

118TH CONGRESS
1ST SESSION

H. R. 170

To direct the Secretary of Health and Human Services, in collaboration with the Assistant Secretary for Preparedness and Response and the Director of the Centers for Disease Control and Prevention, and in coordination with the Secretary of Defense and the Secretary of Homeland Security, to establish a program of entering into partnerships with eligible domestic manufacturers to ensure the availability of qualified personal protective equipment to prepare for and respond to national health or other emergencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Accountability, 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 direct the Secretary of Health and Human Services, in collaboration with the Assistant Secretary for Preparedness and Response and the Director of the Centers for Disease Control and Prevention, and in coordination with the Secretary of Defense and the Secretary of Homeland Security, to establish a program of entering into partnerships with eligible domestic manufacturers to ensure the availability of qualified personal protective equipment to prepare for and respond to national health or other emergencies, 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 “Domestic Security
5 Using Production Partnerships and Lessons from Yester-
6 day Act of 2023” or the “Domestic SUPPLY Act of
7 2023”.

8 **SEC. 2. NATIONAL DEFENSE AND HEALTH SECURITY DO-**
9 **MESTIC MANUFACTURING PARTNERSHIP**
10 **PROGRAM.**

11 (a) IN GENERAL.—The Secretary, in collaboration
12 with the Assistant Secretary for Preparedness and Re-
13 sponse and the Director of the Centers for Disease Control
14 and Prevention, and in coordination with the Secretary of
15 Defense and the Secretary of Homeland Security, shall es-
16 tablish a program of entering into partnerships with eligi-
17 ble domestic manufacturers to ensure the availability of
18 qualified personal protective equipment for preparing for
19 and responding to public health emergencies.

20 (b) CONTRACTUAL PURCHASING AGREEMENTS.—

21 (1) PROCESS.—Not later than one year after
22 the date of enactment of this Act, the Secretary
23 shall finalize a process for entering into contractual
24 purchasing agreements with eligible domestic manu-

1 facturers to implement the partnerships described in
2 subsection (a).

3 (2) CONTENTS.—The contractual purchasing
4 agreements entered into under this section, collec-
5 tively, shall—

6 (A) guarantee the availability of supplies
7 and manufacturing lines to produce qualified
8 personal protective equipment in amounts speci-
9 fied by the Secretary to prepare for and re-
10 spond to public health emergencies; and

11 (B) fulfill such other requirements as
12 are—

13 (i) deemed necessary by the Secretary
14 to prepare for and respond to a public
15 health emergency; and

16 (ii) covered under the contractual pur-
17 chasing agreement.

18 (c) ELIGIBLE DOMESTIC MANUFACTURERS.—To be
19 eligible to participate in a partnership described in sub-
20 section (a), a manufacturer shall—

21 (1) be headquartered in the continental United
22 States;

23 (2) manufacture in the continental United
24 States 100 percent of the products to be supplied to

1 the Federal Government pursuant to such partner-
2 ship;

3 (3) be majority owned and operated by United
4 States citizens;

5 (4) have supply agreements in place to verify
6 supply chain security and sourcing; and

7 (5) attest in writing to the fact that the manu-
8 facturer's entire product lines meet or exceed all ap-
9 plicable quality guidelines of the Centers for Disease
10 Control and Prevention and the Occupational Safety
11 and Health Administration.

12 (d) QUALIFIED PERSONAL PROTECTIVE EQUIP-
13 MENT.—

14 (1) IN GENERAL.—The Secretary shall main-
15 tain a list of products that are eligible for treatment
16 as qualified personal protective equipment under this
17 section.

18 (2) REQUIREMENTS.—To be included on the
19 list under paragraph (1), a product shall—

20 (A) meet or exceed all applicable quality
21 guidelines of the Centers for Disease Control
22 and Prevention and the Occupational Safety
23 and Health Administration;

1 (B) have been cleared under section 510(k)
 2 of the Federal Food, Drug, and Cosmetic Act
 3 (21 U.S.C. 360(k)); and

4 (C) be priced using fair-market bench-
 5 marks established by the Secretary.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “public health emergency” means
 8 a public health emergency for which a declaration is
 9 in effect under section 319 of the Public Health
 10 Service Act (42 U.S.C. 247d).

11 (2) The term “Secretary” means the Secretary
 12 of Health and Human Services.

13 **SEC. 3. DOMESTIC PROCUREMENT OF CLOTHING OR**
 14 **EQUIPMENT USED TO PREVENT THE TRANS-**
 15 **MISSION OF INFECTIOUS DISEASE.**

16 (a) PROCUREMENT BY FEDERAL GOVERNMENT.—

17 (1) IN GENERAL.—No clothing or equipment
 18 used to prevent the transmission of infectious dis-
 19 ease may be procured by the Federal Government
 20 unless such clothing or equipment is manufactured
 21 in the United States.

22 (2) EXCEPTIONS.—The exceptions in subpara-
 23 graphs (A) and (B) of subsection (a)(2) of section
 24 8302 of title 41, United States Code, shall apply
 25 with respect to the prohibition in paragraph (1) of

1 this subsection to the same extent and in the same
2 manner as such exceptions apply with respect to the
3 prohibition in subsection (a)(1) of such section
4 8302.

5 (3) EXCEPTION DOCUMENTATION.—In the case
6 of an exception described in paragraph (2), docu-
7 mentation, including a detailed justification for the
8 use of the exception, shall be submitted by the offi-
9 cial responsible for applying the exception.

10 (b) PROCUREMENT BY STATE AND LOCAL GOVERN-
11 MENTS USING FEDERAL FUNDS.—

12 (1) IN GENERAL.—No clothing or equipment
13 described in subsection (a)(1) may be procured by a
14 State or local government using Federal funds un-
15 less such clothing or equipment is manufactured in
16 the United States.

17 (2) EXCEPTIONS.—The exceptions in subpara-
18 graphs (A) and (B) of subsection (a)(2) of section
19 8302 of title 41, United States Code, shall apply
20 with respect to the prohibition in paragraph (1) of
21 this subsection to the same extent and in the same
22 manner as such exceptions apply with respect to the
23 prohibition in subsection (a)(1) of such section
24 8302.

1 (3) EXCEPTION DOCUMENTATION.—In the case
 2 of an exception described in paragraph (2), docu-
 3 mentation, including a detailed justification for the
 4 use of the exception, shall be submitted by the offi-
 5 cial responsible for applying the exception.

6 (4) APPLICABILITY.—Paragraph (1) applies
 7 only with respect to the award of Federal funds on
 8 or after the date of enactment of this Act.

9 **SEC. 4. REPORT ON THE IMPACT OF CHANGES TO PPE RE-**
 10 **QUIREMENTS ON FRONTLINE WORKER SAFE-**
 11 **TY.**

12 Not later than one year after the date of enactment
 13 of this Act, the Secretary of Health and Human Services,
 14 in consultation with the Assistant Secretary of Labor for
 15 Occupational Safety and Health, shall submit a report to
 16 the Congress on—

17 (1) the changes to the Federal requirements ap-
 18 plicable to personal protective equipment that have
 19 taken place since the beginning of the COVID–19
 20 pandemic; and

21 (2) the impact of these changes on the safety
 22 of physicians and other medical professionals caring
 23 for patients face-to-face during the years 2020 and
 24 2021.

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