

106TH CONGRESS
2D SESSION

H. R. 3589

To direct the Director of the Federal Emergency Management Agency to require, as a condition of any financial assistance provided on a non-emergency basis by the Agency for a construction project, that the steel, iron, and manufactured products used in the project be produced in the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2000

Mr. COLLINS (for himself and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Director of the Federal Emergency Management Agency to require, as a condition of any financial assistance provided on a non-emergency basis by the Agency for a construction project, that the steel, iron, and manufactured products used in the project be produced in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Emergency
5 Management Agency Buy American Compliance Act”.

1 **SEC. 2. APPLICABILITY OF BUY AMERICAN REQUIREMENTS**
2 **TO FEMA ASSISTANCE.**

3 (a) IN GENERAL.—The Director of the Federal
4 Emergency Management Agency shall require, as a condi-
5 tion of any financial assistance provided by the Agency
6 on a non-emergency basis for a construction project, that
7 the steel, iron, and manufactured products used in the
8 project be produced in the United States.

9 (b) WAIVERS.—The requirements of subsection (a)
10 shall not apply in any case in which the Director finds—

11 (1) that their application would be inconsistent
12 with the public interest;

13 (2) that such materials and products are not
14 produced in the United States in sufficient and rea-
15 sonably available quantities and of a satisfactory
16 quality; or

17 (3) that inclusion of domestic material will in-
18 crease the cost of the overall project contract by
19 more than 25 percent.

20 (c) CALCULATION OF COSTS.—For purposes of this
21 section, in calculating components' costs, labor costs in-
22 volved in final assembly shall not be included in the cal-
23 culation.

24 (d) STATE REQUIREMENTS.—The Director shall not
25 impose any limitation or condition on assistance provided
26 by the Federal Emergency Management Agency that re-

1 stricts any State from imposing more stringent require-
2 ments than this section on the use of articles, materials,
3 and supplies mined, produced, or manufactured in foreign
4 countries in projects carried out with such assistance or
5 restricts any recipient of such assistance from complying
6 with such State imposed requirements.

7 (e) REPORT ON WAIVERS.—The Director shall sub-
8 mit to Congress on an annual basis a report on the pur-
9 chases from foreign entities waived under subsection (b),
10 indicating the dollar value of items for which waivers were
11 granted under subsection (b).

12 (f) INTENTIONAL VIOLATIONS.—If it has been deter-
13 mined by a court or Federal agency that any person
14 intentionally—

15 (1) affixed a label bearing a “Made in Amer-
16 ica” inscription, or any inscription with the same
17 meaning, to any product used in projects to which
18 this section applies, sold in or shipped to the United
19 States that was not made in the United States; or

20 (2) represented that any product used in
21 projects to which this section applies, sold in or
22 shipped to the United States that was not produced
23 in the United States, was produced in the United
24 States;

1 that person shall be ineligible to receive any contract or
2 subcontract made with financial assistance made available
3 by the Federal Emergency Management Agency pursuant
4 to the debarment, suspension, and ineligibility procedures
5 in subpart 9.4 of chapter 1 of title 48, Code of Federal
6 Regulations.

7 (g) LIMITATION ON APPLICABILITY OF WAIVERS TO
8 PRODUCTS PRODUCED IN CERTAIN FOREIGN COUN-
9 TRIES.—If the Director, in consultation with the United
10 States Trade Representative, determines that—

11 (1) a foreign country is a party to an agree-
12 ment with the United States and pursuant to that
13 agreement the head of an agency of the United
14 States has waived the requirements of this section;
15 and

16 (2) the foreign country has violated the terms
17 of the agreement by discriminating against products
18 covered by this section that are produced in the
19 United States and are covered by the agreement,
20 the requirements of subsection (b) shall not apply to prod-
21 ucts produced in that foreign country.

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