

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

**S.** \_\_\_\_\_

To require the head of each Federal agency to submit to the Made in America Office and to Congress an annual report on the implementation of the Build America, Buy America Act that identifies each new and existing Federal financial assistance program for infrastructure that has and has not fully implemented Buy America preference requirements under that Act, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

---

Ms. BALDWIN (for herself and Mr. BANKS) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To require the head of each Federal agency to submit to the Made in America Office and to Congress an annual report on the implementation of the Build America, Buy America Act that identifies each new and existing Federal financial assistance program for infrastructure that has and has not fully implemented Buy America preference requirements under that 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Build America, Buy  
3 America Compliance Act”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) public works infrastructure projects should  
7 utilize materials and products produced in the  
8 United States by United States businesses and  
9 United States workers to create jobs, strengthen  
10 supply chains, and enhance our national security, as  
11 intended by the enactment of the Build America,  
12 Buy America Act (41 U.S.C. 8301 note; Public Law  
13 117–58) (referred to in this section as the “BABA  
14 Act”);

15 (2) before the date of enactment of the BABA  
16 Act—

17 (A) significant shares of taxpayer-financed  
18 infrastructure spending occurred without regard  
19 to the origin of the materials and products ac-  
20 quired for public use; and

21 (B) domestic content procurement pref-  
22 erences (referred to in this section as “Buy  
23 America laws”) applied to federally assisted in-  
24 frastructure projects were limited in their pro-  
25 grammatic and product coverage, eroded by  
26 waivers, and narrowed by loopholes;

1           (3) the BABA Act strengthens Buy America  
2 laws in the United States, ensuring that all federally  
3 assisted infrastructure projects are constructed  
4 using iron and steel, construction materials, and  
5 manufactured products produced in the United  
6 States;

7           (4) the BABA Act discourages the issuance of  
8 general applicability waivers that erode Buy America  
9 laws, reduce visibility into domestic supply chain  
10 vulnerabilities, and eliminate opportunities for  
11 United States businesses and United States workers  
12 to produce materials and products used in taxpayer-  
13 funded infrastructure;

14           (5) the BABA Act authorizes Federal agencies  
15 to issue a waiver to a Buy America law to overcome  
16 short-term market limitations, such as availability or  
17 cost as specified in section 70914(b) of that Act,  
18 and when justified, Federal agencies should issue ad  
19 hoc, product-specific waivers to ensure projects pro-  
20 ceed without delay and with full transparency in  
21 order to signal market demand and trigger new cap-  
22 ital investments to expand domestic manufacturing  
23 capacities;

24           (6) all waivers to Buy America laws should be  
25 publicly accessible on the website of the Made in

1 America Office established under section 70923(a)  
2 of the BABA Act;

3 (7) the Administrator of General Services  
4 should take additional steps to ensure that the pub-  
5 lic website required under section 70936 of the  
6 BABA Act is complete and readily available for pub-  
7 lic use; and

8 (8) Congress should continue to work with Fed-  
9 eral agencies to identify and close loopholes to exist-  
10 ing Buy America laws that result in taxpayer dollars  
11 being spent on imported products and materials to  
12 complete federally assisted infrastructure projects.

13 **SEC. 3. REPORT ON IMPLEMENTATION OF BUY AMERICA**  
14 **PREFERENCE.**

15 Not later than 60 days after the date of enactment  
16 of this Act and annually thereafter, the head of each Fed-  
17 eral agency shall—

18 (1) submit to the Made in America Office and  
19 to Congress, including a separate notice to the Com-  
20 mittee on Commerce, Science, and Transportation of  
21 the Senate, the Committee on Environment and  
22 Public Works of the Senate, the Committee on  
23 Banking, Housing, and Urban Affairs of the Senate,  
24 the Committee on Transportation and Infrastructure  
25 of the House of Representatives, and any other com-

1       mittees of jurisdiction, a report on the implementa-  
2       tion of the Build America, Buy America Act (41  
3       U.S.C. 8301 note; Public Law 117–58) that—

4               (A) includes an updated list of new and ex-  
5       isting Federal financial assistance programs for  
6       infrastructure administered by the Federal  
7       agency as described in section 70913(a)(1) of  
8       that Act;

9               (B) identifies each Federal financial assist-  
10      ance program for infrastructure administered  
11      by the Federal agency for which the Federal  
12      agency has fully implemented section 70914 of  
13      that Act;

14              (C) identifies each Federal financial assist-  
15      ance program for infrastructure administered  
16      by the Federal agency for which the Federal  
17      agency has not fully implemented section 70914  
18      of that Act;

19              (D) for each program identified under sub-  
20      paragraph (B), describes all actions taken by  
21      the Federal agency to meet the requirements of  
22      section 70914 of that Act and to preserve any  
23      existing Buy America laws, policies, or regula-  
24      tions that meet or exceed the requirements of

1 section 70914 of that Act as required by section  
2 70917 of that Act; and

3 (E) for each program identified under sub-  
4 paragraph (C), includes an anticipated timeline  
5 and the steps that will be taken by the Federal  
6 agency—

7 (i) to achieve full implementation of  
8 section 70914 of that Act; and

9 (ii) to replace the use of general appli-  
10 cability waivers with ad hoc, project-spe-  
11 cific waivers to the maximum extent pos-  
12 sible; and

13 (2) publish in the Federal Register the report  
14 under paragraph (1).