

115TH CONGRESS  
2D SESSION

# S. 2865

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

MAY 16, 2018

Ms. BALDWIN (for herself, Ms. SMITH, Mr. SANDERS, Mr. MERKLEY, Mr. MURPHY, Mr. BLUMENTHAL, and Mr. DURBIN) 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 2018”.

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) APPLICATION.—This subsection shall be ap-  
18 plied in a manner consistent with United States obli-  
19 gations under international agreements.

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

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

1           (2) Distance learning and telemedicine grants  
2           under section 2333 of the Food, Agriculture, Con-  
3           servation, and Trade Act of 1990 (7 U.S.C. 950aaa-  
4           2).

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

8           (4) The community connect grant program es-  
9           tablished under title III of the Agriculture, Rural  
10          Development, Food and Drug Administration, and  
11          Related Agencies Appropriations, 2004 (Public Law  
12          108-199; 118 Stat. 29).

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

16          (6) A program or project carried out under the  
17          Public Works and Economic Development Act of  
18          1965 (42 U.S.C. 3121 et seq.).

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

23          (8) State water pollution control revolving  
24          funds established under title VI of the Federal

1 Water Pollution Control Act (33 U.S.C. 1381 et  
2 seq.).

3 (9) State drinking water treatment revolving  
4 loan funds established under section 1452 of the  
5 Safe Drinking Water Act (42 U.S.C. 300j–12).

6 (10) Grants for construction of health centers  
7 provided by the Secretary of Health and Human  
8 Services.

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

12 (12) The public transportation security assist-  
13 ance grant program under section 1406 of the Im-  
14 plementing Recommendations of the 9/11 Commis-  
15 sion Act of 2007 (6 U.S.C. 1135).

16 (13) Assistance provided under the Public  
17 Housing Capital Fund established under section  
18 9(d) of the United States Housing Act of 1937 (42  
19 U.S.C. 1437g(d)).

20 (14) The community development block grant  
21 program under title I of the Housing and Commu-  
22 nity Development Act of 1974 (42 U.S.C. 5301 et  
23 seq.).

24 (15) The Indian housing block grant program  
25 under section 101 of the Native American Housing

1 Assistance and Self-Determination Act of 1996 (25  
2 U.S.C. 4111).

3 (16) The rural water supply program under  
4 section 103 of the Rural Water Supply Act of 2006  
5 (43 U.S.C. 2402).

6 (e) REQUIREMENT FOR CONSTRUCTION MATERIALS  
7 IN CERTAIN DEPARTMENT OF TRANSPORTATION PRO-  
8 GRAMS.—

9 (1) IN GENERAL.—Section 313(a) of title 23,  
10 United States Code, is amended by striking “and  
11 manufactured products” and inserting “manufac-  
12 tured products, and construction materials described  
13 in subparagraphs (D) through (I) of section 2(e)(1)  
14 of the Made in America Act of 2018”.

15 (2) NO EFFECT ON IRON OR STEEL.—Nothing  
16 in this subsection or an amendment made by this  
17 subsection affects section 313 of title 23, United  
18 States Code, or the implementation of that section  
19 by the Secretary of Transportation with respect to  
20 iron or steel.

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