

**AMENDMENT TO H.R. 5850, AS REPORTED**  
**OFFERED BY MR. SHULER OF NORTH CAROLINA**  
**AND MR. KISSELL OF NORTH CAROLINA**  
**(Transportation & HUD Appropriations)**

Page 74, after line 16, insert the following:

1    **TITLE V—PROCUREMENT FOR DEPARTMENT**  
2                                   **OF TRANSPORTATION**  
3    **PROCUREMENT FOR DEPARTMENT OF TRANSPORTATION**  
4       **SEC. \_\_\_\_.** (a) **REQUIREMENT.**—Except as provided  
5    in subsections (c) through (e), funds appropriated or oth-  
6    erwise available to the Department of Transportation may  
7    not be used for the procurement of an item described in  
8    subsection (b) if the item is not grown, reprocessed, re-  
9    used, or produced in the United States.  
10       (b) **COVERED ITEMS.**—An item referred to in sub-  
11    section (a) is any of the following, if the item is directly  
12    related to the national security interests of the United  
13    States:  
14                   (1) An article or item of—  
15                        (A) clothing and the materials and compo-  
16                        nents thereof, other than sensors, electronics, or  
17                        other items added to, and not normally associ-

1           ated with, clothing (and the materials and com-  
2           ponents thereof);

3                 (B) tents, tarpaulins, or covers;

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

12                (D) any item of individual equipment man-  
13          ufactured from or containing such fibers, yarns,  
14          fabrics, or materials.

15          (c) AVAILABILITY EXCEPTION.—Subsection (a) does  
16          not apply to the extent that the Secretary of Transpor-  
17          tation determines that satisfactory quality and sufficient  
18          quantity of any such article or item described in sub-  
19          section (b)(1) grown, reprocessed, reused, or produced in  
20          the United States cannot be procured as and when needed.

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

24                (1) Procurements by vessels in foreign waters.

25                (2) Emergency procurements.

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

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

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

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

25       (i) TRAINING DURING FISCAL YEAR 2008.—

1           (1) IN GENERAL.—The Secretary of Transpor-  
2           tation shall ensure that each member of the acqui-  
3           sition workforce in the Department of Transportation  
4           who participates personally and substantially in the  
5           acquisition of textiles on a regular basis receives  
6           training during fiscal year 2009 on the requirements  
7           of this section and the regulations implementing this  
8           section.

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

16          (j) CONSISTENCY WITH INTERNATIONAL AGREE-  
17          MENTS.—

18               (1) IN GENERAL.—No provision of this section  
19               shall apply to the extent the Secretary of Transpor-  
20               tation, in consultation with the United States Trade  
21               Representative, determines that it is inconsistent  
22               with United States obligations under an inter-  
23               national agreement.

24               (2) REPORT.—The Secretary of Transportation  
25               shall submit a report each year to Congress con-

1       taining, with respect to the year covered by the re-  
2       port—

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

7               (B) a list of each contract awarded by the  
8       Department of Transportation during that year  
9       without regard to a provision in this section be-  
10      cause that provision was made inapplicable pur-  
11      suant to such a determination.

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

