

AMENDMENT TO H.R. 1
OFFERED BY MR. LIPINSKI OF ILLINOIS

After section 5, add the following new section:

1 **SEC. 6. BUY AMERICAN REQUIREMENTS.**

2 (a) **IN GENERAL.**—Notwithstanding any other provi-
3 sion of law, the funds appropriated or otherwise made
4 available by this Act shall be used to purchase only such
5 unmanufactured articles, materials, and supplies as have
6 been mined or produced in the United States and only
7 such manufactured articles, materials, and supplies as
8 have been manufactured in the United States substantially
9 all from articles, materials, or supplies mined, produced,
10 or manufactured, as the case may be, in the United States.

11 (b) **EXCEPTIONS.**—

12 (1) **FINDING.**—Subsection (a) shall not apply in
13 any case with respect to which the head of the Fed-
14 eral department or agency, or, in the case of a State
15 or local agency, the Governor, mayor, or other chief
16 executive, as appropriate, finds any of the following:

17 (A) Applying subsection (a) would be in-
18 consistent with the public interest.

19 (B) An article, material, or supply is not
20 mined, produced, or manufactured, as the case

1 may be, in the United States in sufficient and
2 reasonably available commercial quantities and
3 of satisfactory quality.

4 (C) Applying subsection (a) would increase
5 the overall cost of a project by more than 25
6 percent.

7 (2) WRITTEN JUSTIFICATION FOR WAIVER.—If
8 the head of the Federal Department or agency, or,
9 in the case of a State or local agency, the Governor,
10 mayor, or other chief executive, determines that it is
11 necessary to waive subsection (a) based on a finding
12 under paragraph (1), the head of the Federal De-
13 partment or agency, or the Governor, mayor, or
14 other chief executive, as the case may be, shall—

15 (A) publish in the Federal Register a de-
16 tailed and written justification as to why the
17 provision is being waived; and

18 (B) post the justification in a special sec-
19 tion of the website Recovery.gov (as established
20 under section 1226 of this Act).

21 (c) SUBSTANTIALLY ALL.—For purposes of sub-
22 section (a), articles, materials, or supplies shall be treated
23 as made substantially all from articles, materials, or sup-
24 plies mined, produced, or manufactured in the United
25 States if the cost of the domestic components of such arti-

1 cles, materials, or supplies exceeds 75 percent of the total
2 cost of all components of such articles, materials, or sup-
3 plies.

4 (d) INAPPLICABILITY TO MICRO-PURCHASE CON-
5 TRACTS.—Subsection (a) shall not apply if the manufac-
6 tured articles, materials, or supplies are procured under
7 any contract the award value of which is less than or equal
8 to the micro-purchase threshold under section 32 of the
9 Office of Federal Procurement Policy Act (41 U.S.C.
10 428).

