

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MR. PASCRELL OF NEW JERSEY

Add at the end of subtitle A of title VIII the following:

1 **SEC. 8___ . DOMESTIC PROCUREMENT REQUIRED FOR CER-**
2 **TAIN MEDICAL SUPPLIES AND PROTECTION**
3 **EQUIPMENT.**

4 (a) REQUIREMENT TO PURCHASE CERTAIN MEDICAL
5 SUPPLIES AND PERSONAL PROTECTIVE EQUIPMENT
6 FROM THE UNITED STATES.—

7 (1) COVERED SECRETARIES.—

8 (A) IN GENERAL.—Subject to subpara-
9 graph (B), any covered item purchased by a
10 covered Secretary shall be from the United
11 States. For purposes of this subsection, “from
12 the United States” means that 100 percent of
13 a product is grown, reprocessed, reused, or pro-
14 duced in the United States.

15 (B) EXCEPTIONS.—Notwithstanding sub-
16 paragraph (A), the applicable covered Secretary
17 may waive the requirements of such paragraph
18 if such covered Secretary determines that satis-

1 factory quality and sufficient quantity of any
2 such covered item from the United States can-
3 not be procured as and when needed at United
4 States market prices. This subsection shall not
5 apply to covered items that are or that include
6 materials determined to be non-available in ac-
7 cordance with section 25.104 of title 48 of the
8 Federal Acquisition Regulation.

9 (2) EXCEPTION FOR SMALL PURCHASES.—
10 Paragraph (1) shall not apply to purchases for
11 amounts not greater than \$150,000. A proposed
12 purchase or contract for an amount greater than
13 \$150,000 may not be divided into several purchases
14 or contracts for lesser amounts in order to qualify
15 for this exception.

16 (3) APPLICABILITY.—The requirements of this
17 section shall apply only with respect to purchases of
18 a covered item made pursuant to paragraph (1) on
19 or after the date of the enactment of this Act.

20 (4) DEFINITIONS.—In this subsection:

21 (A) COVERED ITEM.—The term “covered
22 item” means an article or item of—

23 (i) personal protective equipment (in-
24 cluding surgical masks, respirator masks
25 and powered air purifying respirators and

1 required filters, face shields and protective
2 eyewear, surgical and isolation gowns, and
3 head and foot coverings) or clothing, and
4 the materials and components thereof,
5 other than sensors, electronics, or other
6 items added to and not normally associated
7 with such personal protective equipment or
8 clothing;

9 (ii) sanitizing and disinfecting wipes,
10 privacy curtains, beds and bedding, testing
11 swabs, gauze and bandages, tents, tarpau-
12 lins, covers, or bags; or

13 (iii) cotton and other natural fiber
14 products, woven silk or woven silk blends,
15 spun silk yarn for cartridge cloth, synthetic
16 fabric or coated synthetic fabric (including
17 all textile fibers and yarns that are for use
18 in such fabrics), canvas products, or wool
19 (whether in the form of fiber or yarn or
20 contained in fabrics, materials, or manu-
21 factured articles).

22 (B) COVERED SECRETARY.—The term
23 “covered Secretary” the Secretary of Health
24 and Human Services, the Secretary of the De-

1 partment of Homeland Security, and the Sec-
2 retary of the Department of Veterans Affairs.

3 (b) PROCUREMENT OF PERSONAL PROTECTIVE
4 EQUIPMENT.—

5 (1) LIMITATION.—Not later than 90 days after
6 the date of the enactment of this Act, the President
7 or the President’s designee(s) shall promulgate regu-
8 lations—

9 (A) to prohibit the use by any department
10 or agency of the Federal Government of reverse
11 auctions or lowest price technically acceptable
12 contracting methods for the procurement of
13 personal protective equipment if the level of
14 quality or failure of the item could result in ex-
15 posure to infection, illness, or death; and

16 (B) to establish a preference for the use of
17 best value contracting methods for the procure-
18 ment of such equipment.

19 (c) MODIFICATION TO SMALL PURCHASE THRESH-
20 OLD EXCEPTION TO SOURCING REQUIREMENTS FOR CER-
21 TAIN ARTICLES.—Subsection (f) of section 604 the Amer-
22 ican Recovery and Reinvestment Act of 2009 (6 U.S.C.
23 453b) is amended to read as follows:

24 “(f) EXCEPTION FOR SMALL PURCHASES.—

1 “(1) Subsection (a) does not apply to purchases
2 for amounts not greater than \$150,000. A proposed
3 purchase or contract for an amount greater than
4 \$150,000 may not be divided into several purchases
5 or contracts for lesser amounts in order to qualify
6 for this exception.

7 “(2) On October 1 of each year evenly divisible
8 by 5, the Secretary of Homeland Security may ad-
9 just the dollar threshold in this subsection based on
10 changes in the Consumer Price Index. The Secretary
11 shall publish notice of any such adjustment in the
12 Federal Register, and the new price threshold shall
13 take effect on the date of publication.”.

14 (d) APPLICATION OF THE BERRY AMENDMENT TO
15 CERTAIN DEFENSE LOGISTICS AGENCY PURCHASES.—

16 (1) IN GENERAL.—Section 2533a of title 10,
17 United States Code, is amended by adding at the
18 end the following new subsection:

19 “(1) APPLICATION TO CERTAIN DEFENSE LOGISTICS
20 AGENCY PURCHASES.—Subsection (a) applies to pur-
21 chases made by the Director of the Defense Logistics
22 Agency on behalf of the General Services Administration
23 or any other Federal agency.”.

24 (2) APPLICABILITY.—The requirements of this
25 section and the amendments made by this section

1 shall apply only with respect to purchases made on
2 or after the date of the enactment of this Act.

3 (e) APPLICATION OF THE BERRY AMENDMENT TO
4 CERTAIN MEDICAL SUPPLIES AND PERSONAL PROTEC-
5 TIVE EQUIPMENT.—

6 (1) IN GENERAL.—Section 2533a(b) of title 10,
7 United States Code, is amended by adding at the
8 end the following new paragraphs:

9 “(5) Surgical dressing materials.

10 “(6) Hospital and surgical clothing and related
11 special purpose items.

12 “(7) Replenishable field medical sets, kits, and
13 outfits.

14 “(8) All textile medical supplies and equip-
15 ment.”.

16 (2) APPLICABILITY.—The requirements of this
17 section and the amendments made by this section
18 shall apply only with respect to purchases made on
19 or after the date of the enactment of this Act.

