

112TH CONGRESS
1ST SESSION

H. R. 1684

To require the use of American iron, steel, and manufactured goods in the construction, alteration, and repair of public water systems and treatment works.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2011

Ms. SUTTON (for herself, Mr. MCKINLEY, Mr. LIPINSKI, Mr. BISHOP of New York, Mr. JONES, Mr. BRALEY of Iowa, Mr. DEFazio, Mr. MICHAUD, Ms. DELAURO, Mr. SARBANES, Mr. COHEN, Mr. YARMUTH, Mr. GEORGE MILLER of California, Mr. LYNCH, Ms. KAPTUR, Mr. GENE GREEN of Texas, Ms. LINDA T. SÁNCHEZ of California, Ms. HIRONO, Mr. MURPHY of Connecticut, Mr. OLVER, Mr. ANDREWS, Ms. EDWARDS, Mr. LEWIS of Georgia, Mr. TONKO, Mr. COURTNEY, Mr. DINGELL, Mr. FILNER, Mr. GARAMENDI, Mr. DOYLE, Ms. SCHAKOWSKY, and Ms. PINGREE of Maine) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, 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 require the use of American iron, steel, and manufactured goods in the construction, alteration, and repair of public water systems and treatment works.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Keep American Jobs
3 from Going Down the Drain Act”.

4 **SEC. 2. REQUIREMENT FOR USE OF AMERICAN MATERIALS**
5 **IN PUBLIC WATER SYSTEMS.**

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

9 “(4) REQUIREMENT FOR USE OF AMERICAN MA-
10 TERIALS.—

11 “(A) IN GENERAL.—Notwithstanding any
12 other provision of law, none of the funds made
13 available by a State loan fund as authorized
14 under this section may be used for a project for
15 the construction, alteration, maintenance, or re-
16 pair of a public water system unless the steel,
17 iron, and manufactured goods used in such
18 project are produced in the United States.

19 “(B) WAIVERS.—Subparagraph (A) shall
20 not apply in any case in which the Adminis-
21 trator, in consultation with the Governor of the
22 State, finds that—

23 “(i) applying subparagraph (A) would
24 be inconsistent with the public interest;

25 “(ii) the steel, iron, and manufactured
26 goods are not produced in the United

1 States in sufficient and reasonably avail-
2 able quantities and of a satisfactory qual-
3 ity; or

4 “(iii) inclusion of steel, iron, and man-
5 ufactured goods produced in the United
6 States will increase the cost of the overall
7 project by more than 25 percent.

8 “(C) PUBLIC NOTIFICATION AND WRITTEN
9 JUSTIFICATION FOR WAIVER.—If the Adminis-
10 trator determines that it is necessary to waive
11 the application of subparagraph (A) based on a
12 finding under subparagraph (B), the Adminis-
13 trator shall—

14 “(i) not less than 15 days prior to
15 waiving the application of subparagraph
16 (A), provide public notice and the oppor-
17 tunity to comment on the Administrator’s
18 intent to issue such waiver; and

19 “(ii) upon issuing such waiver, publish
20 in the Federal Register a detailed written
21 justification as to why the provision is
22 being waived.

23 “(D) CONSISTENCY WITH INTERNATIONAL
24 AGREEMENTS.—This paragraph shall be applied

1 in a manner consistent with United States obli-
2 gations under international agreements.”.

3 **SEC. 3. REQUIREMENT FOR USE OF AMERICAN MATERIALS**
4 **IN TREATMENT WORKS.**

5 Title VI Federal Water Pollution Control Act (33
6 U.S.C. 1381 et seq.) is amended—

7 (1) by redesignating section 607 as section 608;

8 and

9 (2) by inserting after section 606 the following:

10 **“SEC. 607. REQUIREMENT FOR USE OF AMERICAN MATE-**
11 **RIALS.**

12 “(a) IN GENERAL.—Notwithstanding any other pro-
13 vision of law, none of the funds made available by a State
14 water pollution control revolving fund as authorized under
15 this title may be used for the construction, alteration,
16 maintenance, or repair of treatment works unless the
17 steel, iron, and manufactured goods used in such treat-
18 ment works are produced in the United States.

19 “(b) WAIVERS.—Subsection (a) shall not apply in any
20 case in which the Administrator, in consultation with the
21 Governor of the State, finds that—

22 “(1) applying subsection (a) would be incon-
23 sistent with the public interest;

24 “(2) the steel, iron, and manufactured goods
25 are not produced in the United States in sufficient

1 and reasonably available quantities and of a satisfac-
2 tory quality; or

3 “(3) inclusion of steel, iron, and manufactured
4 goods produced in the United States will increase
5 the cost of the overall project by more than 25 per-
6 cent.

7 “(c) PUBLIC NOTIFICATION AND WRITTEN JUS-
8 TIFICATION FOR WAIVER.—If the Administrator deter-
9 mines that it is necessary to waive the application of sub-
10 section (a) based on a finding under subsection (b), the
11 Administrator shall—

12 “(1) not less than 15 days prior to waiving ap-
13 plication of subsection (a), provide public notice and
14 the opportunity to comment on the Administrator’s
15 intent to issue such waiver; and

16 “(2) upon issuing such waiver, publish in the
17 Federal Register a detailed written justification as
18 to why the provision is being waived.

19 “(d) CONSISTENCY WITH INTERNATIONAL AGREE-
20 MENTS.—This section shall be applied in a manner con-
21 sistent with United States obligations under international
22 agreements.”.

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