

117TH CONGRESS
1ST SESSION

H. R. 3683

To require executive agencies to purchase pharmaceuticals from the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2021

Mr. STAUBER (for himself and Mr. GARAMENDI) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require executive agencies to purchase pharmaceuticals from the United States, 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 Pharmaceutical Supply Chain Act”.

6 **SEC. 2. REQUIREMENT TO PURCHASE PHARMACEUTICALS**
7 **FROM THE UNITED STATES.**

8 (a) IN GENERAL.—Except as provided in subsection
9 (b), the head of an executive agency may only purchase

1 a covered drug if the drug is over 50-percent sourced,
2 manufactured, and assembled in the United States.

3 (b) EXCEPTION.—The head of an executive agency
4 may waive the requirement of subsection (a)—

5 (1) if the covered drug is not available in suffi-
6 cient quantity or quality as over 50-percent sourced,
7 manufactured, and assembled in the United States;
8 or

9 (2) during an emergency period (as defined in
10 section 1135(g)(1)(A) of the Social Security Act (42
11 U.S.C. 1320b–5(g)(1)(A))).

12 (c) MODIFICATIONS TO TRADE AGREEMENTS.—

13 (1) IN GENERAL.—Not later than 30 days after
14 the date of the enactment of this Act, the United
15 States Trade Representative shall modify United
16 States product coverage under all free trade agree-
17 ments and the World Trade Organization Agreement
18 on Government Procurement to exclude coverage of
19 essential medicines and medical countermeasures.

20 (2) MODIFICATION OF WAIVERS.—Subsequent
21 to the modifications made under paragraph (1), the
22 United States Trade Representative shall make any
23 necessary corresponding modifications of existing
24 waivers under section 301 of the Trade Agreements
25 Act of 1979 (19 U.S.C. 2511).

1 (3) NOTIFICATION TO THE PRESIDENT.—Sub-
2 sequent to the modifications made under paragraphs
3 (1) or (2), the United States Trade Representative
4 shall notify the Director of the Office of Manage-
5 ment and Budget.

6 (d) DEFINITIONS.—In this section:

7 (1) COVERED DRUG.—The term “covered drug”
8 means a drug (including the active pharmaceutical
9 ingredients thereof) marketed in the United States
10 pursuant to an approval or licensure under sub-
11 section (c) or (j) of section 505 of the Federal Food,
12 Drug, and Cosmetic Act (21 U.S.C. 355) or under
13 subsection (a) or (k) of section 351 of the Public
14 Health Service Act (42 U.S.C. 262).

15 (2) EXECUTIVE AGENCY.—The term “executive
16 agency” has the meaning given that term in section
17 133 of title 41, United States Code.

18 (3) UNITED STATES.—The term “United
19 States” means each of the several States, the Dis-
20 trict of Columbia, and each territory or possession of
21 the United States.

22 (e) SEVERABILITY CLAUSE.—If any provision of this
23 Act (or the application of that provision to particular per-
24 sons or circumstances) is held invalid, the remainder of

1 this Act (or the application of that provision to other per-
2 sons or circumstances) shall not be affected.

3 (f) EFFECTIVE DATE.—The provisions of this section
4 shall apply beginning on the date that is one year after
5 the last day of the emergency period (as defined in para-
6 graph (1)(B) of section 1135(g) of the Social Security Act
7 (42 U.S.C. 1320b–5(g)).

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