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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. BUDD introduced the following bill; which was referred to the Committee on \_\_\_\_\_

# 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:

8 (1) The COVID–19 pandemic has exposed the  
9 vulnerability of the United States supply chains for,

1 and lack of domestic production of, personal protec-  
2 tive equipment (PPE).

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

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

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

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

20 (6) The United States needs a long-term invest-  
21 ment strategy for the domestic production of PPE  
22 items critical to the United States national response  
23 to a public health crisis, including the COVID-19  
24 pandemic.

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

4 (a) DEFINITIONS.—In this section:

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

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

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

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

25 (3) PERSONAL PROTECTIVE EQUIPMENT;  
26 PPE.—The term “personal protective equipment” or

1 “PPE” means surgical masks, respirator masks and  
2 powered air purifying respirators and required fil-  
3 ters, face shields and protective eyewear, gloves, dis-  
4 posable and reusable surgical and isolation gowns,  
5 and head and foot coverings, or other gear or cloth-  
6 ing used to protect an individual from the trans-  
7 mission of disease.

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

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

19 (1) be issued for a duration of at least 3 years,  
20 including a base period and all option periods, to  
21 incentivize investment in the production of personal  
22 protective equipment and the materials and compo-  
23 nents thereof in the United States; and

24 (2) be for personal protective equipment that—

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

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

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

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

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

19 (3) if, after maximizing to the extent feasible  
20 sources consistent with subsection (b), the covered  
21 Secretary certifies every 120 days that it is nec-  
22 essary to procure personal protective equipment  
23 under alternate procedures to respond to the imme-  
24 diate needs of a public health emergency.

25 (d) REPORT.—

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

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

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

17           (B) An estimate of long-term demand  
18           quantities for all PPE items procured by the  
19           United States.

20           (C) Recommendations for congressional ac-  
21           tion required to implement the United States  
22           Government's procurement strategy.

23           (D) A determination whether all notifica-  
24           tions, amendments, and other necessary actions  
25           have been completed to bring the United States

1           existing international obligations into con-  
2           formity with the statutory requirements of this  
3           Act.

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

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