

116TH CONGRESS
1ST SESSION

S. 1287

To ensure small shipyard grant projects are carried out using materials produced in the United States.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2019

Ms. BALDWIN (for herself and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To ensure small shipyard grant projects are carried out using materials produced in the United States.

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 “Strengthening Buy
5 America for Small Shipyard Grants Act”.

6 **SEC. 2. REQUIREMENT FOR SMALL SHIPYARD GRANTEES.**

7 Section 54101(d) of title 46, United States Code, is
8 amended—

9 (1) by striking “Grants awarded” and inserting
10 the following:

1 “(1) IN GENERAL.—Grants awarded”; and
2 (2) by adding at the end the following:

3 “(2) BUY AMERICA.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), no funds may be obligated by the
6 Administrator of the Maritime Administration
7 under this section, unless each product and ma-
8 terial purchased with those funds (including
9 products and materials purchased by a grant-
10 ee), and including any commercially available
11 off-the-shelf item, is—

12 “(i) an unmanufactured article, mate-
13 rial, or supply that has been mined or pro-
14 duced in the United States; or

15 “(ii) a manufactured article, material,
16 or supply that has been manufactured in
17 the United States substantially all from ar-
18 ticles, materials, or supplies mined, pro-
19 duced, or manufactured in the United
20 States.

21 “(B) EXCEPTIONS.—

22 “(i) IN GENERAL.—Notwithstanding
23 subparagraph (A), the requirements of
24 that subparagraph shall not apply with re-

1 spect to a particular product or material if
2 the Administrator determines—

3 “(I) that the application of those
4 requirements would be inconsistent
5 with the public interest;

6 “(II) that such product or mate-
7 rial is not produced in the United
8 States in sufficient and reasonably
9 available quantities and of a satisfac-
10 tory quality; or

11 “(III) that inclusion of a domes-
12 tic product or material will increase
13 the cost of that product or material by
14 more than 25 percent, with respect to
15 a certain contract between a grantee
16 and that grantee’s supplier.

17 “(ii) FEDERAL REGISTER.—A deter-
18 mination made by the Administrator under
19 this subparagraph shall be published in the
20 Federal Register.

21 “(C) DEFINITIONS.—In this paragraph:

22 “(i) The term ‘commercially available
23 off-the-shelf item’ means—

24 “(I) any item of supply (includ-
25 ing construction material) that is—

1 “(aa) a commercial item, as
2 defined by section 2.101 of title
3 48, Code of Federal Regulations;
4 and

5 “(bb) sold in substantial
6 quantities in the commercial
7 marketplace; and

8 “(II) does not include bulk cargo,
9 as defined in section 40102(4) of title
10 46, United States Code, such as agri-
11 cultural products and petroleum prod-
12 ucts.

13 “(ii) The term ‘product or material’
14 means an article, material, or supply
15 brought to the site by the recipient for in-
16 corporation into the building, work, or
17 project. The term also includes an item
18 brought to the site preassembled from arti-
19 cles, materials, or supplies. However, emer-
20 gency life safety systems, such as emer-
21 gency lighting, fire alarm, and audio evac-
22 uation systems, that are discrete systems
23 incorporated into a public building or work
24 and that are produced as complete sys-
25 tems, are evaluated as a single and distinct

1 construction material regardless of when or
2 how the individual parts or components of
3 those systems are delivered to the con-
4 struction site.

5 “(iii) The term ‘United States’ in-
6 cludes the District of Columbia, the Com-
7 monwealth of Puerto Rico, the Northern
8 Mariana Islands, Guam, American Samoa,
9 and the Virgin Islands.”.

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