

revised  
# 198

**AMENDMENT TO H.R.1**  
**OFFERED BY MR. KISSELL OF NORTH CAROLINA**

Page 111, after line 7 insert the following new section:

1 **SEC. 7005. PROCUREMENT FOR DEPARTMENT OF HOME-**  
2 **LAND SECURITY.**

3 (a) **REQUIREMENT.**—Except as provided in sub-  
4 sections (c) through (e), funds appropriated or otherwise  
5 available to the Department of Homeland Security may  
6 not be used for the procurement of an item described in  
7 subsection (b) if the item is not grown, reprocessed, re-  
8 used, or produced in the United States.

9 (b) **COVERED ITEMS.**—An item referred to in sub-  
10 section (a) is any of the following, if the item is directly  
11 related to the national security interests of the United  
12 States:

13 (1) An article or item of—

14 (A) clothing and the materials and compo-  
15 nents thereof, other than sensors, electronics, or  
16 other items added to, and not normally associ-  
17 ated with, clothing (and the materials and com-  
18 ponents thereof);

19 (B) tents, tarpaulins, or covers;

1 (C) cotton and other natural fiber prod-  
2 ucts, woven silk or woven silk blends, spun silk  
3 yarn for cartridge cloth, synthetic fabric or  
4 coated synthetic fabric (including all textile fi-  
5 bers and yarns that are for use in such fab-  
6 rics), canvas products, or wool (whether in the  
7 form of fiber or yarn or contained in fabrics,  
8 materials, or manufactured articles); or

9 (D) any item of individual equipment man-  
10 ufactured from or containing such fibers, yarns,  
11 fabrics, or materials.

12 (c) AVAILABILITY EXCEPTION.—Subsection (a) does  
13 not apply to the extent that the Secretary of Homeland  
14 Security determines that satisfactory quality and suffi-  
15 cient quantity of any such article or item described in sub-  
16 section (b)(1) grown, reprocessed, reused, or produced in  
17 the United States cannot be procured as and when needed.

18 (d) EXCEPTION FOR CERTAIN PROCUREMENTS OUT-  
19 SIDE THE UNITED STATES.—Subsection (a) does not  
20 apply to the following:

- 21 (1) Procurements by vessels in foreign waters.
- 22 (2) Emergency procurements.

23 (e) EXCEPTION FOR SMALL PURCHASES.—Sub-  
24 section (a) does not apply to purchases for amounts not

1 greater than the simplified acquisition threshold referred  
2 to in section 2304(g) of title 10, United States Code.

3 (f) APPLICABILITY TO CONTRACTS AND SUB-  
4 CONTRACTS FOR PROCUREMENT OF COMMERCIAL  
5 ITEMS.—This section is applicable to contracts and sub-  
6 contracts for the procurement of commercial items not-  
7 withstanding section 34 of the Office of Federal Procure-  
8 ment Policy Act (41 U.S.C. 430).

9 (g) GEOGRAPHIC COVERAGE.—In this section, the  
10 term “United States” includes the possessions of the  
11 United States.

12 (h) NOTIFICATION REQUIRED WITHIN 7 DAYS  
13 AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS AP-  
14 PLIED.—In the case of any contract for the procurement  
15 of an item described in subsection (b)(1), if the Secretary  
16 of Homeland Security applies an exception set forth in  
17 subsection (c) with respect to that contract, the Secretary  
18 shall, not later than 7 days after the award of the con-  
19 tract, post a notification that the exception has been ap-  
20 plied on the Internet site maintained by the General Serv-  
21 ices Administration know as FedBizOps.gov (or any suc-  
22 cessor site).

23 (i) TRAINING DURING FISCAL YEAR 2008.—

24 (1) IN GENERAL.—The Secretary of Homeland  
25 Security shall ensure that each member of the acqui-

1       sition workforce in the Department of Homeland Se-  
2       curity who participates personally and substantially  
3       in the acquisition of textiles on a regular basis re-  
4       ceives training during fiscal year 2009 on the re-  
5       quirements of this section and the regulations imple-  
6       menting this section.

7           (2) INCLUSION OF INFORMATION IN NEW  
8       TRAINING PROGRAMS.—The Secretary shall ensure  
9       that any training program for the acquisition work  
10      force developed or implemented after the date of the  
11      enactment of this Act includes comprehensive infor-  
12      mation on the requirements described in paragraph  
13      (1).

14      (j) CONSISTENCY WITH INTERNATIONAL AGREE-  
15      MENTS.—

16           (1) IN GENERAL.—No provision of this section  
17      shall apply to the extent the Secretary of Homeland  
18      Security, in consultation with the United States  
19      Trade Representative, determines that it is in incon-  
20      sistent with United States obligations under an  
21      international agreement.

22           (2) REPORT.—The Secretary of Homeland Se-  
23      curity shall submit a report each year to Congress  
24      containing, with respect to the year covered by the  
25      report—

1 (A) a list of each provision of this section  
2 that did not apply during that year pursuant to  
3 a determination by the Secretary under para-  
4 graph (1); and

5 (B) a list of each contract awarded by the  
6 Department of Homeland Security during that  
7 year without regard to a provision in this sec-  
8 tion because that provision was made inappli-  
9 cable pursuant to such a determination.

10 (k) EFFECTIVE DATE.—This section applies with re-  
11 spect to contracts entered into by the Department of  
12 Homeland Security after the date of the enactment of this  
13 Act.

