

117TH CONGRESS
1ST SESSION

H. R. 3146

To amend the Defense Production Act of 1950 to ensure the supply of certain medical materials essential to national defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2021

Mr. HILL (for himself and Mr. VARGAS) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Defense Production Act of 1950 to ensure the supply of certain medical materials essential to national defense, 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 “Securing America’s
5 Vaccines for Emergencies Act of 2021” or the “SAVE Act
6 of 2021”.

7 **SEC. 2. SECURING ESSENTIAL MEDICAL MATERIALS.**

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

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

3 (2) by inserting after paragraph (2) the fol-
4 lowing:

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

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

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

18 (2) in subsection (b)(1), by inserting “(includ-
19 ing medical materials such as drugs, devices, and bi-
20 ological products to diagnose, cure, mitigate, treat,
21 or prevent disease that are essential to national de-
22 fense)” after “essential materials”.

23 (c) STRATEGY ON SECURING SUPPLY CHAINS FOR
24 MEDICAL MATERIALS.—Title I of the Defense Production

1 Act of 1950 (50 U.S.C. 4511 et seq.) is amended by add-
2 ing at the end the following:

3 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
4 **MEDICAL MATERIALS.**

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

12 “(1) A detailed plan to use the authorities
13 under this title and title III, or any other provision
14 of law, to ensure the supply of medical materials (in-
15 cluding drugs, devices, and biological products (as
16 that term is defined in section 351 of the Public
17 Health Service Act (42 U.S.C. 262)) to diagnose,
18 cure, mitigate, treat, or prevent disease) essential to
19 national defense, to the extent necessary for the pur-
20 poses of this Act.

21 “(2) An analysis of vulnerabilities to existing
22 supply chains for such medical materials, and rec-
23 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 biological products (as that term is defined
9 in section 351 of the Public Health Service Act
10 (42 U.S.C. 262)) or any other devices or drugs
11 (as defined under the Federal Food, Drug, and
12 Cosmetic Act (21 U.S.C. 301 et. seq.));

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

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

1 “(b) **PROGRESS REPORT.**—Following submission of
2 the strategy under subsection (a), the President shall sub-
3 mit to the appropriate Members of Congress an annual
4 progress report until September 30, 2025, evaluating the
5 implementation of the strategy, and may include updates
6 to the strategy as appropriate. The strategy and progress
7 reports shall be submitted in unclassified form but may
8 contain a classified annex.

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

18 **SEC. 3. INVESTMENT IN SUPPLY CHAIN SECURITY.**

19 (a) **IN GENERAL.**—Section 303 of the Defense Pro-
20 duction Act of 1950 (50 U.S.C. 4533) is amended by add-
21 ing at the end the following:

22 “(h) **INVESTMENT IN SUPPLY CHAIN SECURITY.**—

23 “(1) **IN GENERAL.**—In addition to other au-
24 thorities in this title, the President may make avail-
25 able to an eligible entity described in paragraph (2)

1 payments to increase the security of supply chains
2 and supply chain activities, if the President certifies
3 to Congress not less than 30 days before making
4 such a payment that the payment is critical to meet
5 national defense requirements of the United States.

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

8 “(A) is organized under the laws of the
9 United States or any jurisdiction within the
10 United States; and

11 “(B) produces—

12 “(i) one or more critical components;

13 “(ii) critical technology; or

14 “(iii) one or more products or raw
15 materials for the security of supply chains
16 or supply chain activities.

17 “(3) DEFINITIONS.—In this subsection, the
18 terms ‘supply chain’ and ‘supply chain activities’
19 have the meanings given those terms by the Presi-
20 dent by regulation.”.

21 (b) REGULATIONS.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of the enactment of this Act, the President
24 shall prescribe regulations setting forth definitions
25 for the terms “supply chain” and “supply chain ac-

1 tivities” for the purposes of section 303(h) of the
2 Defense Production Act of 1950 (50 U.S.C.
3 4533(h)), as added by subsection (a).

4 (2) SCOPE OF DEFINITIONS.—The definitions
5 required by paragraph (1)—

6 (A) shall encompass—

7 (i) the organization, people, activities,
8 information, and resources involved in the
9 delivery and operation of a product or serv-
10 ice used by the Government; or

11 (ii) critical infrastructure as defined
12 in Presidential Policy Directive 21 (Feb-
13 ruary 12, 2013; relating to critical infra-
14 structure security and resilience); and

15 (B) may include variations as determined
16 necessary and appropriate by the President for
17 purposes of national defense.

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