

115TH CONGRESS  
1ST SESSION

# S. 880

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

---

## IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 4), 2017

Ms. BALDWIN (for herself, Mr. BROWN, Mr. SANDERS, Mr. FRANKEN, Ms. WARREN, Mr. WHITEHOUSE, Ms. STABENOW, and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## 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”.

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

3 Section 1452(a) of the Safe Drinking Water Act (42  
 4 U.S.C. 300j–12(a)) is amended by striking paragraph (4)  
 5 and inserting the following:

6 “(4) REQUIREMENT FOR THE USE OF AMER-  
 7 ICAN MATERIALS.—

8 “(A) DEFINITION OF IRON AND STEEL  
 9 PRODUCTS.—In this paragraph, the term ‘iron  
 10 and steel products’ means the following prod-  
 11 ucts made primarily of iron or steel:

12 “(i) Lined or unlined pipe and fit-  
 13 tings.

14 “(ii) Manhole covers and other munic-  
 15 ipal castings.

16 “(iii) Hydrants.

17 “(iv) Tanks.

18 “(v) Flanges.

19 “(vi) Pipe clamps and restraints.

20 “(vii) Valves.

21 “(viii) Structural steel.

22 “(ix) Reinforced precast concrete.

23 “(x) Construction materials.

24 “(B) REQUIREMENT.—Notwithstanding  
 25 any other provision of law, except as provided  
 26 in subparagraph (C), none of the funds made

1 available by a State loan fund authorized under  
2 this section shall be used for a project for the  
3 construction, alteration, maintenance, or repair  
4 of a public water system unless all the iron and  
5 steel products used in the project are produced  
6 in the United States.

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

10 “(i) applying subparagraph (B) would  
11 be inconsistent with the public interest;

12 “(ii) iron and steel products are not  
13 produced in the United States in sufficient  
14 and reasonably available quantities and of  
15 a satisfactory quality; or

16 “(iii) inclusion of iron and steel prod-  
17 ucts produced in the United States will in-  
18 crease the cost of the overall project by  
19 more than 25 percent.

20 “(D) PUBLIC NOTICE; WRITTEN JUS-  
21 TIFICATION.—

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

1 “(I) make available to the public  
2 on an informal basis, including on the  
3 public website of the Administrator—

4 “(aa) a copy of the request;  
5 and

6 “(bb) any information avail-  
7 able to the Administrator regard-  
8 ing the request; and

9 “(II) provide notice of, and op-  
10 portunity for informal public comment  
11 on, the request for a period of not less  
12 than 15 days before making a finding  
13 under subparagraph (C).

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

21 “(E) APPLICATION.—This paragraph shall  
22 be applied in a manner consistent with United  
23 States obligations under international agree-  
24 ments.

1                   “(F) MANAGEMENT AND OVERSIGHT.—  
2                   The Administrator may use not more than 0.25  
3                   percent of any funds made available to carry  
4                   out this title for management and oversight of  
5                   the requirements of this paragraph.”.

○