

AMENDMENT TO H.R. 5136, AS REPORTED
OFFERED BY MR. LIPINSKI OF ILLINOIS

At the end of title VIII, add the following new section:

1 **SEC. 839. APPLICABILITY OF BUY AMERICAN ACT FOR AR-**
2 **TICLES, MATERIALS, OR SUPPLIES FOR USE**
3 **OUTSIDE THE UNITED STATES.**

4 (a) IN GENERAL.—Subsection (a) of the Buy Amer-
5 ican Act (41 U.S.C. 10a) shall apply to all procurements
6 by the Department of Defense, including procurements for
7 military construction projects, without regard to whether
8 the articles, materials, or supplies to be acquired are for
9 use outside the United States if the articles, materials,
10 or supplies are not needed on an urgent basis or if they
11 are acquired on a regular basis.

12 (b) COST ANALYSIS.—In any case in which the arti-
13 cles, materials, or supplies are to be acquired for use out-
14 side the United States and are not needed on an urgent
15 basis, before entering into a contract, the Secretary of De-
16 fense shall conduct an analysis of the difference in the cost
17 of acquiring the articles, materials, or supplies from a
18 company manufacturing the articles, materials, or supplies
19 in the United States (including the cost of shipping) and

1 the cost of acquiring the articles, materials, or supplies
2 from a company manufacturing the articles, materials, or
3 supplies outside the United States (including the cost of
4 shipping).

5 (c) RELATIONSHIP TO INTERNATIONAL AGREE-
6 MENTS.—This section shall be applied in a manner con-
7 sistent with United States obligations under international
8 agreements.

