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:

SEC. 8. DOMESTIC PROCUREMENT REQUIRED FOR CERTAIN MEDICAL SUPPLIES AND PROTECTION EQUIPMENT.

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

(1) COVERED SECRETARIES.—

(A) IN GENERAL.—Subject to subparagraph (B), any covered item purchased by a covered Secretary shall be from the United States. For purposes of this subsection, “from the United States” means that 100 percent of a covered item is grown, reprocessed, reused, or produced in the United States.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the applicable covered Secretary may waive the requirements of such paragraph if such covered Secretary determines that satis-
factory quality and sufficient quantity of any
such covered item from the United States can-
not be procured as and when needed at United
States market prices. This subsection shall not
apply to covered items that are or that include
articles listed in section 25.104 of title 48, Code
of Federal Regulations, or any successor regula-
tion.

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

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

(4) DEFINITIONS.—In this subsection:

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

(i) personal protective equipment (in-
cluding surgical masks, respirator masks
and powered air purifying respirators and
required filters, face shields and protective
eyewear, surgical and isolation gowns, and
head and foot coverings) or clothing, and
the materials and components thereof,
other than sensors, electronics, or other
items added to and not normally associated
with such personal protective equipment or
clothing; or

(ii) sanitizing and disinfecting wipes,
privacy curtains, beds and bedding, testing
swabs, gauze and bandages, tents, tarpaul-
ins, covers, or bags, and the materials and
components thereof.

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

(b) PROCUREMENT OF PERSONAL PROTECTIVE
EQUIPMENT.—

(1) LIMITATION.—Not later than 90 days after
the date of the enactment of this Act, the President
or the President’s designee(s) shall promulgate regu-
lations—
(A) to prohibit the use by any department or agency of the Federal Government of reverse auctions or lowest price technically acceptable contracting methods for the procurement of personal protective equipment if the level of quality or failure of the item could result in exposure to infection, illness, or death; and

(B) to establish a preference for the use of best value contracting methods for the procurement of such equipment.

(c) Modification to Small Purchase Threshold Exception to Sourcing Requirements for Certain Articles.—Subsection (f) of section 604 the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b) is amended to read as follows:

“(f) Exception for Small Purchases.—

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

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

(d) Application of the Berry Amendment to Certain Defense Logistics Agency Purchases.—

(1) In general.—Section 2533a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(l) Application to Certain Defense Logistics Agency Purchases.—Subsection (a) applies to purchases made by the Director of the Defense Logistics Agency on behalf of the General Services Administration or any other Federal agency.”.

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

(e) Application of the Berry Amendment to Certain Medical Supplies and Personal Protective Equipment.—

(1) In general.—Section 2533a(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(5) Surgical dressing materials.
“(6) Hospital and surgical clothing and related special purpose items.

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

“(8) All textile medical supplies and equipment.”.

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