

**AMENDMENT TO H.R. 4745, AS REPORTED
OFFERED BY MR. GARAMENDI OF CALIFORNIA**

At the end of the bill, before the short title, insert
the following new section:

1 SEC. 417.

2 (a) IN GENERAL.—None of the funds made available
3 by this Act may be used in contravention of this section
4 or the amendments made by this section.

5 (b) BUY-AMERICAN PREFERENCES.—Chapter 501 of
6 title 49, United States Code, is amended by striking the
7 chapter heading and inserting “**BUY AMERICA**”.

8 (c) ENHANCEMENTS TO BUY AMERICA REQUIRE-
9 MENTS.—Section 50101 of such title is amended to read
10 as follows:

11 “**§ 50101. Buy America**

12 “(a) DOMESTIC SOURCE REQUIREMENT FOR STEEL,
13 IRON, AND MANUFACTURED GOODS.—

14 “(1) IN GENERAL.—Notwithstanding any other
15 provision of law, and except as provided in para-
16 graph (2), funds made available to carry out section
17 106(k), 44502(a)(2), or 44509, subchapter I of
18 chapter 471 (except section 47127), or chapter 481
19 (except sections 48102(e), 48106, 48107, and

1 48110) of this title may not be obligated for a
2 project unless the steel, iron, and manufactured
3 goods used for the project are produced in the
4 United States.

5 “(2) SPECIAL RULES FOR CERTAIN FACILITIES
6 AND EQUIPMENT.—With respect to a project for the
7 procurement of a facility or equipment, funds made
8 available to carry out the provisions specified in
9 paragraph (1) may not be obligated for the project
10 unless—

11 “(A) the cost of components and sub-
12 components produced in the United States—

13 “(i) for fiscal year 2015 is more than
14 60 percent of the cost of all components of
15 the facility or equipment;

16 “(ii) for fiscal year 2016 is more than
17 70 percent of the cost of all components of
18 the facility or equipment;

19 “(iii) for fiscal year 2017 is more
20 than 80 percent of the cost of all compo-
21 nents of the facility or equipment;

22 “(iv) for fiscal year 2018 is more than
23 90 percent of the cost of all components of
24 the facility or equipment; and

1 “(v) for fiscal year 2019, and each fis-
2 cal year thereafter, is 100 percent of the
3 cost of all components of the facility or
4 equipment; and

5 “(B) final assembly of the facility or equip-
6 ment occurs in the United States.

7 “(3) SCOPE.—The requirements of this section
8 apply to all contracts for a project carried out within
9 the scope of the applicable finding, determination, or
10 decision under the National Environmental Policy
11 Act of 1969 (42 U.S.C. 4321 et seq.), regardless of
12 the funding source of such contracts, if at least one
13 contract for the project is funded with amounts
14 made available to carry out a provision specified in
15 paragraph (1).

16 “(b) EXCEPTIONS.—

17 “(1) ISSUANCE OF WAIVERS.—The Secretary of
18 Transportation may waive the requirements of sub-
19 section (a) only if the Secretary finds that—

20 “(A) applying subsection (a) would be in-
21 consistent with the public interest, as deter-
22 mined in accordance with the regulations re-
23 quired under paragraph (2);

1 “(B) the steel, iron, or manufactured
2 goods required for a project are not produced in
3 the United States—

4 “(i) in sufficient and reasonably avail-
5 able quantities; or

6 “(ii) to a satisfactory quality; or

7 “(C) the use of steel, iron, and manufac-
8 tured goods produced in the United States for
9 a project will increase the total cost of the
10 project by more than 25 percent.

11 “(2) REGULATIONS.—Not later than October 1,
12 2015, the Secretary shall issue regulations estab-
13 lishing the criteria that the Secretary shall use to
14 determine whether the application of subsection (a)
15 is inconsistent with the public interest for purposes
16 of paragraph (1)(A).

17 “(3) LABOR COSTS.—For purposes of this sec-
18 tion, labor costs involved in final assembly are not
19 included in calculating the cost of components.

20 “(4) REQUESTS FOR WAIVERS.—An entity seek-
21 ing a waiver under paragraph (1) shall submit to the
22 Secretary a request for the waiver in such form and
23 containing such information as the Secretary may
24 require.

1 “(5) PREFERENCE FOR AMERICAN-ASSEMBLED
2 FACILITIES AND EQUIPMENT.—In the procurement
3 of a facility or equipment subject to a waiver issued
4 under paragraph (1), the Secretary shall give pref-
5 erence to a facility or equipment for which final as-
6 sembly occurred in the United States.

7 “(6) LIMITATION ON WAIVER AUTHORITY.—In
8 the procurement of a facility or equipment, if the
9 Secretary finds that a component of the facility or
10 equipment is not produced in the United States in
11 sufficient and reasonably available quantities or to a
12 satisfactory quality, the Secretary may issue a waiv-
13 er under paragraph (1) with respect to such compo-
14 nent.

15 “(c) WAIVER REQUIREMENTS.—

16 “(1) PUBLIC NOTIFICATION OF AND OPPOR-
17 TUNITY FOR COMMENT ON REQUEST FOR A WAIV-
18 ER.—

19 “(A) IN GENERAL.—If the Secretary re-
20 ceives a request for a waiver under subsection
21 (b), the Secretary shall provide notice of and an
22 opportunity for public comment on the request
23 at least 30 days before making a finding based
24 on the request.

1 “(B) NOTICE REQUIREMENTS.—A notice
2 provided under subparagraph (A) shall—

3 “(i) include the information available
4 to the Secretary concerning the request, in-
5 cluding whether the request is being made
6 under subsection (b)(1)(A), (b)(1)(B), or
7 (b)(1)(C); and

8 “(ii) be provided by electronic means,
9 including on the official public Internet
10 Web site of the Department of Transpor-
11 tation.

12 “(2) DETAILED JUSTIFICATION IN FEDERAL
13 REGISTER.—If the Secretary issues a waiver under
14 subsection (b), the Secretary shall publish in the
15 Federal Register a detailed justification for the
16 waiver that—

17 “(A) addresses the public comments re-
18 ceived under paragraph (1)(A); and

19 “(B) is published before the waiver takes
20 effect.

21 “(d) STATE REQUIREMENTS.—The Secretary may
22 not impose a limitation or condition on assistance provided
23 with funds made available to carry out a provision speci-
24 fied in subsection (a)(1) that restricts—

1 “(1) a State from imposing requirements that
2 are more stringent than those imposed under this
3 section with respect to limiting the use of articles,
4 materials, or supplies mined, produced, or manufac-
5 tured in foreign countries for projects carried out
6 with such assistance; or

7 “(2) any recipient of such assistance from com-
8 plying with such State requirements.

9 “(e) CONSISTENCY WITH INTERNATIONAL AGREE-
10 MENTS.—

11 “(1) IN GENERAL.—This section shall be ap-
12 plied in a manner that is consistent with United
13 States obligations under international agreements.

14 “(2) TREATMENT OF FOREIGN COUNTRIES IN
15 VIOLATION OF INTERNATIONAL AGREEMENTS.—The
16 Secretary shall prohibit the use of steel, iron, and
17 manufactured goods produced in a foreign country
18 in a project funded with funds made available to
19 carry out a provision specified in subsection (a)(1),
20 including any project for which the Secretary has
21 issued a waiver under subsection (b), if the Sec-
22 retary, in consultation with the United States Trade
23 Representative, determines that the foreign country
24 is in violation of the terms of an agreement with the
25 United States by discriminating against steel, iron,

1 or manufactured goods that are produced in the
2 United States and covered by the agreement.”.

3 (d) PROHIBITION ON CONTRACTING UPON FAL-
4 SIFICATION OF LABEL.—Section 50105 of such title is
5 amended by inserting “steel, iron, or manufactured” be-
6 fore “goods”.

7 (e) REVIEW OF NATIONWIDE WAIVERS.—Not later
8 than 1 year after the date of enactment of this Act, and
9 at least every 5 years thereafter, the Secretary shall review
10 each standing nationwide waiver issued under section
11 50101 of title 49, United States Code, to determine
12 whether continuing such waiver is necessary.

