H. R. 11

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

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on

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.
Be it enacted by the Senate and House of Repre-1
sentatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Domestic Security
Using Production Partnerships and Lessons from Yester-
day Act of 2022” or the “Domestic SUPPLY Act of
2022”.

SEC. 2. NATIONAL DEFENSE AND HEALTH SECURITY DO-
MESTIC MANUFACTURING PARTNERSHIP

PROGRAM.

(a) IN GENERAL.—The Secretary, in collaboration
with the Assistant Secretary for Preparedness and Re-
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, shall es-
tablish a program of entering into partnerships with eligi-
ble domestic manufacturers to ensure the availability of
qualified personal protective equipment for preparing for
and responding to public health emergencies.

(b) CONTRACTUAL PURCHASING AGREEMENTS.—

(1) PROCESS.—Not later than one year after
the date of enactment of this Act, the Secretary
shall finalize a process for entering into contractual
purchasing agreements with eligible domestic manu-
facturers to implement the partnerships described in subsection (a).

(2) CONTENTS.—The contractual purchasing agreements entered into under this section, collectively, shall—

(A) guarantee the availability of supplies and manufacturing lines to produce qualified personal protective equipment in amounts specified by the Secretary to prepare for and respond to public health emergencies; and

(B) fulfill such other requirements as are—

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

(ii) covered under the contractual purchasing agreement.

(c) ELIGIBLE DOMESTIC MANUFACTURERS.—To be eligible to participate in a partnership described in subsection (a), a manufacturer shall—

(1) be headquartered in the continental United States;

(2) manufacture in the continental United States 100 percent of the products to be supplied to
the Federal Government pursuant to such partnership;

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

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

(5) attest in writing to the fact that the manufacturer’s entire product lines meet or exceed all applicable quality guidelines of the Centers for Disease Control and Prevention and the Occupational Safety and Health Administration.

(d) QUALIFIED PERSONAL PROTECTIVE EQUIPMENT.—

(1) IN GENERAL.—The Secretary shall maintain a list of products that are eligible for treatment as qualified personal protective equipment under this section.

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

(A) meet or exceed all applicable quality guidelines of the Centers for Disease Control and Prevention and the Occupational Safety and Health Administration;
(B) have been cleared under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)); and

(C) be priced using fair-market benchmarks established by the Secretary.

(e) DEFINITIONS.—In this section:

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

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

SEC. 3. DOMESTIC PROCUREMENT OF CLOTHING OR EQUIPMENT USED TO PREVENT THE TRANSMISSION OF INFECTIOUS DISEASE.

(a) PROCUREMENT BY FEDERAL GOVERNMENT.—

(1) IN GENERAL.—No clothing or equipment used to prevent the transmission of infectious disease may be procured by the Federal Government unless such clothing or equipment is manufactured in the United States.

(2) EXCEPTIONS.—The exceptions in subparagraphs (A) and (B) of subsection (a)(2) of section 8302 of title 41, United States Code, shall apply with respect to the prohibition in paragraph (1) of
this subsection to the same extent and in the same manner as such exceptions apply with respect to the prohibition in subsection (a)(1) of such section 8302.

(3) EXCEPTION DOCUMENTATION.—In the case of an exception described in paragraph (2), documenta- 
tion, including a detailed justification for the use of the exception, shall be submitted by the official responsible for applying the exception.

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

(1) IN GENERAL.—No clothing or equipment described in subsection (a)(1) may be procured by a State or local government using Federal funds unless such clothing or equipment is manufactured in the United States.

(2) EXCEPTIONS.—The exceptions in subpara- graphs (A) and (B) of subsection (a)(2) of section 8302 of title 41, United States Code, shall apply with respect to the prohibition in paragraph (1) of this subsection to the same extent and in the same manner as such exceptions apply with respect to the prohibition in subsection (a)(1) of such section 8302.
(3) EXCEPTION DOCUMENTATION.—In the case of an exception described in paragraph (2), documentation, including a detailed justification for the use of the exception, shall be submitted by the official responsible for applying the exception.

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

SEC. 4. REPORT ON THE IMPACT OF CHANGES TO PPE REQUIREMENTS ON FRONTLINE WORKER SAFETY.

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

(1) the changes to the Federal requirements applicable to personal protective equipment that have taken place since the beginning of the COVID–19 pandemic; and

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