

**AMENDMENT TO H.R. 3409**  
**OFFERED BY MR. GARAMENDI OF CALIFORNIA**

At the end of title III, insert the following:

1 **SEC. 315 REQUIREMENT FOR SMALL SHIPYARD GRANTEES.**

2 Section 54101(d) of title 46, United States Code, is  
3 amended—

4 (1) by striking “Grants awarded” and inserting  
5 the following:

6 “(1) IN GENERAL.—Grants awarded”; and

7 (2) by adding at the end the following:

8 “(2) BUY AMERICA.—

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

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

1           “(ii) a manufactured article, material,  
2           or supply that has been manufactured in  
3           the United States substantially all from ar-  
4           ticles, materials, or supplies mined, pro-  
5           duced, or manufactured in the United  
6           States.

7           “(B) EXCEPTIONS.—

8           “(i) IN GENERAL.—Notwithstanding  
9           subparagraph (A), the requirements of  
10          that subparagraph shall not apply with re-  
11          spect to a particular product or material if  
12          the Administrator determines—

13                 “(I) that the application of those  
14                 requirements would be inconsistent  
15                 with the public interest;

16                 “(II) that such product or mate-  
17                 rial is not available in the United  
18                 States in sufficient and reasonably  
19                 available quantities, of a satisfactory  
20                 quality, or on a timely basis; or

21                 “(III) that inclusion of a domes-  
22                 tic product or material will increase  
23                 the cost of that product or material by  
24                 more than 25 percent, with respect to

1 a certain contract between a grantee  
2 and that grantee's supplier.

3 “(ii) FEDERAL REGISTER.—A deter-  
4 mination made by the Administrator under  
5 this subparagraph shall be published in the  
6 Federal Register.

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

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

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

12 “(aa) a commercial item, as  
13 defined by section 2.101 of title  
14 48, Code of Federal Regulations;  
15 and

16 “(bb) sold in substantial  
17 quantities in the commercial  
18 marketplace; and

19 “(II) does not include bulk cargo,  
20 as defined in section 40102(4) of this  
21 title, such as agricultural products  
22 and petroleum products.

23 “(ii) The term ‘product or material’  
24 means an article, material, or supply  
25 brought to the site by the recipient for in-

1 corporation into the building, work, or  
2 project. The term also includes an item  
3 brought to the site preassembled from arti-  
4 cles, materials, or supplies. However, emer-  
5 gency life safety systems, such as emer-  
6 gency lighting, fire alarm, and audio evac-  
7 uation systems, that are discrete systems  
8 incorporated into a public building or work  
9 and that are produced as complete sys-  
10 tems, are evaluated as a single and distinct  
11 construction material regardless of when or  
12 how the individual parts or components of  
13 those systems are delivered to the con-  
14 struction site.

15 “(iii) The term ‘United States’ in-  
16 cludes the District of Columbia, the Com-  
17 monwealth of Puerto Rico, the Northern  
18 Mariana Islands, Guam, American Samoa,  
19 and the Virgin Islands.”.”.

