



**LEGISLATIVE MEMO**  
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## **MEMORANDUM OF OPPOSITION**

**BILL: S.6639 (Robach)**

**SUBJECT: "New York Buy American Act"**

**DATE: June 13, 2017**

The Associated General Contractors of New York State, (AGC NYS) the leading statewide trade association representing union and non-union construction companies opposes S.6639 (Robach) which enacts the "New York Buy American Act." If enacted, the irony of this legislation is that it would result in job losses and fewer construction projects in New York State.

This bill does not have an independent fiscal analysis; information about the availability of American made iron, steel, and concrete that is "permanently incorporated" into a road, bridge, or building project; and grants sole discretion to the head of the department or agency constructing the public works to make a determination based on an undefined definition of "unreasonable costs."

Without an independent fiscal analysis of American made iron, steel, and concrete this proposal would establish a reckless public policy that would unnecessarily drive up the cost of every public construction project. The increased costs would result in job losses and fewer construction projects in New York. Furthermore, the bill does not provide information about the availability of American made products which would result in delays to rebuild New York's crumbling infrastructure.

If enacted, this proposal would establish an arbitrary and opaque process that would grant the head of the department or agency the power of sole discretion over purchasing American made iron, steel, and concrete. This bill lacks a transparent system of public disclosure to ensure that decisions are made equitably and are in the best interests of taxpayers.

While laudable in intent, the practicality of such legislation is irresponsible public policy.

Therefore, AGC NYS opposes S.6639 (Robach) and urges the Legislature to reject this proposal.