

SB0516/293723/1

BY: Senator Salling

AMENDMENTS TO SENATE BILL 516, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 14, before “requiring” insert “requiring the Board of Public Works to adopt certain regulations; providing that if a certain person makes a determination that a program made a certain misrepresentation, the program is ineligible to receive a grant from the Account for a certain period of time;”.

AMENDMENT NO. 2

On page 4 of the Finance Committee Amendments (SB0516/147070/1), strike in their entirety lines 5 and 6 of Amendment No. 2 and substitute:

“(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “AMERICAN MANUFACTURED GOODS” MEANS GOODS THAT ARE:

- 1. MANUFACTURED IN THE UNITED STATES; OR**
- 2. ASSEMBLED IN THE UNITED STATES.**

(III) “ASSEMBLED IN THE UNITED STATES” MEANS THAT THE FINAL PRODUCTION TAKES PLACE AT A FACILITY WITHIN THE UNITED STATES, REGARDLESS OF THE ORIGIN OF THE COMPONENTS OR SUBCOMPONENTS.

(IV) “MANUFACTURED IN THE UNITED STATES” MEANS:

(Over)

1. THAT ALL MANUFACTURING PROCESSES TAKE PLACE WITHIN THE UNITED STATES; AND

2. THAT ALL COMPONENT PARTS AND THE MANUFACTURING PROCESSES OF THE COMPONENT PARTS ORIGINATE FROM WITHIN THE UNITED STATES, REGARDLESS OF THE ORIGIN OF THE SUBCOMPONENTS.

(2) A GRANT FROM THE ACCOUNT MAY BE MADE ONLY TO A PROGRAM THAT AGREES TO:

(I) USE OR SUPPLY AMERICAN MANUFACTURED GOODS;
AND

(II) INITIATE A PROJECT LABOR AGREEMENT.

(3) PARAGRAPH (2)(I) OF THIS SUBSECTION DOES NOT APPLY IF:

(I) THE PRICE OF THE AMERICAN MANUFACTURED GOODS EXCEEDS THE PRICE OF A SIMILAR MANUFACTURED GOOD THAT IS NOT MANUFACTURED IN THE UNITED STATES BY AN UNREASONABLE AMOUNT;

(II) THE ITEM OR A SIMILAR ITEM IS NOT MANUFACTURED OR AVAILABLE FOR PURCHASE IN THE UNITED STATES IN REASONABLY AVAILABLE QUANTITIES;

(III) THE QUALITY OF THE ITEM OR A SIMILAR ITEM MANUFACTURED IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE

QUALITY OF A COMPARABLY PRICED, SIMILAR, AND AVAILABLE ITEM THAT IS NOT
MANUFACTURED IN THE UNITED STATES; OR

(IV) THE PROCUREMENT OF A MANUFACTURED GOOD WOULD
BE INCONSISTENT WITH THE PUBLIC INTEREST.

(4) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS
TO DEFINE THE FOLLOWING TERMS FOR THE PURPOSES OF THIS SUBSECTION:

(I) “REASONABLY AVAILABLE”;

(II) “UNREASONABLE AMOUNT”; AND

(III) “SUBSTANTIALLY LESS”.

(5) IF A COURT OR A FEDERAL OR STATE AGENCY DETERMINES
THAT A PROGRAM RECEIVING MONEY FROM THE ACCOUNT HAS
MISREPRESENTED THAT GOODS USED IN A PROGRAM TO WHICH PARAGRAPH
(2)(I) APPLIES WERE MANUFACTURED OR ASSEMBLED IN THE UNITED STATES,
THAT PROGRAM SHALL BE INELIGIBLE TO RECEIVE A GRANT FROM THE
ACCOUNT FOR 5 YEARS FOLLOWING THE DATE THAT THE COURT OR FEDERAL OR
STATE AGENCY MAKES THE DETERMINATION.”.