

116TH CONGRESS
2D SESSION

S. 3715

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

IN THE SENATE OF THE UNITED STATES

MAY 13, 2020

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

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”.

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

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

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

7 (2) by inserting after paragraph (2) the fol-
8 lowing:

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

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

20 (1) in subsection (a), by striking “and indus-
21 trial resources” and inserting “industrial resources,
22 and medical articles”; and

23 (2) in subsection (b)(1), by striking “and indus-
24 trial resources” and inserting “industrial resources,
25 and medical articles (including drugs to diagnose,

1 cure, mitigate, treat, or prevent disease) essential to
2 national defense”.

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 ARTICLES.**

9 “(a) IN GENERAL.—Not later than 120 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 articles (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 ar-
13 ticles 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—

8 “(1) the Speaker, majority leader, and minority
 9 leader of the House of Representatives;

10 “(2) the majority leader and minority leader of
 11 the Senate;

12 “(3) the chairman and ranking member of the
 13 Committee on Financial Services of the House of
 14 Representatives; and

15 “(4) the chairman and ranking member of the
 16 Committee on Banking, Housing, and Urban Affairs
 17 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.—The President may make
 24 available to an eligible entity described in paragraph

25 (2) payments to increase the security of supply

1 chains and supply chain activities, if the President
 2 certifies to Congress not less than 30 days before
 3 making such a payment that the payment is impor-
 4 tant to meet national defense requirements of the
 5 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 for the in-
 15 creased security of supply chains or supply
 16 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 subsection (h) of section
2 303 of the Defense Production Act of 1950 (50
3 U.S.C. 4533), as added by subsection (a).

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

6 (A) shall encompass—

7 (i) the organizations, people, activi-
8 ties, information, and resources involved in
9 the delivery and operation of a product or
10 service 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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