

117TH CONGRESS
2D SESSION

S. 3837

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 SENATE OF THE UNITED STATES

MARCH 15, 2022

Mr. HAGERTY 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 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 2022” or the “SAVE Act
6 of 2022”.

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(b)) is
10 amended—

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
20 biological 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 submit to the appropriate Members of Congress a strategy
11 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 in section 201 of the Federal Food,
12 Drug, and Cosmetic Act (21 U.S.C. 321));

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; 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.—Not later than one year
2 after submission of the strategy under subsection (a), and
3 annually thereafter until September 30, 2025, the Presi-
4 dent shall submit to the appropriate Members of Congress
5 a progress report—

6 “(1) evaluating the implementation of the strat-
7 egy; and

8 “(2) including such updates to the strategy as
9 the President considers appropriate.

10 “(c) FORM OF STRATEGY AND REPORT.—The strat-
11 egy required by subsection (a) and the progress reports
12 required by subsection (b) shall be submitted in unclassi-
13 fied form but may include a classified annex.

14 “(d) APPROPRIATE MEMBERS OF CONGRESS.—The
15 term ‘appropriate Members of Congress’ means—

16 “(1) the Speaker, majority leader, and minority
17 leader of the House of Representatives;

18 “(2) the majority leader and minority leader of
19 the Senate; and

20 “(3) the chairperson and ranking member of—

21 “(A) the Committee on Financial Services
22 of the House of Representatives; and

23 “(B) the Committee on Banking, Housing,
24 and Urban Affairs of the Senate.”.

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

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

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

6 “(1) IN GENERAL.—In addition to other au-
7 thorities under this title, the President may make
8 available to an eligible entity described in paragraph
9 (2) payments to increase the security of supply
10 chains and supply chain activities, if the President
11 certifies to Congress not less than 30 days before
12 making such a payment that the payment is critical
13 to meet national defense requirements of the United
14 States.

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

17 “(A) is organized under the laws of the
18 United States or any jurisdiction within the
19 United States; and

20 “(B) produces—

21 “(i) one or more critical components;

22 “(ii) critical technology; or

23 “(iii) one or more products or raw
24 materials for the security of supply chains
25 or supply chain activities.

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

5 (b) REGULATIONS.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of the enactment of this Act, the President
8 shall prescribe regulations setting forth definitions
9 for the terms “supply chain” and “supply chain ac-
10 tivities” for the purposes of subsection (h) of section
11 303 of the Defense Production Act of 1950, as
12 added by subsection (a).

13 (2) SCOPE OF DEFINITIONS.—The definitions
14 required by paragraph (1)—

15 (A) shall encompass—

16 (i) the organization, people, activities,
17 information, and resources involved in the
18 delivery and operation of a product or serv-
19 ice used by the Federal Government; or

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

24 (B) may include variations as determined
25 necessary and appropriate by the President for

1 purposes of national defense (as defined in sec-
2 tion 702 of the Defense Production Act of 1950
3 (50 U.S.C. 4552)).

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