

HOUSE BILL No. 2524

By Representative Swenson and Barbieri-Lightner

1-15

AN ACT relating to state procurement of contractual services; prescribing certain restrictions on foreign contractors.

Be it enacted by the Legislature of the State of Kansas:

Section 1. The provisions of this act shall be cited as the American jobs act.

Sec. 2. The legislature finds that:

(a) State agencies and subdivisions procure services in part through contracts with private vendors.

(b) Increasingly private vendors carry out these services or subcontract or otherwise procure these services, from a location outside the United States and that such international outsourcing exacerbates unemployment and workforce dislocation and deprives Kansas residents of job opportunities, including industries and jobs this state has expended resources to attract.

(c) International outsourcing erodes state and local revenues by drawing jobs and income away from the state.

(d) International outsourcing additionally may provide less privacy protections for state residents whose personal information may, in the course of service delivery, be transmitted to locations outside the United States.

Sec. 3. (a) Notwithstanding any provision of law to the contrary, no state agency shall award a contract to a contractor who performs the work contracted for at a site outside of the United States.

(b) Each vendor submitting a bid or contract to provide services for the state shall certify that the services covered by the bid or contract will be performed in the United States.

(c) If, during the term of the contract, the contractor or subcontractor shifts work outside of the United States, then such agency shall require the contractor or subcontractor to pay damages in an amount equal to the amount paid by the agency for the percentage of outsourced work. The agency shall also terminate the contract for noncompliance.

(d) A state agency shall be entitled to bring a civil action in an appropriate court to compel enforcement under this statute. The court shall award reasonable attorney's fees, costs and other expenses of litigation to

1 such state agency if the agency is the prevailing party in an action in which
2 a remedy is sought under this act.

3 Sec. 4. This act shall take effect and be in force from and after its
4 publication in the statute book.

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