

106TH CONGRESS  
1ST SESSION

# S. 384

To authorize the Secretary of Defense to waive certain domestic source or content requirements in the procurement of items.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1999

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To authorize the Secretary of Defense to waive certain domestic source or content requirements in the procurement of items.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTHORITY TO WAIVE DOMESTIC SOURCE OR**  
4 **CONTENT REQUIREMENTS.**

5 (a) AUTHORITY.—Chapter 141 of title 10, United  
6 States Code, is amended by adding at the end the follow-  
7 ing new section:

1 **“§ 2410n. Authority to waive domestic source and**  
2 **content requirements**

3 “(a) **AUTHORITY.**—Subject to subsection (c), the Sec-  
4 retary of Defense may waive any domestic source require-  
5 ment or domestic content requirement referred to in sub-  
6 section (b) and thereby authorize the procurement of items  
7 that are grown, reprocessed, reused, produced, or  
8 manufactured—

9 “(1) outside the United States or its posses-  
10 sions; or

11 “(2) in the United States or its possessions  
12 from components grown, reprocessed, reused, pro-  
13 duced, or manufactured outside the United States or  
14 its possessions.

15 “(b) **COVERED REQUIREMENTS.**—For purposes of  
16 this section:

17 “(1) A domestic source requirement is any re-  
18 quirement under law that the Department of De-  
19 fense must satisfy its needs for an item by procuring  
20 an item that is grown, reprocessed, reused, pro-  
21 duced, or manufactured in the United States, its  
22 possessions, or a part of the national technology and  
23 industrial base.

24 “(2) A domestic content requirement is any re-  
25 quirement under law that the Department must sat-  
26 isfy its needs for an item by procuring an item pro-

1       duced partly or wholly from components grown, re-  
 2       processed, reused, produced, or manufactured in the  
 3       United States or its possessions.

4       “(c) LIMITATION.—The Secretary may waive a do-  
 5       mestic source requirement or domestic content require-  
 6       ment under subsection (a) only if the Secretary determines  
 7       that one or more of the conditions set forth in section  
 8       2534(d) of this title apply with respect to the procurement  
 9       of the items concerned.

10       “(d) RELATIONSHIP TO OTHER WAIVER AUTHOR-  
 11       ITY.—The authority under subsection (a) to waive a do-  
 12       mestic source requirement or domestic content require-  
 13       ment is in addition to any other authority to waive such  
 14       requirement.”.

15       (b) CLERICAL AMENDMENT.—The table of sections  
 16       at the beginning of such chapter is amended by adding  
 17       the adding at the end following new item:

“2410n. Authority to waive domestic source or content requirements.”.

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