HI Jack, your correct, it applies to the federal government not states (recipients) or sub recipients , with a few exceptions as noted below.  Please keep this email for your file. I’ve also cc’d FEMA legal counsel , Catlin O’Halloran, in case she would like to comment.

**---EMAIL FROM FEMA REGARDING BUY AMERICAN ACTS and FEMA PUBLIC ASSISTANCE (PA) PROJECTS---retain for your records--**

**From:** Hill, Michael C
**Sent:** Friday, January 18, 2013 7:39 AM
**To:** Yandle, Denise; Hildebrand, Rachel
**Cc:** Sislen, Rita
**Subject:** FW: RE: Buy American Act and Buy America Act

Denise,

Please see below the advice from HQ on the Buy American Acts.  Short answer, it applies to the Federal Government not to grantees.

Thanks

Mike

Michael C. Hill

Deployable Field Counsel, OCC

Federal Emergency Management Agency (FEMA)

304 Middletown Lincroft Road, Lincroft Nj 07738

DR-4086-NJ

Cell 202-674-2242

Michael.Hill4@fema.dhs.gov

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**From:** Yoo, Philip
**Sent:** Thursday, January 17, 2013 4:13 PM
**To:** Hill, Michael C
**Cc:** Hazel, Kim
**Subject:** RE: RE: Buy American Act and Buy America Act

Hey Mike,

**The Buy American Act (BAA) generally does not apply to the PA grants.**  FEMA does not mandate BAA obligations.  The BAA primarily applies only to contracts dealing with the public buildings or works used or owned by the Federal Government, not grantees.  However, the BAA lists exceptions to this general rule, which include the District of Columbia, Puerto Rico, American Samoa, and the Virgin Islands (41 U.S.C. § 8301(1)).  So, any of the listed exceptions receive Federal funds from the Federal Government, they will be classified as a grantee and, like the Federal Government, must comply with the BAA.

**Philip Yoo**

Attorney-Advisor

Federal Emergency Management Agency

Office of Chief Counsel

500 C St. SW

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**From:** Yoo, Philip
**Sent:** Thursday, January 17, 2013 3:21 PM
**To:** Hill, Michael C
**Cc:** Hazel, Kim
**Subject:** RE: Buy American Act and Buy America Act

Hey Mike,

I am currently looking into the applicability of the Buy American Act for PA projects.  I will respond to you after I research the topic.

**Philip Yoo**

Attorney-Advisor

Federal Emergency Management Agency

Office of Chief Counsel

500 C St. SW

Washington, D.C.  20472-3100

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**From:** Washington, Stan [mailto:swashington@westcoastcontractors.com]
**Sent:** Tuesday, October 2, 2018 12:14 PM
**To:** Jack Akin, EMC-Engineers/Scientists, LLC <emc@emcengineersscientists.com>
**Cc:** Kathy Lindley Hall <kathy@portofbrookingsharbor.com>; Slevin, Julie <julie.slevin@mil.state.or.us>
**Subject:** RE: Buy American

Jack,

Sorry, but I do not understand your answer below.  Are we able to buy Foreign steel for this project?

Stan

**From:** Jack Akin, EMC-Engineers/Scientists, LLC [mailto:emc@emcengineersscientists.com]
**Sent:** Tuesday, October 2, 2018 12:02 PM
**To:** Washington, Stan <swashington@westcoastcontractors.com>
**Cc:** Kathy Lindley Hall <kathy@portofbrookingsharbor.com>; Slevin, Julie <julie.slevin@mil.state.or.us>
**Subject:** RE: Buy American

My understanding is that the Buy American clause only pertains to inter governmental contracts.

Jack (John) Akin, MS, PE, IC, HMS, AI

Office: 541.474.9434    Cell: 541.261.9929

Email: emc@emcengineersscientists.com

Web: [www.emcengineersscientists.com](http://www.emcengineersscientists.com)

**From:** Washington, Stan
**Sent:** Tuesday, October 2, 2018 9:33 AM
**To:** Jack Akin, EMC-Engineers/Scientists, LLC
**Cc:** Kronsteiner, David
**Subject:** RE: whoops

Jack,

Since you received additional funding for the project, is the funding agency Federal or State?  If it’s Federal then is there a Buy American or Buy America, which one is it?