

**AMENDMENT TO H.R. 1319**  
**OFFERED BY MR. BUDD OF NORTH CAROLINA**

At the end of chapter 2 of subtitle A of title III, add  
the following new section:

1 **SEC. 3015. MAKE PPE IN AMERICA.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

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

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

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

16 (4) In order to foster a domestic PPE supply  
17 chain, United States industry needs a strong and  
18 consistent demand signal from the Federal Govern-

1       ment providing the necessary certainty to expand  
2       production capacity investment in the United States.

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

7           (6) The United States needs a long-term invest-  
8       ment strategy for the domestic production of PPE  
9       items critical to the United States national response  
10      to a public health crisis, including the COVID-19  
11      pandemic.

12      (b) REQUIREMENT OF LONG-TERM CONTRACTS FOR  
13      DOMESTICALLY MANUFACTURED PERSONAL PROTECTIVE  
14      EQUIPMENT.—

15           (1) DEFINITIONS.—In this section:

16           (A) APPROPRIATE CONGRESSIONAL COM-  
17      MITTEES.—The term “appropriate congres-  
18      sional committees” means—

19           (i) the Committee on Health, Edu-  
20      cation, Labor and Pensions, the Committee  
21      on Finance, the Committee on Homeland  
22      Security and Governmental Affairs, the  
23      Committee on Veterans’ Affairs, and the  
24      Committee on Armed Services of the Sen-  
25      ate; and

1 (ii) the Committee on Energy and  
2 Commerce, the Committee on Ways and  
3 Means, the Committee on Homeland Security,  
4 the Committee on Veterans' Affairs,  
5 and the Committee on Armed Services of  
6 the House of Representatives.

7 (B) COVERED SECRETARY.—The term  
8 “covered Secretary” means the Secretary of  
9 Homeland Security, the Secretary of Health  
10 and Human Services, the Secretary of Defense,  
11 the Secretary of Education, and the Secretary  
12 of Veterans Affairs.

13 (C) PERSONAL PROTECTIVE EQUIPMENT;  
14 PPE.—The term “personal protective equip-  
15 ment” or “PPE” means surgical masks, res-  
16 pirator masks and powered air purifying res-  
17 pirators and required filters, face shields and  
18 protective eyewear, gloves, disposable and reus-  
19 able surgical and isolation gowns, and head and  
20 foot coverings, or other gear or clothing used to  
21 protect an individual from the transmission of  
22 disease.

23 (D) UNITED STATES.—The term “United  
24 States” means the fifty states, the District of

1 Columbia, and the possessions of the United  
2 States.

3 (2) CONTRACT REQUIREMENTS.—Beginning 90  
4 days after the date of the enactment of this Act, in  
5 order to ensure the sustainment and expansion of  
6 personal protective equipment manufacturing in the  
7 United States and meet the needs of the current  
8 pandemic response, any contract for the procure-  
9 ment of personal protective equipment entered into  
10 by a covered Secretary, or a covered Secretary’s des-  
11 ignee, shall—

12 (A) be issued for a duration of at least 3  
13 years, including a base period and all option pe-  
14 riods, to incentivize investment in the produc-  
15 tion of personal protective equipment and the  
16 materials and components thereof in the United  
17 States; and

18 (B) be for personal protective equipment  
19 that—

20 (i) is grown, reprocessed, reused, or  
21 produced in the United States; and

22 (ii) when assembled outside the  
23 United States, contains only materials and  
24 components that are grown, reprocessed,  
25 reused, or produced in the United States.

1           (3) AVAILABILITY EXCEPTION.—Subparagraph  
2           (B) of paragraph (2) shall not apply to an item of  
3           personal protective equipment, or component or ma-  
4           terial thereof—

5                   (A) that is, or that includes, a material  
6                   listed in section 25.104 of the Federal Acquisi-  
7                   tion Regulation as one for which a non-avail-  
8                   ability determination has been made;

9                   (B) as to which the covered Secretary de-  
10                  termines that a sufficient quantity of a satisfac-  
11                  tory quality that is grown, reprocessed, reused,  
12                  or produced in the United States cannot be pro-  
13                  cured as, and when, needed at United States  
14                  market prices; or

15                  (C) if, after maximizing to the extent fea-  
16                  sible sources consistent with paragraph (2), the  
17                  covered Secretary certifies every 120 days that  
18                  it is necessary to procure personal protective  
19                  equipment under alternate procedures to re-  
20                  spond to the immediate needs of a public health  
21                  emergency.

22           (4) REPORT.—

23                   (A) IN GENERAL.—Not later than 90 days  
24                   after the date of the enactment of this Act, the  
25                   Director of the Office of Management and

1 Budget, in consultation with the covered Secre-  
2 taries, shall submit to the chairs and ranking  
3 members of the appropriate congressional com-  
4 mittees a report on the procurement of personal  
5 protective equipment.

6 (B) ELEMENTS.—The report required  
7 under subparagraph (A) shall include the fol-  
8 lowing elements:

9 (i) The United States long-term do-  
10 mestic procurement strategy for PPE pro-  
11 duced in the United States, including  
12 strategies to incentivize investment in and  
13 maintain United States supply chains for  
14 all PPE sufficient to meet the needs of the  
15 United States during a public health emer-  
16 gency.

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

20 (iii) Recommendations for congres-  
21 sional action required to implement the  
22 United States Government's procurement  
23 strategy.

24 (iv) A determination whether all noti-  
25 fications, amendments, and other necessary

1 actions have been completed to bring the  
2 United States existing international obliga-  
3 tions into conformity with the statutory re-  
4 quirements of this Act.

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

12 (6) COMPLIANCE WITH INTERNATIONAL AGREE-  
13 MENTS.—This Act shall be applied in a manner con-  
14 sistent with United States obligations under inter-  
15 national agreements.

