

AMENDMENT TO H.R. 5689
OFFERED BY MR. DEFAZIO OF OREGON

At the end of the bill, add the following:

1 SEC. 8. BUY AMERICA FOR NONEMERGENCY PROJECTS.

2 (a) IN GENERAL.—For the purposes of this rule-
3 making, to ensure that the United States has the produc-
4 tive capability to respond quickly to emergencies and nat-
5 ural disasters with a strong domestic industrial base being
6 in the public interest, the Administrator of the Federal
7 Emergency Management Agency shall require, as a condi-
8 tion of any financial assistance provided by the Agency
9 on a nonemergency basis after promulgation of regulations
10 pursuant to subsection (c) for a construction project with
11 a cost of at least \$1,000,000, that the steel and iron used
12 in the project be produced in the United States.

13 (b) WAIVER.—

14 (1) IN GENERAL.—The Administrator may pro-
15 vide a waiver of the requirements in subsection (a)
16 if the Administrator finds—

17 (A) that the application of such subsection
18 would be inconsistent with the public interest,
19 including causing unreasonable project delays;

1 (B) that such steel and iron are not pro-
2 duced in the United States in sufficient and
3 reasonably available quantities and of a satis-
4 factory quality; or

5 (C) that inclusion of domestic material will
6 increase the cost of the overall project contract
7 by more than 25 percent.

8 (2) PUBLIC INPUT.—If the Administrator re-
9 ceives a request for a waiver under this subsection,
10 the Administrator shall make available to the public,
11 on an informal basis, a copy of the request and in-
12 formation available to the Administrator concerning
13 the request, and shall allow for informal public input
14 on the request for at least 15 days prior to making
15 a finding based on the request.

16 (3) PUBLICATION OF REQUEST.—The Adminis-
17 trator shall make the request and accompanying in-
18 formation available by electronic means, including on
19 the official public website of the Federal Emergency
20 Management Agency.

21 (c) RULEMAKING.—Not later than 18 months after
22 the date of enactment of this Act, the President, acting
23 through the Administrator of the Federal Emergency
24 Management Agency, shall conduct and complete a rule-
25 making to establish what considerations shall be used by

1 the Administrator to assess whether a waiver request
2 made pursuant to subsection (b)(1)(A) is in the public in-
3 terest. Such criteria shall include both a calculation con-
4 sidering domestically produced steel and iron and a cal-
5 culation with non-domestically produced steel and iron for
6 construction projects which require a Benefit-Cost Anal-
7 ysis in order to qualify for financial assistance.

8 (d) ADJUSTMENT.—The amount in subsection (a)
9 shall be adjusted annually to reflect changes in the Con-
10 sumer Price Index for All Urban Consumers published by
11 the Department of Labor.

