

AMENDMENT # 3

OFFERED IN THE SENATE

BY SENATOR WIELECHOWSKI

TO: SCS 2d CSHB 23(FIN)

1 Page 1, line 2, following "Authority;":

2 Insert "**requiring certain products used in construction contracts for the Knik**  
3 **Arm bridge to be made in the United States;**"

4

5 Page 6, following line 2:

6 Insert a new bill section to read:

7 **\*\* Sec. 7.** AS 19.75 is amended by adding a new section to article 3 to read:

8 **Sec. 19.75.900. Use of materials manufactured in the United States.** (a)

9 Notwithstanding any other provision of law, the authority shall include in a  
10 construction contract for the Knik Arm bridge entered into by the authority a provision  
11 under which the contractor agrees that steel, iron, and manufactured products with a  
12 total value greater than \$5,000 used or supplied by the contractor and any  
13 subcontractors in the performance of the contract, including any subcontract, will be  
14 made in the United States.

15 (b) A product shall be considered to be made in the United States under this  
16 section if

17 (1) the components of the product are made primarily of iron or steel,  
18 and all manufacturing of the product takes place in the United States, except  
19 metallurgical processes involving the refinement of steel; or

20 (2) the product is not made primarily of iron or steel, and all of

21 (A) the manufacturing processes of the product take place in  
22 the United States; and

23 (B) the components of the product are made in the United

1 States, even if the subcomponents originate in another country.

2 (c) Except as provided by (f) of this section, the authority may, on request of a  
3 contractor, request the commissioner of transportation and public facilities to waive  
4 the requirement in (a) of this section for a construction contract. The commissioner  
5 may grant the request if the commissioner determines that

6 (1) the requirement is not consistent with the public interest;

7 (2) the materials are not made in the United States in a sufficient  
8 quantity that is reasonably available and of a satisfactory quality; or

9 (3) inclusion of materials made in the United States will increase the  
10 cost of the contract by more than 25 percent.

11 (d) Before the commissioner of transportation and public facilities grants a  
12 waiver under (c) of this section, the commissioner shall

13 (1) place on the Alaska Online Public Notice System (AS 44.62.175) a  
14 notice that gives a detailed written justification why the waiver satisfies the  
15 requirements of (c) of this section and that allows persons to provide comments to the  
16 authority for a reasonable period of time; and

17 (2) consider all comments received under (1) of this subsection.

18 (e) A person is not eligible to receive a construction contract under (a) of this  
19 section or to receive a subcontract from the contractor if a court, state agency, or a  
20 federal agency, after notice and an opportunity to be heard, determines the person  
21 intentionally

22 (1) placed a label stating "made in America," or other wording with the  
23 same meaning, on a product used in a construction contract to which this section  
24 applies, and the product was not made in the United States; or

25 (2) falsely represented to the authority that a product used in the  
26 construction contract for the Knik Arm bridge was made in the United States.

27 (f) The authority may not waive the requirements of (a) of this section for a  
28 construction contract if the commissioner of transportation and public facilities, after  
29 consulting with the United States Trade Representative, determines that the product is  
30 made in a foreign country and that the foreign country

31 (1) is a party to an agreement with the United States, and, under that

1 agreement, the head of a federal agency of the United States has waived the  
2 requirements of this section; and

3 (2) has violated the terms of the agreement identified in (1) of this  
4 subsection by discriminating against construction products that are made in the United  
5 States and that are covered by the agreement.

6 (g) In this section,

7 (1) "construction" means the process of building, altering, repairing,  
8 maintaining, improving, demolishing, planning, or designing the Knik Arm bridge and  
9 its appurtenant facilities;

10 (2) "contractor" means a person who enters into a construction contract  
11 with the authority;

12 (3) "intentionally" has the meaning given in AS 11.81.900;

13 (4) "United States" means the United States of America, the District of  
14 Columbia, the Commonwealth of Puerto Rico, and the territorial possessions of the  
15 United States of America."  
16

17 Renumber the following bill sections accordingly.