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 Assembly, do enact as follows:

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

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

§ 162-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 department or agency of the state 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 this chapter.

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

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

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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

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 authority" means a state, local or interstate authority as those terms are defined in section two 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.

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

§ 12-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, the commissioner of transportation 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) "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

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

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

§ 7. This act shall take effect immediately.