

# United States Senate

WASHINGTON, DC 20510

December 12, 2017

The President  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Mr. President:

On April 18, 2017, you traveled to Kenosha, Wisconsin to announce your Executive Order on Buy American and Hire American. That order called for a report on Buy American laws to be submitted to the White House within 220 days of the order, which was November 24, 2017. I understand that the report is not finished and I am writing to urge your Administration to expedite the publication of this now late report.

Like you, I believe this report will provide an important first step to enforcing existing Buy American laws. Your Executive Order stated:

*“In order to promote economic and national security and to help stimulate economic growth, create good jobs at decent wages, strengthen our middle class, and support the American manufacturing and defense industrial bases, it shall be the policy of the executive branch to maximize, consistent with law, through terms and conditions of Federal financial assistance awards and Federal procurements, the use of goods, products, and materials produced in the United States.”*

I am looking forward to reviewing the report’s assessment of the impact of U.S. international trade obligations on our existing Buy American laws, as required by the Executive Order. I have been working with the Government Accountability Office (GAO) in order to better understand the impact of these obligations on our government procurement policies. In fact, on March 10, 2017, I provided you with an advance copy of one of the GAO reports<sup>1</sup> we requested. That report found that the United States opened twice as much procurement to foreign firms as the next five largest World Trade Organization Agreement on Government Procurement signatories combined (European Union, Japan, South Korea, Norway, and Canada). Given the findings in the report, I wrote to you, along with eight of my Senate colleagues, to ask you to remove the government procurement chapter from NAFTA.<sup>2</sup> I hope that the forthcoming report will inform the position of the Office of the U.S. Trade Representative during NAFTA renegotiations.

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<sup>1</sup> 2017, March 13. U.S. Government Accountability Office. ‘United States Reported Opening More Opportunities to Foreign Firms Than Other Countries, but Better Data Are Needed.’ <http://www.gao.gov/products/GAO-17-168>

<sup>2</sup> 2017 June 16. Baldwin, Tammy; Press Office. ‘Senators Call on President Trump to Keep His Buy America Pledge in NAFTA Renegotiation.’ <https://www.baldwin.senate.gov/press-releases/nafta-buy-american>

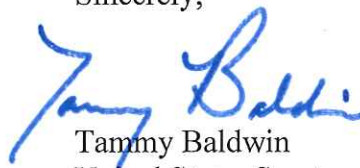
In addition, I have been working to strengthen Buy American laws to support Wisconsin manufacturers and workers, but I have faced resistance in Congress. In fact, this year, I worked to ensure that the National Defense Authorization Act included Buy American requirements that had been stripped out in an earlier version of the bill. Additionally, I have been fighting to enact my legislation, the Made in America Water Infrastructure Act, which would require that all iron and steel used in water infrastructure projects be American-made.

In September of 2016, my legislation was included in the Water Resources Development Act (WRDA), which passed the Senate 95-3. According to media reports,<sup>3</sup> importers of cheap foreign steel from Russia hired a lobbying firm to encourage Speaker Ryan to eliminate or loosen Buy American laws for their own benefit. The firm, Squire Patton Boggs, employs former House Speaker John Boehner and several former top Republican aides. Unfortunately, Speaker Ryan removed my provision from the House version of the bill last December. I hope that your forthcoming report will make clear that foreign steel will not qualify for preferential treatment under our Buy American laws.

When you visited Kenosha, I was pleased to hear you express your support for my water infrastructure legislation stating, "I'm very much into that and I agree with her 100 percent."<sup>4</sup> Following your endorsement, I called on Senate Republican leadership to take up and pass my legislation, but Senate Republicans have failed to act. I hope that you will help me urge congressional Republicans to pass my legislation.

During your remarks in Kenosha you said, "we're about to take bold, new steps to follow through on my pledge to Buy American and Hire American." In closing, I again urge you to prioritize the completion of the report. And, I remain hopeful that we can work together to ensure Congress strengthens our government's commitment to buying American-made goods in order to improve wages, boost growth, and support American manufacturers.

Sincerely,

  
Tammy Baldwin  
United States Senator

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<sup>3</sup> 2016, December 02. Mullins, Brody. 'Bill's 'Buy America' Provision Sets Up Potential Clash for GOP, Donald Trump.' <http://www.wsj.com/articles/water-bills-buy-american-provision-sparks-some-gop-concerns-1480709387>

<sup>4</sup> 2017, April 18. Benson, Charles. 'Charles Benson interviews Donald Trump 1-on-1.' <https://www.tmj4.com/news/local-news/charles-benson-interviews-donald-trump-1-on-1>