

116TH CONGRESS
2D SESSION

H. R. 8324

To provide for domestic sourcing of personal protective equipment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2020

Mr. BUDD (for himself and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, Veterans' Affairs, Homeland Security, Education and Labor, and Oversight and Reform, 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 provide for domestic sourcing of personal protective equipment, 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 “Make PPE in America
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The COVID–19 pandemic has exposed the
2 vulnerability of the United States supply chains for,
3 and lack of domestic production of, personal protec-
4 tive equipment (PPE).

5 (2) The United States requires a robust, secure,
6 and wholly domestic PPE supply chain to safeguard
7 public health and national security.

8 (3) Issuing a strategy that provides the govern-
9 ment’s anticipated needs over the next three years
10 will enable suppliers to assess what changes, if any,
11 are needed in their manufacturing capacity to meet
12 expected demands.

13 (4) In order to foster a domestic PPE supply
14 chain, United States industry needs a strong and
15 consistent demand signal from the Federal Govern-
16 ment providing the necessary certainty to expand
17 production capacity investment in the United States.

18 (5) In order to effectively incentivize investment
19 in the United States and the re-shoring of manufac-
20 turing, long-term contracts must be no shorter than
21 three years in duration.

22 (6) The United States needs a long-term invest-
23 ment strategy for the domestic production of PPE
24 items critical to the United States national response

1 to a public health crisis, including the COVID–19
2 pandemic.

3 **SEC. 3. REQUIREMENT OF LONG-TERM CONTRACTS FOR**
4 **DOMESTICALLY MANUFACTURED PERSONAL**
5 **PROTECTIVE EQUIPMENT.**

6 (a) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Health, Education,
11 Labor and Pensions, the Committee on Fi-
12 nance, the Committee on Homeland Security
13 and Governmental Affairs, the Committee on
14 Veterans’ Affairs, and the Committee on Armed
15 Services of the Senate; and

16 (B) the Committee on Energy and Com-
17 merce, the Committee on Ways and Means, the
18 Committee on Homeland Security, the Com-
19 mittee on Veterans’ Affairs, and the Committee
20 on Armed Services of the House of Representa-
21 tives.

22 (2) COVERED SECRETARY.—The term “covered
23 Secretary” means the Secretary of Homeland Secu-
24 rity, the Secretary of Health and Human Services,

1 the Secretary of Defense, the Secretary of Edu-
2 cation, and the Secretary of Veterans Affairs.

3 (3) PERSONAL PROTECTIVE EQUIPMENT;
4 PPE.—The term “personal protective equipment” or
5 “PPE” means surgical masks, respirator masks and
6 powered air purifying respirators and required fil-
7 ters, face shields and protective eyewear, gloves, dis-
8 posable and reusable surgical and isolation gowns,
9 and head and foot coverings, or other gear or cloth-
10 ing used to protect an individual from the trans-
11 mission of disease.

12 (4) UNITED STATES.—The term “United
13 States” means the fifty states, the District of Co-
14 lumbia, and the possessions of the United States.

15 (b) CONTRACT REQUIREMENTS.—Beginning 90 days
16 after the date of the enactment of this Act, in order to
17 ensure the sustainment and expansion of personal protec-
18 tive equipment manufacturing in the United States and
19 meet the needs of the current pandemic response, any con-
20 tract for the procurement of personal protective equipment
21 entered into by a covered Secretary, or a covered Sec-
22 retary’s designee, shall—

23 (1) be issued for a duration of at least 3 years,
24 including a base period and all option periods, to
25 incentivize investment in the production of personal

1 protective equipment and the materials and compo-
2 nents thereof in the United States; and

3 (2) be for personal protective equipment that—

4 (A) is grown, reprocessed, reused, or pro-
5 duced in the United States; and

6 (B) when assembled outside the United
7 States, contains only materials and components
8 that are grown, reprocessed, reused, or pro-
9 duced in the United States.

10 (c) AVAILABILITY EXCEPTION.—Paragraph (2) of
11 subsection (b) shall not apply to an item of personal pro-
12 tective equipment, or component or material thereof—

13 (1) that is, or that includes, a material listed in
14 section 25.104 of the Federal Acquisition Regulation
15 as one for which a non-availability determination has
16 been made;

17 (2) as to which the covered Secretary deter-
18 mines that a sufficient quantity of a satisfactory
19 quality that is grown, reprocessed, reused, or pro-
20 duced in the United States cannot be procured as,
21 and when, needed at United States market prices; or

22 (3) if, after maximizing to the extent feasible
23 sources consistent with subsection (b), the covered
24 Secretary certifies every 120 days that it is nec-
25 essary to procure personal protective equipment

1 under alternate procedures to respond to the imme-
2 diate needs of a public health emergency.

3 (d) REPORT.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Director
6 of the Office of Management and Budget, in con-
7 sultation with the covered Secretaries, shall submit
8 to the chairs and ranking members of the appro-
9 priate congressional committees a report on the pro-
10 curement of personal protective equipment.

11 (2) ELEMENTS.—The report required under
12 paragraph (1) shall include the following elements:

13 (A) The United States long-term domestic
14 procurement strategy for PPE produced in the
15 United States, including strategies to
16 incentivize investment in and maintain United
17 States supply chains for all PPE sufficient to
18 meet the needs of the United States during a
19 public health emergency.

20 (B) An estimate of long-term demand
21 quantities for all PPE items procured by the
22 United States.

23 (C) Recommendations for congressional ac-
24 tion required to implement the United States
25 Government's procurement strategy.

1 (D) A determination whether all notifica-
2 tions, amendments, and other necessary actions
3 have been completed to bring the United States
4 existing international obligations into con-
5 formity with the statutory requirements of this
6 Act.

7 (e) AUTHORIZATION OF TRANSFER OF EQUIP-
8 MENT.—A covered Secretary may transfer to the Strategic
9 National Stockpile established under section 319F-2 of
10 the Public Health Service Act (42 U.S.C. 247d-6b) any
11 excess personal protective equipment acquired under a
12 contract executed pursuant to subsection (b).

13 (f) COMPLIANCE WITH INTERNATIONAL AGREE-
14 MENTS.—This Act shall be applied in a manner consistent
15 with United States obligations under international agree-
16 ments.

○