

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2177**

By Delegate Worrell

[Introduced February 12, 2025; referred  
to the Committee on Government Organization then  
Finance]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-64, relating to the requirement that contracts or purchases of certain materials for public buildings or public works be manufactured in the United States; providing exceptions; requiring the Secretary of Administration approve waivers of these requirements; and defining terms.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. PURCHASING DIVISION.**

**§5A-3-64. Use of American Materials.**

(a) Notwithstanding any other provision of law, each contract for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public works made by a public agency shall contain a provision that the iron, steel, and manufactured goods used or supplied in the performance of the contract or any subcontract thereto shall be manufactured in the United States.

(b) The provisions of subsection (a) of this section may not apply in any case or category of  
cases in which the executive head of a public agency finds that:

(1) Their application would be inconsistent with the public interest;

(2) Such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) Inclusion of domestic material will increase the cost of the overall project contract by  
more than 25 percent.

(c) If the executive head of a public agency receives a request for a waiver under subsection (b) of this section, the agency shall provide notice of and an opportunity for public comment on the request at least 30 days before making a finding based on the request.

(1) A notice provided under subsection (b) of this section shall:

(A) Include the information available to the Secretary of Administration concerning the  
request, including whether the request is being made under subsection (b)(1), (b)(2), or (b)(3) of

this section; and

(B) Be provided by electronic means, including on the official public Internet Web site of the agency.

(d) If the Secretary issues a waiver under subsection (b) of this section, the Secretary shall publish a detailed justification for the waiver that:

(1) Addresses the public comments received under subsection (c)(1)(A) of this section; and

(2) Is published before the waiver takes effect.

(e) Intentional Violations. - If it has been determined by a court or federal or state agency that any person intentionally –

(1) Affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any iron, steel or manufactured good used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

(2) Represented that any iron, steel, or manufactured good used in projects to which this section applies that was not produced in the United States, was produced in the United States; that person shall be ineligible to receive any contract or subcontract with this State pursuant to the debarment or suspension provisions contained in §5A-3-1 et seq.

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

(g) For the purpose of this section, the following words have the meaning ascribed to them:

"Public agency" means the State of West Virginia, its departments, agencies, boards, commissions, and institutions, and all units and political subdivisions thereof, including local school districts;

"Manufactured:"

(A) In the case of an iron or steel product all manufacturing shall take place in the United States, except metallurgical processes involving the refinement of steel additives; and

45 (B) In the case of a manufactured good, a good shall be considered manufactured in the  
46 United States if:

47 (i) All of the manufacturing processes for the product take place in the United States; and  
48 (ii) The components of the product shall be of U.S. origin. A component will be considered  
49 of a product of U.S. origin if it all the manufacturing processes take place in the United States,  
50 regardless of the origin of its subcomponents.

51 "Public Buildings and Public Works" means any structure, building, highway, waterway,  
52 street, bridge, transit system, airport or other betterment, work or improvement whether of a  
53 permanent or temporary nature and whether for governmental or proprietary use. The term  
54 includes, but is not limited to, any railway, street railway, subway, elevated and monorail  
55 passenger or passenger and rail rolling stock, self-propelled cars, gallery cars, locomotives,  
56 passenger buses, wires, poles and equipment for electrification of a transit system, rails, tracks,  
57 roadbeds, guideways, elevated structures, buildings, schools, hospitals, stations, terminals,  
58 docks, shelters and repairs to any of the foregoing.

59 "United States" means the United States of America and includes all territory, continental  
60 or insular, subject to the jurisdiction of the United States.

NOTE: The purpose of this bill is to require public agencies to purchase materials manufactured in the United States for construction and public works.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.