

116TH CONGRESS  
1ST SESSION

# H. R. 3459

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 HOUSE OF REPRESENTATIVES

JUNE 25, 2019

Mr. GARAMENDI (for himself, Mr. ROUDA, Mrs. BUSTOS, Mr. SIRES, Ms. KAPTUR, Mr. POCAN, Mr. MCGOVERN, Mrs. AXNE, Mr. CISNEROS, and Ms. FINKENAUER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, Energy and Commerce, Financial Services, Homeland Security, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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:

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

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

8 (B) in the case of manufactured products,  
9 that—

10 (i) the manufactured product was  
11 manufactured in the United States; and

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

18 (C) in the case of construction materials  
19 described in subparagraphs (D) through (I) of  
20 subsection (c)(1), that all manufacturing pro-  
21 cesses for the construction material occurred in  
22 the United States.

23 (2) SECRETARY.—The term “Secretary” means  
24 the Secretary of Commerce.

25 (b) UNIFORM STANDARDS.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of this Act, the Sec-  
3 retary shall issue uniform standards that define the  
4 term “all manufacturing processes” for the purposes  
5 of this Act—

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

10           (B) in the case of construction materials  
11 described in subparagraphs (D) through (I) of  
12 subsection (c)(1), in accordance with paragraph  
13 (2).

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

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

23           (B) take into consideration and seek to  
24 maximize the direct and indirect jobs benefited

1 or created in the production of the construction  
2 material.

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

7 (A) implement this Act; and

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

11 (c) REQUIREMENT.—

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

18 (A) Steel.

19 (B) Iron.

20 (C) Manufactured products.

21 (D) Non-ferrous metals.

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

1 (F) Concrete and other aggregates.

2 (G) Glass (including optic glass).

3 (H) Lumber.

4 (I) Drywall.

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

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

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

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

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

1 (A) publish in the Federal Register a de-  
2 tailed written justification that provides the rea-  
3 sons that the waiver is needed; and

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

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

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

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

15 (2) Distance learning and telemedicine grants  
16 under section 2333 of the Food, Agriculture, Con-  
17 servation, and Trade Act of 1990 (7 U.S.C. 950aaa-  
18 2).

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

22 (4) The community connect grant program es-  
23 tablished under title III of the Agriculture, Rural  
24 Development, Food and Drug Administration, and

1 Related Agencies Appropriations, 2004 (Public Law  
2 108–199; 118 Stat. 29).

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

6 (6) A program or project carried out under the  
7 Public Works and Economic Development Act of  
8 1965 (42 U.S.C. 3121 et seq.).

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

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

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

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

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

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

5           (13) Assistance provided under the Public  
6           Housing Capital Fund established under section  
7           9(d) of the United States Housing Act of 1937 (42  
8           U.S.C. 1437g(d)).

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

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

17          (16) The rural water supply program under  
18          section 103 of the Rural Water Supply Act of 2006  
19          (43 U.S.C. 2402).

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

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



1 tured products, and construction materials described  
2 in subparagraphs (D) through (I) of section 2(e)(1)  
3 of the Made in America Act of 2019”.

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

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