

Nevada lawmaker pushes for 'buy American' legislation

By Sean Whaley, Nevada News Bureau

CARSON CITY – A state lawmaker has requested a bill be drafted to implement a “Buy American Act” in Nevada for public works projects.

Assemblywoman Maggie Carlton, D-Las Vegas, said details will have to be worked out in the 2013 legislative session, but the idea is to create some level of preference for bidders on state government construction projects who use American made products and materials.

“There is some model legislation out there and it’s worth having the conversation,” she said. “There are two or three different ways of doing it and our legal staff is looking at the best option.”

Carlton said she heard a brief presentation on the concept at a recent National Conference of State Legislatures meeting in Chicago.

If creating a Buy American law in Nevada helps grow jobs around the country, then the state’s tourism-dependent economy will benefit, she said.

Any such proposal will have to be evaluated in light of other laws relating to bidder preferences already on the books in Nevada, including Assembly Bill 144 of the 2011 session providing a preference for companies hiring Nevadans and purchasing materials in Nevada, among other provisions. The “Nevada Jobs First,” bill was sought by Assemblywoman Marilyn Kirkpatrick, D-North Las Vegas, and took effect in April last year.

At least two other states have considered but rejected Buy American measures.

The Colorado Legislature earlier this year considered a measure which would have provided a 1 percent bidding preference to state contractors that bought materials for their projects domestically.

The *Denver Business Journal* reported in April that the measure was opposed by business groups and the Colorado Office of Economic Development and International Trade out of concerns it would add to the cost of state projects and could hurt relations with foreign countries that might consider laws that would hurt Colorado's exports.

The Nebraska Legislature also considered but did not pass a Buy American measure. The proposal included exceptions if the materials were not produced in the U.S. in sufficient quantities or quality; if the use of American products increased the cost of a contract by more than 10 percent; or if application of the requirement was found not to be in the public interest.

The Alliance for American Manufacturing (AAM), a partnership formed in 2007 by some of America's leading manufacturers and the United Steelworkers, testified in support of the Nebraska proposal.

"AAM supports the passage of a strong Buy America provision into state law to ensure that Nebraska tax dollars create jobs in the United States and are not needlessly directed to support production in China and other foreign factories," said AAM Deputy Director Scott Boos in testimony in October 2011.

At the federal level, the Buy American Act dates to 1933. The provisions were expanded in the 1940s to apply to defense spending. In 1982, President Ronald Reagan signed into law an expansion of Buy America provisions for highway and transit projects that are funded by federal grants.