

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 555
OFFERED BY MR. HILL OF ARKANSAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Securing America’s
3 Vaccines for Emergencies Act of 2023” or the “SAVE Act
4 of 2023”.

5 SEC. 2. SECURING ESSENTIAL MEDICAL MATERIALS.

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

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

11 (2) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) authorities under this Act should be used
14 when appropriate to ensure the availability of med-
15 ical materials essential to national defense, including
16 through measures designed to secure the drug sup-
17 ply chain, and taking into consideration the impor-
18 tance of United States competitiveness, scientific

1 leadership and cooperation, and innovative capac-
2 ity;”.

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

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

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

13 (c) STRATEGY ON SECURING SUPPLY CHAINS FOR
14 MEDICAL MATERIALS.—Title I of the Defense Production
15 Act of 1950 (50 U.S.C. 4511 et seq.) is amended by add-
16 ing at the end the following:

17 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
18 **MEDICAL MATERIALS.**

19 “(a) IN GENERAL.—Not later than 180 days after
20 the date of the enactment of this section, the President,
21 in consultation with the Secretary of Health and Human
22 Services, the Secretary of Commerce, the Secretary of
23 Homeland Security, and the Secretary of Defense, shall
24 transmit a strategy to the appropriate Members of Con-
25 gress that includes the following:

1 “(1) A detailed plan to use the authorities
2 under this title and title III, or any other provision
3 of law, to ensure the supply of medical materials (in-
4 cluding drugs, devices, and biological products (as
5 that term is defined in section 351 of the Public
6 Health Service Act (42 U.S.C. 262)) to diagnose,
7 cure, mitigate, treat, or prevent disease) essential to
8 national defense, to the extent necessary for the pur-
9 poses of this Act.

10 “(2) An analysis of vulnerabilities to existing
11 supply chains for such medical materials, and rec-
12 ommendations to address the vulnerabilities.

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

16 “(4) A discussion of—

17 “(A) any significant effects resulting from
18 the plan and measures described in this sub-
19 section on the production, cost, or distribution
20 of biological products (as that term is defined
21 in section 351 of the Public Health Service Act
22 (42 U.S.C. 262)) or any other devices or drugs
23 (as defined under the Federal Food, Drug, and
24 Cosmetic Act (21 U.S.C. 301 et seq.));

1 “(B) a timeline to ensure that essential
2 components of the supply chain for medical ma-
3 terials are not under the exclusive control of a
4 foreign government in a manner that the Presi-
5 dent determines could threaten the national de-
6 fense of the United States; and

7 “(C) efforts to mitigate any risks resulting
8 from the plan and measures described in this
9 subsection to United States competitiveness,
10 scientific leadership, and innovative capacity,
11 including efforts to cooperate and proactively
12 engage with United States allies.

13 “(b) PROGRESS REPORT.—Following submission of
14 the strategy under subsection (a), the President shall sub-
15 mit to the appropriate Members of Congress an annual
16 progress report until September 30, 2027, evaluating the
17 implementation of the strategy, and may include updates
18 to the strategy as appropriate. The strategy and progress
19 reports shall be submitted in unclassified form but may
20 contain a classified annex.

21 “(c) APPROPRIATE MEMBERS OF CONGRESS.—In
22 this section, the term ‘appropriate Members of Congress’
23 means the Speaker, majority leader, and minority leader
24 of the House of Representatives, the majority leader and
25 minority leader of the Senate, the Chairman and Ranking

1 Member of the Committee on Financial Services of the
2 House of Representatives, and the Chairman and Ranking
3 Member of the Committee on Banking, Housing, and
4 Urban Affairs of the Senate.”.

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

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

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

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

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

20 “(A) is organized under the laws of the
21 United States or any jurisdiction within the
22 United States; and

23 “(B) produces—

24 “(i) one or more critical components;

25 “(ii) critical technology; or

1 “(iii) one or more products or raw
2 materials for the security of supply chains
3 or supply chain activities.

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

8 (b) REGULATIONS.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, the President
11 shall prescribe regulations setting forth definitions
12 for the terms “supply chain” and “supply chain ac-
13 tivities” for the purposes of section 303(h) of the
14 Defense Production Act of 1950 (50 U.S.C.
15 4533(h)), as added by subsection (a).

16 (2) SCOPE OF DEFINITIONS.—The definitions
17 required by paragraph (1)—

18 (A) shall encompass—

19 (i) the organization, people, activities,
20 information, and resources involved in the
21 delivery and operation of a product or serv-
22 ice used by the Government; or

23 (ii) critical infrastructure as defined
24 in Presidential Policy Directive 21 (Feb-

1 ruary 12, 2013; relating to critical infra-
2 structure security and resilience); and
3 (B) may include variations as determined
4 necessary and appropriate by the President for
5 purposes of national defense.

