

108TH CONGRESS  
1ST SESSION

# H. R. 2014

To prohibit the Department of Homeland Security from procuring certain items unless the items are grown, reprocessed, reused, or produced in the United States.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2003

Mr. HAYES introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To prohibit the Department of Homeland Security from procuring certain items unless the items are grown, reprocessed, reused, or produced in the United States.

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. BUY-AMERICAN REQUIREMENT IMPOSED ON**  
4 **DEPARTMENT OF HOMELAND SECURITY; EX-**  
5 **CEPTIONS.**

6 (a) REQUIREMENT.—Except as provided in sub-  
7 sections (c) through (e), funds appropriated or otherwise  
8 available to the Department of Homeland Security may  
9 not be used for the procurement of an item described in

1 subsection (b) if the item is not grown, reprocessed, re-  
2 used, or produced in the United States.

3 (b) COVERED ITEMS.—An item referred to in sub-  
4 section (a) is any of the following:

5 (1) An article or item of—

6 (A) food;

7 (B) clothing and the materials and compo-  
8 nents thereof;

9 (C) tents, tarpaulins, or covers;

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

18 (E) any item of individual equipment man-  
19 ufactured from or containing such fibers, yarns,  
20 fabrics, or materials.

21 (2) Specialty metals, including stainless steel  
22 flatware.

23 (3) Hand or measuring tools.

24 (c) AVAILABILITY EXCEPTION.—Subsection (a) does  
25 not apply to the extent that the Secretary of Homeland

1 Security determines that satisfactory quality and suffi-  
2 cient quantity of any such article or item described in sub-  
3 section (b)(1) or specialty metals (including stainless steel  
4 flatware) grown, reprocessed, reused, or produced in the  
5 United States cannot be procured as and when needed at  
6 United States market prices.

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

10 (1) Procurements by vessels in foreign waters.

11 (2) Emergency procurements or procurements  
12 of perishable foods by an establishment located out-  
13 side the United States for the personnel attached to  
14 such establishment.

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

19 (f) APPLICABILITY TO CONTRACTS AND SUB-  
20 CONTRACTS FOR PROCUREMENT OF COMMERCIAL  
21 ITEMS.—This section is applicable to contracts and sub-  
22 contracts for the procurement of commercial items not-  
23 withstanding section 34 of the Office of Federal Procure-  
24 ment Policy Act (41 U.S.C. 430).

1       (g) GEOGRAPHIC COVERAGE.—In this section, the  
2 term “United States” includes the possessions of the  
3 United States.

