

**AMENDMENT TO THE AMENDMENT IN THE NA-
TURE OF A SUBSTITUTE TO THE COMMITTEE
PRINT**

OFFERED BY Mr. Banks

At the appropriate place insert the following:

1 **SEC. ____ . DEPARTMENT OF VETERANS AFFAIRS COMPLI-**
2 **ANCE WITH MADE IN AMERICA LAWS.**

3 (a) COMPLIANCE AND WAIVERS.—

4 (1) IN GENERAL.—Consistent with Executive
5 Order 14005 entitled “Ensuring the Future Is Made
6 in All of America by All of America’s Workers”, the
7 Secretary of Veterans Affairs shall maximize the use
8 of goods, products, and materials produced in, and
9 services offered in, the United States in all procure-
10 ments carried out with appropriations made avail-
11 able in section 8002.

12 (2) WAIVERS.—

13 (A) IN GENERAL.—The Secretary may not
14 waive any Made in American Laws with respect
15 to any procurement unless—

16 (i) the Secretary has provided the
17 Made in America Director of the Office of

1 Management and Budget with a descrip-
2 tion of the proposed waiver and a detailed
3 justification for the use of goods, products,
4 or materials that have not been mined,
5 produced, or manufactured in the United
6 States; and

7 (ii) the Director of the Office of Man-
8 agement and Budget, acting through the
9 Made in America Director, determines that
10 the proposed waiver would be consistent
11 with applicable law and the policy set forth
12 in Executive Order 14005 and notifies the
13 Secretary in writing of such determination.

14 (B) PROCESS FOR DISAPPROVAL OF WAIV-
15 ER.—If the Director of the Office of Manage-
16 ment and Budget, acting through the Made in
17 America Director, determines that the proposed
18 waiver would not be consistent with applicable
19 law or the policy set forth in Executive Order
20 14005, the Director shall notify the Secretary
21 in writing of such determination and shall re-
22 turn the proposed waiver to the Secretary for
23 further consideration and explanation.

24 (3) NOTIFICATION OF ACTIONS TAKEN BEFORE
25 REVIEW.—If the Secretary is obligated by law or the

1 interest of health and safety to act more quickly
2 with respect to a procurement than the review proce-
3 dures established under this section allow, the Sec-
4 retary shall notify the Made in America Director of
5 the procurement as soon as possible and, to the ex-
6 tent practicable, comply with the requirements set
7 forth in this section. Nothing in this section shall be
8 construed as superseding the authorities or respon-
9 sibilities of the Secretary under any other provision
10 of law.

11 (b) REPORT.—Not later than 180 days of the date
12 of enactment of this Act, the Secretary shall submit to
13 the Committees on Veterans' Affairs of the House of Rep-
14 resentatives and the Senate, a report on—

15 (1) the implementation of, and compliance with,
16 Made in America Laws by the Department of Vet-
17 erans Affairs;

18 (2) the ongoing use by the Department of any
19 longstanding or nationwide waivers of any Made in
20 America Laws, including a written description of the
21 consistency of such waivers with the policy set forth
22 in Executive Order 14005; and

23 (3) recommendations for how the Department
24 of Veterans Affairs can further effectuate the policy
25 set forth in Executive Order 14005.

1 (c) DEFINITIONS.—In this section:

2 (1) The term “Made in America Law” means
3 any statute, regulation, rule, or Executive Order re-
4 lating to Federal financial assistance awards or Fed-
5 eral procurement, including any such statute, regula-
6 tion, rule or Executive Order that refers to “Buy
7 America” or “Buy American”, that requires, or pro-
8 vides a preference for, the purchase or acquisition of
9 any good, product, or material produced in the
10 United States, including iron, steel, or manufactured
11 goods offered in the United States.

12 (2) The term “waiver”, with respect to a Made
13 in America Law, means an exception from such
14 Law, and includes the procedures and conditions
15 used in granting such an exception.

16 (d) AVAILABILITY OF FUNDS.—In addition to
17 amounts otherwise made available, there is appropriated
18 for fiscal year 2021, out of any money in the Treasury
19 not otherwise appropriated, \$100,000,000, to remain
20 available until September 30, 2023, for the increased costs
21 of purchasing United States-made goods relative to for-
22 eign-made goods in accordance with Executive Order
23 14005

