

**AMENDMENT TO RULES COMMITTEE PRINT 116-**

**57**

**OFFERED BY MR. BUDD OF NORTH CAROLINA**

Add at the end of subtitle C of title VIII the following new section:

1 **SEC. 8\_. DOMESTIC PROCUREMENT REQUIREMENT FOR**  
2 **PERSONAL PROTECTIVE EQUIPMENT.**

3 (a) IN GENERAL.—None of the funds authorized to  
4 be appropriated by this Act or otherwise made available  
5 for fiscal year 2021 for the Department of Defense may  
6 be obligated or expended to procure personal protective  
7 equipment under a domestic nonavailability determination  
8 waiver unless the Secretary of Defense makes every effort  
9 to strengthen and fully use domestic sources to procure  
10 personal protective equipment by—

11 (1) first, awarding contracts to offerors that  
12 submit bids in compliance with section 2533a of title  
13 10, United States Code; and

14 (2) next, awarding contracts to offerors located  
15 in the United States that submit bids in compliance  
16 with United States obligations under Western Hemi-  
17 sphere free trade agreements and preference pro-  
18 grams that require that materials grown and pro-

1           duced in the United States and labor contributes no  
2           less than 51 percent of the value of the final prod-  
3           uct.

4           (b) CONTRACT TERMS.—When entering into a con-  
5           tract for domestically-made personal protective equipment,  
6           including with an offeror described under subsection (a),  
7           the Secretary shall award contracts for not less than a  
8           term of one year to support and maintain a robust domes-  
9           tic supply of personal protective equipment.

10          (c) REPORTS TO CONGRESS.—The Secretary of De-  
11          fense shall submit to the Committees on Armed Services  
12          of the Senate and the House of Representatives the fol-  
13          lowing reports:

14                 (1) Not later than September 30, 2021, a re-  
15                 port including—

16                         (A) the total number of contracts awarded  
17                         to procure personal protective equipment;

18                         (B) the number of such contracts awarded  
19                         to offerors described in each paragraph of sub-  
20                         section (a);

21                         (C) the dollar value of each contract  
22                         award; and

23                         (D) the length of each contract awarded.

24                 (2) Not later than 90 days after entering into  
25                 any contract for personal protective equipment

1 under a domestic nonavailability determination waiv-  
2 er, a report detailing for each solicitation for such  
3 a contract, the number of bids received from offerors  
4 described in each paragraph of subsection (a) and  
5 the reason why a contract was not awarded to each  
6 such offeror.

7 (d) DEFINITIONS.—In this section:

8 (1) The term “personal protective equipment”  
9 means any article of equipment or clothing worn to  
10 prevent the infection or spread of an illness (includ-  
11 ing surgical masks, respirator masks, face shields  
12 and protective eyewear, surgical and isolation gowns,  
13 and head and foot coverings) and the materials and  
14 components thereof, other than sensors, electronics,  
15 or other items added to and not normally associated  
16 with such equipment or clothing.

17 (2) The term “Western Hemisphere free trade  
18 agreements and preference programs” means—

19 (A) United States-Mexico-Canada Agree-  
20 ment;

21 (B) Dominican Republic-Central America  
22 Free Trade Agreement;

23 (C) Caribbean Basin Trade Partnership  
24 Act;

1 (D) United States-Chile Free Trade Agree-  
2 ment;

3 (E) United States-Colombia Trade Pro-  
4 motion Agreement; or

5 (F) United States-Peru Free Trade Agree-  
6 ment.

