

116TH CONGRESS  
1ST SESSION

# S. 1287

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

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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

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## 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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