

117TH CONGRESS
1ST SESSION

S. 1367

To require a report on foreign investment in the pharmaceutical industry
of the United States.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2021

Ms. WARREN (for herself and Mr. RUBIO) introduced the following bill; which
was read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

A BILL

To require a report on foreign investment in the
pharmaceutical industry of the United States.

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 “United States Pharma-
5 ceutical Supply Chain Review Act”.

6 **SEC. 2. REPORT ON FOREIGN INVESTMENT IN PHARMA-**
7 **CEUTICAL INDUSTRY.**

8 (a) IN GENERAL.—Not later than one year after the
9 date of the enactment of this Act, and annually thereafter,
10 the Federal Trade Commission, in consultation with the

1 Secretary of the Treasury acting through the Committee
2 on Foreign Investment in the United States (in this sec-
3 tion referred to as the “Committee”), shall submit to the
4 appropriate congressional committees, the Secretary of
5 Health and Human Services, and the Commissioner of
6 Food and Drugs, a report on foreign investment in the
7 pharmaceutical industry of the United States.

8 (b) ELEMENTS.—The report required by subsection
9 (a) shall include the following:

10 (1) An assessment of—

11 (A) the supply chain of the pharmaceutical
12 industry of the United States and the effect of
13 concentration and reliance on foreign manufac-
14 turing within that industry;

15 (B) the effect of foreign investment in the
16 pharmaceutical industry of the United States
17 on domestic capacity to produce drugs and ac-
18 tive and inactive ingredients of drugs; and

19 (C) the effect of foreign investment in
20 technologies or other products for sequencing or
21 storage of DNA, including genome and exome
22 analysis, in the United States, including the ef-
23 fect of such investment on the capacity to se-
24 quence or store DNA in the United States.

1 (2) The number of reviews and investigations
2 conducted by the Committee, in each of the 10 fiscal
3 years preceding the year in which the study is con-
4 ducted, with respect to covered transactions (as de-
5 fined in section 721(a) of the Defense Production
6 Act of 1950 (50 U.S.C. 4565(a))—

7 (A) in the pharmaceutical industry of the
8 United States; or

9 (B) relating to the sequencing or storage
10 of DNA in the United States.

11 (3) A short description of each such review or
12 investigation, including whether the transaction was
13 approved or prohibited.

14 (c) AUTHORITY.—The Federal Trade Commission
15 shall have authority under section 6 of the Federal Trade
16 Commission Act (15 U.S.C. 46) to conduct the studies re-
17 quired to prepare the report required by subsection (a).

18 (d) PUBLICATION.—The Federal Trade Commission
19 shall publish an unclassified summary of the report re-
20 quired by subsection (a) on a publicly available internet
21 website of the Commission.

22 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
23 FINED.—In this section, the term “appropriate congres-
24 sional committees” means—

1 (1) the Committee on Banking, Housing, and
2 Urban Affairs, the Committee on Health, Education,
3 Labor, and Pensions, the Committee on Armed
4 Services, the Committee on Foreign Relations, the
5 Committee on Commerce, Science, and Transpor-
6 tation, and the Committee on Appropriations of the
7 Senate; and

8 (2) the Committee on Financial Services, the
9 Committee on Energy and Commerce, the Com-
10 mittee on Armed Services, the Committee on For-
11 eign Affairs, and the Committee on Appropriations
12 of the House of Representatives.

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