

117TH CONGRESS
1ST SESSION

H. R. 5147

To prohibit the Secretary of Defense from procuring personal protective equipment from certain non-allied foreign nations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 31, 2021

Mr. WITTMAN introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To prohibit the Secretary of Defense from procuring personal protective equipment from certain non-allied foreign nations, 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. PROHIBITION ON PROCUREMENT OF PER-**
4 **SONAL PROTECTIVE EQUIPMENT FROM NON-**
5 **ALLIED FOREIGN NATIONS.**

6 (a) PROHIBITION.—

7 (1) IN GENERAL.—Chapter 137 of title 10,
8 United States Code, is amended by adding at the
9 end the following new section:

1 **“§ 2339d. Prohibition on procurement of personal**
2 **protective equipment and certain other**
3 **items from non-allied foreign nations**

4 “(a) IN GENERAL.—Except as provided in subsection
5 (c), the Secretary of Defense may not procure any covered
6 item from any covered nation.

7 “(b) APPLICABILITY.—Subsection (a) shall apply to
8 prime contracts and subcontracts at any tier.

9 “(c) EXCEPTIONS.—

10 “(1) IN GENERAL.—Subsection (a) does not
11 apply under the following circumstances:

12 “(A) If the Secretary of Defense deter-
13 mines that covered materials of satisfactory
14 quality and quantity, in the required form, can-
15 not be procured as and when needed from na-
16 tions other than covered nations to meet re-
17 quirements at a reasonable price.

18 “(B) The procurement of a covered item
19 for use outside of the United States.

20 “(C) Purchases for amounts not greater
21 than \$150,000.

22 “(2) LIMITATION.—A proposed purchase or
23 contract for an amount greater than \$150,000 may
24 not be divided into several purchases or contracts for
25 lesser amounts in order to qualify for this exception.

26 “(d) DEFINITIONS.—In this section:

1 “(1) COVERED ITEM.—The term ‘covered item’
2 means an article or item of—

3 “(A) personal protective equipment for use
4 in preventing spread of disease, such as by ex-
5 posure to infected individuals or contamination
6 or infection by infectious material (including
7 surgical masks, respirator masks and powered
8 air purifying respirators and required filters,
9 face shields and protective eyewear, surgical
10 and isolation gowns, and head and foot cov-
11 erings) or clothing, and the materials and com-
12 ponents thereof, other than sensors, electronics,
13 or other items added to and not normally asso-
14 ciated with such personal protective equipment
15 or clothing; or

16 “(B) sanitizing and disinfecting wipes,
17 testing swabs, gauze, and bandages.

18 “(2) COVERED NATION.—The term ‘covered na-
19 tion’ means—

20 “(A) the Democratic People’s Republic of
21 North Korea;

22 “(B) the People’s Republic of China;

23 “(C) the Russian Federation; and

24 “(D) the Islamic Republic of Iran.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by inserting after the item relating to section 2339c
4 the following:

“2339d. Prohibition on procurement of personal protective equipment and cer-
tain other items from non-allied foreign nations.”.

5 (b) FUTURE TRANSFER.—

6 (1) TRANSFER AND REDESIGNATION.—Section
7 2339d of title 10, United States Code, as added by
8 subsection (a), is transferred to subchapter I of
9 chapter 283 of such title, added after section 3881,
10 as transferred and redesignated by section 1837(b)
11 of the William M. (Mac) Thornberry National De-
12 fense Authorization Act for Fiscal Year 2021 (Pub-
13 lic Law 116–283), and redesignated as section 3882.

14 (2) CLERICAL AMENDMENTS.—

15 (A) TARGET CHAPTER TABLE OF SEC-
16 TIONS.—The table of sections at the beginning
17 of chapter 283 of title 10, United States Code,
18 as added by section 1837(a) of the William M.
19 (Mac) Thornberry National Defense Authoriza-
20 tion Act for Fiscal Year 2021 (Public Law
21 116–283), is amended by inserting after the
22 item related to section 3881 the following new
23 item:

“3882. Prohibition on procurement of personal protective equipment and certain
other items from non-allied foreign nations.”.

1 (B) ORIGIN CHAPTER TABLE OF SEC-
2 TIONS.—The table of sections at the beginning
3 of chapter 137 of title 10, United States Code,
4 as amended by subsection (a), is further
5 amended by striking the item relating to section
6 2339d.

7 (3) EFFECTIVE DATE.—The transfer, redesi-
8 gnation, and amendments made by this subsection
9 shall take effect on January 1, 2022.

10 (4) REFERENCES; SAVINGS PROVISION; RULE
11 OF CONSTRUCTION.—Sections 1883 through 1885 of
12 the William M. (Mac) Thornberry National Defense
13 Authorization Act for Fiscal Year 2021 (Public Law
14 116–283) shall apply with respect to the transfers,
15 redesignations, and amendments made under this
16 subsection as if such transfers, redesignations, and
17 amendments were made under title XVIII of such
18 Act.

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