

112TH CONGRESS
1ST SESSION

H. R. 983

To ensure that American materials are used for Smithsonian construction activities and are sold in Smithsonian gift shops, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2011

Mr. RAHALL introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To ensure that American materials are used for Smithsonian construction activities and are sold in Smithsonian gift shops, and for other purposes.

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 “Buy American at the
5 Smithsonian Act of 2011”.

6 **SEC. 2. ENSURING AMERICAN MATERIALS ARE USED FOR**
7 **SMITHSONIAN CONSTRUCTION ACTIVITIES**
8 **AND ARE SOLD IN SMITHSONIAN GIFT SHOPS.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, the Secretary of the Smithsonian Institution

1 may not use any funds made available under Federal law
2 to construct a facility of the Smithsonian Institution or
3 to construct an alteration of such a facility unless the Sec-
4 retary certifies that, except as provided under subsection
5 (b)—

6 (1) all materials used for construction activities
7 relating to any facility of the Smithsonian Institu-
8 tion are produced in the United States; and

9 (2) all materials for sale in any gift shop of the
10 Smithsonian Institution are produced in the United
11 States.

12 (b) EXEMPTIONS.—The Secretary of the Smithsonian
13 Institution may exempt a material used for construction
14 activities relating to a facility of the Smithsonian Institu-
15 tion from inclusion in a certification under subsection (a)
16 if the Secretary finds that—

17 (1) including the material would be inconsistent
18 with the public interest;

19 (2) the material, as produced in the United
20 States, is not produced in a sufficient and reason-
21 ably available amount or is not of a satisfactory
22 quality; or

23 (3) use of the material produced in the United
24 States will increase costs by more than 25 percent.

1 (c) PUBLICATION AND NOTICE OF EXEMPTIONS.—

2 If the Secretary of the Smithsonian Institution determines
3 that it is necessary to exempt a material from inclusion
4 in a certification under subsection (a) based on a finding
5 under subsection (b), the Secretary shall, before the date
6 on which such finding takes effect—

7 (1) publish in the Federal Register a detailed
8 written justification as to why the exemption is
9 needed; and

10 (2) provide notice of such finding and an oppor-
11 tunity for public comment on such finding for a rea-
12 sonable period of time not to exceed 15 days.

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