

116TH CONGRESS
1ST SESSION

H. R. 4687

To waive certain procurement provisions for a project that receives funds from certain Federal agencies.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2019

Mr. ROUDA (for himself, Mr. BABIN, Mrs. NAPOLITANO, and Mr. NORMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, Space, and Technology, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To waive certain procurement provisions for a project that receives funds from certain Federal agencies.

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 “Sustainable Municipal
5 Access to Resilient Technology in Infrastructure Act” or
6 the “SMART Infrastructure Act”.

1 **SEC. 2. FAIR AND OPEN COMPETITION REQUIREMENTS.**

2 (a) IN GENERAL.—A State, or locality, in accordance
3 with State and local procurement requirements, that re-
4 ceives funds from the Federal Highway Administration,
5 the Army Corps of Engineers, the Environmental Protec-
6 tion Agency, or the Department of Agriculture shall re-
7 quire open and free competition among suppliers of con-
8 struction materials. The State or locality shall have the
9 flexibility to select appropriate construction materials that
10 meet the performance requirements of the contract and
11 enhance the service life, sustainability, and resiliency of
12 the project.

13 (b) CONSTRUCTION MATERIAL.—Subject to sub-
14 section (a), after the date of enactment of this Act, a State
15 or local government shall bid all technically qualified mate-
16 rial unless there is an engineering or economic justifica-
17 tion for selecting one material. Before a procurement is
18 made, a clear description of the performance requirements
19 for construction materials shall be disclosed in the request
20 for proposals.

21 (c) STATUTORY CONSTRUCTION.—Nothing in this
22 section shall be construed to waive any requirements or
23 standards in any provision of law commonly known as Buy
24 America.

1 **SEC. 3. INTERAGENCY TASK FORCE.**

2 (a) ESTABLISHMENT OF TASK FORCE.—Not later
3 than 90 days after the date of enactment of this Act, the
4 Secretary of Transportation, the Administrator of the En-
5 vironmental Protection Agency, the Assistant Secretary of
6 the Army for Civil Works and the Secretary of Agriculture
7 shall establish an interagency task force.

8 (b) COMPREHENSIVE REPORT.—Not later than 1
9 year after the establishment of the interagency task force
10 under subsection (a), the task force shall issue a com-
11 prehensive report that includes the following for federally
12 funded infrastructure projects:

13 (1) Reviews of competition for materials in in-
14 frastructure projects and how States and local gov-
15 ernments are succeeding or failing in ensuring that
16 the bidding process allows for innovative material to
17 be incorporated into new projects.

18 (2) Provides recommendations for incorporating
19 advanced technologies and innovative materials that
20 prioritize sustainability and resiliency in infrastruc-
21 ture projects.

22 (3) Identifies procurement practices at the
23 State and local level that are an artificial barrier to
24 competition for new and innovative materials.

25 (4) Provides recommendations for eliminating
26 any barriers identified in paragraph (3) and how the

1 Federal Government can help ensure open competi-
2 tion and competitive bidding processes for all mate-
3 rials used in federally funded infrastructure projects.

4 (5) Reviews how States approve materials and
5 make material recommendations at the local level via
6 preapproved lists.

7 (6) Provides recommendations for incorporating
8 life-cycle assessment, resilience, and sustainability
9 into procurement decisions.

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