

116TH CONGRESS  
1ST SESSION

# S. 1955

To ensure that certain materials used in carrying out Federal infrastructure aid programs are made in the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 25, 2019

Ms. BALDWIN (for herself, Mr. MERKLEY, Mr. MURPHY, Ms. SMITH, Mr. BLUMENTHAL, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To ensure that certain materials used in carrying out Federal infrastructure aid programs are made in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Made in America Act  
5 of 2019”.

6 **SEC. 2. AMERICAN-MADE INFRASTRUCTURE.**

7 (a) DEFINITIONS.—In this section:

8 (1) PRODUCED IN THE UNITED STATES.—The  
9 term “produced in the United States” means—

1 (A) in the case of iron or steel products,  
2 that all manufacturing processes for the iron or  
3 steel product, from the initial melting stage  
4 through the application of coatings, occurred in  
5 the United States;

6 (B) in the case of manufactured products,  
7 that—

8 (i) the manufactured product was  
9 manufactured in the United States; and

10 (ii) the cost of the components of the  
11 manufactured product that are mined, pro-  
12 duced, or manufactured in the United  
13 States is greater than 50 percent of the  
14 total cost of all components of the manu-  
15 factured product; and

16 (C) in the case of construction materials  
17 described in subparagraphs (D) through (I) of  
18 subsection (c)(1), that all manufacturing proc-  
19 esses for the construction material occurred in  
20 the United States.

21 (2) SECRETARY.—The term “Secretary” means  
22 the Secretary of Commerce.

23 (b) UNIFORM STANDARDS.—

24 (1) IN GENERAL.—Not later than 180 days  
25 after the date of enactment of this Act, the Sec-

1       retary shall issue uniform standards that define the  
2       term “all manufacturing processes” for the purposes  
3       of this Act—

4               (A) in the case of iron and steel, in a man-  
5               ner consistent with section 635.410(b)(1)(ii) of  
6               title 23, Code of Federal Regulations (as in ef-  
7               fect on the date of enactment of this Act); and

8               (B) in the case of construction materials  
9               described in subparagraphs (D) through (I) of  
10              subsection (c)(1), in accordance with paragraph  
11              (2).

12       (2) CONSIDERATIONS.—In issuing uniform  
13       standards under paragraph (1)(B), the Secretary  
14       shall—

15              (A) ensure that the uniform standards re-  
16              quire that each manufacturing process required  
17              for the manufacture of the construction mate-  
18              rial and the inputs of the construction material  
19              occurs in the United States, without regard to  
20              the origin of raw material inputs; and

21              (B) take into consideration and seek to  
22              maximize the direct and indirect jobs benefited  
23              or created in the production of the construction  
24              material.

1           (3) APPLICATION.—In carrying out a program  
2 described in subsection (d), the head of each Federal  
3 department or agency that administers a program  
4 described in subsection (d) shall—

5                   (A) implement this Act; and

6                   (B) adopt the uniform standards issued by  
7 the Secretary under paragraph (1) for purposes  
8 of implementing this Act.

9           (c) REQUIREMENT.—

10           (1) IN GENERAL.—Notwithstanding any other  
11 provision of law, none of the funds made available  
12 to carry out a program described in subsection (d)  
13 may be used for a project under that program unless  
14 all of the following materials used in the project are  
15 produced in the United States:

16                   (A) Steel.

17                   (B) Iron.

18                   (C) Manufactured products.

19                   (D) Non-ferrous metals.

20                   (E) Plastic and polymer-based products  
21 (including polyvinylchloride, composite building  
22 materials, and polymers used in fiber optic ca-  
23 bles).

24                   (F) Concrete and other aggregates.

25                   (G) Glass (including optic glass).

1 (H) Lumber.

2 (I) Drywall.

3 (2) EXCEPTION.—Paragraph (1) shall not  
4 apply in any case in which the head of the Federal  
5 department or agency with authority to carry out  
6 the applicable program determines that—

7 (A) applying paragraph (1) would be in-  
8 consistent with the public interest;

9 (B) the relevant material is not produced  
10 in the United States in sufficient and reason-  
11 ably available quantities and of a satisfactory  
12 quality; or

13 (C) inclusion of the relevant material pro-  
14 duced in the United States will increase the  
15 cost of the overall project by more than 25 per-  
16 cent.

17 (3) WAIVER.—If the head of the Federal de-  
18 partment or agency with authority to carry out the  
19 applicable program makes a finding under para-  
20 graph (2) to waive paragraph (1), the head of the  
21 Federal department or agency shall, before the date  
22 on which the waiver takes effect—

23 (A) publish in the Federal Register a de-  
24 tailed written justification that provides the rea-  
25 sons that the waiver is needed; and

1 (B) provide an opportunity for public com-  
2 ment on the proposed waiver for a period of not  
3 more than 60 days.

4 (4) APPLICATION.—This subsection shall be ap-  
5 plied in a manner consistent with United States obli-  
6 gations under international agreements.

7 (d) PROGRAMS DESCRIBED.—The programs referred  
8 to in subsection (c)(1) are each of the following:

9 (1) Direct and guaranteed loans and grants  
10 under section 306(a) of the Consolidated Farm and  
11 Rural Development Act (7 U.S.C. 1926(a)).

12 (2) Distance learning and telemedicine grants  
13 under section 2333 of the Food, Agriculture, Con-  
14 servation, and Trade Act of 1990 (7 U.S.C. 950aaa-  
15 2).

16 (3) Broadband loans and loan guarantees under  
17 title IV of the Rural Electrification Act of 1936 (7  
18 U.S.C. 950bb et seq.).

19 (4) The community connect grant program es-  
20 tablished under title III of the Agriculture, Rural  
21 Development, Food and Drug Administration, and  
22 Related Agencies Appropriations, 2004 (Public Law  
23 108–199; 118 Stat. 29).

1           (5) Solid waste management grants under sec-  
2           tion 310B(b) of the Consolidated Farm and Rural  
3           Development Act (7 U.S.C. 1932(b)).

4           (6) A program or project carried out under the  
5           Public Works and Economic Development Act of  
6           1965 (42 U.S.C. 3121 et seq.).

7           (7) Financial assistance for development, imple-  
8           mentation, or modification of a State energy con-  
9           servation plan under section 363 of the Energy Pol-  
10          icy and Conservation Act (42 U.S.C. 6323).

11          (8) State water pollution control revolving  
12          funds established under title VI of the Federal  
13          Water Pollution Control Act (33 U.S.C. 1381 et  
14          seq.).

15          (9) State drinking water treatment revolving  
16          loan funds established under section 1452 of the  
17          Safe Drinking Water Act (42 U.S.C. 300j-12).

18          (10) Grants for construction of health centers  
19          provided by the Secretary of Health and Human  
20          Services.

21          (11) Grants for construction, renovation, or re-  
22          pair of non-Federal research facilities provided by  
23          the Director of the National Institutes of Health.

24          (12) The public transportation security assist-  
25          ance grant program under section 1406 of the Im-

1       plementing Recommendations of the 9/11 Commis-  
2       sion Act of 2007 (6 U.S.C. 1135).

3           (13) Assistance provided under the Public  
4       Housing Capital Fund established under section  
5       9(d) of the United States Housing Act of 1937 (42  
6       U.S.C. 1437g(d)).

7           (14) The community development block grant  
8       program under title I of the Housing and Commu-  
9       nity Development Act of 1974 (42 U.S.C. 5301 et  
10      seq.).

11          (15) The Indian housing block grant program  
12      under section 101 of the Native American Housing  
13      Assistance and Self-Determination Act of 1996 (25  
14      U.S.C. 4111).

15          (16) The rural water supply program under  
16      section 103 of the Rural Water Supply Act of 2006  
17      (43 U.S.C. 2402).

18      (e) REQUIREMENT FOR CONSTRUCTION MATERIALS  
19      IN CERTAIN DEPARTMENT OF TRANSPORTATION PRO-  
20      GRAMS.—

21          (1) IN GENERAL.—Section 313(a) of title 23,  
22      United States Code, is amended by striking “and  
23      manufactured products” and inserting “manufac-  
24      tured products, and construction materials described



1 in subparagraphs (D) through (I) of section 2(e)(1)  
2 of the Made in America Act of 2019”.

3 (2) NO EFFECT ON IRON OR STEEL.—Nothing  
4 in this subsection or an amendment made by this  
5 subsection affects section 313 of title 23, United  
6 States Code, or the implementation of that section  
7 by the Secretary of Transportation with respect to  
8 iron or steel.

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