

## § 2533a. Requirement to buy certain articles from American sources; exceptions

(a) **Requirement.**— Except as provided in subsections (c) through (h), funds appropriated or otherwise available to the Department of Defense may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

(b) **Covered Items.**— An item referred to in subsection (a) is any of the following:

(1) An article or item of—

(A) food;

(B) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

(C) tents, tarpaulins, or covers;

(D) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

(E) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

(2) Hand or measuring tools.

(c) **Availability Exception.**— Subsection (a) does not apply to the extent that the Secretary of Defense or the Secretary of the military department concerned determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices.

(d) **Exception for Certain Procurements.**— Subsection (a) does not apply to the following:

(1) Procurements outside the United States in support of combat operations or procurements of any item listed in subsection (b)(1)(A), (b)(2), or (b)(3) in support of contingency operations.

(2) Procurements by vessels in foreign waters.

(3) Emergency procurements or procurements of perishable foods by, or for, an establishment located outside the United States for the personnel attached to such establishment.

(4) Procurements of any item listed in subsection (b)(1)(A), (b)(2), or (b)(3) for which the use of procedures other than competitive procedures has been approved on the basis of section [2304\(c\)\(2\)](#) of this title, relating to unusual and compelling urgency of need.

(e) **Exception for Chemical Warfare Protective Clothing.**— Subsection (a) does not preclude the procurement of chemical warfare protective clothing produced outside the United States if—

(1) such procurement is necessary—

(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act ([22 U.S.C. 2776](#)) and with section [2457](#) of this title.

(f) **Exceptions for Certain Other Commodities and Items.**— Subsection (a) does not preclude the procurement of the following:

(1) Foods manufactured or processed in the United States.

(2) Waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives.

(g) **Exception for Commissaries, Exchanges, and Other Nonappropriated Fund**

**Instrumentalities.**— Subsection (a) does not apply to items purchased for resale purposes in commissaries, exchanges, or nonappropriated fund instrumentalities operated by the Department of Defense.

(h) **Exception for Small Purchases.**— Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section [2304 \(g\)](#) of this title.

(i) **Applicability to Contracts and Subcontracts for Procurement of Commercial Items.**—

This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act ([41 U.S.C. 430](#)).

(j) **Geographic Coverage.**— In this section, the term “United States” includes the possessions of the United States.

(k) **Notification Required Within 7 Days After Contract Award If Certain Exceptions**

**Applied.**— In the case of any contract for the procurement of an item described in subparagraph (B), (C), (D), or (E) of subsection (b)(1), if the Secretary of Defense or of the military department concerned applies an exception set forth in subsection (c) or (e) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration known as FedBizOps.gov (or any successor site).

## **§ 2533b. Requirement to buy strategic materials critical to national security from American sources; exceptions**

(a) **Requirement.**— Except as provided in subsections (b) through (j), funds appropriated or otherwise available to the Department of Defense may not be used for procurement of—

(1) the following types of end items, or components thereof, containing a specialty metal not melted or produced in the United States: aircraft, missile and space systems, ships, tank and automotive items, weapon systems, or ammunition; or

(2) a specialty metal that is not melted or produced in the United States and that is to be purchased directly by the Department of Defense or a prime contractor of the Department.

(b) **Availability Exception.**—

(1) Subsection (a) does not apply to the extent that the Secretary of Defense or the Secretary of the military department concerned determines that compliant specialty metal of satisfactory quality and sufficient quantity, and in the required form, cannot be procured as and when needed. For purposes of the preceding sentence, the term “compliant specialty metal” means specialty metal melted or produced in the United States.

(2) This subsection applies to prime contracts and subcontracts at any tier under such contracts.

(c) **Exception for Certain Procurements.**— Subsection (a) does not apply to the following:

(1) Procurements outside the United States in support of combat operations or in support of contingency operations.

(2) Procurements for which the use of procedures other than competitive procedures has been approved on the basis of section [2304 \(c\)\(2\)](#) of this title, relating to unusual and compelling urgency of need.

**(d) Exception Relating to Agreements With Foreign Governments.**— Subsection (a)(1) does not preclude the procurement of a specialty metal if—

(1) the procurement is necessary—

(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or  
(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act ([22 U.S.C. 2776](#)) and with section [2457](#) of this title.

**(e) Exception for Commissaries, Exchanges, and Other Nonappropriated Fund Instrumentalities.**— Subsection (a) does not apply to items purchased for resale purposes in commissaries, exchanges, and nonappropriated fund instrumentalities operated by the Department of Defense.

**(f) Exception for Small Purchases.**— Subsection (a) does not apply to procurements in amounts not greater than the simplified acquisition threshold referred to in section [2304 \(g\)](#) of this title.

**(g) Exception for Purchases of Electronic Components.**— Subsection (a) does not apply to procurements of commercially available electronic components whose specialty metal content is de minimis in value compared to the overall value of the lowest level electronic component produced that contains such specialty metal.

**(h) Applicability to Procurements of Commercial Items.**— This section applies to procurements of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act ([41 U.S.C. 430](#)).

**(i) Specialty Metal Defined.**— In this section, the term “specialty metal” means any of the following:

(1) Steel—

(A) with a maximum alloy content exceeding one or more of the following limits: manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent; or

(B) containing more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, or vanadium.

(2) Metal alloys consisting of nickel, iron-nickel, and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 percent.

(3) Titanium and titanium alloys.

(4) Zirconium and zirconium base alloys.

**(j) Additional Definitions.**— In this section:

(1) The term “United States” includes possessions of the United States.

(2) The term “component” has the meaning provided in section 4 of the Office of Federal Procurement Policy Act ([41 U.S.C. 403](#)).