



Rep. Jay Hoffman

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LRB100 01842 HLH 22576 a

1 AMENDMENT TO HOUSE BILL 137

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 137 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Procurement of Domestic Products Act is  
5 amended by changing Sections 5 and 10 as follows:

6 (30 ILCS 517/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Component" and "cost of components" have the meanings  
9 given to those terms in the federal Buy American Act of 1933.

10 "Manufactured in the United States" means: (1) in the case  
11 of products that are not assembled articles, materials, or  
12 supplies, that the product is mined or produced in the United  
13 States; (2) in the case of assembled articles, materials, or  
14 supplies, that design, final assembly, processing, packaging,  
15 testing, or other process that adds value, quality, or  
16 reliability occurs in the United States and the cost of

1 domestic components exceeds 50% of the cost of all of the  
2 components; or (3) that the product is a commercially available  
3 off-the-shelf item.

4 "Procured products" means assembled articles, materials,  
5 or supplies purchased by a State agency.

6 "Purchasing agency" means a State agency.

7 "State agency" means each agency, department, authority,  
8 board, or commission of the executive branch of State  
9 government, including each university, whether created by  
10 statute or by executive order of the Governor.

11 "United States" means the United States and any place  
12 subject to the jurisdiction of the United States.

13 (Source: P.A. 98-463, eff. 8-16-13.)

14 (30 ILCS 517/10)

15 Sec. 10. United States products. Each purchasing agency  
16 making purchases of procured products shall promote the  
17 purchase of and give preference to manufactured articles,  
18 materials, and supplies that have been manufactured in the  
19 United States. Procured products manufactured in the United  
20 States shall be specified and purchased unless the purchasing  
21 agency determines that any of the following applies:

22 (1) The procured products are not manufactured in the  
23 United States in reasonably available quantities.

24 (2) The price of the procured products manufactured in  
25 the United States exceeds ~~by an unreasonable amount~~ the

1 price of available and comparable procured products  
2 manufactured outside the United States by 12% or more. To  
3 be eligible for an exemption under this paragraph (2), the  
4 purchasing agency must first obtain a written waiver from  
5 the chief procurement officer.

6 (3) The quality of the procured products manufactured  
7 in the United States is substantially less than the quality  
8 of the comparably priced, available, and comparable  
9 procured products manufactured outside the United States.

10 (4) The purchase of the procured products manufactured  
11 outside the United States better serves the public interest  
12 by helping to protect or save life, property, or the  
13 environment.

14 (5) The purchase of the procured products is made in  
15 conjunction with contracts or offerings of  
16 telecommunications, fire suppression, security systems,  
17 communications services, Internet services, or information  
18 services.

19 (6) The purchase is of pharmaceutical products, drugs,  
20 biologics, vaccines, medical devices used to provide  
21 medical and health care or treat disease or used in medical  
22 or research diagnostic tests, and medical nutritionals  
23 regulated by the Food and Drug Administration under the  
24 federal Food, Drug and Cosmetic Act.

25 In determining the price of procured products for purposes  
26 of this Section, consideration shall be given to the life-cycle

1 cost, including maintenance and repair of those procured  
2 products.

3 (Source: P.A. 93-954, eff. 1-1-05; 94-540, eff. 1-1-06.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law."