

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 (e) 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).

