

United States Senate

WASHINGTON, DC 20510

January 26, 2018

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

Dear Mr. President:

As you near the release of your Administration's infrastructure proposal, we write to urge you to keep the promises you made in your inaugural address to "Buy American and Hire American" as we, "build new roads, and highways, and bridges, and airports, and tunnels, and railways all across our wonderful nation."¹ As you draft your infrastructure proposal, we encourage you to not only protect existing "Buy America" laws, but to work with Congress to expand these protections and address coverage gaps. In addition, no infrastructure proposal should allow circumvention of current requirements in federal law that ensure our public infrastructure is built with American-made iron, steel, and manufactured materials by workers who are paid a fair wage.

We understand that your plan may include new investment programs and mechanisms to finance infrastructure. Any new source of federal infrastructure investment and any incentive for the use of alternative infrastructure financing, such as public-private partnerships, in your Administration's proposal must incorporate "Buy America" requirements. Only strict adherence to this principle will ensure that the economic benefits of infrastructure investment flow directly to American companies, not to foreign companies in countries like China that aim to flood our country with state-subsidized imports of steel and other goods, which threaten American manufacturers.

Like you, we believe that maximizing the use of American-made goods will "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."² That's why we called for strong "Buy America" provisions in the Senate Democrats' Blueprint to Rebuild America's Infrastructure³, which, in addition to "Buy America" requirements, includes a number of our other important infrastructure priorities. Specifically, in order to improve "Buy America" standards and processes, below are a series of provisions that we believe should be included in your infrastructure proposal.

There are currently statutory gaps in the patchwork of laws that make up our domestic content preferences. For example, the Drinking Water State Revolving Fund currently does not have a permanent American iron and steel requirement for projects that receive its financing. The Made In America Water Infrastructure Act would help domestic manufacturers by making this provision permanent. In order to address this example and others, we suggest that you review all programs that provide federal funds or financing to public infrastructure projects to ensure that

¹ <https://www.whitehouse.gov/briefings-statements/the-inaugural-address/>

² <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-buy-american-hire-american/>

³ <https://www.dpcc.senate.gov/files/documents/ABlueprinttoRebuildAmericasInfrastructure1.24.17.pdf>

all iron, steel, manufactured goods, and commodity construction materials used are produced in the United States.

You have called for the minimization of the use of domestic content waivers, and a review of each federal agencies' waiver process. We support those efforts. In addition, we urge you to embrace the proposal put forward in the bipartisan BuyAmerican.gov Act that requires all waivers and exceptions undergo a public comment process before they are granted. BuyAmerican.gov would also provide a transparent and streamlined portal for the public to review "Buy America" waivers.

Finally, when you announced the Buy American Executive Order in Kenosha, WI, you said, "we're about to take bold, new steps to follow through on my pledge to Buy American and Hire American." The report you described that day was due on November 24, 2017, but has not been completed. We would urge you to expedite its completion and publicly share its findings with fellow supporters of "Buy America" policy in Congress in order to achieve our shared goals.

We encourage you to include these proposals in your infrastructure proposal. While these suggestions are not our only priorities on infrastructure, we are hopeful that we can work together to ensure that Congress strengthens our government's commitment to buying American-made goods in order to improve wages, boost growth, and support American manufacturers.

Sincerely,



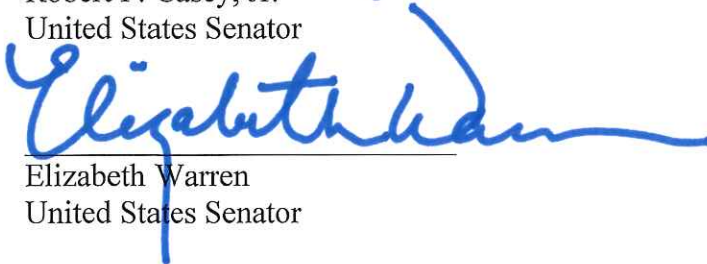
Tammy Baldwin
United States Senator



Sherrod Brown
United States Senator



Robert P. Casey, Jr.
United States Senator



Elizabeth Warren
United States Senator



Christopher Murphy
United States Senator



Jeanne Shaheen
United States Senator



Debbie Stabenow
United States Senator



Brian Schatz
United States Senator



Jeffrey A. Merkley
United States Senator



Bernard Sanders
United States Senator