

115TH CONGRESS  
2D SESSION

# H. R. 5310

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2018

Mr. BABIN (for himself, Mr. HUIZENGA, Mr. NORMAN, Mr. HIGGINS of Louisiana, Mr. WEBER of Texas, Mr. DUNCAN of South Carolina, Mr. YODER, Mr. SESSIONS, Mr. WEBSTER of Florida, Mr. PERRY, Mr. SANFORD, and Mr. CHABOT) 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

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## 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 “Municipal Infrastruc-  
5 ture Savings and Transparency Act”.

1 **SEC. 2. WAIVER OF CERTAIN PROCUREMENT REQUIRE-**  
2 **MENTS.**

3 (a) IN GENERAL.—Notwithstanding Federal procure-  
4 ment requirements, an engineer, in accordance with State  
5 and local procurement requirements, for a public agency  
6 that receives funds from the Federal Highway Administra-  
7 tion, the Army Corps of Engineers, the Environmental  
8 Protection Agency, or the Department of Agriculture shall  
9 have maximum flexibility to select appropriate construc-  
10 tion materials that meet the performance requirements of  
11 the contract and that allows open and free competition  
12 among suppliers of construction materials.

13 (b) CONSTRUCTION MATERIAL.—After the date of  
14 enactment of this Act, a State or local government may  
15 not prohibit or restrict any engineer referenced in sub-  
16 section (a), from using a particular construction material.  
17 Before a procurement is made, a clear description of the  
18 performance requirements for construction materials shall  
19 be disclosed in the request for proposals.

20 (c) NO RESTRICTION.—Nothing in this section shall  
21 limit the professional judgment of a project engineer to  
22 specify or select any acceptable material based on the per-  
23 formance requirements for a particular project.

24 **SEC. 3. INTERAGENCY TASK FORCE.**

25 (a) ESTABLISHMENT OF TASK FORCE.—Not later  
26 than 90 days after the date of enactment of this Act, the

1 Secretary of Transportation, the Administrator of the En-  
2 vironmental Protection Agency, the Assistant Secretary of  
3 the Army for Civil Works and the Secretary of Agriculture  
4 shall establish an interagency task force.

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

10 (1) Reviews of competition for materials in in-  
11 frastructure projects and how States are succeeding  
12 or failing in ensuring that the bidding process allows  
13 for innovative materials to be incorporated into new  
14 projects.

15 (2) Identifies procurement practices at the  
16 State and local level that are an artificial barrier to  
17 competition for new and innovative materials.

18 (3) Provides recommendations for eliminating  
19 any barriers identified in paragraph (2) and how the  
20 Federal Government can help ensure open competi-  
21 tion and competitive bidding processes for all mate-  
22 rials used in federally-funded infrastructure projects.

- 1           (4) Reviews how States approve materials and
- 2           make material recommendations at the local level via
- 3           pre-approved lists.

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