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# A BILL FOR AN ACT

RELATING TO PUBLIC WORKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to establish a  
2 preference for the procurement of iron, steel, and manufactured  
3 goods produced in the United States in all contracts for the  
4 construction, reconstruction, repair, improvement, or  
5 maintenance of public works in the State.

6           SECTION 2. The Hawaii Revised Statutes is amended by  
7 adding a new chapter to be appropriately designated and to read  
8 as follows:

9   **"CHAPTER**

10    **HAWAII BUY AMERICAN ACT**

11           §   -1 **Short title.** This chapter shall be known and may  
12 be cited as the Hawaii Buy American Act.

13           §   -2 **Definitions.** For the purposes of this chapter,  
14 unless the context otherwise requires:

15               "Manufactured" means:

16               (1) In the case of an iron or steel product, all  
17                       manufacturing shall take place in the United States,



- 1           except metallurgical processes involving the  
2           refinement of steel additives; and
- 3           (2) In the case of a manufactured good, a good shall be  
4           considered manufactured in the United States if:
- 5           (A) All the manufacturing processes for the product  
6           take place in the United States; and
- 7           (B) All of the components of the product originated  
8           in the United States; provided that a component  
9           shall be considered to have originated in the  
10          United States if all the manufacturing processes  
11          of the component take place in the United States,  
12          regardless of the origin of its subcomponents.

13          "Public agency" means the departments, agencies, boards,  
14          commissions, and institutions of the State, and all units and  
15          political subdivisions thereof. The term also includes the  
16          judiciary and the office of Hawaiian affairs.

17          "Public building" and "public work" mean any structure,  
18          building, highway, waterway, street, bridge, transit system,  
19          airport, school, or other betterment, work, or improvement,  
20          whether of a permanent or temporary nature and whether for  
21          governmental or proprietary use. The terms include but shall  
22          not be limited to any railway, street railway, subway, elevated



1 and monorail passenger or passenger and rail rolling stock  
2 including self-propelled and gallery cars, locomotives,  
3 passenger buses and wires, poles and equipment for the  
4 electrification of any of the rails, tracks and roadbeds,  
5 guideways, elevated structures, buildings, stations, terminals,  
6 docks, shelters, and parking areas for use in connection with a  
7 transit system, and repairs to any of the foregoing.

8       **§ -3 Use of materials manufactured in the United States.**

9 (a) Notwithstanding any other provision of law, each contract  
10 for the construction, reconstruction, alteration, repair,  
11 improvement, or maintenance of a public building or public work  
12 entered into by a public agency shall contain a provision that  
13 the iron, steel, and manufactured goods used or supplied in the  
14 performance of the contract or any subcontract thereto shall be  
15 manufactured in the United States.

16 (b) Subsection (a) shall not apply where the director or  
17 department head of a public agency finds that:

18 (1) Its application would be inconsistent with the public  
19 interest;

20 (2) Such materials and products are not produced in the  
21 United States in quantities that are:

22 (A) Sufficient;



- 1 (B) Reasonably available; and
- 2 (C) Of a satisfactory quality; or
- 3 (3) Inclusion of domestic material will increase the cost
- 4 of the overall project contract by more than twenty-
- 5 five per cent.

6 (c) If the director or department head of a public agency  
7 determines that it is necessary to waive the application of  
8 subsection (a), based upon a finding under subsection (b), the  
9 director or department head of the public agency, before the  
10 date on which the finding takes effect:

- 11 (1) Shall publish a detailed written justification as to
- 12 why the waiver is needed according to the process
- 13 outlined in section 1-28.5;
- 14 (2) Shall provide notice of the finding and an opportunity
- 15 for public comment on the finding for a reasonable
- 16 period of time not to exceed fifteen days; and
- 17 (3) Shall consider all comments received during the
- 18 comment period in evaluating the waiver request.

19 (d) It shall be a violation of this chapter for any person  
20 to:

- 21 (1) Affix a label bearing a "Made in America" inscription,
- 22 or any inscription with the same meaning, to any



1 product used in projects to which this chapter  
2 applies, sold in or shipped to the United States, that  
3 was not manufactured in the United States; or  
4 (2) Represent that any product used in projects to which  
5 this chapter applies, sold in or shipped to the United  
6 States, was manufactured in the United States;  
7 provided that the product was not actually produced in  
8 the United States.

9 Any person determined to have committed a violation of this  
10 subsection by a court or federal or state agency, shall be  
11 ineligible to receive any contract or subcontract with the State  
12 or any political subdivision of the State."

13 SECTION 3. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 4. This Act shall take effect on July 1, 2112.



**Report Title:**

Hawaii Buy American Act

**Description:**

Establishes a preference for the use of American iron, steel, and manufactured goods in the construction, alteration, or repair of public works. Effective July 1, 2112. (HB1676 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

