

117TH CONGRESS
1ST SESSION

H. R. 2468

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2021

Mr. GARAMENDI (for himself, Ms. KAPTUR, Mr. POCAN, Mrs. BUSTOS, Ms. SCHAKOWSKY, Mrs. AXNE, Mr. RYAN, Mr. TONKO, Mr. MRVAN, and Mr. CICILLINE) 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

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 2021”.

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 proc-
21 esses 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) Grants for construction of health centers
14 provided by the Secretary of Health and Human
15 Services.

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

19 (10) The public transportation security assist-
20 ance grant program under section 1406 of the Im-
21 plementing Recommendations of the 9/11 Commis-
22 sion Act of 2007 (6 U.S.C. 1135).

23 (11) Assistance provided under the Public
24 Housing Capital Fund established under section

1 9(d) of the United States Housing Act of 1937 (42
2 U.S.C. 1437g(d)).

3 (12) The community development block grant
4 program under title I of the Housing and Commu-
5 nity Development Act of 1974 (42 U.S.C. 5301 et
6 seq.).

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

11 (14) The rural water supply program under
12 section 103 of the Rural Water Supply Act of 2006
13 (43 U.S.C. 2402).

14 (15) The National Parks and Public Land Leg-
15 acy Restoration Fund established under chapter
16 2004 of title 54, United States Code.

17 (16) The Western Area Power Administration
18 borrowing authority under title III of the Hoover
19 Power Plant Act of 1984 (42 U.S.C. 16421a).

20 **SEC. 3. FEDERAL-AID HIGHWAYS.**

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

1 through (I) of section 2(c)(1) of the Made in America Act
2 of 2021”.

3 (b) NO EFFECT ON IRON OR STEEL.—Nothing in
4 this section or an amendment made by this section affects
5 section 313 of title 23, United States Code, or the imple-
6 mentation of that section by the Secretary of Transpor-
7 tation with respect to iron or steel under chapter 1 of title
8 23, United States Code.

9 (c) BUY AMERICA.—Section 313(g) of title 23,
10 United States Code, is amended—

11 (1) by striking “assistance under this chapter”
12 and inserting “assistance under this title”; and

13 (2) by inserting “section 330 or” after “dec-
14 sion under”.

15 (d) REPEAL OF NATIONAL WAIVER.—The Secretary
16 of Transportation shall rescind any finding made under
17 section 313(b)(1) of title 23, United States Code, for any
18 manufactured product other than steel and iron manufac-
19 tured products promulgated in the final rule titled “Buy
20 America Nationwide Waiver Notification for Commercially
21 Available Off-the-Shelf (COTS) Products With Steel or
22 Iron Components and for Steel Tie Wire Permanently In-
23 corporated in Precast Concrete Products”, and issued No-
24 vember 25, 1983 (48 Fed. Reg. 53099).

1 **SEC. 4. TRANSPORTATION INFRASTRUCTURE FINANCE AND**
2 **INNOVATION.**

3 Section 602(c)(1) of title 23, United States Code, is
4 amended by inserting “and section 22905(a)” after “sec-
5 tion 5333(a)”.

6 **SEC. 5. RAILROAD REHABILITATION AND IMPROVEMENT**
7 **FINANCING.**

8 Section 502 of the Railroad Revitalization and Regu-
9 latory Reform Act of 1976 (45 U.S.C. 822(h)(3)) is
10 amended by adding at the end the following:

11 “(n) BUY AMERICA.—

12 “(1) IN GENERAL.—In awarding direct loans or
13 loan guarantees under this section, the Secretary
14 shall require each recipient to comply with section
15 22905(a) of title 49, United States Code.

16 “(2) SPECIFIC COMPLIANCE.—Notwithstanding
17 paragraph (1), the Secretary shall require the Na-
18 tional Railroad Passenger Corporation (Amtrak) to
19 comply with section 24305(f) of title 49, United
20 States Code.”.

21 **SEC. 6. PUBLIC TRANSPORTATION.**

22 Section 5323(j) of title 49, United States Code, is
23 amended—

24 (1) in paragraph (1) by striking “and manufac-
25 tured goods” and inserting “manufactured products,
26 and construction materials described in subpara-

1 graphs (D) through (I) of section 2(c)(1) of the
2 Made in America Act of 2021”;

3 (2) in paragraph (2)(B) by striking “and
4 goods” and inserting “manufactured products, and
5 construction materials”;

6 (3) in paragraph (6)(A)(i) by striking “or man-
7 ufactured goods” and inserting “manufactured prod-
8 ucts, or construction materials”; and

9 (4) in paragraph (10) by striking “or manufac-
10 tured goods” and inserting “manufactured products,
11 or construction materials”.

12 **SEC. 7. RAIL IMPROVEMENT GRANTS.**

13 Section 22905(a) of title 49, United States Code, is
14 amended—

15 (1) in paragraph (1) by striking “manufactured
16 goods” and inserting “manufactured products, and
17 construction materials described in subparagraphs
18 (D) through (I) of section 2(c)(1) of the Made in
19 America Act of 2021”;

20 (2) in paragraph (2)(B) by striking “and
21 goods” and inserting “manufactured products, and
22 construction materials”;

23 (3) in paragraph (9) by striking “or manufac-
24 tured goods” and inserting “manufactured products,
25 or construction materials”; and

1 (4) by adding at the end the following:

2 “(12) The requirements of this subsection apply
3 to all contracts for a project carried out within the
4 scope of the applicable finding, determination, or de-
5 cisions under the National Environmental Policy Act
6 of 1969 (42 U.S.C. 4321 et seq.), regardless of the
7 funding source for activities carried out pursuant to
8 such contracts, if at least 1 contract for the project
9 is funded with amounts made available to carry out
10 a provision specified in paragraph (1).”.

11 **SEC. 8. CIVIL AVIATION FACILITY PROGRAMS.**

12 (a) IN GENERAL.—Section 50101 of title 49, United
13 States Code, is amended—

14 (1) in subsection (a)—

15 (A) by striking “steel and manufactured
16 goods” and inserting “steel, iron, manufactured
17 products, and construction materials described
18 in subparagraphs (D) through (I) of section
19 2(c)(1) of the Made in America Act of 2021”;
20 and

21 (B) by striking “(except section 47127)”;
22 and

23 (2) in subsection (b)—

1 (A) in paragraph (2) by striking “steel and
 2 goods” and inserting “steel, iron, manufactured
 3 products, and construction materials”; and

4 (B) by striking “(except section 47127)”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) RESTRICTING CONTRACT AWARDS BECAUSE
 7 OF DISCRIMINATION AGAINST UNITED STATES
 8 GOODS OR SERVICES.—Section 50102 of title 49,
 9 United States Code, is amended by striking “(except
 10 section 47127)”.

11 (2) RESTRICTION ON AIRPORT PROJECTS USING
 12 PRODUCTS OR SERVICES OF FOREIGN COUNTRIES
 13 DENYING FAIR MARKET OPPORTUNITIES.—Section
 14 50104(b) of title 49, United States Code, is amend-
 15 ed by striking “(except section 47127)”.

16 (3) FRAUDULENT USE OF “MADE IN AMERICA”
 17 LABEL.—Section 50105 of title 49, United States
 18 Code, is amended by striking “(except section
 19 47127)”.

20 **SEC. 9. ARMY CORPS CONSTRUCTION AND REHABILITA-**
 21 **TION CONTRACTS FOR CIVIL WORKS.**

22 (a) IN GENERAL.—With respect to all Corps of Engi-
 23 neers construction and rehabilitation contracts to be
 24 awarded after the date of enactment of this Act and any
 25 construction and rehabilitation contract carried out by a

1 non-Federal sponsor under section 204 of the Water Re-
 2 sources Development Act of 1986 (33 U.S.C. 2232) or sec-
 3 tion 1043 of the Water Resources Reform and Develop-
 4 ment Act of 2014 (33 U.S.C. 2201 note), the steel, iron,
 5 manufactured products, and construction materials de-
 6 scribed in subparagraphs (D) through (I) of section
 7 2(c)(1) of the Made in America Act of 2021 furnished and
 8 delivered under such contracts shall be manufactured or
 9 fabricated in whole or substantial part in the United
 10 States.

11 (b) CONFORMING AMENDMENT.—

12 (1) WRDA 1996.—Section 235 of the Water Re-
 13 sources Development Act of 1996 (Public Law 104–
 14 303; 33 U.S.C. 2201 note) is repealed.

15 (2) WRDA 1999.—Section 222 of the Water Re-
 16 sources Development Act of 1999 (Public Law 106–
 17 53; 33 U.S.C. 2201 note) is repealed.

18 **SEC. 10. WATERSHED PILOT PROJECTS; ALTERNATIVE**
 19 **WATER SOURCE PROJECTS; SEWER OVER-**
 20 **FLOW AND STORMWATER REUSE MUNICIPAL**
 21 **GRANTS.**

22 (a) WATERSHED PILOT PROJECTS.—Section 122 of
 23 the Federal Water Pollution Act (33 U.S.C. 1274) is
 24 amended by striking subsection (c) and inserting the fol-
 25 lowing:

1 “(c) REQUIREMENTS.—The requirements of section
2 608 shall apply to any construction, alteration, mainte-
3 nance, or repair of treatment works receiving a grant
4 under this section.”.

5 (b) PILOT PROGRAM FOR ALTERNATIVE WATER
6 SOURCE PROJECTS.—Section 220 of the Federal Water
7 Pollution Control Act (33 U.S.C. 1300) is amended by in-
8 serting before subsection (i) the following:

9 “(h) REQUIREMENTS.—The requirements of section
10 608 shall apply to any construction of an alternative water
11 source project carried out using assistance made available
12 under this section.”.

13 (c) SEWER OVERFLOW AND STORMWATER REUSE
14 MUNICIPAL GRANTS.—Section 221(e) of the Federal
15 Water Pollution Control Act (13 U.S.C. 1301(e)) is
16 amended by striking “section 513” and inserting “section
17 513, or the requirements of section 608,”.

18 (d) GRANTS FOR CONSTRUCTION OF TREATMENT
19 WORKS.—Section 215 of the Federal Water Pollution
20 Control Act (33 U.S.C. 1295) is amended—

21 (1) by striking “Notwithstanding any other”
22 and inserting the following:

23 “(a) IN GENERAL.—Except as provided under sub-
24 section (b) and notwithstanding any other”; and

25 (2) by adding at the end the following:

1 “(b) REQUIREMENTS FOR CERTAIN PROJECTS.—
 2 Projects carried out under section 122, 220, and 221 shall
 3 be subject to the material requirements under section
 4 608.”.

5 **SEC. 11. CLEAN WATER STATE REVOLVING FUND.**

6 Section 608 of the Federal Water Pollution Control
 7 Act (33 U.S.C. 1388) is amended—

8 (1) in subsection (a) by inserting “, manufac-
 9 tured products, and construction materials described
 10 in subparagraphs (D) through (I) of section 2(c)(1)
 11 of the Made in America Act of 2021” after “iron
 12 and steel products”; and

13 (2) in subsection (c)—

14 (A) in paragraph (2) by inserting “, manu-
 15 factured products, and construction materials”
 16 after “iron and steel products”; and

17 (B) in paragraph (3) by inserting “, manu-
 18 factured products, and construction materials”
 19 after “iron and steel products”.

20 **SEC. 12. WATER INFRASTRUCTURE FINANCE AND INNOVA-**
 21 **TION.**

22 Section 5035 of the Water Resources Reform and De-
 23 velopment Act of 2014 (33 U.S.C. 3914) is amended—

24 (1) in subsection (a) by inserting “, manufac-
 25 tured products, and construction materials described

1 in subparagraphs (D) through (I) of section 2(c)(1)
 2 of the Made in America Act of 2021” after “iron
 3 and steel products” and

4 (2) in subsection (c)—

5 (A) in paragraph (2) by inserting “, manu-
 6 factured products, and construction materials”
 7 after “iron and steel products”; and

8 (B) in paragraph (3) by inserting “, manu-
 9 factured products, and construction materials”
 10 after “iron and steel products”.

11 **SEC. 13. DRINKING WATER STATE REVOLVING FUND.**

12 Section 1452(a)(4) of the Safe Drinking Water Act
 13 (42 U.S.C. 300j–12(a)) is amended—

14 (1) in subparagraph (A)—

15 (A) by striking “During fiscal years 2019
 16 through 2023, funds” and inserting “Funds”;
 17 and

18 (B) by inserting “, manufactured products,
 19 and construction materials described in sub-
 20 paragraphs (D) through (I) of section 2(c)(1)
 21 of the Made in America Act of 2021” after
 22 “iron and steel products”; and

23 (2) in subparagraph (C) by inserting “, manu-
 24 factured products, and construction materials” after

- 1 “iron and steel products” each place such phrase oc-
- 2 curs.

