

116TH CONGRESS
2D SESSION

H. R. 7989

To direct the Secretary of Health and Human Services to ensure that countermeasures or products procured for the national strategic stockpile are grown, reprocessed, reused, or produced in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 2020

Mr. TRONE (for himself and Mr. CRAWFORD) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Health and Human Services to ensure that countermeasures or products procured for the national strategic stockpile are grown, reprocessed, reused, or produced in 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 Made Stra-
5 tegic National Stockpile Act of 2020”.

1 **SEC. 2. ADDITIONAL PROCUREMENT REQUIREMENT FOR**
2 **STRATEGIC NATIONAL STOCKPILE.**

3 (a) UNITED STATES-MADE REQUIREMENT.—Section
4 319F–2(a)(3) of the Public Health Service Act (42 U.S.C.
5 247d–6b(a)(3)) is amended—

6 (1) in subparagraph (I), by striking “and” at
7 the end;

8 (2) in subparagraph (J), by striking the period
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(K) ensure that countermeasures or prod-
12 ucts procured for the stockpile are grown, re-
13 processed, reused, or produced in the United
14 States, unless such countermeasure or product
15 meets an exception under paragraph (6).”.

16 (b) EXCEPTIONS.—Section 319F–2(a) of the Public
17 Health Service Act (42 U.S.C. 247d–6b(a)) is amended
18 by adding at the end the following:

19 “(6) PROCUREMENT EXCEPTIONS AND ADDI-
20 TIONAL REQUIREMENT.—

21 “(A) AVAILABILITY.—The requirement
22 under paragraph (3)(K) may not apply to a
23 countermeasure or product that—

24 “(i) is, or includes, a material deter-
25 mined to be nonavailable under the Fed-
26 eral Acquisition Regulation (as defined in

1 section 2302 of title 10, United States
2 Code); or

3 “(ii) is not—

4 “(I) available as determined by
5 the Secretary;

6 “(II) of sufficient quality; and

7 “(III) available at market price.

8 “(B) SMALL PURCHASES.—The require-
9 ment under paragraph (3)(K) shall not apply to
10 a countermeasure or product that has a pur-
11 chase amount that is equal to or less than
12 \$150,000. Such amount may not be divided
13 into multiple purchases to meet the exception
14 under this subparagraph.

15 “(C) NOTIFICATION.—Notwithstanding
16 subsection (d), in applying the exceptions under
17 this paragraph, the Secretary shall, not later
18 than 7 days after procuring a countermeasure
19 or product for the stockpile under subsection
20 (a), post a notification with respect to such ex-
21 ception on a website maintained by the Admin-
22 istrator of General Services.”.

○