SENATE DOCKET, NO. 286 FILED ON: 1/12/2023

SENATE . . . . . No. 2026

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote American manufacturing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Joan B. Lovely	*Second Essex*	
Adam J. Scanlon	*14th Bristol*	*1/20/2023*
Michael D. Brady	*Second Plymouth and Norfolk*	*1/26/2023*
Patrick M. O'Connor	*First Plymouth and Norfolk*	*2/8/2023*
Michael O. Moore	*Second Worcester*	*2/8/2023*
Michelle M. DuBois	*10th Plymouth*	*2/21/2023*
Carmine Lawrence Gentile	*13th Middlesex*	*6/14/2023*
Pavel Payano	*First Essex*	*11/6/2023*

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SENATE . . . . . No. 2026

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 2026) of Joan B. Lovely, Adam Scanlon, Michael D. Brady, Patrick M. O'Connor and other members of the General Court for legislation to promote American manufacturing. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2546* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to promote American manufacturing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 7 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after section 22O, the following new section:-

Section 22P. USE OF AMERICAN MATERIALS

(a) Notwithstanding any general or special law to the contrary relating to procurement, and to the extent permitted by federal law, a state or municipal agency or authority shall, after giving preference pursuant to the provision of section 22O of this chapter for each contract for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public works made by a public agency shall contain a provision that the iron, steel,

fabricated steel, and manufactured goods used or supplied in the performance of the contract or any subcontract thereto shall be manufactured in the United States.

(b) The provisions of subsection

(a) of this section shall not apply in any case or category of cases in which the executive head of a public agency finds —

(1) that their application would be inconsistent with the public interest;

(2) that such materials and products are not produced in the United States in

sufficient and reasonably available quantities and of a satisfactory quality; or

(3) that inclusion of domestic material will increase the cost of the overall project

contract by more than 25 percent.

(c) If the executive head of a public agency receives a request for a waiver under subsection (b), the agency shall provide notice of and an opportunity for public comment on the request at least 30 days before making a finding based on the request.

(A.) A notice provided under subparagraph (A) shall —

(i) include the information available to the Secretary concerning the request, including whether the request is being made under subsection (b)(1), (b)(2), or (b)(3); and

(ii) be provided by electronic means, including on the official public Internet Web site of the agency.

(B) If the Secretary issues a waiver under subsection (b), the Secretary shall publish in the [applicable state record] a detailed justification for the waiver that —

(i) addresses the public comments received under paragraph (c)(A); and

(ii) is published before the waiver takes effect.

(d) Intentional Violations. If it has been determined by a court or Federal or State agency that any person intentionally —

(1) affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any iron, steel, fabricated steel, or manufactured good used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

(2) represented that any iron, steel, fabricated steel, or manufactured good used in projects to which this section applies that was not produced in the United States, was produced in the United States; that person shall be ineligible to receive any contract or subcontract with this State. The Attorney General is authorized to enforce the provision of the section.

SECTION 2. Chapter 30B of the General Laws is hereby amended by inserting after section 20, the following new section:

Section 20A. (a) Notwithstanding any general or special law to the contrary and to the extent permitted by federal law, any governmental body subject to the provisions of this chapter shall require, in all contracts pertaining to any construction project exceeding $500,000, for each contract for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public works made by a public agency shall contain a provision that the iron,

steel, fabricated steel, and manufactured goods used or supplied in the performance of the contract or any subcontract thereto shall be manufactured in the United States.

(b) The provisions of subsection (a) may not apply if less than three steel manufacturers and/or fabricators located in the United States have submitted responsive bids under the provisions of this chapter.

(c) If any provision of this chapter or application thereof is held to be invalid or in conflict with any applicable laws, this invalidity or conflict shall not affect the other provisions or applications which shall be given affect without the invalid provisions or applications, and to this end, the provisions and applications of this chapter are severable.