

114TH CONGRESS  
2D SESSION

# S. 3131

To ensure the use of American iron and steel in public water systems,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 6, 2016

Ms. BALDWIN introduced the following bill; which was read twice and referred  
to the Committee on Environment and Public Works

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## A BILL

To ensure the use of American iron and steel in public  
water systems, 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  
5 Water Infrastructure Act”.

6 **SEC. 2. TAXPAYER-PRODUCED IRON AND STEEL IN PUBLIC**  
7 **WATER SYSTEMS.**

8 Section 1452(a) of the Safe Drinking Water Act (42  
9 U.S.C. 300j–12(a)) is amended by adding at the end the  
10 following:

1           “(4) REQUIREMENT FOR THE USE OF AMER-  
2           ICAN MATERIALS.—

3           “(A) DEFINITION OF IRON AND STEEL  
4           PRODUCTS.—In this paragraph, the term ‘iron  
5           and steel products’ means the following prod-  
6           ucts made, in part, of iron or steel:

7                   “(i) Lined or unlined pipe and fit-  
8                   tings.

9                   “(ii) Manhole covers and other munic-  
10                  ipal castings.

11                  “(iii) Hydrants.

12                  “(iv) Tanks.

13                  “(v) Flanges.

14                  “(vi) Pipe clamps and restraints.

15                  “(vii) Valves.

16                  “(viii) Structural steel.

17                  “(ix) Reinforced precast concrete.

18                  “(x) Construction materials.

19           “(B)     REQUIREMENT.—Notwithstanding  
20           any other provision of law, except as provided  
21           in subparagraph (C), none of the funds made  
22           available by a State loan fund authorized under  
23           this section shall be used for a project for the  
24           construction, alteration, maintenance, or repair  
25           of a public water system unless all the iron and

1 steel products used in the project are produced  
2 in the United States.

3 “(C) EXCEPTION.—Subparagraph (B)  
4 shall not apply in any case or category of cases  
5 in which the Administrator finds that—

6 “(i) applying subparagraph (B) would  
7 be inconsistent with the public interest;

8 “(ii) iron and steel products are not  
9 produced in the United States in sufficient  
10 and reasonably available quantities and of  
11 a satisfactory quality; or

12 “(iii) inclusion of iron and steel prod-  
13 ucts produced in the United States will in-  
14 crease the cost of the overall product by  
15 more than 25 percent.

16 “(D) PUBLIC NOTICE; WRITTEN JUS-  
17 TIFICATION.—

18 “(i) PUBLIC NOTICE.—If the Adminis-  
19 trator receives a request for a waiver under  
20 this paragraph, the Administrator shall—

21 “(I) make available to the public  
22 on an informal basis, including on the  
23 public website of the Administrator—

24 “(aa) a copy of the request;  
25 and

1                   “(bb) any information avail-  
2                   able to the Administrator regard-  
3                   ing the request; and

4                   “(II) provide notice of, and op-  
5                   portunity for informal public comment  
6                   on, the request for a period of not less  
7                   than 15 days before making a finding  
8                   under subparagraph (C).

9                   “(ii) WRITTEN JUSTIFICATION.—If,  
10                  after the period provided under clause (i),  
11                  the Administrator makes a finding under  
12                  subparagraph (C), the Administrator shall  
13                  publish in the Federal Register a detailed  
14                  written justification as to why subpara-  
15                  graph (B) is being waived.

16                  “(E) APPLICATION.—This paragraph shall  
17                  be applied in a manner consistent with United  
18                  States obligations under international agree-  
19                  ments.

20                  “(F) MANAGEMENT AND OVERSIGHT.—  
21                  The Administrator may use not more than 0.25  
22                  percent of any funds made available to carry  
23                  out this title for management and oversight of  
24                  the requirements of this paragraph.”.

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