1).

6 **SEC. 5403. ENGAGEMENT WITH THE PRIVATE SECTOR.**

7 (a) SENSE OF CONGRESS.—The Congress—

8 (1) appreciates the willingness of private com-  
9 panies not traditionally involved in producing items  
10 for the health sector to volunteer to use their exper-  
11 tise and supply chains to produce essential medical  
12 supplies and equipment;

13 (2) encourages other manufacturers to review  
14 their existing capacity and to develop capacity to  
15 produce essential medical supplies, medical equip-  
16 ment, and medical treatments to address the  
17 COVID–19 emergency; and

18 (3) commends and expresses deep appreciation  
19 to individual citizens who have been producing per-  
20 sonal protective equipment and other materials for,  
21 in particular, use at hospitals in their community.

22 (b) OUTREACH REPRESENTATIVE.—

23 (1) DESIGNATION.—Consistent with the au-  
24 thorities in title VII of the Defense Production Act  
25 of 1950 (50 U.S.C. 4551 et seq.), the Administrator

1 of the Federal Emergency Management Agency, in  
2 consultation with the Secretary of Health and  
3 Human Services, shall designate or shall appoint,  
4 pursuant to section 703 of such Act (50 U.S.C.  
5 4553), an individual to be known as the “Outreach  
6 Representative”. Such individual shall—

7 (A) be appointed from among individuals  
8 with substantial experience in the private sector  
9 in the production of medical supplies or equip-  
10 ment; and

11 (B) act as the Government-wide single  
12 point of contact during the COVID–19 emer-  
13 gency for outreach to manufacturing companies  
14 and their suppliers who may be interested in  
15 producing medical supplies or equipment, in-  
16 cluding the materials described under section  
17 5402.

18 (2) ENCOURAGING PARTNERSHIPS.—The Out-  
19 reach Representative shall seek to develop partner-  
20 ships between companies, in coordination with the  
21 Supply Chain Stabilization Task Force or any over-  
22 all coordinator appointed by the President to oversee  
23 the response to the COVID–19 emergency, including  
24 through the exercise of the authorities under section

1 708 of the Defense Production Act of 1950 (50  
2 U.S.C. 4558).

3 **SEC. 5404. ENHANCEMENT OF SUPPLY CHAIN PRODUCTION.**

4 In exercising authority under title III of the Defense  
5 Production Act of 1950 (50 U.S.C. 4531 et seq.) with re-  
6 spect to materials described in section 5402, the President  
7 shall seek to ensure that support is provided to companies  
8 that comprise the supply chains for reagents, components,  
9 raw materials, and other materials and items necessary  
10 to produce or use the materials described in section 5402.

11 **SEC. 5405. OVERSIGHT OF CURRENT ACTIVITY AND NEEDS.**

12 (a) RESPONSE TO IMMEDIATE NEEDS.—

13 (1) IN GENERAL.—Not later than 7 days after  
14 the date of the enactment of this Act, the President,  
15 in coordination with the National Response Coordi-  
16 nation Center of the Federal Emergency Manage-  
17 ment Agency, the Administrator of the Defense Lo-  
18 gistics Agency, the Secretary of Health and Human  
19 Services, the Secretary of Veterans Affairs, and  
20 heads of other Federal agencies (as appropriate),  
21 shall submit to the appropriate congressional com-  
22 mittees a report assessing the immediate needs de-  
23 scribed in paragraph (2) to combat the COVID–19  
24 pandemic and the plan for meeting those immediate  
25 needs.

1           (2) ASSESSMENT.—The report required by this  
2 subsection shall include—

3           (A) an assessment of the needs for medical  
4 supplies or equipment necessary to address the  
5 needs of the population of the United States in-  
6 fected by the virus SARS-CoV-2 that causes  
7 COVID-19 and to prevent an increase in the  
8 incidence of COVID-19 throughout the United  
9 States, including diagnostic tests, serological  
10 tests, medicines that have been approved by the  
11 Food and Drug Administration to treat  
12 COVID-19, and ventilators and medicines  
13 needed to employ ventilators;

14           (B) based on meaningful consultations  
15 with relevant stakeholders, an assessment of the  
16 need for personal protective equipment and  
17 other supplies (including diagnostic tests) re-  
18 quired by—

19           (i) health professionals, health work-  
20 ers, and hospital staff;

21           (ii) workers in industries and sectors  
22 described in the “Advisory Memorandum  
23 on Identification of Essential Critical In-  
24 frastructure Workers during the COVID-  
25 19 Response” issued by the Director of

1           Cybersecurity and Infrastructure Security  
2           Agency of the Department of Homeland  
3           Security on April 17, 2020 (and any ex-  
4           pansion of industries and sectors included  
5           in updates to such advisory memorandum);  
6           and

7                     (iii) other workers determined to be  
8                     essential based on such consultation;

9                     (C) an assessment of the quantities of  
10                    equipment and supplies in the Strategic Na-  
11                    tional Stockpile (established under section  
12                    319F-2 of the Public Health Service Act (42  
13                    U.S.C. 247d-6b(a)(1))) as of the date of the re-  
14                    port, and the projected gap between the quan-  
15                    tities of equipment and supplies identified as  
16                    needed in the assessment under subparagraphs  
17                    (A) and (B) and the quantities in the Strategic  
18                    National Stockpile;

19                    (D) an identification of the industry sec-  
20                    tors and manufacturers most ready to fulfill  
21                    purchase orders for such equipment and sup-  
22                    plies (including manufacturers that may be  
23                    incentivized) through the exercise of authority  
24                    under section 303(e) of the Defense Production  
25                    Act of 1950 (50 U.S.C. 4533(e)) to modify, ex-



1           pand, or improve production processes to manu-  
2           facture such equipment and supplies to respond  
3           immediately to a need identified in subpara-  
4           graph (A) or (B);

5           (E) an identification of Government-owned  
6           and privately-owned stockpiles of such equip-  
7           ment and supplies not included in the Strategic  
8           National Stockpile that could be repaired or re-  
9           furnished;

10          (F) an identification of previously distrib-  
11          uted critical supplies that can be redistributed  
12          based on current need;

13          (G) a description of any exercise of the au-  
14          thorities described under subsection (a)(5) or  
15          (b)(1) of section 5402; and

16          (H) an identification of critical areas of  
17          need, by county and by areas identified by the  
18          Indian Health Service, in the United States and  
19          the metrics and criteria for identification as a  
20          critical area.

21          (3) PLAN.—The report required by this sub-  
22          section shall include a plan for meeting the imme-  
23          diate needs to combat the COVID–19 pandemic, in-  
24          cluding the needs described in paragraph (1). Such  
25          plan shall include—

1 (A) each contract the Federal Government  
2 has entered into to meet such needs, including  
3 the purpose of each contract, the type and  
4 amount of equipment, supplies, or services to be  
5 provided under the contract, the entity per-  
6 forming such contract, and the dollar amount  
7 of each contract;

8 (B) each contract that the Federal Govern-  
9 ment intends to enter into within 14 days after  
10 submission of such report, including the infor-  
11 mation described in subparagraph (A) for each  
12 such contract; and

13 (C) whether any of the contracts described  
14 in subparagraph (A) or (B) have or will have a  
15 priority rating under the Defense Production  
16 Act of 1950 (50 U.S.C. 4501 et seq.), including  
17 purchase orders pursuant to Department of De-  
18 fense Directive 4400.1 (or any successor direc-  
19 tive), subpart A of part 101 of title 45, Code  
20 of Federal Regulations, or any other applicable  
21 authority.

22 (4) ADDITIONAL REQUIREMENTS.—The report  
23 required by this subsection, and each update re-  
24 quired by paragraph (5), shall include—

1 (A) any requests for equipment and sup-  
2 plies from State or local governments and In-  
3 dian Tribes, and an accompanying list of the  
4 employers and unions consulted in developing  
5 these requests;

6 (B) any modeling or formulas used to de-  
7 termine allocation of equipment and supplies,  
8 and any related chain of command issues on  
9 making final decisions on allocations;

10 (C) the amount and destination of equip-  
11 ment and supplies delivered;

12 (D) an explanation of why any portion of  
13 any contract, whether to replenish the Strategic  
14 National Stockpile or otherwise, will not be  
15 filled;

16 (E) of products procured under this sec-  
17 tion, the percentage of such products that are  
18 used to replenish the Strategic National Stock-  
19 pile, that are targeted to COVID-19 hotspots,  
20 and that are used for the commercial market;

21 (F) metrics, formulas, and criteria used to  
22 determine COVID-19 hotspots or areas of crit-  
23 ical need for a State, county, or an area identi-  
24 fied by the Indian Health Service;

1 (G) production and procurement bench-  
2 marks, where practicable; and

3 (H) results of the consultation with the  
4 relevant stakeholders required by paragraph  
5 (2)(B).

6 (5) UPDATES.—The President, in coordination  
7 with the National Response Coordination Center of  
8 the Federal Emergency Management Agency, the  
9 Administrator of the Defense Logistics Agency, the  
10 Secretary of Health and Human Services, the Sec-  
11 retary of Veterans Affairs, and heads of other Fed-  
12 eral agencies (as appropriate), shall update such re-  
13 port every 14 days.

14 (6) PUBLIC AVAILABILITY.—The President  
15 shall make the report required by this subsection  
16 and each update required by paragraph (5) available  
17 to the public, including on a Government website.

18 (b) RESPONSE TO LONGER-TERM NEEDS.—

19 (1) IN GENERAL.—Not later than 14 days after  
20 the date of enactment of this Act, the President, in  
21 coordination with the National Response Coordina-  
22 tion Center of the Federal Emergency Management  
23 Agency, the Administrator of the Defense Logistics  
24 Agency, the Secretary of Health and Human Serv-  
25 ices, the Secretary of Veterans Affairs, and heads of

1 other Federal agencies (as appropriate), shall submit  
2 to the appropriate congressional committees a report  
3 containing an assessment of the needs described in  
4 paragraph (2) to combat the COVID–19 pandemic  
5 and the plan for meeting such needs during the 6-  
6 month period beginning on the date of submission of  
7 the report.

8 (2) ASSESSMENT.—The report required by this  
9 subsection shall include—

10 (A) an assessment of the elements de-  
11 scribed in subparagraphs (A) through (E) and  
12 subparagraph (H) of subsection (a)(2); and

13 (B) an assessment of needs related to  
14 COVID–19 vaccines and any additional services  
15 to address the COVID–19 pandemic, including  
16 services related to health surveillance to ensure  
17 that the appropriate level of contact tracing re-  
18 lated to detected infections is available through-  
19 out the United States.

20 (3) PLAN.—The report required by this sub-  
21 section shall include a plan for meeting the longer-  
22 term needs to combat the COVID–19 pandemic, in-  
23 cluding the needs described in paragraph (1). This  
24 plan shall include—

1 (A) a plan to exercise authorities under the  
2 Defense Production Act of 1950 (50 U.S.C.  
3 4501 et seq.) necessary to increase the produc-  
4 tion of the medical equipment, supplies, and  
5 services that are essential to meeting the needs  
6 identified in paragraph (2) (including the num-  
7 ber of N-95 respirator masks and other per-  
8 sonal protective equipment needed), based on  
9 meaningful consultations with relevant stake-  
10 holders—

11 (i) by the private sector to resume  
12 economic activity; and

13 (ii) by the public and nonprofit sec-  
14 tors to significantly increase their activi-  
15 ties;

16 (B) results of the consultations with the  
17 relevant stakeholders required by subparagraph  
18 (A)(ii);

19 (C) an estimate of the funding and other  
20 measures necessary to rapidly expand manufac-  
21 turing production capacity for such equipment  
22 and supplies, including—

23 (i) any efforts to expand, retool, or re-  
24 configure production lines;

1 (ii) any efforts to establish new pro-  
2 duction lines through the purchase and in-  
3 stallation of new equipment; or

4 (iii) the issuance of additional con-  
5 tracts, purchase orders, purchase guaran-  
6 tees, or other similar measures;

7 (D) each contract the Federal Government  
8 has entered into to meet such needs or expand  
9 such production, the purpose of each contract,  
10 the type and amount of equipment, supplies, or  
11 services to be provided under the contract, the  
12 entity performing such contract, and the dollar  
13 amount of each contract;

14 (E) each contract that the Federal Govern-  
15 ment intends to enter into within 14 days after  
16 submission of such report, including the infor-  
17 mation described in subparagraph (D) for each  
18 such contract;

19 (F) whether any of the contracts described  
20 in subparagraph (D) or (E) have or will have  
21 a priority rating under the Defense Production  
22 Act of 1950 (50 U.S.C. 4501 et seq.), including  
23 purchase orders pursuant to Department of De-  
24 fense Directive 4400.1 (or any successor direc-  
25 tive), subpart A of part 101 of title 45, Code

1 of Federal Regulations, or any other applicable  
2 authority; and

3 (G) the manner in which the Defense Pro-  
4 duction Act of 1950 (50 U.S.C. 4501 et seq.)  
5 could be used to increase services necessary to  
6 combat the COVID–19 pandemic, including  
7 services described in paragraph (2)(B).

8 (4) UPDATES.—The President, in coordination  
9 with the National Response Coordination Center of  
10 the Federal Emergency Management Agency, the  
11 Administrator of the Defense Logistics Agency, the  
12 Secretary of Health and Human Services, the Sec-  
13 retary of Veterans Affairs, and heads of other Fed-  
14 eral agencies (as appropriate), shall update such re-  
15 port every 14 days.

16 (5) PUBLIC AVAILABILITY.—The President  
17 shall make the report required by this subsection  
18 and each update required by paragraph (4) available  
19 to the public, including on a Government website.

20 (c) REPORT ON EXERCISING AUTHORITIES UNDER  
21 THE DEFENSE PRODUCTION ACT OF 1950.—

22 (1) IN GENERAL.—Not later than 14 days after  
23 the date of the enactment of this Act, the President,  
24 in consultation with the Administrator of the Fed-  
25 eral Emergency Management Agency, the Secretary



1 of Defense, and the Secretary of Health and Human  
2 Services, shall submit to the appropriate congress-  
3 sional committees a report on the exercise of au-  
4 thorities under titles I, III, and VII of the Defense  
5 Production Act of 1950 (50 U.S.C. 4501 et seq.)  
6 prior to the date of such report.

7 (2) CONTENTS.—The report required under  
8 paragraph (1) and each update required under para-  
9 graph (3) shall include, with respect to each exercise  
10 of such authority—

11 (A) an explanation of the purpose of the  
12 applicable contract, purchase order, or other ex-  
13 ercise of authority (including an allocation of  
14 materials, services, and facilities under section  
15 101(a)(2) of the Defense Production Act of  
16 1950 (50 U.S.C. 4511(a)(2)));

17 (B) the cost of such exercise of authority;  
18 and

19 (C) if applicable—

20 (i) the amount of goods that were  
21 purchased or allocated;

22 (ii) an identification of the entity  
23 awarded a contract or purchase order or  
24 that was the subject of the exercise of au-  
25 thority; and

1 (iii) an identification of any entity  
2 that had shipments delayed by the exercise  
3 of any authority under the Defense Pro-  
4 duction Act of 1950 (50 U.S.C. 4501 et  
5 seq.).

6 (3) UPDATES.—The President shall update the  
7 report required under paragraph (1) every 14 days.

8 (4) PUBLIC AVAILABILITY.—The President  
9 shall make the report required by this subsection  
10 and each update required by paragraph (3) available  
11 to the public, including on a Government website.

12 (d) QUARTERLY REPORTING.—The President shall  
13 submit to Congress, and make available to the public (in-  
14 cluding on a Government website), a quarterly report de-  
15 tailing all expenditures made pursuant to titles I, III, and  
16 VII of the Defense Production Act of 1950 (50 U.S.C.  
17 4501 et seq.).

18 (e) SUNSET.—The requirements of this section shall  
19 terminate on the later of—

20 (1) December 31, 2021; or

21 (2) the end of the COVID–19 emergency pe-  
22 riod.

1 **SEC. 5406. ENHANCEMENTS TO THE DEFENSE PRODUCTION**

2 **ACT OF 1950.**

3 (a) HEALTH EMERGENCY AUTHORITY.—Section 107  
4 of the Defense Production Act of 1950 (50 U.S.C. 4517)  
5 is amended by adding at the end the following:

6 “(c) HEALTH EMERGENCY AUTHORITY.—With re-  
7 spect to a public health emergency declaration by the Sec-  
8 retary of Health and Human Services under section 319  
9 of the Public Health Service Act, or preparations for such  
10 a health emergency, the Secretary of Health and Human  
11 Services and the Administrator of the Federal Emergency  
12 Management Agency are authorized to carry out the au-  
13 thorities provided under this section to the same extent  
14 as the President.”.

15 (b) EMPHASIS ON BUSINESS CONCERNS OWNED BY  
16 WOMEN, MINORITIES, VETERANS, AND NATIVE AMERI-  
17 CANS.—Section 108 of the Defense Production Act of  
18 1950 (50 U.S.C. 4518) is amended—

19 (1) in the heading, by striking “**MODERNIZA-**  
20 **TION OF SMALL BUSINESS SUPPLIERS**” and in-  
21 sserting “**SMALL BUSINESS PARTICIPATION AND**  
22 **FAIR INCLUSION**”;

23 (2) by amending subsection (a) to read as fol-  
24 lows:

25 “(a) PARTICIPATION AND INCLUSION.—

1           “(1) IN GENERAL.—In providing any assistance  
2           under this Act, the President shall accord a strong  
3           preference for subcontractors and suppliers that  
4           are—

5                   “(A) small business concerns; or

6                   “(B) businesses of any size owned by  
7           women, minorities, veterans, and the disabled.

8           “(2) SPECIAL CONSIDERATION.—To the max-  
9           imum extent practicable, the President shall accord  
10          the preference described under paragraph (1) to  
11          small business concerns and businesses described in  
12          paragraph (1)(B) that are located in areas of high  
13          unemployment or areas that have demonstrated a  
14          continuing pattern of economic decline, as identified  
15          by the Secretary of Labor.”; and

16          (3) by adding at the end the following:

17          “(c) MINORITY DEFINED.—In this section, the term  
18          ‘minority’—

19                   “(1) has the meaning given the term in section  
20                   308(b) of the Financial Institutions Reform, Recov-  
21                   ery, and Enforcement Act of 1989; and

22                   “(2) includes any indigenous person in the  
23                   United States, including any territories of the  
24                   United States.”.

1 (c) ADDITIONAL INFORMATION IN ANNUAL RE-  
2 PORT.—Section 304(f)(3) of the Defense Production Act  
3 of 1950 (50 U.S.C. 4534(f)(3)) is amended by striking  
4 “year.” and inserting “year, including the percentage of  
5 contracts awarded using Fund amounts to each of the  
6 groups described in section 108(a)(1)(B) (and, with re-  
7 spect to minorities, disaggregated by ethnic group), and  
8 the percentage of the total amount expended during such  
9 fiscal year on such contracts.”.

10 (d) DEFINITION OF NATIONAL DEFENSE.—Section  
11 702(14) of the Defense Production Act of 1950 is amend-  
12 ed by striking “and critical infrastructure protection and  
13 restoration” and inserting “, critical infrastructure protec-  
14 tion and restoration, and health emergency preparedness  
15 and response activities”.

16 **SEC. 5407. SECURING ESSENTIAL MEDICAL MATERIALS.**

17 (a) STATEMENT OF POLICY.—Section 2(b) of the De-  
18 fense Production Act of 1950 (50 U.S.C. 4502) is amend-  
19 ed—

20 (1) by redesignating paragraphs (3) through  
21 (8) as paragraphs (4) through (9), respectively; and

22 (2) by inserting after paragraph (2) the fol-  
23 lowing:

24 “(3) authorities under this Act should be used  
25 when appropriate to ensure the availability of med-

1 ical materials essential to national defense, including  
2 through measures designed to secure the drug sup-  
3 ply chain, and taking into consideration the impor-  
4 tance of United States competitiveness, scientific  
5 leadership and cooperation, and innovative capac-  
6 ity;”.

7 (b) STRENGTHENING DOMESTIC CAPABILITY.—Sec-  
8 tion 107 of the Defense Production Act of 1950 (50  
9 U.S.C. 4517) is amended—

10 (1) in subsection (a), by inserting “(including  
11 medical materials)” after “materials”; and

12 (2) in subsection (b)(1), by inserting “(includ-  
13 ing medical materials such as drugs to diagnose,  
14 cure, mitigate, treat, or prevent disease that essen-  
15 tial to national defense)” after “essential materials”.

16 (c) STRATEGY ON SECURING SUPPLY CHAINS FOR  
17 MEDICAL ARTICLES.—Title I of the Defense Production  
18 Act of 1950 (50 U.S.C. 4511 et seq.) is amended by add-  
19 ing at the end the following:

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

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

1 Homeland Security, and the Secretary of Defense, shall  
2 transmit a strategy to the appropriate Members of Con-  
3 gress that includes the following:

4           “(1) A detailed plan to use the authorities  
5 under this title and title III, or any other provision  
6 of law, to ensure the supply of medical materials (in-  
7 cluding drugs to diagnose, cure, mitigate, treat, or  
8 prevent disease) essential to national defense, to the  
9 extent necessary for the purposes of this Act.

10           “(2) An analysis of vulnerabilities to existing  
11 supply chains for such medical articles, 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 vaccines or any other drugs (as defined  
21 under section 201 of the Federal Food, Drug,  
22 and Cosmetic Act (21 U.S.C. 321));

23                   “(B) a timeline to ensure that essential  
24 components of the supply chain for medical ma-  
25 terials are not under the exclusive control of a

1 foreign government in a manner that the Presi-  
2 dent determines could threaten the national de-  
3 fense of the United States; and

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

10 “(b) PROGRESS REPORT.—Following submission of  
11 the strategy under subsection (a), the President shall sub-  
12 mit to the appropriate Members of Congress an annual  
13 progress report evaluating the implementation of the  
14 strategy, and may include updates to the strategy as ap-  
15 propriate. The strategy and progress reports shall be sub-  
16 mitted in unclassified form but may contain a classified  
17 annex.

18 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The  
19 term ‘appropriate Members of Congress’ means the  
20 Speaker, majority leader, and minority leader of the  
21 House of Representatives, the majority leader and minor-  
22 ity leader of the Senate, the Chairman and Ranking Mem-  
23 ber of the Committees on Armed Services and Financial  
24 Services of the House of Representatives, and the Chair-  
25 man and Ranking Member of the Committees on Armed



1 Services and Banking, Housing, and Urban Affairs of the  
2 Senate.”.

3 **SEC. 5408. GAO REPORT.**

4 (a) IN GENERAL.—Not later than 270 days after the  
5 date of the enactment of this Act, and annually thereafter,  
6 the Comptroller General of the United States shall submit  
7 to the appropriate congressional committees a report on  
8 ensuring that the United States Government has access  
9 to the medical supplies and equipment necessary to re-  
10 spond to future pandemics and public health emergencies,  
11 including recommendations with respect to how to ensure  
12 that the United States supply chain for diagnostic tests  
13 (including serological tests), personal protective equip-  
14 ment, vaccines, and therapies is better equipped to re-  
15 spond to emergencies, including through the use of funds  
16 in the Defense Production Act Fund under section 304  
17 of the Defense Production Act of 1950 (50 U.S.C. 4534)  
18 to address shortages in that supply chain.

19 (b) REVIEW OF ASSESSMENT AND PLAN.—

20 (1) IN GENERAL.—Not later than 30 days after  
21 each of the submission of the reports described in  
22 subsections (a) and (b) of section 5405, the Comp-  
23 troller General of the United States shall submit to  
24 the appropriate congressional committees an assess-  
25 ment of such reports, including identifying any gaps

1 and providing any recommendations regarding the  
2 subject matter in such reports.

3 (2) MONTHLY REVIEW.—Not later than a  
4 month after the submission of the assessment under  
5 paragraph (1), and monthly thereafter, the Comp-  
6 troller General shall issue a report to the appro-  
7 priate congressional committees with respect to any  
8 updates to the reports described in subsections (a)  
9 and (b) of section 5405 that were issued during the  
10 previous 1-month period, containing an assessment  
11 of such updates, including identifying any gaps and  
12 providing any recommendations regarding the sub-  
13 ject matter in such updates.

14 **SEC. 5409. DEFINITIONS.**

15 In this title:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
17 TEES.—The term “appropriate congressional com-  
18 mittees” means the Committees on Appropriations,  
19 Armed Services, Energy and Commerce, Financial  
20 Services, Homeland Security, and Veterans’ Affairs  
21 of the House of Representatives and the Committees  
22 on Appropriations, Armed Services, Banking, Hous-  
23 ing, and Urban Affairs, Health, Education, Labor,  
24 and Pensions, Homeland Security and Governmental  
25 Affairs, and Veterans’ Affairs of the Senate.

1           (2) COVID–19 EMERGENCY PERIOD.—The  
2 term “COVID–19 emergency period” means the pe-  
3 riod beginning on the date of enactment of this Act  
4 and ending after the end of the incident period for  
5 the emergency declared on March 13, 2020, by the  
6 President under section 501 of the Robert T. Staf-  
7 ford Disaster Relief and Emergency Assistance Act  
8 (42 U.S.C. 4121 et seq.) relating to the Coronavirus  
9 Disease 2019 (COVID–19) pandemic.

10           (3) RELEVANT STAKEHOLDER.—The term “rel-  
11 evant stakeholder” means—

- 12                   (A) representative private sector entities;  
13                   (B) representatives of the nonprofit sector;  
14           and  
15                   (C) representatives of labor organizations  
16 representing workers, including unions that rep-  
17 resent health workers, manufacturers, public  
18 sector employees, and service sector workers.

19           (4) STATE.—The term “State” means each of  
20 the several States, the District of Columbia, the  
21 Commonwealth of Puerto Rico, and any territory or  
22 possession of the United States.

