

STATE OF NEW YORK

11668

IN ASSEMBLY

September 2, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Berger) --
read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, the general municipal law, the
public authorities law and the highway law, in relation to enacting
the "New York state buy American cement act"

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York state buy American cement act".

3 § 2. The state finance law is amended by adding a new section 162-b to
4 read as follows:

5 § 162-b. The New York state buy American cement act. 1. Use of Ameri-
6 can materials. (a) Notwithstanding any other provision of law, when
7 soliciting a contract for the purchase of cement, any department or
8 agency of the state may award such contract to the responsible and reli-
9 able bidder offering to supply cement that is produced in the United
10 States, and which offer is within ten percent of the lowest price or
11 best value offer, rather than to the lowest responsible and reliable
12 bidder.

13 (b) If it has been determined by a court or federal or state agency
14 that any person intentionally:

15 (i) affixed a label bearing a "Made in America" inscription, or any
16 inscription with the same meaning, to any cement product used in
17 projects to which this section applies, sold in or shipped to the United
18 States that was not produced in the United States; or

19 (ii) represented that any cement product procured in a contract to
20 which this section applies that was not produced in the United States,
21 was produced in the United States; then that person shall be ineligible
22 to receive any contract or subcontract with this state pursuant to the
23 debarment or suspension provisions provided under section one hundred
24 thirty-nine-a of this chapter.

25 (c) This section shall be applied in a manner consistent with the
26 state's obligations under any applicable international agreements
27 pertaining to government procurement.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD15822-01-6

2. Definitions. For the purposes of this section, the following words shall have the following meanings unless specified otherwise:

(a) "Public agency" means a governmental entity as that term is defined in section one hundred thirty-nine-j of this chapter;

(b) "Produced in the United States" means: Cost of imported ingredients constitutes less than five percent of the cost of all components, ingredients of the cement are sourced from United States, Canada or Mexico, and the cement complies with all applicable testing and performance standards, labor standards, and environmental requirements applicable to materials produced in the United States; and

(c) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

§ 3. The general municipal law is amended by adding a new section 104-e to read as follows:

§ 104-e. The New York state buy American cement act. 1. Use of American materials. (a) Notwithstanding any other provision of law, when soliciting a contract for the purchase of cement, any department or agency of a political subdivision may award such contract to the responsible and reliable bidder offering to supply cement that is produced in the United States, and which offer is within ten percent of the lowest price or best value offer, rather than to the lowest responsible and reliable bidder.

(b) If it has been determined by a court or federal or state agency that any person intentionally:

(i) affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any cement product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States; or

(ii) represented that any cement product procured in a contract to which this section applies that was not produced in the United States, was produced in the United States; then that person shall be ineligible to receive any contract or subcontract with this state pursuant to the debarment or suspension provisions provided under section one hundred thirty-nine-a of the state finance law.

(c) This section shall be applied in a manner consistent with the state's obligations under any applicable international agreements pertaining to government procurement.

2. Definitions. For the purposes of this section, the following words shall have the following meanings unless specified otherwise:

(a) "Public agency" means a governmental entity as that term is defined in section one hundred thirty-nine-j of the state finance law;

(b) "Produced in the United States" means: Cost of imported ingredients constitutes less than five percent of the cost of all components, ingredients of the cement are sourced from United States, Canada or Mexico, and the cement complies with all applicable testing and performance standards, labor standards, and environmental requirements applicable to materials produced in the United States; and

(c) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

§ 4. The public authorities law is amended by adding a new section 2877-b to read as follows:

§ 2877-b. The New York state buy American cement act. 1. Use of American materials. (a) Notwithstanding any other provision of law, when soliciting a contract for the purchase of cement, any public authority

1 may award such contract to the responsible and reliable bidder offering
2 to supply cement that is produced in the United States, and which offer
3 is within ten percent of the lowest price or best value offer, rather
4 than to the lowest responsible and reliable bidder.

5 (b) If it has been determined by a court or federal or state agency
6 that any person intentionally:

7 (i) affixed a label bearing a "Made in America" inscription, or any
8 inscription with the same meaning, to any cement product used in
9 projects to which this section applies, sold in or shipped to the United
10 States that was not produced in the United States; or

11 (ii) represented that any cement product procured in a contract to
12 which this section applies that was not produced in the United States,
13 was produced in the United States; then that person shall be ineligible
14 to receive any contract or subcontract with this state pursuant to the
15 debarment or suspension provisions provided under section one hundred
16 thirty-nine-a of the state finance law.

17 (c) This section shall be applied in a manner consistent with the
18 state's obligations under any applicable international agreements
19 pertaining to government procurement.

20 2. Definitions. For the purposes of this section, the following words
21 shall have the following meanings unless specified otherwise:

22 (a) "Public authority" means a state, local or interstate authority as
23 those terms are defined in section two of this chapter;

24 (b) "Produced in the United States" means: Cost of imported ingredi-
25 ents constitutes less than five percent of the cost of all components,
26 ingredients of the cement are sourced from United States, Canada or
27 Mexico, and the cement complies with all applicable testing and perform-
28 ance standards, labor standards, and environmental requirements applica-
29 ble to materials produced in the United States; and

30 (c) "United States" means the United States of America and includes
31 all territory, continental or insular, subject to the jurisdiction of
32 the United States.

33 § 5. The highway law is amended by adding a new section 12-b to read
34 as follows:

35 § 12-b. The New York state buy American cement act. 1. Use of American
36 materials. (a) Notwithstanding any other provision of law, when solicit-
37 ing a contract for the purchase of cement, the commissioner of transpor-
38 tation may award such contract to the responsible and reliable bidder
39 offering to supply cement that is produced in the United States, and
40 which offer is within ten percent of the lowest price or best value
41 offer, rather than to the lowest responsible and reliable bidder.

42 (b) If it has been determined by a court or federal or state agency
43 that any person intentionally:

44 (i) affixed a label bearing a "Made in America" inscription, or any
45 inscription with the same meaning, to any cement product used in
46 projects to which this section applies, sold in or shipped to the United
47 States that was not produced in the United States; or

48 (ii) represented that any cement product procured in a contract to
49 which this section applies that was not produced in the United States,
50 was produced in the United States; then that person shall be ineligible
51 to receive any contract or subcontract with this state pursuant to the
52 debarment or suspension provisions provided under section one hundred
53 thirty-nine-a of the state finance law.

54 (c) This section shall be applied in a manner consistent with the
55 state's obligations under any applicable international agreements
56 pertaining to government procurement.

1 2. Definitions. For the purposes of this section, the following words
2 shall have the following meanings unless specified otherwise:

3 (a) "Produced in the United States" means: Cost of imported ingredi-
4 ents constitutes less than five percent of the cost of all components,
5 ingredients of the cement are sourced from United States, Canada or
6 Mexico, and the cement complies with all applicable testing and perform-
7 ance standards, labor standards, and environmental requirements applica-
8 ble to materials produced in the United States; and

9 (b) "United States" means the United States of America and includes
10 all territory, continental or insular, subject to the jurisdiction of
11 the United States.

12 § 6. Severability. If any provision of this act, or any application of
13 any provision of this act, is held to be invalid, that shall not affect
14 the validity or effectiveness of any other provision of this act, or of
15 any other application of any provision of this act, which can be given
16 effect without that provision or application; and to that end, the
17 provisions and applications of this act are severable.

18 § 7. This act shall take effect immediately.