

116TH CONGRESS  
2D SESSION

# H. R. 6399

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2020

Mr. HILL of Arkansas introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To amend the Defense Production Act of 1950 to ensure the supply of certain medical articles 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 2020” or the “SAVE Act  
6 of 2020”.

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

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 articles 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 striking “and indus-  
17                 trial resources” and inserting “industrial resources,  
18                 and medical articles”; and

19                 (2) in subsection (b)(1), by striking “and indus-  
20                 trial resources” and inserting “industrial resources,  
21                 and medical articles (including drugs to diagnose,  
22                 cure, mitigate, treat, or prevent disease) essential to  
23                 national defense”.

24          (c) STRATEGY ON SECURING SUPPLY CHAINS FOR  
25          MEDICAL ARTICLES.—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 ARTICLES.**

5 “(a) IN GENERAL.—Not later than 120 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 articles (in-  
15 cluding drugs to diagnose, cure, mitigate, treat, or  
16 prevent disease) essential to national defense, to the  
17 extent necessary for the purposes of this Act.

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

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

24 “(4) A discussion of—

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

7           “(B) a timeline to ensure that essential  
8           components of the supply chain for medical ar-  
9           ticles are not under the exclusive control of a  
10          foreign government in a manner that the Presi-  
11          dent determines could threaten the national de-  
12          fense of the United States; and

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

19          “(b) PROGRESS REPORT.—Following submission of  
20          the strategy under subsection (a), the President shall sub-  
21          mit to the appropriate Members of Congress an annual  
22          progress report evaluating the implementation of the  
23          strategy, and may include updates to the strategy as ap-  
24          propriate. The strategy and progress reports shall be sub-

1 mitted in unclassified form but may contain a classified  
2 annex.

3 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The  
4 term ‘appropriate Members of Congress’ means the  
5 Speaker, majority leader, and minority leader of the  
6 House of Representatives, the majority leader and minor-  
7 ity leader of the Senate, the Chairman and Ranking Mem-  
8 ber of the Committee on Financial Services of the House  
9 of Representatives, and the Chairman and Ranking Mem-  
10 ber of the Committee on Banking, Housing, and Urban  
11 Affairs of the Senate.”.

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

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

16 “(h) INVESTMENT IN SUPPLY CHAIN SECURITY.—

17 “(1) IN GENERAL.—The President may make  
18 available to an eligible entity described in paragraph  
19 (2) payments to increase the security of supply  
20 chains and supply chain activities, if the President  
21 certifies to Congress not less than 30 days before  
22 making such a payment that the payment is impor-  
23 tant to meet national defense requirements of the  
24 United States.

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

3                   “(A) is organized under the laws of the  
4           United States or any jurisdiction within the  
5           United States; and

6                   “(B) produces—

7                           “(i) one or more critical components;

8                           “(ii) critical technology; or

9                           “(iii) one or more products for the in-  
10           creased security of supply chains or supply  
11           chain activities.

12           “(3) DEFINITIONS.—In this subsection, the  
13           terms ‘supply chain’ and ‘supply chain activities’  
14           have the meanings given those terms by the Presi-  
15           dent by regulation.”.

16           (b) REGULATIONS.—

17                   (1) IN GENERAL.—Not later than 90 days after  
18           the date of the enactment of this Act, the President  
19           shall prescribe regulations setting forth definitions  
20           for the terms “supply chain” and “supply chain ac-  
21           tivities” for the purposes of section 303(h) of the  
22           Defense Production Act of 1950 (50 U.S.C.  
23           4533(h)), as added by subsection (a).

24                   (2) SCOPE OF DEFINITIONS.—The definitions  
25           required by paragraph (1)—

- 1 (A) shall encompass—
- 2 (i) the organization, people, activities,
- 3 information, and resources involved in the
- 4 delivery and operation of a product or serv-
- 5 ice used by the Government; or
- 6 (ii) critical infrastructure as defined
- 7 in Presidential Policy Directive 21 (Feb-
- 8 ruary 12, 2013; relating to critical infra-
- 9 structure security and resilience); and
- 10 (B) may include variations as determined
- 11 necessary and appropriate by the President for
- 12 purposes of national defense.

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