



Innovative Products For **Home. Work. Life.**

October 28, 2021

via electronic transmission

Regulatory Secretariat Division
U.S. General Services Administration
1800 F Street, N.W.
Washington, DC 20405
GSARegSec@gsa.gov

Subject: Federal Acquisition Regulation: Amendments to the FAR Buy American Act Requirements (Docket No. FAR-2021-0008)

The Household & Commercial Products Association¹ (HCPA) appreciates the opportunity to offer comments to the Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA) on the proposed amendments to the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 14005² *Ensuring the Future Is Made in All of America by All of America's Workers* addressing domestic preferences in Government procurement.

HCPA represents companies that manufacture, market, supply, and sell consumer and commercial products, some of which are designed for federal procurement. While federal law can require government agencies to give preference to American companies, the lack of consistent implementation has deterred some companies from attempting to supply products. HCPA applauds the Biden Administration for establishing the Made in America Office, addressing the inconsistent implementation, and maximizing the use of goods, products, and materials produced in the United States.

The proposed rule includes immediately higher domestic content thresholds that will increase over time and price preference enhancements for "critical" items among other amendments. While an increase in the domestic content thresholds may initially make it more challenging for some U.S. companies to continue to supply products to government agencies, consistent implementation across agencies can provide a long-term benefit to make it easier for companies to supply products. The current lack of consistent implementation is not only complex and potentially confusing to those that manufacture products and supply to

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

² E.O. 14005 is available at <https://www.federalregister.gov/documents/2021/01/28/2021-02038/ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers>

government agencies, but that complexity and confusion has a ripple effect across the entire supply chain. Companies that supply domestic manufacturers with components have a challenging time understanding which of their materials could be used in products designed for government procurement because of the lack in consistency. Thus, clear and consistent implementation would help the entire supply chain identify the materials which would help product manufacturers meet the domestic content thresholds.

With that said, HCPA recognizes that not all end products are going to be able to meet the increased thresholds. Some components cannot be produced in America, whether that's because certain types of plants cannot be grown in our nation's climate, minerals are not available here, or other types of components in which the chemistry isn't produced in this nation, and these components may not necessarily be substantially transformed in the final product. As such, waivers should be granted to domestic manufacturers who can provide justification as to the importance of components within their product that don't have domestic sources. While HCPA supports the reduction in waivers provided, it is necessary to grant them in cases where necessary components for the end product cannot be sourced from domestic suppliers.

HCPA supports the aim of increasing transparency with the waiver process. However, HCPA does want to caution on the amount of information that is shared on the public website. While providing the overall justification of why a waiver is granted is important to increase transparency, certain details around a company's product, such as details about their supply chain, should not be published.

HCPA appreciates the opportunity to provide these comments on the proposed amendments to the FAR Buy American Act Requirements. If you have any questions about the comments provided in this letter, please contact me at ngeorges@thehcpa.org.

Sincerely,



Nicholas B. Georges

Vice President, Scientific & International Affairs