

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3116**

OFFERED BY M_{S.} HOCHUL OF NEW YORK

At the appropriate place in title II, insert the following:

1 **SEC. 2___ . BUY AMERICAN REQUIREMENT IMPOSED ON DE-**
2 **PARTMENT OF HOMELAND SECURITY; EXCEP-**
3 **TIONS.**

4 (a) IN GENERAL.—Subtitle H of title VIII of the
5 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
6 is amended by adding at the end the following new section:

7 **“SEC. 890. BUY AMERICAN REQUIREMENT; EXCEPTIONS.**

8 “(a) REQUIREMENT.—Except as provided in sub-
9 sections (c) through (e), the Secretary may not procure
10 an item described in subsection (b) if the item is not
11 grown, reprocessed, reused, or produced in the United
12 States.

13 “(b) COVERED ITEMS.—

14 “(1) IN GENERAL.—An item referred to in sub-
15 section (a) is any item described in paragraph (2),
16 if the item is directly related to the national security
17 interests of the United States.

1 “(2) ITEMS DESCRIBED.—An item described in
2 this paragraph is any article or item of—

3 “(A) clothing and the materials and com-
4 ponents thereof, other than sensors, electronics,
5 or other items added to, and not normally asso-
6 ciated with, clothing (and the materials and
7 components thereof);

8 “(B) tents, tarpaulins, or covers;

9 “(C) cotton and other natural fiber prod-
10 ucts, woven silk or woven silk blends, spun silk
11 yarn for cartridge cloth, synthetic fabric or
12 coated synthetic fabric (including all textile fi-
13 bers and yarns that are for use in such fabrics),
14 canvas products, or wool (whether in the form
15 of fiber or yarn or contained in fabrics, mate-
16 rials, or manufactured articles); or

17 “(D) any item of individual equipment
18 manufactured from or containing such fibers,
19 yarns, fabrics, or materials.

20 “(e) AVAILABILITY EXCEPTION.—Subsection (a)
21 does not apply to the extent that the Secretary determines
22 that satisfactory quality and sufficient quantity of any
23 such article or item described in subsection (b)(2) grown,
24 reprocessed, reused, or produced in the United States can-
25 not be procured as and when needed.

1 “(d) EXCEPTION FOR CERTAIN PROCUREMENTS
2 OUTSIDE THE UNITED STATES.—Subsection (a) does not
3 apply to the following:

4 “(1) Procurements by vessels in foreign waters.

5 “(2) Emergency procurements.

6 “(e) EXCEPTION FOR SMALL PURCHASES.—Sub-
7 section (a) does not apply to purchases for amounts not
8 greater than the simplified acquisition threshold referred
9 to in section 2304(g) of title 10, United States Code.

10 “(f) APPLICABILITY TO CONTRACTS AND SUB-
11 CONTRACTS FOR PROCUREMENT OF COMMERCIAL
12 ITEMS.—This section is applicable to contracts and sub-
13 contracts for the procurement of commercial items not-
14 withstanding section 34 of the Office of Federal Procure-
15 ment Policy Act (41 U.S.C. 430).

16 “(g) GEOGRAPHIC COVERAGE.—In this section, the
17 term ‘United States’ includes the possessions of the
18 United States.

19 “(h) NOTIFICATION REQUIRED WITHIN 7 DAYS
20 AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS AP-
21 PLIED.—In the case of any contract for the procurement
22 of an item described in subsection (b)(2), if the Secretary
23 applies an exception set forth in subsection (c) with re-
24 spect to that contract, the Secretary shall, not later than

1 7 days after the award of the contract, post a notification
2 that the exception has been applied.

3 “(i) TRAINING.—

4 “(1) IN GENERAL.—The Secretary shall ensure
5 that each member of the acquisition workforce who
6 participates personally and substantially in the ac-
7 quisition of textiles on a regular basis receives train-
8 ing on the requirements of this section and the regu-
9 lations implementing this section.

10 “(2) INCLUSION OF INFORMATION IN NEW
11 TRAINING PROGRAMS.—The Secretary shall ensure
12 that any training program for the acquisition work-
13 force developed or implemented after the date of the
14 enactment of this section includes comprehensive in-
15 formation on the requirements described in para-
16 graph (1).

17 “(j) CONSISTENCY WITH INTERNATIONAL AGREE-
18 MENTS.—This section shall be applied in a manner con-
19 sistent with United States obligations under international
20 agreements.”.

21 (b) EFFECTIVE DATE.—Section 890 of the Home-
22 land Security Act of 2002, as added by subsection (a),
23 shall apply with respect to contracts entered into by the
24 Department of Homeland Security on and after the date

1 occurring 180 days after the date of the enactment of this

2 Act.

