

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3819

To amend the Infrastructure Investment and Jobs Act to include certain yellow coloring as construction materials for purposes of the Build America, Buy America Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2026

Ms. SLOTKIN (for herself and Mr. HUSTED) 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 amend the Infrastructure Investment and Jobs Act to include certain yellow coloring as construction materials for purposes of the Build America, Buy America Act, 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 “Paving the Way for  
5       American Industry Act”.

1 **SEC. 2. INCLUSION OF CERTAIN MATERIALS IN BUILD**  
2 **AMERICA, BUY AMERICA ACT.**

3 (a) IN GENERAL.—Section 70917 of the Infrastruc-  
4 ture Investment and Jobs Act (41 U.S.C. 8301 note; Pub-  
5 lic Law 117–58) is amended by adding at the end the fol-  
6 lowing:

7 “(d) CERTAIN YELLOW PIGMENTS.—

8 “(1) IN GENERAL.—For the purpose of this  
9 part—

10 “(A) beginning on the date of enactment of  
11 the Paving the Way for American Industry Act,  
12 all yellow organic pigments used in water-based  
13 paints for road, highway, or airport surface  
14 markings shall be considered to be construction  
15 materials; and

16 “(B) beginning on the date that is 2 years  
17 after the date of enactment of the Paving the  
18 Way for American Industry Act, all yellow or-  
19 ganic pigments used in all formulas for road,  
20 highway, or airport surface markings shall be  
21 considered to be construction materials.

22 “(2) PRODUCED IN THE UNITED STATES.—For  
23 the purpose of this part, with respect to a yellow or-  
24 ganic pigment described in paragraph (1), the term  
25 ‘produced in the United States’ means that all man-  
26 ufacturing processes from initial combination of ma-

1       terials through the chemical reaction resulting in the  
2       synthesized pigment, where chemical reaction is a  
3       process (including a biochemical process) that re-  
4       sults in a molecule with a new structure by breaking  
5       intramolecular bonds and by forming new  
6       intramolecular bonds, or by altering the spatial ar-  
7       rangement of atoms in a molecule, occurred in the  
8       United States.”.

9       (b) IMPLEMENTATION.—Not later than 90 days after  
10      the date of enactment of this Act, the Director of the Of-  
11      fice of Management and Budget shall update relevant  
12      guidance, including the implementation guidance of the  
13      Made in America Office, to reflect the amendment made  
14      by subsection (a).

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