

117TH CONGRESS
1ST SESSION

H. R. 1466

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2021

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, Natural Resources, 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 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 “American PPE Supply
5 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. PROCUREMENT OF PERSONAL PROTECTIVE EQUIP-**
13 **MENT.**

14 (a) LIMITATION.—Not later than 90 days after the
15 date of the enactment of this Act, the President or the
16 President’s designee(s) shall promulgate regulations—

17 (1) to prohibit the use by any department or
18 agency of the Federal Government of reverse auc-
19 tions or lowest price technically acceptable con-
20 tracting methods for the procurement of personal
21 protective equipment if the level of quality or failure
22 of the item could result in exposure to infection, ill-
23 ness, or death; and

1 (2) to establish a preference for the use of best
2 value contracting methods for the procurement of
3 such equipment.

4 **SEC. 4. MODIFICATION TO SMALL PURCHASE THRESHOLD**
5 **EXCEPTION TO SOURCING REQUIREMENTS**
6 **FOR CERTAIN ARTICLES.**

7 Subsection (f) of section 604 the American Recovery
8 and Reinvestment Act of 2009 (6 U.S.C. 453b) is amend-
9 ed to read as follows:

10 “(f) EXCEPTION FOR SMALL PURCHASES.—

11 “(1) Subsection (a) does not apply to purchases
12 for amounts not greater than \$150,000. A proposed
13 purchase or contract for an amount greater than
14 \$150,000 may not be divided into several purchases
15 or contracts for lesser amounts in order to qualify
16 for this exception.

17 “(2) On October 1 of each year evenly divisible
18 by 5, the Secretary of Homeland Security may ad-
19 just the dollar threshold in this subsection based on
20 changes in the Consumer Price Index. The Secretary
21 shall publish notice of any such adjustment in the
22 Federal Register, and the new price threshold shall
23 take effect on the date of publication.”.

1 **SEC. 5. APPLICATION OF THE BERRY AMENDMENT TO CER-**
2 **TAIN DEFENSE LOGISTICS AGENCY PUR-**
3 **CHASES.**

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

7 “(1) APPLICATION TO CERTAIN DEFENSE LOGISTICS
8 AGENCY PURCHASES.—Subsection (a) applies to pur-
9 chases made by the Director of the Defense Logistics
10 Agency on behalf of the General Services Administration
11 or any other Federal agency.”.

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

17 **SEC. 6. APPLICATION OF THE BERRY AMENDMENT TO CER-**
18 **TAIN MEDICAL SUPPLIES AND PERSONAL**
19 **PROTECTIVE EQUIPMENT.**

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

23 “(5) Surgical dressing materials.

24 “(6) Hospital and surgical clothing and related
25 special purpose items.

1 “(7) Replenishable field medical sets, kits, and
2 outfits.

3 “(8) All textile medical supplies and equip-
4 ment.”.

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

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