

108TH CONGRESS  
1ST SESSION

# H. R. 3017

To amend title 49, United States Code, to clarify certain Buy America provisions.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2003

Ms. KILPATRICK introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to clarify certain Buy America provisions.

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

3       **SECTION 1. BUY AMERICA.**

4       Section 5323(j) of title 49, United States Code, is  
5       amended—

6               (1) by adding at the end of paragraph (1) the  
7       following: “The term ‘manufactured goods’ as used  
8       in this paragraph means each individual item speci-  
9       fied in each line item of a procurement. If the indi-  
10       vidual items to be procured are listed in the bill of

1 materials and specifications rather than a line item,  
2 the term ‘manufactured goods’ shall apply to each  
3 such item. The definition of ‘manufactured goods’  
4 shall not be applicable to the procurement of rolling  
5 stock as set forth in paragraph (2)(C).”;

6 (2) by redesignating paragraphs (3) through  
7 (7) as paragraphs (4) through (8), respectively;

8 (3) by inserting after paragraph (2) the fol-  
9 lowing:

10 “(3) When issuing a waiver based upon a public  
11 interest determination under paragraph (2)(A), the  
12 Secretary shall produce a detailed written justifica-  
13 tion as to why the waiver is in the public interest.  
14 The Secretary shall publish this justification in the  
15 Federal Register and provide the public a reasonable  
16 period for notice and comment.”; and

17 (4) by adding at the end the following:

18 “(9) APPLICATION OF WAIVERS.—The Sec-  
19 retary may grant a waiver under paragraph (2) for  
20 a microprocessor, but not for microcomputer equip-  
21 ment. For purposes of this paragraph ‘micro-  
22 processor’ means a computer processor on a  
23 microchip.

24 “(10) ADMINISTRATIVE REVIEW.—A party ad-  
25 versely affected by an agency action under this sub-

1       section shall have the right to seek review under sec-  
2       tion 702 of the Administrative Procedure Act, title  
3       5, United States Code.”.

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