

116TH CONGRESS  
2D SESSION

# H. R. 7841

To require the purchase by the Federal Government of certain medical supplies and protection equipment from the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2020

Mr. MCHENRY (for himself and Mr. PASCRELL) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Homeland Security, Energy and Commerce, Veterans' Affairs, Education and Labor, Ways and Means, and Natural Resources, 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

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## A BILL

To require the purchase by the Federal Government of certain medical supplies and protection equipment 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 “The American PPE  
5 Supply Chain Integrity Act”.

1 **SEC. 2. REQUIREMENT TO PURCHASE CERTAIN MEDICAL**  
2 **SUPPLIES AND PERSONAL PROTECTIVE**  
3 **EQUIPMENT FROM THE UNITED STATES.**

4 (a) COVERED SECRETARIES.—

5 (1) IN GENERAL.—Subject to paragraph (2),  
6 any covered item purchased by a covered Secretary  
7 shall be from the United States. For purposes of  
8 this subsection, “from the United States” means  
9 that 100 percent of a product is grown, reprocessed,  
10 reused, or produced in the United States.

11 (2) EXCEPTIONS.—Notwithstanding paragraph  
12 (1), the applicable covered Secretary may waive the  
13 requirements of such paragraph if such covered Sec-  
14 retary determines that satisfactory quality and suffi-  
15 cient quantity of any such covered item from the  
16 United States cannot be procured as and when need-  
17 ed at United States market prices. This subsection  
18 shall not apply to covered items that are or that in-  
19 clude materials determined to be non-available in ac-  
20 cordance with section 25.104 of title 48 of the Fed-  
21 eral Acquisition Regulation.

22 (b) EXCEPTION FOR SMALL PURCHASES.—Sub-  
23 section (a) shall not apply to purchases for amounts not  
24 greater than \$150,000. A proposed purchase or contract  
25 for an amount greater than \$150,000 may not be divided

1 into several purchases or contracts for lesser amounts in  
2 order to qualify for this exception.

3 (c) APPLICABILITY.—The requirements of this sec-  
4 tion shall apply with respect to a purchase of a covered  
5 item made pursuant to subsection (a) on or after the date  
6 of the enactment of this Act.

7 (d) DEFINITIONS.—In this section:

8 (1) COVERED ITEM.—The term “covered item”  
9 means an article or item of—

10 (A) personal protective equipment (includ-  
11 ing surgical masks, respirator masks and pow-  
12 ered air purifying respirators and required fil-  
13 ters, face shields and protective eyewear, sur-  
14 gical and isolation gowns, and head and foot  
15 coverings) or clothing, and the materials and  
16 components thereof, other than sensors, elec-  
17 tronics, or other items added to and not nor-  
18 mally associated with such personal protective  
19 equipment or clothing;

20 (B) sanitizing and disinfecting wipes, pri-  
21 vacy curtains, beds and bedding, testing swabs,  
22 gauze and bandages, tents, tarpaulins, covers,  
23 or bags; or

24 (C) cotton and other natural fiber prod-  
25 ucts, woven silk or woven silk blends, spun silk

1 yarn for cartridge cloth, synthetic fabric or  
2 coated synthetic fabric (including all textile fi-  
3 bers and yarns that are for use in such fabrics),  
4 canvas products, or wool (whether in the form  
5 of fiber or yarn or contained in fabrics, mate-  
6 rials, or manufactured articles).

7 (2) COVERED SECRETARY.—The term “covered  
8 Secretary” means the Secretary of Health and  
9 Human Services, the Secretary of the Department of  
10 Homeland Security, and the Secretary of the De-  
11 partment of Veterans Affairs.

12 **SEC. 3. EXCEPTION TO DOMESTIC REQUIREMENT FOR**  
13 **SMALL PURCHASES.**

14 (a) DEPARTMENT OF DEFENSE.—Section 2533a(h)  
15 of title 10, United States Code, is amended by striking  
16 “the simplified acquisition threshold” and all that follows  
17 through the period at the end and inserting the following:  
18 “\$150,000. A proposed purchase for an amount greater  
19 than \$150,000 may not be divided into several purchases  
20 or contracts for lesser amounts in order to qualify for this  
21 exception.”.

22 (b) DEPARTMENT OF HOMELAND SECURITY.—Sub-  
23 section (f) of section 604 the American Recovery and Re-  
24 investment Act of 2009 (6 U.S.C. 453b) is amended by  
25 striking “the simplified acquisition threshold” and all that

1 follows through the period at the end and inserting the  
2 following: “\$150,000. A proposed purchase for an amount  
3 greater than \$150,000 may not be divided into several  
4 purchases or contracts for lesser amounts in order to qual-  
5 ify for this exception.”.

6 **SEC. 4. APPLICATION OF THE BERRY AMENDMENT TO CER-**  
7 **TAIN DEFENSE LOGISTICS AGENCY PUR-**  
8 **CHASES.**

9 (a) IN GENERAL.—Section 2533a of title 10, United  
10 States Code, is amended by adding at the end the fol-  
11 lowing new subsection:

12 “(1) APPLICATION TO CERTAIN DEFENSE LOGISTICS  
13 AGENCY PURCHASES.—Subsection (a) applies to pur-  
14 chases made by the Director of the Defense Logistics  
15 Agency on behalf of the General Services Administration  
16 or any other Federal agency.”.

17 (b) APPLICABILITY.—The requirements of this sec-  
18 tion and the amendments made by this section shall apply  
19 with respect to a purchase made under section 2533a of  
20 title 10, United States Code, on or after the date of the  
21 enactment of this Act.

1 **SEC. 5. APPLICATION OF THE BERRY AMENDMENT TO CER-**  
2 **TAIN MEDICAL SUPPLIES AND PERSONAL**  
3 **PROTECTIVE EQUIPMENT.**

4 (a) IN GENERAL.—Section 2533a(b) of title 10,  
5 United States Code, is amended by adding at the end the  
6 following new paragraphs:

7 “(5) Surgical dressing materials.

8 “(6) Hospital and surgical clothing and related  
9 special purpose items.

10 “(7) Replenishable field medical sets, kits, and  
11 outfits.

12 “(8) All textile medical supplies and equip-  
13 ment.”.

14 (b) APPLICABILITY.—The requirements of this sec-  
15 tion and the amendments made by this section shall apply  
16 with respect to a purchase made under section 2533a of  
17 title 10, United States Code, on or after the date of the  
18 enactment of this Act.

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