

113TH CONGRESS
1ST SESSION

H. R. 949

To ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2013

Mr. RAHALL (for himself, Mr. DEFazio, Ms. NORTON, Mr. NADLER, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. LARSEN of Washington, Mr. CAPUANO, Mr. BISHOP of New York, Mr. MICHAUD, Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. WALZ, Mr. COHEN, Mr. SIRES, Ms. EDWARDS, Mr. GARAMENDI, Mr. CARSON of Indiana, Mr. NOLAN, Mrs. KIRKPATRICK, Mr. SEAN PATRICK MALONEY of New York, Ms. ESTY, Mrs. BUSTOS, Mr. LOEBSACK, Ms. SLAUGHTER, Mr. HIGGINS, Mr. PETERS of Michigan, Mr. VISCLOSKY, and Mr. CICILLINE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Invest in American Jobs Act of 2013”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEPARTMENT OF TRANSPORTATION

Sec. 101. Federal-aid highway Buy America provisions.
Sec. 102. Public transportation Buy America provisions.
Sec. 103. Rail grant Buy America provisions.
Sec. 104. Rail loan and loan guarantee Buy America provisions.
Sec. 105. Amtrak Buy America provisions.
Sec. 106. Aviation Buy America provisions.
Sec. 107. Department of Transportation Buy America annual report.

TITLE II—OTHER INFRASTRUCTURE INVESTMENT

Sec. 201. Wastewater treatment Buy America provisions.
Sec. 202. Economic development Buy America provisions.
Sec. 203. FEMA mitigation grant Buy America provisions.
Sec. 204. Bridges over navigable waters Buy America provisions.
Sec. 205. Registry endorsement requirement in the Exclusive Economic Zone.

6 **TITLE I—DEPARTMENT OF**
7 **TRANSPORTATION**

8 **SEC. 101. FEDERAL-AID HIGHWAY BUY AMERICA PROVI-**
9 **SIONS.**

10 (a) IN GENERAL.—Section 313 of title 23, United
11 States Code, is amended to read as follows:

12 **“§ 313. Buy America**

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

15 **“(1) IN GENERAL.—**Notwithstanding any other
16 provision of law, funds made available to carry out
17 this title may not be obligated for a project unless

1 the steel, iron, and manufactured goods used for the
2 project are produced in the United States.

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

11 “(b) EXCEPTIONS.—

12 “(1) ISSUANCE OF WAIVERS.—The Secretary
13 may waive the requirements of subsection (a) only if
14 the Secretary finds that—

15 “(A) applying subsection (a) would be in-
16 consistent with the public interest, as deter-
17 mined in accordance with the regulations re-
18 quired under paragraph (2);

19 “(B) the steel, iron, or manufactured
20 goods required for a project are not produced in
21 the United States—

22 “(i) in sufficient and reasonably avail-
23 able quantities; or

24 “(ii) to a satisfactory quality; or

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

5 “(2) REGULATIONS.—Not later than 1 year
6 after the date of enactment of the Invest in Amer-
7 ican Jobs Act of 2013, the Secretary shall issue reg-
8 ulations establishing the criteria that the Secretary
9 shall use to determine whether the application of
10 subsection (a) is inconsistent with the public interest
11 for purposes of paragraph (1)(A).

12 “(3) LABOR COSTS.—For purposes of this sub-
13 section, labor costs involved in final assembly shall
14 not be included in calculating the cost of compo-
15 nents.

16 “(4) REQUESTS FOR WAIVERS.—A recipient of
17 assistance under this title seeking a waiver under
18 paragraph (1) shall submit to the Secretary a re-
19 quest for the waiver in such form and containing
20 such information as the Secretary may require.

21 “(c) WAIVER REQUIREMENTS.—

22 “(1) PUBLIC NOTIFICATION OF AND OPPOR-
23 TUNITY FOR COMMENT ON REQUEST FOR A WAIV-
24 ER.—

1 “(A) IN GENERAL.—If the Secretary re-
2 ceives a request for a waiver under subsection
3 (b), the Secretary shall provide notice of and an
4 opportunity for public comment on the request
5 at least 30 days before making a finding based
6 on the request.

7 “(B) NOTICE REQUIREMENTS.—A notice
8 provided under subparagraph (A) shall—

9 “(i) include the information available
10 to the Secretary concerning the request, in-
11 cluding whether the request is being made
12 under subsection (b)(1)(A), (b)(1)(B), or
13 (b)(1)(C); and

14 “(ii) be provided by electronic means,
15 including on the official public Internet
16 Web site of the Department of Transpor-
17 tation.

18 “(2) DETAILED JUSTIFICATION IN FEDERAL
19 REGISTER.—If the Secretary issues a waiver under
20 subsection (b), the Secretary shall publish in the
21 Federal Register a detailed justification for the
22 waiver that—

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

1 “(B) is published before the waiver takes
2 effect.

3 “(d) STATE REQUIREMENTS.—The Secretary may
4 not impose a limitation or condition on assistance provided
5 under this title that restricts—

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

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

14 “(e) INTENTIONAL VIOLATIONS.—Pursuant to proce-
15 dures established under subpart 9.4 of chapter 1 of title
16 48, Code of Federal Regulations, a person shall be ineli-
17 gible to receive a contract or subcontract funded with
18 amounts made available to carry out this title if the Sec-
19 retary, the head of any department, agency, or instrumen-
20 tality of the United States, or a court determines that
21 such person intentionally—

22 “(1) affixed a label bearing a ‘Made in Amer-
23 ica’ inscription, or any inscription with the same
24 meaning, to any steel, iron, or manufactured goods
25 that—

1 “(A) were used in a project to which this
2 section applies; and

3 “(B) were not produced in the United
4 States; or

5 “(2) represented that any steel, iron, or manu-
6 factured goods were produced in the United States
7 that—

8 “(A) were used in a project to which this
9 section applies; and

10 “(B) were not produced in the United
11 States.

12 “(f) CONSISTENCY WITH INTERNATIONAL AGREE-
13 MENTS.—

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

17 “(2) TREATMENT OF FOREIGN COUNTRIES IN
18 VIOLATION OF INTERNATIONAL AGREEMENTS.—The
19 Secretary shall prohibit the use of steel, iron, and
20 manufactured goods produced in a foreign country
21 in a project funded with amounts made available to
22 carry out this title, including any project for which
23 the Secretary has issued a waiver under subsection
24 (b), if the Secretary, in consultation with the United
25 States Trade Representative, determines that the

1 foreign country is in violation of the terms of an
2 agreement with the United States by discriminating
3 against steel, iron, or manufactured goods that are
4 produced in the United States and covered by the
5 agreement.”.

6 (b) REVIEW OF NATIONWIDE WAIVERS.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, and at least every
9 5 years thereafter, the Secretary of Transportation
10 shall review each standing nationwide waiver issued
11 under section 313 of title 23, United States Code,
12 to determine whether continuing such waiver is nec-
13 essary.

14 (2) PUBLIC NOTIFICATION OF AND OPPOR-
15 TUNITY FOR COMMENT ON REVIEW OF STANDING
16 NATIONWIDE WAIVERS.—In conducting a review
17 under paragraph (1), the Secretary shall provide no-
18 tice of and an opportunity for public comment on
19 the review at least 30 days before completing the re-
20 view.

21 (3) NOTICE REQUIREMENT.—A notice provided
22 under paragraph (2) shall be provided by electronic
23 means, including on the official public Internet Web
24 site of the Department of Transportation.

1 (4) DETAILED JUSTIFICATION IN FEDERAL
 2 REGISTER.—If the Secretary finds it is necessary to
 3 continue a standing nationwide waiver after a review
 4 under paragraph (1), the Secretary shall publish in
 5 the Federal Register a detailed justification for such
 6 waiver that addresses the public comments received
 7 under paragraph (2).

8 (c) REPEALS.—

9 (1) WAIVER NOTIFICATION AND ANNUAL RE-
 10 PORTS.—Section 117 of the SAFETEA-LU Tech-
 11 nical Corrections Act of 2008 (23 U.S.C. 313 note)
 12 is repealed.

13 (2) NOTICE AND PUBLIC COMMENTS.—Section
 14 123 of title I of division A of the Consolidated Ap-
 15 propriations Act, 2010 (23 U.S.C. 313 note) is re-
 16 pealed.

17 **SEC. 102. PUBLIC TRANSPORTATION BUY AMERICA PROVI-**
 18 **SIONS.**

19 (a) IN GENERAL.—Section 5323(j) of title 49, United
 20 States Code, is amended to read as follows:

21 “(j) BUY AMERICA.—

22 “(1) DOMESTIC SOURCE REQUIREMENT FOR
 23 STEEL, IRON, AND MANUFACTURED GOODS.—

24 “(A) IN GENERAL.—Notwithstanding any
 25 other provision of law, and except as provided

1 in subparagraph (B), funds made available to
2 carry out this chapter may not be obligated for
3 a project unless the steel, iron, and manufac-
4 tured goods used for the project are produced
5 in the United States.

6 “(B) SPECIAL RULES FOR ROLLING
7 STOCK.—Funds made available to carry out
8 this chapter may not be obligated for the pro-
9 curement of rolling stock (including train con-
10 trol, communication, traction power equipment,
11 and rolling stock prototypes) unless—

12 “(i) the cost of components and sub-
13 components produced in the United
14 States—

15 “(I) for fiscal year 2013 is more
16 than 60 percent of the cost of all com-
17 ponents of the rolling stock;

18 “(II) for fiscal year 2014 is more
19 than 70 percent of the cost of all com-
20 ponents of the rolling stock;

21 “(III) for fiscal year 2015 is
22 more than 80 percent of the cost of
23 all components of the rolling stock;

24 “(IV) for fiscal year 2016 is
25 more than 90 percent of the cost of

1 all components of the rolling stock;
2 and

3 “(V) for fiscal year 2017, and
4 each fiscal year thereafter, is 100 per-
5 cent of the cost of all components of
6 the rolling stock; and

7 “(ii) final assembly of the rolling
8 stock, including rolling stock prototypes,
9 occurs in the United States.

10 “(C) SCOPE.—The requirements of this
11 subsection apply to all contracts for a public
12 transportation project carried out within the
13 scope of the applicable finding, determination,
14 or decision under the National Environmental
15 Policy Act of 1969 (42 U.S.C. 4321 et seq.),
16 regardless of the funding source of such con-
17 tracts, if at least one contract for the public
18 transportation project is funded with amounts
19 made available to carry out this chapter.

20 “(2) EXCEPTIONS.—

21 “(A) ISSUANCE OF WAIVERS.—The Sec-
22 retary may waive the requirements of para-
23 graph (1) only if the Secretary finds that—

24 “(i) applying paragraph (1) would be
25 inconsistent with the public interest, as de-

1 terminated in accordance with the regula-
2 tions required under subparagraph (B);

3 “(ii) the steel, iron, or manufactured
4 goods required for a project are not pro-
5 duced in the United States—

6 “(I) in sufficient and reasonably
7 available quantities; or

8 “(II) to a satisfactory quality; or

9 “(iii) the use of steel, iron, and manu-
10 factured goods produced in the United
11 States for a project will increase the total
12 cost of the project by more than 25 per-
13 cent.

14 “(B) REGULATIONS.—Not later than 1
15 year after the date of enactment of the Invest
16 in American Jobs Act of 2013, the Secretary
17 shall issue regulations establishing the criteria
18 that the Secretary shall use to determine
19 whether the application of paragraph (1) is in-
20 consistent with the public interest for purposes
21 of subparagraph (A)(i).

22 “(C) COMPONENTS OF ROLLING STOCK.—

23 If the Secretary finds that a component of roll-
24 ing stock is not produced in the United States
25 in sufficient and reasonably available quantities

1 or to a satisfactory quality, the Secretary may
2 issue a waiver under subparagraph (A) with re-
3 spect to such component.

4 “(D) LABOR COSTS.—For purposes of this
5 subsection, labor costs involved in final assem-
6 bly shall not be included in calculating the cost
7 of components.

8 “(E) REQUESTS FOR WAIVERS.—A recipi-
9 ent of assistance under this chapter seeking a
10 waiver under subparagraph (A) shall submit to
11 the Secretary a request for the waiver in such
12 form and containing such information as the
13 Secretary may require.

14 “(3) WAIVER REQUIREMENTS.—

15 “(A) PUBLIC NOTIFICATION OF AND OP-
16 PORTUNITY FOR COMMENT ON REQUEST FOR A
17 WAIVER.—

18 “(i) IN GENERAL.—If the Secretary
19 receives a request for a waiver under para-
20 graph (2), the Secretary shall provide no-
21 tice of and an opportunity for public com-
22 ment on the request at least 30 days be-
23 fore making a finding based on the re-
24 quest.

1 “(ii) NOTICE REQUIREMENTS.—A no-
2 tice provided under clause (i) shall—

3 “(I) include the information
4 available to the Secretary concerning
5 the request, including whether the re-
6 quest is being made under paragraph
7 (2)(A)(i), (2)(A)(ii), or (2)(A)(iii);
8 and

9 “(II) be provided by electronic
10 means, including on the official public
11 Internet Web site of the Department
12 of Transportation.

13 “(B) DETAILED JUSTIFICATION IN FED-
14 ERAL REGISTER.—If the Secretary issues a
15 waiver under paragraph (2), the Secretary shall
16 publish in the Federal Register a detailed jus-
17 tification for the waiver that—

18 “(i) addresses the public comments
19 received under subparagraph (A)(i); and

20 “(ii) is published before the waiver
21 takes effect.

22 “(4) STATE REQUIREMENTS.—The Secretary
23 may not impose a limitation or condition on assist-
24 ance provided under this chapter that restricts—

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

7 “(B) any recipient of such assistance from
8 complying with such State requirements.

9 “(5) INTENTIONAL VIOLATIONS.—Pursuant to
10 procedures established under subpart 9.4 of chapter
11 1 of title 48, Code of Federal Regulations, a person
12 shall be ineligible to receive a contract or sub-
13 contract funded with amounts made available to
14 carry out this chapter or any other law providing
15 Federal public transportation assistance if the Sec-
16 retary, the head of any department, agency, or in-
17 strumentality of the United States, or a court deter-
18 mines that such person intentionally—

19 “(A) affixed a label bearing a ‘Made in
20 America’ inscription, or any inscription with the
21 same meaning, to any steel, iron, or manufac-
22 tured goods that—

23 “(i) were used in a project to which
24 this subsection applies; and

1 “(ii) were not produced in the United
2 States; or

3 “(B) represented that any steel, iron, or
4 manufactured goods were produced in the
5 United States that—

6 “(i) were used in a project to which
7 this subsection applies; and

8 “(ii) were not produced in the United
9 States.

10 “(6) CONSISTENCY WITH INTERNATIONAL
11 AGREEMENTS.—

12 “(A) IN GENERAL.—This subsection shall
13 be applied in a manner that is consistent with
14 United States obligations under international
15 agreements.

16 “(B) TREATMENT OF FOREIGN COUNTRIES
17 IN VIOLATION OF INTERNATIONAL AGREE-
18 MENTS.—The Secretary shall prohibit the use
19 of steel, iron, and manufactured goods produced
20 in a foreign country in a project funded with
21 amounts made available to carry out this chap-
22 ter or any other law providing Federal public
23 transportation assistance, including any project
24 for which the Secretary has issued a waiver
25 under paragraph (2), if the Secretary, in con-

1 sultation with the United States Trade Rep-
2 resentative, determines that the foreign country
3 is in violation of the terms of an agreement
4 with the United States by discriminating
5 against steel, iron, or manufactured goods that
6 are produced in the United States and covered
7 by the agreement.

8 “(7) OPPORTUNITY TO CORRECT INADVERTENT
9 ERROR.—The Secretary may allow a manufacturer
10 or supplier of steel, iron, or manufactured goods to
11 correct after bid opening an incomplete Buy America
12 certificate or an incorrect certificate of noncompli-
13 ance (but not a failure to sign a certificate, a sub-
14 mission of both a certificate of compliance and a cer-
15 tificate of noncompliance, or a failure to submit any
16 certificate) under this subsection if such manufac-
17 turer or supplier attests under penalty of perjury
18 that such manufacturer or supplier submitted an in-
19 complete or incorrect certificate as a result of an in-
20 advertent or clerical error. The burden of estab-
21 lishing inadvertent or clerical error is on the manu-
22 facturer or supplier.”.

23 (b) REVIEW OF GENERAL PUBLIC INTEREST WAIV-
24 ERS.—Not later than 1 year after the date of enactment
25 of this Act, and at least every 5 years thereafter, the Sec-

1 retary of Transportation shall review the general public
 2 interest waivers described in subsection (b) of Appendix
 3 A of section 661.7 of title 49, Code of Federal Regula-
 4 tions, to determine whether continuing such waivers is in
 5 the public interest.

6 **SEC. 103. RAIL GRANT BUY AMERICA PROVISIONS.**

7 (a) IN GENERAL.—Section 24405(a) of title 49,
 8 United States Code, is amended to read as follows:

9 “(a) BUY AMERICA.—

10 “(1) DOMESTIC SOURCE REQUIREMENT FOR
 11 STEEL, IRON, AND MANUFACTURED GOODS.—

12 “(A) IN GENERAL.—Notwithstanding any
 13 other provision of law, funds made available to
 14 carry out this chapter, chapter 223, chapter
 15 261, or section 20154 or 24105 may not be ob-
 16 ligated for a project unless the steel, iron, and
 17 manufactured goods used for the project are
 18 produced in the United States.

19 “(B) SCOPE.—The requirements of this
 20 subsection apply to all contracts for a project
 21 carried out within the scope of the applicable
 22 finding, determination, or decision under the
 23 National Environmental Policy Act of 1969 (42
 24 U.S.C. 4321 et seq.), regardless of the funding
 25 source of such contracts, if at least one contract

1 for the project is funded with amounts made
2 available to carry out a provision specified in
3 subparagraph (A).

4 “(2) EXCEPTIONS.—

5 “(A) ISSUANCE OF WAIVERS.—The Sec-
6 retary of Transportation may waive the require-
7 ments of paragraph (1) only if the Secretary
8 finds that—

9 “(i) applying paragraph (1) would be
10 inconsistent with the public interest, as de-
11 termined in accordance with the regula-
12 tions required under subparagraph (B);

13 “(ii) the steel, iron, or manufactured
14 goods required for a project are not pro-
15 duced in the United States—

16 “(I) in sufficient and reasonably
17 available quantities; or

18 “(II) to a satisfactory quality; or

19 “(iii) the use of steel, iron, and manu-
20 factured goods produced in the United
21 States for a project will increase the total
22 cost of the project by more than 25 per-
23 cent.

24 “(B) REGULATIONS.—Not later than 1
25 year after the date of enactment of the Invest

1 in American Jobs Act of 2013, the Secretary
2 shall issue regulations establishing the criteria
3 that the Secretary shall use to determine
4 whether the application of paragraph (1) is in-
5 consistent with the public interest for purposes
6 of subparagraph (A)(i).

7 “(C) LABOR COSTS.—For purposes of this
8 paragraph, labor costs involved in final assem-
9 bly shall not be included in calculating the cost
10 of components.

11 “(D) REQUESTS FOR WAIVERS.—A recipi-
12 ent of assistance under this chapter, chapter
13 223, chapter 261, or section 20154 or 24105
14 seeking a waiver under subparagraph (A) shall
15 submit to the Secretary a request for the waiver
16 in such form and containing such information
17 as the Secretary may require.

18 “(3) WAIVER REQUIREMENTS.—

19 “(A) PUBLIC NOTIFICATION OF AND OP-
20 PORTUNITY FOR COMMENT ON REQUEST FOR A
21 WAIVER.—

22 “(i) IN GENERAL.—If the Secretary
23 receives a request for a waiver under para-
24 graph (2), the Secretary shall provide no-
25 tice of and an opportunity for public com-

1 ment on the request at least 30 days be-
2 fore making a finding based on the re-
3 quest.

4 “(ii) NOTICE REQUIREMENTS.—A no-
5 tice provided under clause (i) shall—

6 “(I) include the information
7 available to the Secretary concerning
8 the request, including whether the re-
9 quest is being made under paragraph
10 (2)(A)(i), (2)(A)(ii), or (2)(A)(iii);
11 and

12 “(II) be provided by electronic
13 means, including on the official public
14 Internet Web site of the Department
15 of Transportation.

16 “(B) DETAILED JUSTIFICATION IN FED-
17 ERAL REGISTER.—If the Secretary issues a
18 waiver under paragraph (2), the Secretary shall
19 publish in the Federal Register a detailed jus-
20 tification for the waiver that—

21 “(i) addresses the public comments
22 received under subparagraph (A)(i); and

23 “(ii) is published before the waiver
24 takes effect.

1 “(4) STATE REQUIREMENTS.—The Secretary
2 may not impose a limitation or condition on assist-
3 ance provided under this chapter, chapter 223, chap-
4 ter 261, or section 20154 or 24105 that restricts—

5 “(A) a State from imposing requirements
6 that are more stringent than those imposed
7 under this subsection with respect to limiting
8 the use of articles, materials, or supplies mined,
9 produced, or manufactured in foreign countries
10 for projects carried out with such assistance; or

11 “(B) any recipient of such assistance from
12 complying with such State requirements.

13 “(5) INTENTIONAL VIOLATIONS.—Pursuant to
14 procedures established under subpart 9.4 of chapter
15 1 of title 48, Code of Federal Regulations, a person
16 shall be ineligible to receive a contract or sub-
17 contract funded with amounts made available to
18 carry out this chapter, chapter 223, chapter 261, or
19 section 20154 or 24105 if the Secretary, the head
20 of any department, agency, or instrumentality of the
21 United States, or a court determines that such per-
22 son intentionally—

23 “(A) affixed a label bearing a ‘Made in
24 America’ inscription, or any inscription with the

1 same meaning, to any steel, iron, or manufac-
 2 tured goods that—

3 “(i) were used in a project to which
 4 this subsection applies; and

5 “(ii) were not produced in the United
 6 States; or

7 “(B) represented that any steel, iron, or
 8 manufactured goods were produced in the
 9 United States that—

10 “(i) were used in a project to which
 11 this subsection applies; and

12 “(ii) were not produced in the United
 13 States.

14 “(6) CONSISTENCY WITH INTERNATIONAL
 15 AGREEMENTS.—

16 “(A) IN GENERAL.—This subsection shall
 17 be applied in a manner that is consistent with
 18 United States obligations under international
 19 agreements.

20 “(B) TREATMENT OF FOREIGN COUNTRIES
 21 IN VIOLATION OF INTERNATIONAL AGREE-
 22 MENTS.—The Secretary shall prohibit the use
 23 of steel, iron, and manufactured goods produced
 24 in a foreign country in a project funded with
 25 amounts made available to carry out this chap-

1 ter, chapter 223, chapter 261, or section 20154
2 or 24105, including any project for which the
3 Secretary has issued a waiver under paragraph
4 (2), if the Secretary, in consultation with the
5 United States Trade Representative, determines
6 that the foreign country is in violation of the
7 terms of an agreement with the United States
8 by discriminating against steel, iron, or manu-
9 factured goods that are produced in the United
10 States and covered by the agreement.

11 “(7) OPPORTUNITY TO CORRECT INADVERTENT
12 ERROR.—The Secretary may allow a manufacturer
13 or supplier of steel, iron, or manufactured goods to
14 correct after bid opening an incomplete Buy America
15 certificate or an incorrect certificate of noncompli-
16 ance (but not a failure to sign a certificate, a sub-
17 mission of both a certificate of compliance and a cer-
18 tificate of noncompliance, or a failure to submit any
19 certificate) under this subsection if such manufac-
20 turer or supplier attests under penalty of perjury
21 that such manufacturer or supplier submitted an in-
22 complete or incorrect certificate as a result of an in-
23 advertent or clerical error. The burden of estab-
24 lishing inadvertent or clerical error is on the manu-
25 facturer or supplier.”.

1 (b) REVIEW OF NATIONWIDE WAIVERS.—Not later
 2 than 1 year after the date of enactment of this Act, and
 3 at least every 5 years thereafter, the Secretary of Trans-
 4 portation shall review each standing nationwide waiver
 5 issued under section 24405(a) of title 49, United States
 6 Code, to determine whether continuing such waiver is nec-
 7 essary.

8 **SEC. 104. RAIL LOAN AND LOAN GUARANTEE BUY AMERICA**
 9 **PROVISIONS.**

10 Section 502(h)(3) of the Railroad Revitalization and
 11 Regulatory Reform Act of 1976 (45 U.S.C. 822(h)(3)) is
 12 amended—

13 (1) by striking “and” at the end of subpara-
 14 graph (A);

15 (2) by striking the period at the end of sub-
 16 paragraph (B) and inserting “; and”; and

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

18 “(C) the requirements of section 24405(a)
 19 of title 49, United States Code.”.

20 **SEC. 105. AMTRAK BUY AMERICA PROVISIONS.**

21 (a) IN GENERAL.—Section 24305(f) of title 49,
 22 United States Code, is amended to read as follows:

23 “(f) BUY AMERICA.—

24 “(1) DOMESTIC SOURCE REQUIREMENT FOR
 25 STEEL, IRON, AND MANUFACTURED GOODS.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law, funds made available to
3 Amtrak under section 101(c) of the Passenger
4 Rail Investment and Improvement Act of 2008
5 (122 Stat. 4908) may not be used for a capital
6 project (as defined in subparagraphs (A) and
7 (B) of section 24401(2)) to bring the Northeast
8 Corridor to a state-of-good-repair or for any
9 other capital expense of Amtrak unless the
10 steel, iron, and manufactured goods used for
11 the project or other capital expense are pro-
12 duced in the United States.

13 “(B) SCOPE.—The requirements of this
14 subsection apply to all contracts for a project or
15 other capital expense carried out within the
16 scope of the applicable finding, determination,
17 or decision under the National Environmental
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.),
19 regardless of the funding source of such con-
20 tracts, if at least one contract with respect to
21 the project or other capital expense is funded
22 with amounts made available under section
23 101(c) of the Passenger Rail Investment and
24 Improvement Act of 2008 (122 Stat. 4908).

1 “(C) UNITED STATES DEFINED.—In this
2 subsection, the term ‘United States’ means the
3 States, territories, and possessions of the
4 United States and the District of Columbia.

5 “(2) EXCEPTIONS.—

6 “(A) ISSUANCE OF WAIVERS.—The Sec-
7 retary of Transportation may waive the require-
8 ments of paragraph (1) only if the Secretary
9 finds that—

10 “(i) applying paragraph (1) would be
11 inconsistent with the public interest, as de-
12 termined in accordance with the regula-
13 tions required under subparagraph (B);

14 “(ii) the steel, iron, or manufactured
15 goods required for a project or other cap-
16 ital expense are not produced in the
17 United States—

18 “(I) in sufficient and reasonably
19 available quantities; or

20 “(II) to a satisfactory quality; or

21 “(iii) the use of steel, iron, and manu-
22 factured goods produced in the United
23 States for a project or other capital ex-
24 pense will increase the total cost of the

1 project or expense by more than 25 per-
2 cent.

3 “(B) REGULATIONS.—Not later than 1
4 year after the date of enactment of the Invest
5 in American Jobs Act of 2013, the Secretary
6 shall issue regulations establishing the criteria
7 that the Secretary shall use to determine
8 whether the application of paragraph (1) is in-
9 consistent with the public interest for purposes
10 of subparagraph (A)(i).

11 “(C) LABOR COSTS.—For purposes of this
12 paragraph, labor costs involved in final assem-
13 bly shall not be included in calculating the cost
14 of components.

15 “(D) REQUESTS FOR WAIVERS.—If Am-
16 trak seeks a waiver under subparagraph (A),
17 Amtrak shall submit to the Secretary a request
18 for the waiver in such form and containing such
19 information as the Secretary may require.

20 “(3) WAIVER REQUIREMENTS.—

21 “(A) PUBLIC NOTIFICATION OF AND OP-
22 PORTUNITY FOR COMMENT ON REQUEST FOR A
23 WAIVER.—

24 “(i) IN GENERAL.—If the Secretary
25 receives a request for a waiver from Am-

1 trak under paragraph (2), the Secretary
2 shall provide notice of and an opportunity
3 for public comment on the request at least
4 30 days before making a finding based on
5 the request.

6 “(ii) NOTICE REQUIREMENTS.—A no-
7 tice provided under clause (i) shall—

8 “(I) include the information
9 available to the Secretary concerning
10 the request, including whether the re-
11 quest is being made under paragraph
12 (2)(A)(i), (2)(A)(ii), or (2)(A)(iii);
13 and

14 “(II) be provided by electronic
15 means, including on the official public
16 Internet Web site of the Department
17 of Transportation.

18 “(B) DETAILED JUSTIFICATION IN FED-
19 ERAL REGISTER.—If the Secretary issues a
20 waiver under paragraph (2), the Secretary shall
21 publish in the Federal Register a detailed jus-
22 tification for the waiver that—

23 “(i) addresses the public comments
24 received under subparagraph (A)(i); and

1 “(ii) is published before the waiver
2 takes effect.

3 “(4) STATE REQUIREMENTS.—The Secretary
4 may not impose a limitation or condition on assist-
5 ance provided with funds described in paragraph
6 (1)(A) that restricts—

7 “(A) a State from imposing requirements
8 that are more stringent than those imposed
9 under this subsection with respect to limiting
10 the use of articles, materials, or supplies mined,
11 produced, or manufactured in foreign countries
12 for capital projects or other capital expenses
13 carried out with such assistance; or

14 “(B) any recipient of such assistance from
15 complying with such State requirements.

16 “(5) INTENTIONAL VIOLATIONS.—Pursuant to
17 procedures established under subpart 9.4 of chapter
18 1 of title 48, Code of Federal Regulations, a person
19 shall be ineligible to receive a contract or sub-
20 contract funded with funds described in paragraph
21 (1)(A) if the Secretary, the head of any department,
22 agency, or instrumentality of the United States, or
23 a court determines that such person intentionally—

24 “(A) affixed a label bearing a ‘Made in
25 America’ inscription, or any inscription with the

1 same meaning, to any steel, iron, or manufac-
2 tured goods that—

3 “(i) were used in a capital project or
4 other capital expense to which this sub-
5 section applies; and

6 “(ii) were not produced in the United
7 States; or

8 “(B) represented that any steel, iron, or
9 manufactured goods were produced in the
10 United States that—

11 “(i) were used in a capital project or
12 other capital expense to which this sub-
13 section applies; and

14 “(ii) were not produced in the United
15 States.

16 “(6) CONSISTENCY WITH INTERNATIONAL
17 AGREEMENTS.—

18 “(A) IN GENERAL.—This subsection shall
19 be applied in a manner that is consistent with
20 United States obligations under international
21 agreements.

22 “(B) TREATMENT OF FOREIGN COUNTRIES
23 IN VIOLATION OF INTERNATIONAL AGREE-
24 MENTS.—The Secretary shall prohibit the use
25 of steel, iron, and manufactured goods produced

1 in a foreign country in a capital project or
2 other capital expense funded with funds de-
3 scribed in paragraph (1)(A), including any
4 project or capital expense for which the Sec-
5 retary has issued a waiver under paragraph (2),
6 if the Secretary, in consultation with the United
7 States Trade Representative, determines that
8 the foreign country is in violation of the terms
9 of an agreement with the United States by dis-
10 criminating against steel, iron, or manufactured
11 goods that are produced in the United States
12 and covered by the agreement.”.

13 (b) REVIEW OF NATIONWIDE WAIVERS.—Not later
14 than 1 year after the date of enactment of this Act, and
15 at least every 5 years thereafter, the Secretary of Trans-
16 portation shall review each standing nationwide waiver
17 issued under section 24305(f) of title 49, United States
18 Code, to determine whether continuing such waiver is nec-
19 essary.

20 **SEC. 106. AVIATION BUY AMERICA PROVISIONS.**

21 (a) BUY-AMERICAN PREFERENCES.—Chapter 501 of
22 title 49, United States Code, is amended by striking the
23 chapter heading and inserting “**BUY AMERICA**”.

1 (b) ENHANCEMENTS TO BUY AMERICA REQUIRE-
2 MENTS.—Section 50101 of such title is amended to read
3 as follows:

4 **“§ 50101. Buy America**

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

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of law, and except as provided in para-
9 graph (2), funds made available to carry out section
10 106(k), 44502(a)(2), or 44509, subchapter I of
11 chapter 471 (except section 47127), or chapter 481
12 (except sections 48102(e), 48106, 48107, and
13 48110) of this title may not be obligated for a
14 project unless the steel, iron, and manufactured
15 goods used for the project are produced in the
16 United States.

17 “(2) SPECIAL RULES FOR CERTAIN FACILITIES
18 AND EQUIPMENT.—With respect to a project for the
19 procurement of a facility or equipment, funds made
20 available to carry out the provisions specified in
21 paragraph (1) may not be obligated for the project
22 unless—

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

1 “(i) for fiscal year 2013 is more than
2 60 percent of the cost of all components of
3 the facility or equipment;

4 “(ii) for fiscal year 2014 is more than
5 70 percent of the cost of all components of
6 the facility or equipment;

7 “(iii) for fiscal year 2015 is more
8 than 80 percent of the cost of all compo-
9 nents of the facility or equipment;

10 “(iv) for fiscal year 2016 is more than
11 90 percent of the cost of all components of
12 the facility or equipment; and

13 “(v) for fiscal year 2017, and each fis-
14 cal year thereafter, is 100 percent of the
15 cost of all components of the facility or
16 equipment; and

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

19 “(3) SCOPE.—The requirements of this section
20 apply to all contracts for a project carried out within
21 the scope of the applicable finding, determination, or
22 decision under the National Environmental Policy
23 Act of 1969 (42 U.S.C. 4321 et seq.), regardless of
24 the funding source of such contracts, if at least one
25 contract for the project is funded with amounts

1 made available to carry out a provision specified in
2 paragraph (1).

3 “(b) EXCEPTIONS.—

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

7 “(A) applying subsection (a) would be in-
8 consistent with the public interest, as deter-
9 mined in accordance with the regulations re-
10 quired under paragraph (2);

11 “(B) the steel, iron, or manufactured
12 goods required for a project are not produced in
13 the United States—

14 “(i) in sufficient and reasonably avail-
15 able quantities; or

16 “(ii) to a satisfactory quality; or

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

21 “(2) REGULATIONS.—Not later than 1 year
22 after the date of enactment of the Invest in Amer-
23 ican Jobs Act of 2013, the Secretary shall issue reg-
24 ulations establishing the criteria that the Secretary
25 shall use to determine whether the application of

1 subsection (a) is inconsistent with the public interest
2 for purposes of paragraph (1)(A).

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

6 “(4) REQUESTS FOR WAIVERS.—An entity seek-
7 ing a waiver under paragraph (1) shall submit to the
8 Secretary a request for the waiver in such form and
9 containing such information as the Secretary may
10 require.

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

17 “(6) LIMITATION ON WAIVER AUTHORITY.—In
18 the procurement of a facility or equipment, if the
19 Secretary finds that a component of the facility or
20 equipment is not produced in the United States in
21 sufficient and reasonably available quantities or to a
22 satisfactory quality, the Secretary may issue a waiv-
23 er under paragraph (1) with respect to such compo-
24 nent.

25 “(c) WAIVER REQUIREMENTS.—

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

4 “(A) IN GENERAL.—If the Secretary re-
5 ceives a request for a waiver under subsection
6 (b), the Secretary shall provide notice of and an
7 opportunity for public comment on the request
8 at least 30 days before making a finding based
9 on the request.

10 “(B) NOTICE REQUIREMENTS.—A notice
11 provided under subparagraph (A) shall—

12 “(i) include the information available
13 to the Secretary concerning the request, in-
14 cluding whether the request is being made
15 under subsection (b)(1)(A), (b)(1)(B), or
16 (b)(1)(C); and

17 “(ii) be provided by electronic means,
18 including on the official public Internet
19 Web site of the Department of Transpor-
20 tation.

21 “(2) DETAILED JUSTIFICATION IN FEDERAL
22 REGISTER.—If the Secretary issues a waiver under
23 subsection (b), the Secretary shall publish in the
24 Federal Register a detailed justification for the
25 waiver that—

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

3 “(B) is published before the waiver takes
4 effect.

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

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

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

17 “(e) CONSISTENCY WITH INTERNATIONAL AGREE-
18 MENTS.—

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

22 “(2) TREATMENT OF FOREIGN COUNTRIES IN
23 VIOLATION OF INTERNATIONAL AGREEMENTS.—The
24 Secretary shall prohibit the use of steel, iron, and
25 manufactured goods produced in a foreign country

1 in a project funded with funds made available to
 2 carry out a provision specified in subsection (a)(1),
 3 including any project for which the Secretary has
 4 issued a waiver under subsection (b), if the Sec-
 5 retary, in consultation with the United States Trade
 6 Representative, determines that the foreign country
 7 is in violation of the terms of an agreement with the
 8 United States by discriminating against steel, iron,
 9 or manufactured goods that are produced in the
 10 United States and covered by the agreement.”.

11 (c) CLERICAL AMENDMENTS.—

12 (1) SUBTITLE ANALYSIS.—The analysis for
 13 subtitle VII of title 49, United States Code, is
 14 amended by striking the item relating to chapter
 15 501 and inserting the following:

“501. Buy America 50101”.

16 (2) CHAPTER ANALYSIS.—The analysis for
 17 chapter 501 of title 49, United States Code, is
 18 amended by striking the item relating to section
 19 50101 and inserting the following:

“50101. Buy America.”.

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

1 (e) REVIEW OF NATIONWIDE WAIVERS.—Not later
 2 than 1 year after the date of enactment of this Act, and
 3 at least every 5 years thereafter, the Secretary of Trans-
 4 portation shall review each standing nationwide waiver
 5 issued under section 50101 of title 49, United States
 6 Code, to determine whether continuing such waiver is nec-
 7 essary.

8 **SEC. 107. DEPARTMENT OF TRANSPORTATION BUY AMER-**
 9 **ICA ANNUAL REPORT.**

10 Section 308 of title 49, United States Code, is
 11 amended by adding at the end the following:

12 “(f) BUY AMERICA.—Not later than February 1 of
 13 each year beginning after the date of enactment of this
 14 subsection, the Secretary shall submit to Congress a re-
 15 port that—

16 “(1) specifies each project with respect to which
 17 the Secretary issued a waiver from a Buy America
 18 requirement during the preceding calendar year;

19 “(2) identifies the country of origin and product
 20 specifications for steel, iron, or manufactured goods
 21 acquired pursuant to each waiver from a Buy Amer-
 22 ica requirement issued by the Secretary during the
 23 preceding calendar year;

24 “(3) summarizes the monetary value of con-
 25 tracts awarded pursuant to each such waiver;

1 “(4) provides the justification for each such
2 waiver, including the specific law, treaty, or inter-
3 national agreement under which the waiver was
4 granted;

5 “(5) summarizes the funds expended on—

6 “(A) steel, iron, and manufactured goods
7 produced in the United States for projects with
8 respect to which a Buy America requirement,
9 under which the Secretary has waiver authority,
10 applied during the preceding calendar year; and

11 “(B) steel, iron, and manufactured goods
12 produced outside the United States for projects
13 with respect to which the Secretary issued a
14 waiver from a Buy America requirement during
15 the preceding calendar year; and

16 “(6) provides an employment impact analysis of
17 the cumulative effect of all waivers from a Buy
18 America requirement issued by the Secretary during
19 the preceding calendar year on manufacturing em-
20 ployment in the United States.”.

1 **TITLE II—OTHER**
2 **INFRASTRUCTURE INVESTMENT**

3 **SEC. 201. WASTEWATER TREATMENT BUY AMERICA PROVI-**
4 **SIONS.**

5 (a) IN GENERAL.—Title VI of the Federal Water
6 Pollution Control Act (33 U.S.C. 1381 et seq.) is amended
7 by adding at the end the following:

8 **“SEC. 608. BUY AMERICA.**

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

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of law, funds made available from a State
13 water pollution control revolving fund established
14 under this title may not be used, in whole or in part,
15 for a project for the construction of treatment works
16 unless the steel, iron, and manufactured goods used
17 for the project are produced in the United States.

18 “(2) SCOPE.—The requirements of this section
19 apply to all contracts for the construction of treat-
20 ment works carried out within the scope of the ap-
21 plicable finding, determination, or decision under
22 section 511(c)(1), regardless of the funding source
23 of such contracts, if at least one contract for the
24 construction is funded with amounts made available
25 to carry out this title.

1 “(b) EXCEPTIONS.—

2 “(1) ISSUANCE OF WAIVERS.—The Adminis-
3 trator may waive the requirements of subsection (a)
4 only if the Administrator finds that—

5 “(A) applying subsection (a) would be in-
6 consistent with the public interest, as deter-
7 mined in accordance with the regulations re-
8 quired under paragraph (2);

9 “(B) the steel, iron, or manufactured
10 goods required for a project are not produced in
11 the United States—

12 “(i) in sufficient and reasonably avail-
13 able quantities; or

14 “(ii) to a satisfactory quality; or

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

19 “(2) REGULATIONS.—Not later than 1 year
20 after the date of enactment of this section, the Ad-
21 ministrator shall issue regulations establishing the
22 criteria that the Administrator shall use to deter-
23 mine whether the application of subsection (a) is in-
24 consistent with the public interest for purposes of
25 paragraph (1)(A).

1 “(3) REQUESTS FOR WAIVERS.—A recipient of
2 assistance under this title seeking a waiver under
3 paragraph (1) shall submit to the Administrator a
4 request for the waiver in such form and containing
5 such information as the Administrator may require.

6 “(c) WAIVER REQUIREMENTS.—

7 “(1) PUBLIC NOTIFICATION OF AND OPPOR-
8 TUNITY FOR COMMENT ON REQUEST FOR A WAIV-
9 ER.—

10 “(A) IN GENERAL.—If the Administrator
11 receives a request for a waiver under subsection
12 (b), the Administrator shall provide notice of
13 and an opportunity for public comment on the
14 request at least 30 days before making a find-
15 ing based on the request.

16 “(B) NOTICE REQUIREMENTS.—A notice
17 provided under subparagraph (A) shall—

18 “(i) include the information available
19 to the Administrator concerning the re-
20 quest, including whether the request is
21 being made under subsection (b)(1)(A),
22 (b)(1)(B), or (b)(1)(C); and

23 “(ii) be provided by electronic means,
24 including on the official public Internet

1 Web site of the Environmental Protection
2 Agency.

3 “(2) DETAILED JUSTIFICATION IN FEDERAL
4 REGISTER.—If the Administrator issues a waiver
5 under subsection (b), the Administrator shall publish
6 in the Federal Register a detailed justification for
7 the waiver that—

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

10 “(B) is published before the waiver takes
11 effect.

12 “(3) ANNUAL REPORT.—Not later than Feb-
13 ruary 1 of each year beginning after the date of en-
14 actment of this section, the Administrator shall sub-
15 mit to the Committee on Transportation and Infra-
16 structure of the House of Representatives and the
17 Committee on Environment and Public Works of the
18 Senate a report that—

19 “(A) specifies each project with respect to
20 which the Administrator issued a waiver under
21 subsection (b) during the preceding calendar
22 year;

23 “(B) identifies the country of origin and
24 product specifications for steel, iron, or manu-
25 factured goods acquired pursuant to each waiv-

1 er under subsection (b) issued by the Adminis-
2 trator during the preceding calendar year;

3 “(C) summarizes the monetary value of
4 contracts awarded pursuant to each such waiv-
5 er;

6 “(D) provides the justification for each
7 such waiver, including the specific law, treaty,
8 or international agreement under which the
9 waiver was granted;

10 “(E) summarizes the funds expended on—

11 “(i) steel, iron, and manufactured
12 goods produced in the United States for
13 projects with respect to which the Buy
14 America requirement under this section
15 applied during the preceding calendar year;
16 and

17 “(ii) steel, iron, and manufactured
18 goods produced outside the United States
19 for projects with respect to which the Ad-
20 ministrator issued a waiver under sub-
21 section (b) during the preceding calendar
22 year; and

23 “(F) provides an employment impact anal-
24 ysis of the cumulative effect of all waivers
25 under subsection (b) issued by the Adminis-

1 trator during the preceding calendar year on
2 manufacturing employment in the United
3 States.

4 “(d) STATE REQUIREMENTS.—The Administrator
5 may not impose a limitation or condition on assistance
6 provided under this title that restricts—

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

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

15 “(e) INTENTIONAL VIOLATIONS.—Pursuant to proce-
16 dures established under subpart 9.4 of chapter 1 of title
17 48, Code of Federal Regulations, a person shall be ineli-
18 gible to receive a contract or subcontract funded with
19 amounts made available from a State water pollution con-
20 trol revolving fund established under this title if the Ad-
21 ministrator, the head of any department, agency, or in-
22 strumentality of the United States, or a court determines
23 that such person intentionally—

24 “(1) affixed a label bearing a ‘Made in Amer-
25 ica’ inscription, or any inscription with the same

1 meaning, to any steel, iron, or manufactured goods
2 that—

3 “(A) were used in a project to which this
4 section applies; and

5 “(B) were not produced in the United
6 States; or

7 “(2) represented that any steel, iron, or manu-
8 factured goods were produced in the United States
9 that—

10 “(A) were used in a project to which this
11 section applies; and

12 “(B) were not produced in the United
13 States.

14 “(f) CONSISTENCY WITH INTERNATIONAL AGREE-
15 MENTS.—

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

19 “(2) TREATMENT OF FOREIGN COUNTRIES IN
20 VIOLATION OF INTERNATIONAL AGREEMENTS.—The
21 Administrator shall prohibit the use of steel, iron,
22 and manufactured goods produced in a foreign coun-
23 try in a project funded with amounts made available
24 from a State water pollution control revolving fund
25 established under this title, including any project for

17 SEC. 202. ECONOMIC DEVELOPMENT BUY AMERICA PROVI-
18 SIONS.

22 **“SEC. 613. BUY AMERICA.**

•HR 949 IH

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, funds made available to carry out
3 section 201 or 209 may not be obligated for a
4 project unless the steel, iron, and manufactured
5 goods used for the project are produced in the
6 United States.

7 “(2) 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 section 201 or 209.

15 “(b) EXCEPTIONS.—

16 “(1) ISSUANCE OF WAIVERS.—The Secretary
17 may waive the requirements of subsection (a) only if
18 the Secretary finds that—

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

23 “(B) the steel, iron, or manufactured
24 goods required for a project are not produced in
25 the United States—

1 “(i) in sufficient and reasonably avail-
2 able quantities; or

3 “(ii) to a satisfactory quality; or

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

8 “(2) REGULATIONS.—Not later than 1 year
9 after the date of enactment of this section, the Sec-
10 retary shall issue regulations establishing the criteria
11 that the Secretary shall use to determine whether
12 the application of subsection (a) is inconsistent with
13 the public interest for purposes of paragraph (1)(A).

14 “(3) REQUESTS FOR WAIVERS.—A recipient of
15 assistance under section 201 or 209 seeking a waiv-
16 er under paragraph (1) shall submit to the Secretary
17 a request for the waiver in such form and containing
18 such information as the Secretary may require.

19 “(c) WAIVER REQUIREMENTS.—

20 “(1) PUBLIC NOTIFICATION OF AND OPPOR-
21 TUNITY FOR COMMENT ON REQUEST FOR A WAIV-
22 ER.—

23 “(A) IN GENERAL.—If the Secretary re-
24 ceives a request for a waiver under subsection
25 (b), the Secretary shall provide notice of and an

1 opportunity for public comment on the request
2 at least 30 days before making a finding based
3 on the request.

4 “(B) NOTICE REQUIREMENTS.—A notice
5 provided under subparagraph (A) shall—

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

11 “(ii) be provided by electronic means,
12 including on the official public Internet
13 Web site of the Department.

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

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

21 “(B) is published before the waiver takes
22 effect.

23 “(3) ANNUAL REPORT.—Not later than Feb-
24 ruary 1 of each year beginning after the date of en-
25 actment of this section, the Secretary shall submit to

1 the Committee on Transportation and Infrastructure
2 of the House of Representatives and the Committee
3 on Environment and Public Works of the Senate a
4 report that—

5 “(A) specifies each project with respect to
6 which the Secretary issued a waiver under sub-
7 section (b) during the preceding calendar year;

8 “(B) identifies the country of origin and
9 product specifications for steel, iron, or manu-
10 factured goods acquired pursuant to each waiv-
11 er under subsection (b) issued by the Secretary
12 during the preceding calendar year;

13 “(C) summarizes the monetary value of
14 contracts awarded pursuant to each such waiv-
15 er;

16 “(D) provides the justification for each
17 such waiver, including the specific law, treaty,
18 or international agreement under which the
19 waiver was granted;

20 “(E) summarizes the funds expended on—

21 “(i) steel, iron, and manufactured
22 goods produced in the United States for
23 projects with respect to which the Buy
24 America requirement under this section

1 applied during the preceding calendar year;
2 and

3 “(ii) steel, iron, and manufactured
4 goods produced outside the United States
5 for projects with respect to which the Sec-
6 retary issued a waiver under subsection (b)
7 during the preceding calendar year; and

8 “(F) provides an employment impact anal-
9 ysis of the cumulative effect of all waivers
10 under subsection (b) issued by the Secretary
11 during the preceding calendar year on manufac-
12 turing employment in the United States.

13 “(d) STATE REQUIREMENTS.—The Secretary may
14 not impose a limitation or condition on assistance provided
15 under section 201 or 209 that restricts—

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

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

24 “(e) INTENTIONAL VIOLATIONS.—Pursuant to proce-
25 dures established under subpart 9.4 of chapter 1 of title

1 48, Code of Federal Regulations, a person shall be ineli-
2 gible to receive a contract or subcontract funded with
3 amounts made available to carry out section 201 or 209
4 if the Secretary, the head of any department, agency, or
5 instrumentality of the United States, or a court deter-
6 mines that such person intentionally—

7 “(1) affixed a label bearing a ‘Made in Amer-
8 ica’ inscription, or any inscription with the same
9 meaning, to any steel, iron, or manufactured goods
10 that—

11 “(A) were used in a project to which this
12 section applies; and

13 “(B) were not produced in the United
14 States; or

15 “(2) represented that any steel, iron, or manu-
16 factured goods were produced in the United States
17 that—

18 “(A) were used in a project to which this
19 section applies; and

20 “(B) were not produced in the United
21 States.

22 “(f) CONSISTENCY WITH INTERNATIONAL AGREE-
23 MENTS.—

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

4 “(2) TREATMENT OF FOREIGN COUNTRIES IN
5 VIOLATION OF INTERNATIONAL AGREEMENTS.—The
6 Secretary shall prohibit the use of steel, iron, and
7 manufactured goods produced in a foreign country
8 in a project funded with amounts made available to
9 carry out section 201 or 209, including any project
10 for which the Secretary has issued a waiver under
11 subsection (b), if the Secretary, in consultation with
12 the United States Trade Representative, determines
13 that the foreign country is in violation of the terms
14 of an agreement with the United States by discrimi-
15 nating against steel, iron, or manufactured goods
16 that are produced in the United States and covered
17 by the agreement.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of the Public Works and Economic Devel-
20 opment Act of 1965 is amended by inserting after the item
21 relating to section 612 the following:

“613. Buy America.”.

22 (c) REVIEW OF NATIONWIDE WAIVERS.—Not later
23 than 1 year after the date of enactment of this Act, and
24 at least every 5 years thereafter, the Secretary of Com-
25 merce shall review each standing nationwide waiver issued

1 under section 613 of the Public Works and Economic De-
2 velopment Act of 1965 (as added by this section) to deter-
3 mine whether continuing such waiver is necessary.

4 **SEC. 203. FEMA MITIGATION GRANT BUY AMERICA PROVI-**
5 **SIONS.**

6 (a) IN GENERAL.—Title VII of the Robert T. Staf-
7 ford Disaster Relief and Emergency Assistance Act (42
8 U.S.C. 5201 et seq.) is amended by adding at the end
9 the following:

10 **“SEC. 707. BUY AMERICA.**

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

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of law, funds made available to carry out
15 section 203, 404, 406, 417, or 614 may not be obli-
16 gated for a project unless the steel, iron, and manu-
17 factured goods used for the project are produced in
18 the United States.

19 “(2) SCOPE.—The requirements of this section
20 apply to all contracts for a project carried out within
21 the scope of the applicable finding, determination, or
22 decision under the National Environmental Policy
23 Act of 1969 (42 U.S.C. 4321 et seq.) regardless of
24 the funding source of such contracts, if at least one
25 contract for the project is funded with amounts

1 made available to carry out a section specified in
2 paragraph (1).

3 “(b) EXCEPTIONS.—

4 “(1) ISSUANCE OF WAIVERS.—The President
5 may waive the requirements of subsection (a) only if
6 the President finds that—

7 “(A) applying subsection (a) would be in-
8 consistent with the public interest, as deter-
9 mined in accordance with the regulations re-
10 quired under paragraph (2);

11 “(B) the steel, iron, or manufactured
12 goods required for a project are not produced in
13 the United States—

14 “(i) in sufficient and reasonably avail-
15 able quantities; or

16 “(ii) to a satisfactory quality; or

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

21 “(2) REGULATIONS.—Not later than 1 year
22 after the date of enactment of this section, the
23 President shall issue regulations establishing the cri-
24 teria that the President shall use to determine
25 whether the application of subsection (a) is incon-

1 sistent with the public interest for purposes of para-
 2 graph (1)(A).

3 “(3) REQUESTS FOR WAIVERS.—A recipient of
 4 assistance under a section specified in subsection
 5 (a)(1) seeking a waiver under paragraph (1) shall
 6 submit to the President a request for the waiver in
 7 such form and containing such information as the
 8 President may require.

9 “(c) WAIVER REQUIREMENTS.—

10 “(1) PUBLIC NOTIFICATION OF AND OPPOR-
 11 TUNITY FOR COMMENT ON REQUEST FOR A WAIV-
 12 ER.—

13 “(A) IN GENERAL.—If the President re-
 14 ceives a request for a waiver under subsection
 15 (b), the President shall provide notice of and an
 16 opportunity for public comment on the request
 17 at least 30 days before making a finding based
 18 on the request.

19 “(B) NOTICE REQUIREMENTS.—A notice
 20 provided under subparagraph (A) shall—

21 “(i) include the information available
 22 to the President concerning the request,
 23 including whether the request is being
 24 made under subsection (b)(1)(A),
 25 (b)(1)(B), or (b)(1)(C); and

1 “(ii) be provided by electronic means,
2 including on the official public Internet
3 Web site of the President.

4 “(2) DETAILED JUSTIFICATION IN FEDERAL
5 REGISTER.—If the President issues a waiver under
6 subsection (b), the President shall publish in the
7 Federal Register a detailed justification for the
8 waiver that—

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

11 “(B) is published before the waiver takes
12 effect.

13 “(3) ANNUAL REPORT.—Not later than Feb-
14 ruary 1 of each year beginning after the date of en-
15 actment of this section, the President, acting
16 through the Administrator of the Federal Emer-
17 gency Management Agency, shall submit to the
18 Committee on Transportation and Infrastructure of
19 the House of Representatives and the Committee on
20 Homeland Security and Governmental Affairs of the
21 Senate a report that—

22 “(A) specifies each project with respect to
23 which the President issued a waiver under sub-
24 section (b) during the preceding calendar year;

1 “(B) identifies the country of origin and
2 product specifications for steel, iron, or manu-
3 factured goods acquired pursuant to each waiv-
4 er under subsection (b) issued by the President
5 during the preceding calendar year;

6 “(C) summarizes the monetary value of
7 contracts awarded pursuant to each such waiv-
8 er;

9 “(D) provides the justification for each
10 such waiver, including the specific law, treaty,
11 or international agreement under which the
12 waiver was granted;

13 “(E) summarizes the funds expended on—

14 “(i) steel, iron, and manufactured
15 goods produced in the United States for
16 projects with respect to which the Buy
17 America requirement under this section
18 applied during the preceding calendar year;
19 and

20 “(ii) steel, iron, and manufactured
21 goods produced outside the United States
22 for projects with respect to which the
23 President issued a waiver under subsection
24 (b) during the preceding calendar year;
25 and

1 “(F) provides an employment impact anal-
2 ysis of the cumulative effect of all waivers
3 under subsection (b) issued by the President
4 during the preceding calendar year on manufac-
5 turing employment in the United States.

6 “(d) STATE REQUIREMENTS.—The President may
7 not impose a limitation or condition on assistance provided
8 under a section specified in subsection (a)(1) that re-
9 stricts—

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

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

18 “(e) INTENTIONAL VIOLATIONS.—Pursuant to proce-
19 dures established under subpart 9.4 of chapter 1 of title
20 48, Code of Federal Regulations, a person shall be ineli-
21 gible to receive a contract or subcontract funded with
22 amounts made available to carry out a section specified
23 in subsection (a)(1) if the President, the head of any de-
24 partment, agency, or instrumentality of the United States,
25 or a court determines that such person intentionally—

1 “(1) affixed a label bearing a ‘Made in Amer-
2 ica’ inscription, or any inscription with the same
3 meaning, to any steel, iron, or manufactured goods
4 that—

5 “(A) were used in a project to which this
6 section applies; and

7 “(B) were not produced in the United
8 States; or

9 “(2) represented that any steel, iron, or manu-
10 factured goods were produced in the United States
11 that—

12 “(A) were used in a project to which this
13 section applies; and

14 “(B) were not produced in the United
15 States.

16 “(f) CONSISTENCY WITH INTERNATIONAL AGREE-
17 MENTS.—

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

21 “(2) TREATMENT OF FOREIGN COUNTRIES IN
22 VIOLATION OF INTERNATIONAL AGREEMENTS.—The
23 President shall prohibit the use of steel, iron, and
24 manufactured goods produced in a foreign country
25 in a project funded with amounts made available to

1 carry out a section specified in subsection (a)(1), in-
2 cluding any project for which the President has
3 issued a waiver under subsection (b), if the Presi-
4 dent, in consultation with the United States Trade
5 Representative, determines that the foreign country
6 is in violation of the terms of an agreement with the
7 United States by discriminating against steel, iron,
8 or manufactured goods that are produced in the
9 United States and covered by the agreement.

10 “(g) EMERGENCY WAIVER.—Notwithstanding any
11 other provision of this section, the President may waive
12 the applicability of this section, in whole or in part, in
13 an emergency.”.

14 (b) REVIEW OF NATIONWIDE WAIVERS.—Not later
15 than 1 year after the date of enactment of this Act, and
16 at least every 5 years thereafter, the President shall review
17 each standing nationwide waiver issued under section 707
18 of the Robert T. Stafford Disaster Relief and Emergency
19 Assistance Act (as added by this section) to determine
20 whether continuing such waiver is necessary.

21 (c) REPEAL OF BUY AMERICA REQUIREMENTS.—
22 Section 306 of the Disaster Mitigation Act of 2000 (42
23 U.S.C. 5206) is repealed.

1 **SEC. 204. BRIDGES OVER NAVIGABLE WATERS BUY AMER-**
2 **ICA PROVISIONS.**

3 (a) IN GENERAL.—The Act of June 21, 1940 (33
4 U.S.C. 511 et seq.; popularly known as the Truman-
5 Hobbs Act) is amended by adding at the end the following:

6 “BUY AMERICA

7 “SEC. 14. (a) DOMESTIC SOURCE REQUIREMENT
8 FOR STEEL, IRON, AND MANUFACTURED GOODS.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law, funds made available to carry out
11 this Act may not be used, in whole or in part, for
12 a project for the alteration of a bridge unless the
13 steel, iron, and manufactured goods used for the
14 project are produced in the United States.

15 “(2) SCOPE.—The requirements of this section
16 apply to all contracts for a project carried out within
17 the scope of the applicable finding, determination, or
18 decision under the National Environmental Policy
19 Act of 1969 (42 U.S.C. 4321 et seq.), regardless of
20 the funding source of such contracts, if at least one
21 contract for the project is funded with amounts
22 made available to carry out this Act.

23 “(b) EXCEPTIONS.—

24 “(1) ISSUANCE OF WAIVERS.—The Secretary
25 may waive the requirements of subsection (a) only if
26 the Secretary finds that—

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

5 “(B) the steel, iron, or manufactured
6 goods required for a project are not produced in
7 the United States—

8 “(i) in sufficient and reasonably avail-
9 able quantities; or

10 “(ii) to a satisfactory quality; or

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

15 “(2) REGULATIONS.—Not later than 1 year
16 after the date of enactment of this section, the Sec-
17 retary shall issue regulations establishing the criteria
18 that the Secretary shall use to determine whether
19 the application of subsection (a) is inconsistent with
20 the public interest for purposes of paragraph (1)(A).

21 “(3) REQUESTS FOR WAIVERS.—A recipient of
22 assistance under this Act seeking a waiver under
23 paragraph (1) shall submit to the Secretary a re-
24 quest for the waiver in such form and containing
25 such information as the Secretary may require.

1 “(c) WAIVER REQUIREMENTS.—

2 “(1) PUBLIC NOTIFICATION OF AND OPPOR-
3 TUNITY FOR COMMENT ON REQUEST FOR A WAIV-
4 ER.—

5 “(A) IN GENERAL.—If the Secretary re-
6 ceives a request for a waiver under subsection
7 (b), the Secretary shall provide notice of and an
8 opportunity for public comment on the request
9 at least 30 days before making a finding based
10 on the request.

11 “(B) NOTICE REQUIREMENTS.—A notice
12 provided under subparagraph (A) shall—

13 “(i) include the information available
14 to the Secretary concerning the request, in-
15 cluding whether the request is being made
16 under subsection (b)(1)(A), (b)(1)(B), or
17 (b)(1)(C); and

18 “(ii) be provided by electronic means,
19 including on the official public Internet
20 Web site of the department in which the
21 Coast Guard is operating.

22 “(2) DETAILED JUSTIFICATION IN FEDERAL
23 REGISTER.—If the Secretary issues a waiver under
24 subsection (b), the Secretary shall publish in the

1 Federal Register a detailed justification for the
2 waiver that—

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

5 “(B) is published before the waiver takes
6 effect.

7 “(3) ANNUAL REPORT.—Not later than Feb-
8 ruary 1 of each year beginning after the date of en-
9 actment of this section, the Secretary shall submit to
10 the Committee on Transportation and Infrastructure
11 of the House of Representatives and the Committee
12 on Commerce, Science, and Transportation of the
13 Senate a report that—

14 “(A) specifies each project with respect to
15 which the Secretary issued a waiver under sub-
16 section (b) during the preceding calendar year;

17 “(B) identifies the country of origin and
18 product specifications for steel, iron, or manu-
19 factured goods acquired pursuant to each waiv-
20 er under subsection (b) issued by the Secretary
21 during the preceding calendar year;

22 “(C) summarizes the monetary value of
23 contracts awarded pursuant to each such waiv-
24 er;

1 “(D) provides the justification for each
2 such waiver, including the specific law, treaty,
3 or international agreement under which the
4 waiver was granted;

5 “(E) summarizes the funds expended on—

6 “(i) steel, iron, and manufactured
7 goods produced in the United States for
8 projects with respect to which the Buy
9 America requirement under this section
10 applied during the preceding calendar year;
11 and

12 “(ii) steel, iron, and manufactured
13 goods produced outside the United States
14 for projects with respect to which the Sec-
15 retary issued a waiver under subsection (b)
16 during the preceding calendar year; and

17 “(F) provides an employment impact anal-
18 ysis of the cumulative effect of all waivers
19 under subsection (b) issued by the Secretary
20 during the preceding calendar year on manufac-
21 turing employment in the United States.

22 “(d) STATE REQUIREMENTS.—The Secretary may
23 not impose a limitation or condition on assistance provided
24 under this Act 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) INTENTIONAL VIOLATIONS.—Pursuant to proce-
10 dures established under subpart 9.4 of chapter 1 of title
11 48, Code of Federal Regulations, a person shall be ineli-
12 gible to receive a contract or subcontract funded with
13 amounts made available under this Act if the Secretary,
14 the head of any department, agency, or instrumentality
15 of the United States, or a court determines that such per-
16 son intentionally—

17 “(1) affixed a label bearing a ‘Made in Amer-
18 ica’ inscription, or any inscription with the same
19 meaning, to any steel, iron, or manufactured goods
20 that—

21 “(A) were used in a project to which this
22 section applies; and

23 “(B) were not produced in the United
24 States; or

1 “(2) represented that any steel, iron, or manu-
2 factured goods were produced in the United States
3 that—

4 “(A) were used in a project to which this
5 section applies; and

6 “(B) were not produced in the United
7 States.

8 “(f) CONSISTENCY WITH INTERNATIONAL AGREE-
9 MENTS.—

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

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

1 produced in the United States and covered by the
2 agreement.

3 “(g) EMERGENCY WAIVER.—Notwithstanding any
4 other provision of this section, the Secretary may waive
5 the applicability of this section, in whole or in part, in
6 an emergency.”.

7 (b) 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 of the de-
10 partment in which the Coast Guard is operating shall re-
11 view each standing nationwide waiver issued under section
12 14 of the Act of June 21, 1940 (as added by this section)
13 to determine whether continuing such waiver is necessary.

14 **SEC. 205. REGISTRY ENDORSEMENT REQUIREMENT IN THE**
15 **EXCLUSIVE ECONOMIC ZONE.**

16 (a) REGISTRY ENDORSEMENT REQUIRED.—

17 (1) IN GENERAL.—Section 12111 of title 46,
18 United States Code, is amended by adding at the
19 end the following:

20 “(e) RESOURCE ACTIVITIES IN THE EEZ.—Except
21 for activities requiring an endorsement under section
22 12112 or 12113, only a vessel for which a certificate of
23 documentation with a registry endorsement is issued and
24 that is owned by a citizen of the United States (as deter-
25 mined under section 50501(d)) may engage in support of

1 exploration, development, or production of resources in,
 2 on, above, or below the exclusive economic zone or any
 3 other activity in the exclusive economic zone to the extent
 4 that the regulation of such activity is not prohibited under
 5 customary international law.”.

6 (2) APPLICATION.—The amendment made by
 7 paragraph (1) applies only with respect to explo-
 8 ration, development, production, and support activi-
 9 ties that commence on or after July 1, 2013.

10 (b) LEGAL AUTHORITY.—Section 2301 of title 46,
 11 United States Code, is amended—

12 (1) by striking “chapter” and inserting “title”;
 13 and

14 (2) by inserting after “1988” the following: “,
 15 and the exclusive economic zone to the extent that
 16 the regulation of such operation is not prohibited
 17 under customary international law”.

18 (c) TRAINING FOR COAST GUARD PERSONNEL.—Not
 19 later than 180 days after the date of enactment of this
 20 Act, the Secretary of the department in which the Coast
 21 Guard is operating shall establish a program to provide
 22 Coast Guard personnel with the training necessary for the
 23 implementation of the amendments made by this section.

○