

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.”.”.

