

Calendar No. 622

116TH CONGRESS
2D SESSION

S. 4158

[Report No. 116–319]

To examine the extent of the reliance of the United States on foreign producers for personal protective equipment during the COVID–19 pandemic and produce recommendations to secure the supply chain of personal protective equipment.

IN THE SENATE OF THE UNITED STATES

JULY 2, 2020

Mr. HAWLEY (for himself, Ms. HASSAN, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 14, 2020

Reported by Mr. JOHNSON, with amendments and an amendment to the title
[Omit the part struck through and insert the part printed in *italic*]

A BILL

To examine the extent of the reliance of the United States on foreign producers for personal protective equipment during the COVID–19 pandemic and produce recommendations to secure the supply chain of personal protective equipment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “PPE Supply Chain
3 Transparency Act of 2020”.

4 **SEC. 2. REPORT.**

5 (a) ~~DEFINITION.—In this section, the terms “per-~~
6 ~~sonal protective equipment” and “PPE” means protective~~
7 ~~clothing, helmets, gloves, face shields, goggles, facemasks,~~
8 ~~and other equipment designed to protect the wearer from~~
9 ~~injury or the spread of infection or illness, as determined~~
10 ~~by the Commissioner of Food and Drugs.~~

11 (a) *PERSONAL PROTECTIVE EQUIPMENT DEFINED.—*
12 *In this section, the terms “personal protective equipment”*
13 *and “PPE” mean any protective equipment required to*
14 *prevent the wearer from contracting COVID–19, including*
15 *gloves, N–95 respirator masks, gowns, goggles, face shields,*
16 *and other equipment required for safety.*

17 (b) **REPORT.**—Not later than 90 days after the date
18 of enactment of this Act, the Administrator of the Federal
19 Emergency Management Agency shall, in consultation
20 with the Secretary of Health and Human Services, submit
21 to the Committee on Homeland Security and Govern-
22 mental Affairs of the Senate and the Committee on Home-
23 land Security of the House of Representatives, and make
24 publicly available, a report examining the security and re-
25 silience of the supply chain for personal protective equip-
26 ment during the COVID–19 pandemic.

1 (c) CONTENTS.—The report required under sub-
2 section ~~(a)~~ (b) shall—

3 (1) detail the volume and percentage of each
4 type of PPE distributed by, or at the direction of,
5 the Federal Emergency Management Agency for
6 COVID–19 response efforts purchased or otherwise
7 acquired or controlled in the delivery from a pro-
8 ducer located outside the United States;

9 (2) detail the volume and percentage of each
10 type of PPE distributed by, or at the direction of,
11 the Federal Emergency Management Agency for
12 COVID–19 response efforts purchased or otherwise
13 acquired or controlled in the delivery from a pro-
14 ducer located in the United States;

15 (3) detail the volume and percentage of PPE
16 imports acquired or controlled by the Federal Emer-
17 gency Management Agency from a producer located
18 in the People’s Republic of China, which may in-
19 clude any relevant information collected on defective
20 PPE acquired from Chinese producers;

21 (4) detail any challenges and obstacles related
22 to procuring PPE from a producer not located in the
23 United States during the COVID–19 pandemic, in-
24 cluding export controls by foreign nations;

1 (5) forecast domestic demand for PPE on a
 2 monthly basis over the 1-year period beginning on
 3 the date of enactment of this Act;

4 (6) analyze whether domestic production of
 5 each type of PPE is sufficient to meet demand fore-
 6 casted under paragraph (5); ~~and~~

7 (7) include legislative recommendations to se-
 8 cure the supply chain of PPE, including rec-
 9 ommendations to—

10 (A) improve resiliency in the supply chain
 11 of PPE;

12 (B) increase domestic production of PPE;
 13 and

14 (C) reduce the reliance of the United
 15 States on foreign producers of PPE;

16 (8) *summarize the use of authorities provided*
 17 *under the Defense Production Act of 1950 (50 U.S.C.*
 18 *4501 et seq.) in COVID–19 response efforts as of the*
 19 *date of the report; and*

20 (9) *report on additional options to use such au-*
 21 *thorities that could be used to increase production of*
 22 *and access to critical medical supplies and equip-*
 23 *ment, including N95 respirator masks and other*
 24 *PPE.*

Amend the title so as to read: “A bill to examine the
 extent of the reliance of the United States on foreign pro-

ducers for personal protective equipment during the COVID–19 pandemic and produce recommendations to secure the supply chain of personal protective equipment and to expand domestic production of personal protective equipment.”.

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