

116TH CONGRESS  
2D SESSION

# H. R. 6858

To enhance authorities under the Defense Production Act of 1950 to respond to the COVID–19 emergency, to provide additional oversight of such authorities, and to require a strategy on securing supply chains for medical materials, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2020

Mr. VARGAS (for himself, Ms. WATERS, Mr. CROW, Mr. RYAN, Mrs. TRAHAN, and Ms. SLOTKIN) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To enhance authorities under the Defense Production Act of 1950 to respond to the COVID–19 emergency, to provide additional oversight of such authorities, and to require a strategy on securing supply chains for medical materials, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “COVID–19 Emergency  
5 Medical Supplies Enhancement Act of 2020”.

1 **SEC. 2. DETERMINATION ON EMERGENCY SUPPLIES AND**  
2 **RELATIONSHIP TO STATE AND LOCAL EF-**  
3 **FORTS.**

4 (a) DETERMINATION.—For the purposes of section  
5 101 of the Defense Production Act of 1950 (50 U.S.C.  
6 4511), the following materials shall be deemed to be scarce  
7 and critical materials essential to the national defense and  
8 otherwise meet the requirements of section 101(b) of such  
9 Act during the COVID–19 emergency period:

10 (1) Diagnostic tests, including serological tests,  
11 for COVID–19 and the reagents and other materials  
12 necessary for producing or conducting such tests.

13 (2) Personal protective equipment, including  
14 face shields, N–95 respirator masks, and any other  
15 masks determined by the Secretary of Health and  
16 Human Services to be needed to respond to the  
17 COVID–19 pandemic, and the materials to produce  
18 such equipment.

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

23 (4) Pharmaceuticals and any medicines deter-  
24 mined by the Food and Drug Administration or an-  
25 other Government agency to be effective in treating  
26 COVID–19 (including vaccines for COVID–19) and

1 any materials necessary to produce or use such  
2 pharmaceuticals or medicines (including self-injec-  
3 tion syringes or other delivery systems).

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

10 (b) EXERCISE OF TITLE I AUTHORITIES IN RELA-  
11 TION TO CONTRACTS BY STATE AND LOCAL GOVERN-  
12 MENTS.—In exercising authorities under title I of the De-  
13 fense Production Act of 1950 (50 U.S.C. 4511 et seq.)  
14 during the COVID–19 emergency period, the President  
15 (and any officer or employee of the United States to which  
16 authorities under such title I have been delegated)—

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

22 (A) the purchase order or contract by the  
23 Federal Government for such materials is  
24 made; or

1 (B) the materials are otherwise allocated  
2 by the Federal Government under the authori-  
3 ties contained in such Act; and

4 (2) shall, within 24 hours of any exercise of the  
5 prioritization or allocation authority provided in such  
6 title I—

7 (A) notify any State or local government if  
8 the exercise of such authorities would delay the  
9 receipt of such materials ordered by such gov-  
10 ernment; and

11 (B) take such steps as may be necessary to  
12 ensure that such materials ordered by such gov-  
13 ernment are delivered in the shortest possible  
14 period.

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

20 **SEC. 3. ENGAGEMENT WITH THE PRIVATE SECTOR.**

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

22 (1) appreciates the willingness of private com-  
23 panies not traditionally involved in producing items  
24 for the health sector to volunteer to use their exper-

1       tise and supply chains to produce essential medical  
2       supplies and equipment;

3           (2) encourages other manufacturers to review  
4       their existing capacity and to develop capacity to  
5       produce essential medical supplies, medical equip-  
6       ment, and medical treatments to address the  
7       COVID–19 emergency; and

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

12      (b) OUTREACH REPRESENTATIVE.—

13           (1) DESIGNATION.—Consistent with the au-  
14      thorities in title VII of the Defense Production Act  
15      of 1950 (50 U.S.C. 4551 et seq.), the Administrator  
16      of the Federal Emergency Management Agency, in  
17      consultation with the Secretary of Health and  
18      Human Services, shall designate or shall appoint,  
19      pursuant to section 703 of such Act (50 U.S.C.  
20      4553), an individual to be known as the “Outreach  
21      Representative”. Such individual shall—

22           (A) be appointed from among individuals  
23           with substantial experience in the private sector  
24           in the production of medical supplies or equip-  
25           ment; and

1 (B) act as the Government-wide single  
2 point of contact during the COVID–19 emer-  
3 gency for outreach to manufacturing companies  
4 and their suppliers who may be interested in  
5 producing medical supplies or equipment, in-  
6 cluding the materials described under section 2.

7 (2) ENCOURAGING PARTNERSHIPS.—The Out-  
8 reach Representative shall seek to develop partner-  
9 ships between companies, in coordination with the  
10 Supply Chain Stabilization Task Force or any over-  
11 all coordinator appointed by the President to oversee  
12 the response to the COVID–19 emergency, including  
13 through the exercise of the authorities under section  
14 708 of the Defense Production Act of 1950 (50  
15 U.S.C. 4558).

16 **SEC. 4. ENHANCEMENT OF SUPPLY CHAIN PRODUCTION.**

17 In exercising authority under title III of the Defense  
18 Production Act of 1950 (50 U.S.C. 4531 et seq.) with re-  
19 spect to materials described in section 2, the President  
20 shall seek to ensure that support is provided to companies  
21 that comprise the supply chains for reagents, components,  
22 raw materials, and other materials and items necessary  
23 to produce or use the materials described in section 2.

24 **SEC. 5. OVERSIGHT OF CURRENT ACTIVITY AND NEEDS.**

25 (a) RESPONSE TO IMMEDIATE NEEDS.—

1           (1) IN GENERAL.—Not later than 7 days after  
2           the date of the enactment of this Act, the President,  
3           in coordination with the National Response Coordi-  
4           nation Center of the Federal Emergency Manage-  
5           ment Agency, the Administrator of the Defense Lo-  
6           gistics Agency, the Secretary of Health and Human  
7           Services, the Secretary of Veterans Affairs, and  
8           heads of other Federal agencies (as appropriate),  
9           shall submit to the appropriate congressional com-  
10          mittees a report assessing the immediate needs de-  
11          scribed in paragraph (2) to combat the COVID–19  
12          pandemic and the plan for meeting those immediate  
13          needs.

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

16                 (A) an assessment of the needs for medical  
17                 supplies or equipment necessary to address the  
18                 needs of the population of the United States in-  
19                 fected by the virus SARS–CoV–2 that causes  
20                 COVID–19 and to prevent an increase in the  
21                 incidence of COVID–19 throughout the United  
22                 States, including diagnostic tests, serological  
23                 tests, medicines that have been approved by the  
24                 Food and Drug Administration to treat

1 COVID–19, and ventilators and medicines  
2 needed to employ ventilators;

3 (B) based on meaningful consultations  
4 with relevant stakeholders, an assessment of the  
5 need for personal protective equipment and  
6 other supplies (including diagnostic tests) re-  
7 quired by—

8 (i) health professionals, health work-  
9 ers, and hospital staff;

10 (ii) workers in industries and sectors  
11 described in the “Advisory Memorandum  
12 on Identification of Essential Critical In-  
13 frastructure Workers during the COVID–  
14 19 Response” issued by the Director of  
15 Cybersecurity and Infrastructure Security  
16 Agency of the Department of Homeland  
17 Security on April 17, 2020 (and any ex-  
18 pansion of industries and sectors included  
19 in updates to such advisory memorandum);  
20 and

21 (iii) other workers determined to be  
22 essential based on such consultation;

23 (C) an assessment of the quantities of  
24 equipment and supplies in the Strategic Na-  
25 tional Stockpile (established under section



1 319F-2 of the Public Health Service Act (42  
2 U.S.C. 247d-6b(a)(1))) as of the date of the re-  
3 port, and the projected gap between the quan-  
4 tities of equipment and supplies identified as  
5 needed in the assessment under subparagraphs  
6 (A) and (B) and the quantities in the Strategic  
7 National Stockpile;

8 (D) an identification of the industry sec-  
9 tors and manufacturers most ready to fulfill  
10 purchase orders for such equipment and sup-  
11 plies (including manufacturers that may be  
12 incentivized) through the exercise of authority  
13 under section 303(e) of the Defense Production  
14 Act of 1950 (50 U.S.C. 4533(e)) to modify, ex-  
15 pand, or improve production processes to manu-  
16 facture such equipment and supplies to respond  
17 immediately to a need identified in subpara-  
18 graph (A) or (B);

19 (E) an identification of Government-owned  
20 and privately-owned stockpiles of such equip-  
21 ment and supplies not included in the Strategic  
22 National Stockpile that could be repaired or re-  
23 furbished;

1 (F) an identification of previously distrib-  
2 uted critical supplies that can be redistributed  
3 based on current need;

4 (G) a description of any exercise of the au-  
5 thorities described under subsection (a)(5) or  
6 (b)(1) of section 2; and

7 (H) an identification of critical areas of  
8 need, by county and by areas identified by the  
9 Indian Health Service, in the United States and  
10 the metrics and criteria for identification as a  
11 critical area.

12 (3) PLAN.—The report required by this sub-  
13 section shall include a plan for meeting the imme-  
14 diate needs to combat the COVID–19 pandemic, in-  
15 cluding the needs described in paragraph (1). Such  
16 plan shall include—

17 (A) each contract the Federal Government  
18 has entered into to meet such needs, including  
19 the purpose of each contract, the type and  
20 amount of equipment, supplies, or services to be  
21 provided under the contract, the entity per-  
22 forming such contract, and the dollar amount  
23 of each contract;

24 (B) each contract that the Federal Govern-  
25 ment intends to enter into within 14 days after

1 submission of such report, including the infor-  
2 mation described in subparagraph (A) for each  
3 such contract; and

4 (C) whether any of the contracts described  
5 in subparagraph (A) or (B) have or will have a  
6 priority rating under the Defense Production  
7 Act of 1950 (50 U.S.C. 4501 et seq.), including  
8 purchase orders pursuant to Department of De-  
9 fense Directive 4400.1 (or any successor direc-  
10 tive), subpart A of part 101 of title 45, Code  
11 of Federal Regulations, or any other applicable  
12 authority.

13 (4) *ADDITIONAL REQUIREMENTS.*—The report  
14 required by this subsection, and each update re-  
15 quired by paragraph (5), shall include—

16 (A) any requests for equipment and sup-  
17 plies from State or local governments and In-  
18 dian Tribes, and an accompanying list of the  
19 employers and unions consulted in developing  
20 these requests;

21 (B) any modeling or formulas used to de-  
22 termine allocation of equipment and supplies,  
23 and any related chain of command issues on  
24 making final decisions on allocations;

1 (C) the amount and destination of equip-  
2 ment and supplies delivered;

3 (D) an explanation of why any portion of  
4 any contract, whether to replenish the Strategic  
5 National Stockpile or otherwise, will not be  
6 filled;

7 (E) of products procured under this sec-  
8 tion, the percentage of such products that are  
9 used to replenish the Strategic National Stock-  
10 pile, that are targeted to COVID–19 hotspots,  
11 and that are used for the commercial market;

12 (F) metrics, formulas, and criteria used to  
13 determine COVID–19 hotspots or areas of crit-  
14 ical need for a State, county, or an area identi-  
15 fied by the Indian Health Service;

16 (G) production and procurement bench-  
17 marks, where practicable; and

18 (H) results of the consultation with the  
19 relevant stakeholders required by paragraph  
20 (2)(B).

21 (5) UPDATES.—The President, in coordination  
22 with the National Response Coordination Center of  
23 the Federal Emergency Management Agency, the  
24 Administrator of the Defense Logistics Agency, the  
25 Secretary of Health and Human Services, the Sec-

1       retary of Veterans Affairs, and heads of other Fed-  
2       eral agencies (as appropriate), shall update such re-  
3       port every 14 days.

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

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

9               (1) IN GENERAL.—Not later than 14 days after  
10       the date of enactment of this Act, the President, in  
11       coordination with the National Response Coordina-  
12       tion Center of the Federal Emergency Management  
13       Agency, the Administrator of the Defense Logistics  
14       Agency, the Secretary of Health and Human Serv-  
15       ices, the Secretary of Veterans Affairs, and heads of  
16       other Federal agencies (as appropriate), shall submit  
17       to the appropriate congressional committees a report  
18       containing an assessment of the needs described in  
19       paragraph (2) to combat the COVID–19 pandemic  
20       and the plan for meeting such needs during the 6-  
21       month period beginning on the date of submission of  
22       the report.

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

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

4           (B) an assessment of needs related to  
5           COVID–19 vaccines and any additional services  
6           to address the COVID–19 pandemic, including  
7           services related to health surveillance to ensure  
8           that the appropriate level of contact tracing re-  
9           lated to detected infections is available through-  
10          out the United States.

11          (3) PLAN.—The report required by this sub-  
12          section shall include a plan for meeting the longer-  
13          term needs to combat the COVID–19 pandemic, in-  
14          cluding the needs described in paragraph (1). This  
15          plan shall include—

16                (A) a plan to exercise authorities under the  
17                Defense Production Act of 1950 (50 U.S.C.  
18                4501 et seq.) necessary to increase the produc-  
19                tion of the medical equipment, supplies, and  
20                services that are essential to meeting the needs  
21                identified in paragraph (2) (including the num-  
22                ber of N–95 respirator masks and other per-  
23                sonal protective equipment needed), based on  
24                meaningful consultations with relevant stake-  
25                holders—

1 (i) by the private sector to resume  
2 economic activity; and

3 (ii) by the public and nonprofit sec-  
4 tors to significantly increase their activi-  
5 ties;

6 (B) results of the consultations with the  
7 relevant stakeholders required by subparagraph  
8 (A)(ii);

9 (C) an estimate of the funding and other  
10 measures necessary to rapidly expand manufac-  
11 turing production capacity for such equipment  
12 and supplies, including—

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

15 (ii) any efforts to establish new pro-  
16 duction lines through the purchase and in-  
17 stallation of new equipment; or

18 (iii) the issuance of additional con-  
19 tracts, purchase orders, purchase guaran-  
20 tees, or other similar measures;

21 (D) each contract the Federal Government  
22 has entered into to meet such needs or expand  
23 such production, the purpose of each contract,  
24 the type and amount of equipment, supplies, or  
25 services to be provided under the contract, the

1 entity performing such contract, and the dollar  
2 amount of each contract;

3 (E) each contract that the Federal Govern-  
4 ment intends to enter into within 14 days after  
5 submission of such report, including the infor-  
6 mation described in subparagraph (D) for each  
7 such contract;

8 (F) whether any of the contracts described  
9 in subparagraph (D) or (E) have or will have  
10 a priority rating under the Defense Production  
11 Act of 1950 (50 U.S.C. 4501 et seq.), including  
12 purchase orders pursuant to Department of De-  
13 fense Directive 4400.1 (or any successor direc-  
14 tive), subpart A of part 101 of title 45, Code  
15 of Federal Regulations, or any other applicable  
16 authority; and

17 (G) the manner in which the Defense Pro-  
18 duction Act of 1950 (50 U.S.C. 4501 et seq.)  
19 could be used to increase services necessary to  
20 combat the COVID-19 pandemic, including  
21 services described in paragraph (2)(B).

22 (4) UPDATES.—The President, in coordination  
23 with the National Response Coordination Center of  
24 the Federal Emergency Management Agency, the  
25 Administrator of the Defense Logistics Agency, the



1 Secretary of Health and Human Services, the Sec-  
2 retary of Veterans Affairs, and heads of other Fed-  
3 eral agencies (as appropriate), shall update such re-  
4 port every 14 days.

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

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

11 (1) IN GENERAL.—Not later than 14 days after  
12 the date of the enactment of this Act, the President,  
13 in consultation with the Administrator of the Fed-  
14 eral Emergency Management Agency, the Secretary  
15 of Defense, and the Secretary of Health and Human  
16 Services, shall submit to the appropriate congres-  
17 sional committees a report on the exercise of au-  
18 thorities under titles I, III, and VII of the Defense  
19 Production Act of 1950 (50 U.S.C. 4501 et seq.)  
20 prior to the date of such report.

21 (2) CONTENTS.—The report required under  
22 paragraph (1) and each update required under para-  
23 graph (3) shall include, with respect to each exercise  
24 of such authority—

1 (A) an explanation of the purpose of the  
2 applicable contract, purchase order, or other ex-  
3 ercise of authority (including an allocation of  
4 materials, services, and facilities under section  
5 101(a)(2) of the Defense Production Act of  
6 1950 (50 U.S.C. 4511(a)(2)));

7 (B) the cost of such exercise of authority;  
8 and

9 (C) if applicable—

10 (i) the amount of goods that were  
11 purchased or allocated;

12 (ii) an identification of the entity  
13 awarded a contract or purchase order or  
14 that was the subject of the exercise of au-  
15 thority; and

16 (iii) an identification of any entity  
17 that had shipments delayed by the exercise  
18 of any authority under the Defense Pro-  
19 duction Act of 1950 (50 U.S.C. 4501 et  
20 seq.).

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

23 (4) PUBLIC AVAILABILITY.—The President  
24 shall make the report required by this subsection

1 and each update required by paragraph (3) available  
2 to the public, including on a Government website.

3 (d) QUARTERLY REPORTING.—The President shall  
4 submit to Congress, and make available to the public (in-  
5 cluding on a Government website), a quarterly report de-  
6 tailing all expenditures made pursuant to titles I, III, and  
7 VII of the Defense Production Act of 1950 (50 U.S.C.  
8 4501 et seq.).

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

11 (1) December 31, 2021; or

12 (2) the end of the COVID–19 emergency pe-  
13 riod.

14 **SEC. 6. ENHANCEMENTS TO THE DEFENSE PRODUCTION**  
15 **ACT OF 1950.**

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

19 “(c) HEALTH EMERGENCY AUTHORITY.—With re-  
20 spect to a public health emergency declaration by the Sec-  
21 retary of Health and Human Services under section 319  
22 of the Public Health Service Act, or preparations for such  
23 a health emergency, the Secretary of Health and Human  
24 Services and the Administrator of the Federal Emergency  
25 Management Agency are authorized to carry out the au-

1 thorties provided under this section to the same extent  
2 as the President.”.

3 (b) EMPHASIS ON BUSINESS CONCERNS OWNED BY  
4 WOMEN, MINORITIES, VETERANS, AND NATIVE AMERI-  
5 CANS.—Section 108 of the Defense Production Act of  
6 1950 (50 U.S.C. 4518) is amended—

7 (1) in the heading, by striking “**MODERNIZA-**  
8 **TION OF SMALL BUSINESS SUPPLIERS**” and in-  
9 serting “**SMALL BUSINESS PARTICIPATION AND**  
10 **FAIR INCLUSION**”;

11 (2) by amending subsection (a) to read as fol-  
12 lows:

13 “(a) PARTICIPATION AND INCLUSION.—

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

18 “(A) small business concerns; or

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

21 “(2) SPECIAL CONSIDERATION.—To the max-  
22 imum extent practicable, the President shall accord  
23 the preference described under paragraph (1) to  
24 small business concerns and businesses described in  
25 paragraph (1)(B) that are located in areas of high

1 unemployment or areas that have demonstrated a  
2 continuing pattern of economic decline, as identified  
3 by the Secretary of Labor.”; and

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

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

7 “(1) has the meaning given the term in section  
8 308(b) of the Financial Institutions Reform, Recov-  
9 ery, and Enforcement Act of 1989; and

10 “(2) includes any indigenous person in the  
11 United States, including any territories of the  
12 United States.”.

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

22 (d) DEFINITION OF NATIONAL DEFENSE.—Section  
23 702(14) of the Defense Production Act of 1950 is amend-  
24 ed by striking “and critical infrastructure protection and  
25 restoration” and inserting “, critical infrastructure protec-

1 tion and restoration, and health emergency preparedness  
2 and response activities”.

3 **SEC. 7. SECURING ESSENTIAL MEDICAL MATERIALS.**

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

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

9 (2) by inserting after paragraph (2) the fol-  
10 lowing:

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;”.

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

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

24 (2) in subsection (b)(1), by inserting “(includ-  
25 ing medical materials such as drugs to diagnose,

1 cure, mitigate, treat, or prevent disease that essen-  
2 tial to national defense)” after “essential materials”.

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

7 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**  
8 **MEDICAL MATERIALS.**

9 “(a) IN GENERAL.—Not later than 180 days after  
10 the date of the enactment of this section, the President,  
11 in consultation with the Secretary of Health and Human  
12 Services, the Secretary of Commerce, the Secretary of  
13 Homeland Security, and the Secretary of Defense, shall  
14 transmit a strategy to the appropriate Members of Con-  
15 gress that includes the following:

16 “(1) A detailed plan to use the authorities  
17 under this title and title III, or any other provision  
18 of law, to ensure the supply of medical materials (in-  
19 cluding drugs to diagnose, cure, mitigate, treat, or  
20 prevent disease) essential to national defense, to the  
21 extent necessary for the purposes of this Act.

22 “(2) An analysis of vulnerabilities to existing  
23 supply chains for such medical articles, and rec-  
24 ommendations to address the vulnerabilities.

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

4           “(4) A discussion of—

5                   “(A) any significant effects resulting from  
6                   the plan and measures described in this sub-  
7                   section on the production, cost, or distribution  
8                   of vaccines or any other drugs (as defined  
9                   under section 201 of the Federal Food, Drug,  
10                  and Cosmetic Act (21 U.S.C. 321));

11                   “(B) a timeline to ensure that essential  
12                   components of the supply chain for medical ma-  
13                   terials are not under the exclusive control of a  
14                   foreign government in a manner that the Presi-  
15                   dent determines could threaten the national de-  
16                   fense of the United States; and

17                   “(C) efforts to mitigate any risks resulting  
18                   from the plan and measures described in this  
19                   subsection to United States competitiveness,  
20                   scientific leadership, and innovative capacity,  
21                   including efforts to cooperate and proactively  
22                   engage with United States allies.

23           “(b) PROGRESS REPORT.—Following submission of  
24           the strategy under subsection (a), the President shall sub-  
25           mit to the appropriate Members of Congress an annual



1 progress report evaluating the implementation of the  
2 strategy, and may include updates to the strategy as ap-  
3 propriate. The strategy and progress reports shall be sub-  
4 mitted in unclassified form but may contain a classified  
5 annex.

6 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The  
7 term ‘appropriate Members of Congress’ means the  
8 Speaker, majority leader, and minority leader of the  
9 House of Representatives, the majority leader and minor-  
10 ity leader of the Senate, the Chairman and Ranking Mem-  
11 ber of the Committees on Armed Services and Financial  
12 Services of the House of Representatives, and the Chair-  
13 man and Ranking Member of the Committees on Armed  
14 Services and Banking, Housing, and Urban Affairs of the  
15 Senate.”.

16 **SEC. 8. GAO REPORT.**

17 (a) IN GENERAL.—Not later than 270 days after the  
18 date of the enactment of this Act, and annually thereafter,  
19 the Comptroller General of the United States shall submit  
20 to the appropriate congressional committees a report on  
21 ensuring that the United States Government has access  
22 to the medical supplies and equipment necessary to re-  
23 spond to future pandemics and public health emergencies,  
24 including recommendations with respect to how to ensure  
25 that the United States supply chain for diagnostic tests

1 (including serological tests), personal protective equip-  
2 ment, vaccines, and therapies is better equipped to re-  
3 spond to emergencies, including through the use of funds  
4 in the Defense Production Act Fund under section 304  
5 of the Defense Production Act of 1950 (50 U.S.C. 4534)  
6 to address shortages in that supply chain.

7 (b) REVIEW OF ASSESSMENT AND PLAN.—

8 (1) IN GENERAL.—Not later than 30 days after  
9 each of the submission of the reports described in  
10 subsections (a) and (b) of section 5, the Comptroller  
11 General of the United States shall submit to the ap-  
12 propriate congressional committees an assessment of  
13 such reports, including identifying any gaps and pro-  
14 viding any recommendations regarding the subject  
15 matter in such reports.

16 (2) MONTHLY REVIEW.—Not later than a  
17 month after the submission of the assessment under  
18 paragraph (1), and monthly thereafter, the Comp-  
19 troller General shall issue a report to the appro-  
20 priate congressional committees with respect to any  
21 updates to the reports described in subsections (a)  
22 and (b) of section 5 that were issued during the pre-  
23 vious 1-month period, containing an assessment of  
24 such updates, including identifying any gaps and

1 providing any recommendations regarding the sub-  
2 ject matter in such updates.

3 **SEC. 9. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
6 TEES.—The term “appropriate congressional com-  
7 mittees” means the Committees on Appropriations,  
8 Armed Services, Energy and Commerce, Financial  
9 Services, Homeland Security, and Veterans’ Affairs  
10 of the House of Representatives and the Committees  
11 on Appropriations, Armed Services, Banking, Hous-  
12 ing, and Urban Affairs, Health, Education, Labor,  
13 and Pensions, Homeland Security and Governmental  
14 Affairs, and Veterans’ Affairs of the Senate.

15 (2) COVID–19 EMERGENCY PERIOD.—The  
16 term “COVID–19 emergency period” means the pe-  
17 riod beginning on the date of enactment of this Act  
18 and ending after the end of the incident period for  
19 the emergency declared on March 13, 2020, by the  
20 President under Section 501 of the Robert T. Staf-  
21 ford Disaster Relief and Emergency Assistance Act  
22 (42 U.S.C. 4121 et seq.) relating to the Coronavirus  
23 Disease 2019 (COVID–19) pandemic.

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

- 1 (A) representative private sector entities;  
2 (B) representatives of the nonprofit sector;  
3 and  
4 (C) representatives of labor organizations  
5 representing workers, including unions that rep-  
6 resent health workers, manufacturers, public  
7 sector employees, and service sector workers.

8 (4) STATE.—The term “State” means each of  
9 the several States, the District of Columbia, the  
10 Commonwealth of Puerto Rico, and any territory or  
11 possession of the United States.

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