

117TH CONGRESS
1ST SESSION

S. 3174

To implement the recommendations of the Inspector General of the Department of Defense with respect to mitigation of foreign suppliers in the pharmaceutical supply chain of the Department of Defense.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 2021

Mr. RUBIO (for himself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To implement the recommendations of the Inspector General of the Department of Defense with respect to mitigation of foreign suppliers in the pharmaceutical supply chain of the Department of Defense.

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 “Strengthening Supply
5 Chains for Servicemembers and Security Act”.

1 **SEC. 2. RISK MANAGEMENT FOR DEPARTMENT OF DE-**
2 **ENSE SUPPLY CHAINS.**

3 (a) RISK MANAGEMENT FOR ALL DEPARTMENT OF
4 DEFENSE SUPPLY CHAINS.—Not later than 180 days
5 after the date of the enactment of this Act, the Under
6 Secretary of Defense for Acquisition and Sustainment
7 shall—

8 (1) develop and issue implementing guidance
9 for risk management for Department of Defense
10 supply chains for materiel for the Department, in-
11 cluding pharmaceuticals;

12 (2) identify, in coordination with the Commis-
13 sioner of Food and Drugs, supply chain information
14 gaps regarding reliance on foreign suppliers of
15 drugs, including active pharmaceutical ingredients
16 and final drug products; and

17 (3) submit to Congress a report regarding—

18 (A) existing information streams, if any,
19 that may be used to assess the reliance by the
20 Department of Defense on high-risk foreign
21 suppliers of drugs;

22 (B) vulnerabilities in the drug supply
23 chains of the Department of Defense; and

24 (C) any recommendations to address—

25 (i) information gaps identified under
26 paragraph (2); and

1 (ii) any risks related to such reliance
2 on foreign suppliers.

3 (b) RISK MANAGEMENT FOR DEPARTMENT OF DE-
4 FENSE PHARMACEUTICAL SUPPLY CHAIN.—The Director
5 of the Defense Health Agency shall—

6 (1) not later than one year after the issuance
7 of the guidance required by subsection (a)(1), de-
8 velop and publish implementing guidance for risk
9 management for the Department of Defense supply
10 chain for pharmaceuticals; and

11 (2) establish a working group—

12 (A) to assess risks to the pharmaceutical
13 supply chain;

14 (B) to identify the pharmaceuticals most
15 critical to beneficiary care at military treatment
16 facilities; and

17 (C) to establish policies for allocating
18 scarce pharmaceutical resources in case of a
19 supply disruption.

20 (c) RESPONSIVENESS TESTING OF DEFENSE LOGIS-
21 TICS AGENCY PHARMACEUTICAL CONTRACTS.—The Di-
22 rector of the Defense Logistics Agency shall modify De-
23 fense Logistics Agency Instructions 5025.03 and
24 3110.01—

1 (1) to require Defense Logistics Agency Troop
2 Support to coordinate annually with customers in
3 the military departments to conduct responsiveness
4 testing of the Defense Logistics Agency's contin-
5 gency contracts for pharmaceuticals; and

6 (2) to include the results of that testing, as re-
7 ported by customers in the military departments, in
8 the annual reports of the Warstopper Program.

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