

**AMENDMENT TO RULES COMMITTEE PRINT 117-**  
**13**  
**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 covered item is grown, reprocessed, reused, or  
14 produced 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 articles listed in section 25.104 of title 48, Code  
7 of Federal Regulations, or any successor regula-  
8 tion.

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; or

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, and the materials and  
13 components thereof.

14 (B) COVERED SECRETARY.—The term  
15 “covered Secretary” the Secretary of Health  
16 and Human Services, the Secretary of the De-  
17 partment of Homeland Security, and the Sec-  
18 retary of the Department of Veterans Affairs.

19 (b) PROCUREMENT OF PERSONAL PROTECTIVE  
20 EQUIPMENT.—

21 (1) LIMITATION.—Not later than 90 days after  
22 the date of the enactment of this Act, the President  
23 or the President’s designee(s) shall promulgate regu-  
24 lations—

1 (A) to prohibit the use by any department  
2 or agency of the Federal Government of reverse  
3 auctions or lowest price technically acceptable  
4 contracting methods for the procurement of  
5 personal protective equipment if the level of  
6 quality or failure of the item could result in ex-  
7 posure to infection, illness, or death; and

8 (B) to establish a preference for the use of  
9 best value contracting methods for the procure-  
10 ment of such equipment.

11 (c) MODIFICATION TO SMALL PURCHASE THRESH-  
12 OLD EXCEPTION TO SOURCING REQUIREMENTS FOR CER-  
13 TAIN ARTICLES.—Subsection (f) of section 604 the Amer-  
14 ican Recovery and Reinvestment Act of 2009 (6 U.S.C.  
15 453b) is amended to read as follows:

16 “(f) EXCEPTION FOR SMALL PURCHASES.—

17 “(1) Subsection (a) does not apply to purchases  
18 for amounts not greater than \$150,000. A proposed  
19 purchase or contract for an amount greater than  
20 \$150,000 may not be divided into several purchases  
21 or contracts for lesser amounts in order to qualify  
22 for this exception.

23 “(2) On October 1 of each year evenly divisible  
24 by 5, the Secretary of Homeland Security may ad-  
25 just the dollar threshold in this subsection based on

1 changes in the Consumer Price Index. The Secretary  
2 shall publish notice of any such adjustment in the  
3 Federal Register, and the new price threshold shall  
4 take effect on the date of publication.”.

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

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

10 “(1) APPLICATION TO CERTAIN DEFENSE LOGISTICS  
11 AGENCY PURCHASES.—Subsection (a) applies to pur-  
12 chases made by the Director of the Defense Logistics  
13 Agency on behalf of the General Services Administration  
14 or any other Federal agency.”.

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

19 (e) APPLICATION OF THE BERRY AMENDMENT TO  
20 CERTAIN MEDICAL SUPPLIES AND PERSONAL PROTEC-  
21 TIVE EQUIPMENT.—

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

25 “(5) Surgical dressing materials.

1           “(6) Hospital and surgical clothing and related  
2 special purpose items.

3           “(7) Replenishable field medical sets, kits, and  
4 outfits.

5           “(8) All textile medical supplies and equip-  
6 ment.”.

7           (2) APPLICABILITY.—The requirements of this  
8 section and the amendments made by this section  
9 shall apply only with respect to purchases made on  
10 or after the date of the enactment of this Act.

