



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1780

Introduced 2/9/2023, by Sen. Paul Faraci

SYNOPSIS AS INTRODUCED:

30 ILCS 517/5
30 ILCS 517/10

Amends the Procurement of Domestic Products Act. Provides that the term "manufactured in the United States" means: (1) in the case of products that are not assembled articles, materials, or supplies, that the product is mined or produced in the United States; (2) in the case of assembled articles, materials, or supplies, that design, final assembly, processing, packaging, testing, or other process that adds value, quality, or reliability occurs in the United States and the cost of domestic components exceeds 50% of the cost of all of the components; or (3) that the product is a commercially available off-the-shelf item (currently, "that design, final assembly, processing, packaging, testing, or other process that adds value, quality, or reliability occurs in the United States"). Provides for an exception to the Act if the price of the procured products manufactured in the United States exceeds the price of available and comparable procured products manufactured outside the United States by 12% or more (currently, if the price of the procured products manufactured in the United States exceeds the price of available and comparable procured products manufactured outside the United States by an unreasonable amount). Effective immediately.

LRB103 28434 HLH 54814 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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 Illinois" means, in the case of assembled
11 articles, materials, or supplies, having been designed,
12 finally assembled, processed, packaged, tested, or otherwise
13 processed in Illinois in a manner that adds value, quality, or
14 reliability.

15 "Manufactured in the United States" means: (1) in the case
16 of products that are not assembled articles, materials, or
17 supplies, that the product is mined or produced in the United
18 States; (2), in the case of assembled articles, materials, or
19 supplies, that design, final assembly, processing, packaging,
20 testing, or other process that adds value, quality, or
21 reliability occurs in the United States and the cost of
22 domestic components exceeds 50% of the cost of all of the
23 components; or (3) that the product is a commercially

1 available off-the-shelf item.

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

4 "Purchasing agency" has the meaning ascribed to that term
5 in Section 1-15.70 of the Illinois Procurement Code.

6 "State agency" has the meaning ascribed to that term in
7 Section 1-15.100 of the Illinois Procurement Code.

8 "United States" means the United States and any place
9 subject to the jurisdiction of the United States.

10 (Source: P.A. 102-721, eff. 1-1-23.)

11 (30 ILCS 517/10)

12 Sec. 10. Domestic products.

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

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

22 (2) The price of the procured products manufactured in
23 the United States exceeds the price of available and
24 comparable procured products manufactured outside of the
25 United States by 12% or more. To be eligible for an

1 exemption under this paragraph (2), the purchasing agency
2 must first obtain a written waiver from the chief
3 procurement officer.

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

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

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

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

24 (7) The purchase is an emergency purchase authorized
25 under Section 20-30 of the Illinois Procurement Code.

26 (8) The purchase is a sole source or sole economically

1 feasible source purchase authorized under Section 20-25 of
2 the Illinois Procurement Code.

3 (b) If there is a tie between 2 bidders or offerors who
4 have certified that they will provide products manufactured in
5 the United States, the bidder or offeror that certifies it
6 will provide products manufactured in Illinois shall be given
7 preference.

8 (c) In determining the price of procured products for
9 purposes of this Section, consideration shall be given to the
10 life-cycle cost, including maintenance and repair of those
11 procured products.

12 (Source: P.A. 102-721, eff. 1-1-23.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.