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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To exempt certain covered projects from the requirements of chapter 83 of title 41, United States Code, or any regulation or guidance issued for such chapter.

IN THE HOUSE OF REPRESENTATIVES

Mr. FLOOD introduced the following bill; which was referred to the Committee on _____

A BILL

To exempt certain covered projects from the requirements of chapter 83 of title 41, United States Code, or any regulation or guidance issued for such chapter.

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 “Build Housing
5 Affordably Act”.

6 **SEC. 2. BUY AMERICAN ACT STUDY AND REPORT.**

7 (a) IN GENERAL.—The Secretary of Housing and
8 Urban Development shall conduct a study of—

1 (1) the impacts of the Build America, Buy
2 America Act (title IV of division G of Public Law
3 117–58; 42 U.S.C. 8301 note) and its implementa-
4 tion on grantees, subgrantees, builders, developers,
5 and contractors using covered programs to build af-
6 fordable housing, including—

7 (A) the direct costs of procuring materials
8 for federally assisted housing projects;

9 (B) the indirect costs associated with com-
10 pliance, including any increased administrative
11 costs, costs incurred while pursuing a waiver,
12 and costs of consultants or other labor required
13 to deal with increased administrative costs;

14 (C) the costs of delays associated with
15 compliance; and

16 (D) the costs associated with any housing
17 projects left incomplete as a result of compli-
18 ance, and the number of units not built as a re-
19 sult of compliance; and

20 (2) the Build America, Buy America Act (title
21 IV of division G of Public Law 117–58; 42 U.S.C.
22 8301 note) waiver process with respect to covered
23 programs, including—

1 (A) the Department of Housing and Urban
2 Development's processes and policies for review-
3 ing waivers;

4 (B) the amount of time it takes the De-
5 partment of Housing and Urban Development
6 to process waivers;

7 (C) the number of waivers granted for
8 housing projects;

9 (D) the extent to which general public in-
10 terest waivers are utilized currently and wheth-
11 er issuing additional general public interest
12 waivers could reduce costs;

13 (E) the effectiveness of the de minimis
14 general waiver; and

15 (F) the materials or products most often
16 subject to requests for waivers.

17 (b) REPORT.—The Secretary of Housing and Urban
18 Development shall, not later than 90 days after completing
19 the study required under subsection (a), submit a report
20 to the Committee on Financial Services of the House of
21 Representatives and the Committee on Banking, Housing,
22 and Urban Affairs of the Senate containing all findings
23 and contents of the study required under subsection (a).

1 **SEC. 3. REQUIREMENT TO PAUSE IMPLEMENTATION OF**
2 **BUILD AMERICA, BUY AMERICA ACT RE-**
3 **QUIREMENTS.**

4 Notwithstanding any other provision of law, regula-
5 tion, guidance, or policy, any covered project assisted in
6 any part by amounts provided under a covered program
7 shall not be subject to any of the requirements of chapter
8 83 of title 41, United States Code, or any regulations
9 issued for such chapter until the date that is 60 days after
10 the report required under subsection (a) is delivered to
11 the Committee on Financial Services of the House of Rep-
12 resentatives and the Committee on Banking, Housing, and
13 Urban Affairs of the Senate.

14 **SEC. 4. TIMING FOR REVIEW OF WAIVER APPLICATIONS.**

15 (a) IN GENERAL.—If an entity that is undertaking
16 a covered project assisted in any part by amounts provided
17 under a covered program submits a request to the Sec-
18 retary of Housing and Urban Development for a waiver
19 from the requirements of Build America, Buy America Act
20 (title IV of division G of Public Law 117–58; 42 U.S.C.
21 8301 note), notwithstanding any other provision of law,
22 regulation, guidance, or policy, the Secretary of Housing
23 and Urban Development shall render a decision on such
24 request for a waiver not later than 90 days after receiving
25 such request.

1 (b) FAILURE TO RENDER A DECISION.—Notwith-
2 standing any other provision of law, regulation, guidance,
3 or policy, if the Secretary of Housing and Urban Develop-
4 ment fails to render a decision on a request for a waiver
5 under subsection (a) in the time period specified in sub-
6 section (a), the waiver shall be deemed to have been grant-
7 ed.

8 (c) RULE OF CONSTRUCTION.—Any waiver deemed
9 to have been granted under subsection (b) shall be final
10 and irrevocable and may not be subjected to further review
11 by any Federal official.

12 **SEC. 5. DEFINITIONS.**

13 In this Act:

14 (1) COVERED PROGRAM.—The term “covered
15 program” means—

16 (A) the public housing program under the
17 United States Housing Act of 1937 (42 U.S.C.
18 1437 et seq.);

19 (B) the program for rental assistance
20 under section 8 of the United States Housing
21 Act of 1937 (42 U.S.C. 1437f);

22 (C) the HOME Investment Partnerships
23 program under title II of the Cranton-Gonzalez
24 National Affordable Housing Act (42 U.S.C.
25 12721 et seq.);

1 (D) the program for supportive housing for
2 the elderly under section 202 of the Housing
3 Act of 1959 (12 U.S.C. 1701q);

4 (E) the program for supportive housing for
5 persons with disabilities under section 811 of
6 the Cranston-Gonzalez National Affordable
7 Housing Act (42 U.S.C. 8013);

8 (F) the program for Native American
9 housing under the Native American Housing
10 Assistance and Self-Determination Act of 1996
11 (25 U.S.C. 4101 et seq.);

12 (G) the program for housing assistance for
13 Native Hawaiians under title VIII of the Native
14 American Housing Assistance and Self-Deter-
15 mination Act of 1996 (25 U.S.C. 4221 et seq.);

16 (H) the Housing Trust Fund program
17 under section 1338 of the Housing and Com-
18 munity Development Act of 1992 (12 U.S.C.
19 4568);

20 (I) the programs under title IV of the
21 McKinney-Vento Homeless Assistance Act (42
22 U.S.C. 11360 et seq.);

23 (J) the AIDS Housing Opportunities pro-
24 gram under subtitle D of title VIII of the Cran-

1 ston-Gonzalez National Affordable Housing Act
2 (42 U.S.C. 12901 et seq.);

3 (K) the programs for assistance for rural
4 rental housing under title V of the Housing Act
5 of 1949 (42 U.S.C. 1471 et seq.);

6 (L) the Community Development Block
7 Grant program under title I of the Housing and
8 Community Development Act of 1974 (42
9 U.S.C. 5301 et seq.);

10 (M) the Capacity Building for Affordable
11 Housing and Community Development program
12 under section 4 of the HUD Demonstration Act
13 of 1993 (Pub. L. 103-120, 107 Stat. 1148, 42
14 U.S.C. 9816 note); and

15 (N) the Choice Neighborhoods Initiative,
16 initially authorized under title I of division A of
17 Public Law 111-117 (123 Stat. 3093).

18 (2) COVERED PROJECT.—The term “covered
19 project” means a project assisted in any part by
20 amounts provided under a covered program that—

21 (A) is subject to the requirements of Build
22 America, Buy America Act (title IV of division
23 G of Public Law 117-58; 42 U.S.C. 8301
24 note); and

1 (B) has as its primary purpose the pur-
2 chase, construction, rehabilitation, preservation,
3 or improvement of residential housing.