

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2737

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

Mr. BROWN (for himself, Mr. MERKLEY, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Invest in American Jobs Act of 2014”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 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. Drinking water 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.

1           **TITLE I—DEPARTMENT OF**  
 2                           **TRANSPORTATION**

3 **SEC. 101. FEDERAL-AID HIGHWAY BUY AMERICA PROVI-**  
 4                           **SIONS.**

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

7 **“§ 313. Buy America**

8           “(a) DEFINITION OF PRODUCED IN THE UNITED  
 9 STATES.—In this section, the term ‘produced in the  
 10 United States’ means, with respect to iron and steel, an  
 11 end product for which all manufacturing processes oc-  
 12 curred in the United States, other than a metallurgical  
 13 process relating to the refinement of steel.

14           “(b) DOMESTIC SOURCE REQUIREMENT FOR STEEL,  
 15 IRON, AND MANUFACTURED GOODS.—

16           “(1) IN GENERAL.—Notwithstanding any other  
 17 provision of law, amounts made available to carry

1 out this title may not be obligated for a project un-  
2 less the steel, iron, and manufactured goods used for  
3 the project are produced in the United States.

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

12 “(c) EXCEPTIONS.—

13 “(1) ISSUANCE OF WAIVERS.—The Secretary  
14 may waive subsection (b) only if the Secretary finds  
15 that—

16 “(A) applying subsection (b) would be in-  
17 consistent with the public interest, as deter-  
18 mined in accordance with the regulations issued  
19 in accordance with paragraph (2);

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

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

25 “(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 2014, the Secretary shall issue reg-  
8           ulations establishing the criteria that the Secretary  
9           shall use to determine whether the application of  
10          subsection (b) 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          “(d) 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 (c), 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 subparagraph (A), (B), or (C) of  
13 subsection (c)(1); and

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

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

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

24                   “(B) is published before the waiver takes  
25 effect.

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

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

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

12       “(f) INTENTIONAL VIOLATIONS.—Pursuant to proce-  
13 dures established under subpart 9.4 of chapter 1 of title  
14 48, Code of Federal Regulations (or successor regula-  
15 tions), a person shall be ineligible to receive a contract  
16 or subcontract funded with amounts made available to  
17 carry out this title if the Secretary, the head of any de-  
18 partment, agency, or instrumentality of the United States,  
19 or a court determines that such person intentionally—

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

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

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

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

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

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

10          “(g) CONSISTENCY WITH INTERNATIONAL AGREE-  
11          MENTS.—

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

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

1 against steel, iron, or manufactured goods that are  
2 produced in the United States and covered by the  
3 agreement.”.

4 (b) REVIEW OF NATIONWIDE WAIVERS.—

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

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

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

23 (4) DETAILED JUSTIFICATION IN FEDERAL  
24 REGISTER.—If the Secretary finds it is necessary to  
25 continue a standing nationwide waiver after a review

1 under paragraph (1), the Secretary shall publish in  
2 the Federal Register a detailed justification for such  
3 waiver that addresses the public comments received  
4 under paragraph (2).

5 (c) REPEALS.—

6 (1) WAIVER NOTIFICATION AND ANNUAL RE-  
7 PORTS.—Section 117 of the SAFETEA-LU Tech-  
8 nical Corrections Act of 2008 (23 U.S.C. 313 note;  
9 Public Law 110–244) is repealed.

10 (2) NOTICE AND PUBLIC COMMENTS.—Section  
11 123 of title I of division A of the Consolidated Ap-  
12 propriations Act, 2010 (23 U.S.C. 313 note; Public  
13 Law 111–117) is repealed.

14 **SEC. 102. PUBLIC TRANSPORTATION BUY AMERICA PROVI-**  
15 **SIONS.**

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

18 “(j) BUY AMERICA.—

19 “(1) DEFINITION OF PRODUCED IN THE  
20 UNITED STATES.—In this subsection, the term ‘pro-  
21 duced in the United States’ means, with respect to  
22 iron and steel, an end product for which all manu-  
23 facturing processes occurred in the United States,  
24 other than a metallurgical process relating to the re-  
25 finement of steel.

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

3           “(A) IN GENERAL.—Notwithstanding any  
4 other provision of law, and except as provided  
5 in subparagraph (B), amounts made available  
6 to carry out this chapter may not be obligated  
7 for a project unless the steel, iron, and manu-  
8 factured goods used for the project are pro-  
9 duced in the United States.

10           “(B) SPECIAL RULES FOR ROLLING  
11 STOCK.—

12           “(i) IN GENERAL.—Amounts made  
13 available to carry out this chapter may not  
14 be obligated for the procurement of rolling  
15 stock (including train control, communica-  
16 tion, and traction power equipment, and  
17 rolling stock prototypes) unless, when pro-  
18 curing such rolling stock under this chap-  
19 ter—

20           “(I) the cost of components and  
21 subcomponents produced in the  
22 United States is more than the appli-  
23 cable percentage under clause (ii) of  
24 the cost of all components of the roll-  
25 ing stock; and

1                   “(II) final assembly of the rolling  
2                   stock, including rolling stock proto-  
3                   types, occurs in the United States.

4                   “(ii) APPLICABLE PERCENTAGE.—The  
5                   applicable percentage under this clause—

6                   “(I) for fiscal year 2013 is 60  
7                   percent;

8                   “(II) for fiscal year 2014 is 70  
9                   percent;

10                  “(III) for fiscal year 2015 is 80  
11                  percent;

12                  “(IV) for fiscal year 2016 is 90  
13                  percent; and

14                  “(V) for fiscal year 2017 and  
15                  each fiscal year thereafter is 100 per-  
16                  cent.

17                  “(C) SCOPE.—This subsection applies to  
18                  all contracts for a public transportation project  
19                  carried out within the scope of the applicable  
20                  finding, determination, or decision under the  
21                  National Environmental Policy Act of 1969 (42  
22                  U.S.C. 4321 et seq.), regardless of the funding  
23                  source of those contracts, if at least one con-  
24                  tract for the public transportation project is

1 funded with amounts made available to carry  
2 out this chapter.

3 “(3) EXCEPTIONS.—

4 “(A) ISSUANCE OF WAIVERS.—The Sec-  
5 retary may waive paragraph (2) only if the Sec-  
6 retary finds that—

7 “(i) applying paragraph (2) would be  
8 inconsistent with the public interest, as de-  
9 termined in accordance with the regula-  
10 tions issued in accordance with subpara-  
11 graph (B);

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

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

17 “(II) to a satisfactory quality; or

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

23 “(B) REGULATIONS.—Not later than 1  
24 year after the date of enactment of the Invest  
25 in American Jobs Act of 2014, the Secretary

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

6 “(C) COMPONENTS OF ROLLING STOCK.—  
7 If the Secretary finds that a component of roll-  
8 ing stock is not produced in the United States  
9 in sufficient and reasonably available quantities  
10 or to a satisfactory quality, the Secretary may  
11 issue a waiver under subparagraph (A) with re-  
12 spect to such component.

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

17 “(E) REQUESTS FOR WAIVERS.—A recipi-  
18 ent of assistance under this chapter seeking a  
19 waiver under subparagraph (A) shall submit to  
20 the Secretary a request for the waiver in such  
21 form and containing such information as the  
22 Secretary may require.

23 “(4) WAIVER REQUIREMENTS.—

1           “(A) PUBLIC NOTIFICATION OF AND OP-  
2           PORTUNITY FOR COMMENT ON REQUEST FOR A  
3           WAIVER.—

4                   “(i) IN GENERAL.—If the Secretary  
5           receives a request for a waiver under para-  
6           graph (3), the Secretary shall provide no-  
7           tice of and an opportunity for public com-  
8           ment on the request at least 30 days be-  
9           fore making a finding based on the re-  
10          quest.

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

13                           “(I) include the information  
14                           available to the Secretary concerning  
15                           the request, including whether the re-  
16                           quest is being made under clause (i),  
17                           (ii), or (iii) of paragraph (3)(A); and

18                                   “(II) be provided by electronic  
19                           means, including on the official public  
20                           Internet site of the Department of  
21                           Transportation.

22           “(B) DETAILED JUSTIFICATION IN FED-  
23           ERAL REGISTER.—If the Secretary issues a  
24           waiver under paragraph (3), the Secretary shall

1 publish in the Federal Register a detailed jus-  
2 tification for the waiver that—

3 “(i) addresses the public comments  
4 received under subparagraph (A)(i); and

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

7 “(5) STATE REQUIREMENTS.—The Secretary  
8 may not impose a limitation or condition on assist-  
9 ance provided under this chapter that restricts—

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

16 “(B) any recipient of such assistance from  
17 complying with such State requirements.

18 “(6) INTENTIONAL VIOLATIONS.—Pursuant to  
19 procedures established under subpart 9.4 of chapter  
20 1 of title 48, Code of Federal Regulations (or suc-  
21 cessor regulations), a person shall be ineligible to re-  
22 ceive a contract or subcontract funded with amounts  
23 made available to carry out this chapter or any other  
24 law providing Federal public transportation assist-  
25 ance if the Secretary, the head of any department,

1 agency, or instrumentality of the United States, or  
 2 a court determines that such person intentionally—

3 “(A) affixed a label bearing a ‘Made in  
 4 America’ inscription, or any inscription with the  
 5 same meaning, to any steel, iron, or manufac-  
 6 tured goods that—

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

9 “(ii) were not produced in the United  
 10 States; or

11 “(B) represented that any steel, iron, or  
 12 manufactured goods were produced in the  
 13 United States that—

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

16 “(ii) were not produced in the United  
 17 States.

18 “(7) CONSISTENCY WITH INTERNATIONAL  
 19 AGREEMENTS.—

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

24 “(B) TREATMENT OF FOREIGN COUNTRIES  
 25 IN VIOLATION OF INTERNATIONAL AGREE-

1           MENTS.—The Secretary shall prohibit the use  
2           of steel, iron, and manufactured goods produced  
3           in a foreign country in a project funded with  
4           amounts made available to carry out this chap-  
5           ter or any other law providing Federal public  
6           transportation assistance, including any project  
7           for which the Secretary has issued a waiver  
8           under paragraph (3), if the Secretary, in con-  
9           sultation with the United States Trade Rep-  
10          resentative, determines that the foreign country  
11          is in violation of the terms of an agreement  
12          with the United States by discriminating  
13          against steel, iron, or manufactured goods that  
14          are produced in the United States and covered  
15          by the agreement.

16           “(8) OPPORTUNITY TO CORRECT INADVERTENT  
17          ERROR.—The Secretary may allow a manufacturer  
18          or supplier of steel, iron, or manufactured goods to  
19          correct after bid opening an incomplete Buy America  
20          certificate or an incorrect certificate of noncompli-  
21          ance (but not a failure to sign a certificate, a sub-  
22          mission of both a certificate of compliance and a cer-  
23          tificate of noncompliance, or a failure to submit any  
24          certificate) under this subsection if such manufac-  
25          turer or supplier attests under penalty of perjury

1 that such manufacturer or supplier submitted an in-  
2 complete or incorrect certificate as a result of an in-  
3 advertent or clerical error. The burden of estab-  
4 lishing inadvertent or clerical error is on the manu-  
5 facturer or supplier.”.

6 (b) REVIEW OF GENERAL PUBLIC INTEREST WAIV-  
7 ERS.—

8 (1) IN GENERAL.—Not later than 1 year after  
9 the date of enactment of this Act, and at least every  
10 5 years thereafter, the Secretary of Transportation  
11 shall review the general public interest waivers de-  
12 scribed in subsection (b) of Appendix A to section  
13 661.7 of title 49, Code of Federal Regulations, to  
14 determine whether continuing such waivers is in the  
15 public interest.

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

23 (3) NOTICE REQUIREMENT.—A notice provided  
24 under paragraph (2) shall be provided by electronic

1 means, including on the official public Internet site  
2 of the Department of Transportation.

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

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

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

13 “(a) BUY AMERICA.—

14 “(1) DEFINITION OF PRODUCED IN THE  
15 UNITED STATES.—In this subsection, the term ‘pro-  
16 duced in the United States’ means, with respect to  
17 iron and steel, an end product for which all manu-  
18 facturing processes occurred in the United States,  
19 other than a metallurgical process relating to the re-  
20 finement of steel.

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

23 “(A) IN GENERAL.—Notwithstanding any  
24 other provision of law, amounts made available  
25 to carry out this chapter, chapter 223, chapter

1           261, or section 20154 or 24105 may not be ob-  
2           ligated for a project unless the steel, iron, and  
3           manufactured goods used for the project are  
4           produced in the United States.

5           “(B) SCOPE.—This subsection applies to  
6           all contracts for a project carried out within the  
7           scope of the applicable finding, determination,  
8           or decision under the National Environmental  
9           Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
10          regardless of the funding source of those con-  
11          tracts, if at least 1 contract for the project is  
12          funded with amounts made available to carry  
13          out a provision described in subparagraph (A).

14          “(3) EXCEPTIONS.—

15                 “(A) ISSUANCE OF WAIVERS.—The Sec-  
16                 retary of Transportation may waive paragraph  
17                 (2) if the Secretary determines that—

18                         “(i) applying paragraph (2) would be  
19                         inconsistent with the public interest, as de-  
20                         termined in accordance with the regula-  
21                         tions issued in accordance with subpara-  
22                         graph (B);

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

1                   “(I) in sufficient and reasonably  
2                   available quantities; or

3                   “(II) to a satisfactory quality; or

4                   “(iii) the use of steel, iron, and manu-  
5                   factured goods produced in the United  
6                   States for a project will increase the total  
7                   cost of the project by more than 25 per-  
8                   cent.

9                   “(B) RULEMAKING.—Not later than 1  
10                  year after the date of the enactment of the In-  
11                  vest in American Jobs Act of 2014, the Sec-  
12                  retary shall issue regulations establishing the  
13                  criteria that the Secretary shall use to deter-  
14                  mine whether the application of paragraph (2)  
15                  is inconsistent with the public interest for pur-  
16                  poses of subparagraph (A)(i).

17                  “(C) LABOR COSTS.—For purposes of this  
18                  paragraph, labor costs involved in final assem-  
19                  bly shall not be included in calculating the cost  
20                  of components.

21                  “(D) REQUESTS FOR WAIVERS.—A recipi-  
22                  ent of assistance under this chapter, chapter  
23                  223, chapter 261, or section 20154 or 24105  
24                  seeking a waiver under subparagraph (A) shall  
25                  submit to the Secretary a request for the waiver

1 in such form and containing such information  
2 as the Secretary may require.

3 “(4) WAIVER REQUIREMENTS.—

4 “(A) PUBLIC NOTIFICATION OF AND OP-  
5 PORTUNITY FOR COMMENT ON REQUEST FOR A  
6 WAIVER.—

7 “(i) IN GENERAL.—If the Secretary  
8 receives a request for a waiver under para-  
9 graph (3), the Secretary shall provide no-  
10 tice of, and an opportunity for, public com-  
11 ment on the request at least 30 days be-  
12 fore making a determination based on the  
13 request.

14 “(ii) NOTICE REQUIREMENTS.—A no-  
15 tice under clause (i) shall—

16 “(I) include the information  
17 available to the Secretary concerning  
18 the request, including whether the re-  
19 quest is being made under clause (i),  
20 (ii), or (iii) of paragraph (3)(A); and

21 “(II) be provided by electronic  
22 means, including on the official public  
23 Internet site of the Department of  
24 Transportation.

1           “(B) DETAILED JUSTIFICATION IN FED-  
2           ERAL REGISTER.—If the Secretary issues a  
3           waiver under paragraph (3), the Secretary shall  
4           publish, in the Federal Register, a detailed jus-  
5           tification for the waiver that—

6                   “(i) addresses the public comments  
7                   received under subparagraph (A)(i); and

8                   “(ii) is published before the waiver  
9                   takes effect.

10           “(5) STATE REQUIREMENTS.—The Secretary  
11           may not impose a limitation or condition on assist-  
12           ance provided under this chapter, chapter 223, chap-  
13           ter 261, or section 20154 or 24105 that restricts—

14                   “(A) a State from imposing requirements  
15                   that are more stringent than those imposed  
16                   under this subsection with respect to limiting  
17                   the use of articles, materials, or supplies mined,  
18                   produced, or manufactured in foreign countries  
19                   for projects carried out with such assistance; or

20                   “(B) any recipient of such assistance from  
21                   complying with such State requirements.

22           “(6) INTENTIONAL VIOLATIONS.—Pursuant to  
23           procedures established under subpart 9.4 of chapter  
24           1 of title 48, Code of Federal Regulations (or suc-  
25           cessor regulations), a person shall be ineligible to re-

1       ceive a contract or subcontract funded with amounts  
 2       made available to carry out this chapter, chapter  
 3       223, chapter 261, or section 20154 or 24105 if the  
 4       Secretary, the head of any department, agency, or  
 5       instrumentality of the United States, or a court de-  
 6       termines that such person intentionally—

7               “(A) affixed a label bearing a ‘Made in  
 8               America’ inscription, or any inscription with the  
 9               same meaning, to any steel, iron, or manufac-  
 10              tured goods that—

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

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

15               “(B) represented that any steel, iron, or  
 16               manufactured goods were produced in the  
 17               United States if such items—

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

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

22               “(7) CONSISTENCY WITH INTERNATIONAL  
 23               AGREEMENTS.—

24                   “(A) IN GENERAL.—This subsection shall  
 25               be applied in a manner that is consistent with

1 United States obligations under international  
2 agreements.

3 “(B) TREATMENT OF FOREIGN COUNTRIES  
4 IN VIOLATION OF INTERNATIONAL AGREE-  
5 MENTS.—The Secretary shall prohibit the use  
6 of steel, iron, and manufactured goods produced  
7 in a foreign country in a project funded with  
8 amounts made available to carry out this chap-  
9 ter, chapter 223, chapter 261, or section 20154  
10 or 24105, including any project for which the  
11 Secretary has issued a waiver under paragraph  
12 (3), if the Secretary, in consultation with the  
13 United States Trade Representative, determines  
14 that the foreign country is in violation of the  
15 terms of an agreement with the United States  
16 by discriminating against steel, iron, or manu-  
17 factured goods that are produced in the United  
18 States and covered by the agreement.

19 “(8) OPPORTUNITY TO CORRECT INADVERTENT  
20 ERROR.—The Secretary may allow a manufacturer  
21 or supplier of steel, iron, or manufactured goods to  
22 correct after bid opening an incomplete Buy America  
23 certificate or an incorrect certificate of noncompli-  
24 ance (but not a failure to sign a certificate, a sub-  
25 mission of both a certificate of compliance and a cer-

1 tificate of noncompliance, or a failure to submit any  
2 certificate) under this subsection if such manufac-  
3 turer or supplier attests under penalty of perjury  
4 that such manufacturer or supplier submitted an in-  
5 complete or incorrect certificate as a result of an in-  
6 advertent or clerical error. The burden of estab-  
7 lishing inadvertent or clerical error is on the manu-  
8 facturer or supplier.”.

9 (b) REVIEW OF NATIONWIDE WAIVERS.—

10 (1) IN GENERAL.—Not later than 1 year after  
11 the date of the enactment of this Act, and at least  
12 every 5 years thereafter, the Secretary of Transpor-  
13 tation shall review each standing nationwide waiver  
14 issued under section 24405(a) of title 49, United  
15 States Code, to determine whether continuing that  
16 waiver is necessary.

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

24 (3) NOTICE REQUIREMENT.—A notice provided  
25 under paragraph (2) shall be provided by electronic

1 means, including on the official public Internet site  
2 of the Department of Transportation.

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

10 **SEC. 104. RAIL LOAN AND LOAN GUARANTEE BUY AMERICA**  
11 **PROVISIONS.**

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

15 (1) in subparagraph (A), by striking “and” at  
16 the end;

17 (2) in subparagraph (B), by striking the period  
18 at the end and inserting “; and”; and

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

20 “(C) the requirements under section  
21 24405(a) of title 49, United States Code.”.

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

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

25 “(f) BUY AMERICA.—

1           “(1) DEFINITION OF PRODUCED IN THE  
2 UNITED STATES.—In this subsection, the term ‘pro-  
3 duced in the United States’ means, with respect to  
4 iron and steel, an end product for which all manu-  
5 facturing processes occurred in the United States,  
6 other than a metallurgical process relating to the re-  
7 finement of steel.

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

10           “(A) IN GENERAL.—Notwithstanding any  
11 other provision of law, amounts made available  
12 to Amtrak under section 101(c) of the Pas-  
13 senger Rail Investment and Improvement Act of  
14 2008 (division B of Public Law 110–432) may  
15 not be used for a capital project (as defined in  
16 subparagraphs (A) and (B) of section  
17 24401(2)) to bring the Northeast Corridor to a  
18 state-of-good-repair or for any other capital ex-  
19 pense of Amtrak unless the steel, iron, and  
20 manufactured goods used for the project or  
21 other capital expense are produced in the  
22 United States.

23           “(B) SCOPE.—This subsection applies to  
24 all contracts for a project or other capital ex-  
25 pense carried out within the scope of the appli-

1 cable finding, determination, or decision under  
2 the National Environmental Policy Act of 1969  
3 (42 U.S.C. 4321 et seq.), regardless of the  
4 funding source of such contracts, if at least 1  
5 contract with respect to the project or other  
6 capital expense is funded with amounts made  
7 available under section 101(c) of the Passenger  
8 Rail Investment and Improvement Act of 2008.

9 “(C) UNITED STATES DEFINED.—In this  
10 subsection, the term ‘United States’ means the  
11 States, territories, and possessions of the  
12 United States and the District of Columbia.

13 “(3) EXCEPTIONS.—

14 “(A) ISSUANCE OF WAIVERS.—The Sec-  
15 retary of Transportation may waive paragraph  
16 (2) if the Secretary determines that—

17 “(i) applying paragraph (2) would be  
18 inconsistent with the public interest, as de-  
19 termined in accordance with the regula-  
20 tions issued in accordance with subpara-  
21 graph (B);

22 “(ii) the steel, iron, or manufactured  
23 goods required for a project or other cap-  
24 ital expense are not produced in the  
25 United States—

1                   “(I) in sufficient and reasonably  
2                   available quantities; or

3                   “(II) to a satisfactory quality; or

4                   “(iii) the use of steel, iron, and manu-  
5                   factured goods produced in the United  
6                   States for a project or other capital ex-  
7                   pense will increase the total cost of the  
8                   project or expense by more than 25 per-  
9                   cent.

10                  “(B) REGULATIONS.—Not later than 1  
11                  year after the date of the enactment of the In-  
12                  vest in American Jobs Act of 2014, the Sec-  
13                  retary shall issue regulations establishing the  
14                  criteria that the Secretary shall use to deter-  
15                  mine whether the application of paragraph (2)  
16                  is inconsistent with the public interest for pur-  
17                  poses of subparagraph (A)(i).

18                  “(C) LABOR COSTS.—For purposes of this  
19                  paragraph, labor costs involved in final assem-  
20                  bly shall not be included in calculating the cost  
21                  of components.

22                  “(D) REQUESTS FOR WAIVERS.—If Am-  
23                  trak seeks a waiver under subparagraph (A),  
24                  Amtrak shall submit to the Secretary a request

1 for the waiver in such form and containing such  
2 information as the Secretary may require.

3 “(4) WAIVER REQUIREMENTS.—

4 “(A) PUBLIC NOTIFICATION OF AND OP-  
5 PORTUNITY FOR COMMENT ON REQUEST FOR A  
6 WAIVER.—

7 “(i) IN GENERAL.—If the Secretary  
8 receives a request for a waiver from Am-  
9 trak under paragraph (3), the Secretary  
10 shall provide notice of, and an opportunity  
11 for, public comment on the request at least  
12 30 days before making a determination  
13 based on the request.

14 “(ii) NOTICE REQUIREMENTS.—A no-  
15 tice under clause (i) shall—

16 “(I) include the information  
17 available to the Secretary concerning  
18 the request, including whether the re-  
19 quest is being made under clause (i),  
20 (ii), or (iii) of paragraph (3)(A); and

21 “(II) be provided by electronic  
22 means, including on the official public  
23 Internet site of the Department of  
24 Transportation.

1           “(B) DETAILED JUSTIFICATION IN FED-  
2           ERAL REGISTER.—If the Secretary issues a  
3           waiver under paragraph (3), the Secretary shall  
4           publish, in the Federal Register, a detailed jus-  
5           tification for the waiver that—

6                   “(i) addresses the public comments  
7                   received under subparagraph (A)(i); and

8                   “(ii) is published before the waiver  
9                   takes effect.

10           “(5) STATE REQUIREMENTS.—The Secretary  
11           may not impose a limitation or condition on assist-  
12           ance provided under this section that restricts—

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

20                   “(B) any recipient of such assistance from  
21                   complying with such State requirements.

22           “(6) INTENTIONAL VIOLATIONS.—Pursuant to  
23           procedures established under subpart 9.4 of chapter  
24           1 of title 48, Code of Federal Regulations (or suc-  
25           cessor regulations), a person shall be ineligible to re-

1       ceive a contract or subcontract funded with amounts  
2       described in paragraph (2)(A) if the Secretary, the  
3       head of any department, agency, or instrumentality  
4       of the United States, or a court determines that  
5       such person intentionally—

6               “(A) affixed a label bearing a ‘Made in  
7       America’ inscription, or any inscription with the  
8       same meaning, to any steel, iron, or manufac-  
9       tured goods that—

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

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

15               “(B) represented that any steel, iron, or  
16       manufactured goods were produced in the  
17       United States if such items—

18               “(i) were used in a capital project or  
19               other capital expense to which this sub-  
20               section applies; and

21               “(ii) were not produced in the United  
22               States.

23               “(7) CONSISTENCY WITH INTERNATIONAL  
24       AGREEMENTS.—

1           “(A) IN GENERAL.—This subsection shall  
2           be applied in a manner that is consistent with  
3           United States obligations under international  
4           agreements.

5           “(B) TREATMENT OF FOREIGN COUNTRIES  
6           IN VIOLATION OF INTERNATIONAL AGREE-  
7           MENTS.—The Secretary shall prohibit the use  
8           of steel, iron, and manufactured goods produced  
9           in a foreign country in a capital project or  
10          other capital expense funded with amounts de-  
11          scribed in paragraph (2)(A), including any  
12          project or capital expense for which the Sec-  
13          retary has issued a waiver under paragraph (3),  
14          if the Secretary, in consultation with the United  
15          States Trade Representative, determines that  
16          the foreign country is in violation of the terms  
17          of an agreement with the United States by dis-  
18          criminating against steel, iron, or manufactured  
19          goods that are produced in the United States  
20          and covered by the agreement.”.

21          (b) REVIEW OF NATIONWIDE WAIVERS.—

22                 (1) IN GENERAL.—Not later than 1 year after  
23                 the date of the enactment of this Act, and at least  
24                 every 5 years thereafter, the Secretary of Transpor-  
25                 tation shall review each standing nationwide waiver

1 issued under section 24305(f) of title 49, United  
2 States Code, to determine whether continuing such  
3 waiver is necessary.

4 (2) PUBLIC NOTIFICATION OF AND OPPOR-  
5 TUNITY FOR COMMENT ON REVIEW OF STANDING  
6 NATIONWIDE WAIVERS.—In conducting a review  
7 under paragraph (1), the Secretary shall provide no-  
8 tice of and an opportunity for public comment on  
9 the review at least 30 days before completing the re-  
10 view.

11 (3) NOTICE REQUIREMENT.—A notice provided  
12 under paragraph (2) shall be provided by electronic  
13 means, including on the official public Internet site  
14 of the Department of Transportation.

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

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

23 (a) BUY-AMERICAN PREFERENCES.—Chapter 501 of  
24 title 49, United States Code, is amended by striking the

1 chapter heading and inserting the following: “**BUY**  
 2 **AMERICA**”.

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

6 “§ 50101. Buy America

7 “(a) DEFINITION OF PRODUCED IN THE UNITED  
 8 STATES.—In this section, the term ‘produced in the  
 9 United States’ means, with respect to iron and steel, an  
 10 end product for which all manufacturing processes oc-  
 11 curred in the United States, other than a metallurgical  
 12 process relating to the refinement of steel.

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

15 “(1) IN GENERAL.—Notwithstanding any other  
 16 provision of law, and except as provided in para-  
 17 graph (2), funds made available to carry out section  
 18 106(k), 44502(a)(2), or 44509, subchapter I of  
 19 chapter 471 (except section 47127), or chapter 481  
 20 (except sections 48102(e), 48106, 48107, and  
 21 48110) of this title may not be obligated for a  
 22 project unless the steel, iron, and manufactured  
 23 goods used for the project are produced in the  
 24 United States.

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

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

9                           “(i) for fiscal year 2015 is more than  
10                           60 percent of the cost of all components of  
11                           the facility or equipment;

12                           “(ii) for fiscal year 2016 is more than  
13                           70 percent of the cost of all components of  
14                           the facility or equipment;

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

18                           “(iv) for fiscal year 2018 is more than  
19                           90 percent of the cost of all components of  
20                           the facility or equipment; and

21                           “(v) for fiscal year 2019, and each fis-  
22                           cal year thereafter, is 100 percent of the  
23                           cost of all components of the facility or  
24                           equipment; and

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

3           “(3) 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 a provision specified in  
11          paragraph (1).

12          “(c) EXCEPTIONS.—

13                 “(1) ISSUANCE OF WAIVERS.—The Secretary of  
14                 Transportation may waive the requirements of sub-  
15                 section (b) only if the Secretary finds that—

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

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

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

25                                 “(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 2014, the Secretary shall issue reg-  
8           ulations establishing the criteria that the Secretary  
9           shall use to determine whether the application of  
10          subsection (b) is inconsistent with the public interest  
11          for purposes of paragraph (1)(A).

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

15          “(4) REQUESTS FOR WAIVERS.—An entity seek-  
16          ing a waiver under paragraph (1) shall submit to the  
17          Secretary a request for the waiver in such form and  
18          containing such information as the Secretary may  
19          require.

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

1           “(6) LIMITATION ON WAIVER AUTHORITY.—In  
2 the procurement of a facility or equipment, if the  
3 Secretary finds that a component of the facility or  
4 equipment is not produced in the United States in  
5 sufficient and reasonably available quantities or to a  
6 satisfactory quality, the Secretary may issue a waiver  
7 under paragraph (1) with respect to such compo-  
8 nent.

9           “(d) 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 Secretary re-  
14 ceives a request for a waiver under subsection  
15 (c), the Secretary 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 Secretary concerning the request, in-  
23 cluding whether the request is being made  
24 under subparagraph (A), (B), or (C) of  
25 subsection (c)(1); and

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

4                   “(2) DETAILED JUSTIFICATION IN FEDERAL  
5 REGISTER.—If the Secretary issues a waiver under  
6 subsection (c), the Secretary 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                   “(e) STATE REQUIREMENTS.—The Secretary may  
14 not impose a limitation or condition on assistance provided  
15 with funds made available to carry out a provision speci-  
16 fied in subsection (b)(1) that restricts—

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

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

1 “(f) CONSISTENCY WITH INTERNATIONAL AGREE-  
2 MENTS.—

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

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

20 (c) CLERICAL AMENDMENTS.—

21 (1) SUBTITLE ANALYSIS.—The analysis for  
22 subtitle VII of title 49, United States Code, is  
23 amended by striking the item relating to chapter  
24 501 and inserting the following:

“501. Buy America ..... 50101”.

1           (2) CHAPTER ANALYSIS.—The analysis for  
2 chapter 501 of title 49, United States Code, is  
3 amended by striking the item relating to section  
4 50101 and inserting the following:

“50101. Buy America.”.

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

9           (e) REVIEW OF NATIONWIDE WAIVERS.—

10           (1) IN GENERAL.—Not later than 1 year after  
11 the date of enactment of this Act, and not less fre-  
12 quently than every 5 years thereafter, the Secretary  
13 of Transportation shall review each standing nation-  
14 wide waiver issued under section 50101 of title 49,  
15 United States Code, to determine whether con-  
16 tinuing such waiver is necessary.

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

24           (3) NOTICE REQUIREMENT.—A notice provided  
25 under paragraph (2) shall be provided by electronic

1 means, including on the official public Internet site  
2 of the Department of Transportation.

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

10 **SEC. 107. DEPARTMENT OF TRANSPORTATION BUY AMER-**  
11 **ICA ANNUAL REPORT.**

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

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

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

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

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

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

7           “(5) summarizes the funds expended on—

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

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

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

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

3   **SEC. 201. DRINKING WATER TREATMENT BUY AMERICA**  
4                                   **PROVISIONS.**

5           (a) IN GENERAL.—Section 1452(a) of the Safe  
6 Drinking Water Act (42 U.S.C. 300j–12(a)) is amended  
7 by adding at the end the following:

8                               “(4) REQUIREMENT FOR USE OF AMERICAN MA-  
9                               TERIALS.—

10                               “(A) DEFINITION OF PRODUCED IN THE  
11                               UNITED STATES.—In this paragraph, the term  
12                               ‘produced in the United States’ means, with re-  
13                               spect to iron and steel, an end product for  
14                               which all manufacturing processes occurred in  
15                               the United States, other than a metallurgical  
16                               process relating to the refinement of steel.

17                               “(B) REQUIREMENT.—Notwithstanding  
18                               any other provision of law, none of the funds  
19                               made available by a State loan fund, as author-  
20                               ized under this section, may be used for a  
21                               project for the construction, alteration, mainte-  
22                               nance, or repair of a public water system unless  
23                               the steel, iron, and manufactured goods used in  
24                               that project are produced in the United States.

1           “(C) WAIVERS.—Subparagraph (B) shall  
2 not apply in any case in which the Adminis-  
3 trator, in consultation with the Governor of the  
4 applicable State, finds that—

5                   “(i) applying subparagraph (B) would  
6 be inconsistent with the public interest;

7                   “(ii) the steel, iron, and manufactured  
8 goods are not produced in the United  
9 States in sufficient and reasonably avail-  
10 able quantities and of a satisfactory qual-  
11 ity; or

12                   “(iii) inclusion of steel, iron, and man-  
13 ufactured goods produced in the United  
14 States will increase the cost of the overall  
15 project by more than 25 percent.

16           “(D) PUBLIC NOTIFICATION AND WRITTEN  
17 JUSTIFICATION FOR WAIVER.—If the Adminis-  
18 trator determines that it is necessary to waive  
19 the application of subparagraph (B) based on a  
20 finding under subparagraph (C), the Adminis-  
21 trator shall—

22                   “(i) not less than 15 days prior to  
23 waiving the application of subparagraph  
24 (B), provide public notice and the oppor-

1 tunity to comment on the intent of the Ad-  
2 ministrator to issue the waiver; and

3 “(ii) on issuing the waiver, publish in  
4 the Federal Register a detailed written jus-  
5 tification as to why the provision is being  
6 waived.

7 “(E) ANNUAL REPORT.—Not later than  
8 the first February 1 after the date of enact-  
9 ment of this paragraph and not later than each  
10 February 1 thereafter, the Administrator shall  
11 submit to the Committee on Transportation and  
12 Infrastructure of the House of Representatives  
13 and the Committee on Environment and Public  
14 Works of the Senate a report that—

15 “(i) specifies each project with respect  
16 to which the Administrator issued a waiver  
17 under subparagraph (C) during the pre-  
18 ceding calendar year;

19 “(ii) identifies the country of origin  
20 and product specifications for steel, iron,  
21 or manufactured goods acquired pursuant  
22 to each waiver under subparagraph (C)  
23 issued by the Administrator during the  
24 preceding calendar year;

1           “(iii) summarizes the monetary value  
2 of contracts awarded pursuant to each  
3 waiver;

4           “(iv) provides the justification for  
5 each waiver, including the specific law,  
6 treaty, or international agreement under  
7 which the waiver was granted;

8           “(v) summarizes the amounts ex-  
9 pended on—

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

16           “(II) steel, iron, and manufac-  
17 tured goods produced outside the  
18 United States for projects with re-  
19 spect to which the Administrator  
20 issued a waiver under subparagraph  
21 (C) during the preceding calendar  
22 year; and

23           “(vi) provides an employment impact  
24 analysis of the cumulative effect of all  
25 waivers under subparagraph (C) issued by

1 the Administrator during the preceding  
2 calendar year on manufacturing employ-  
3 ment in the United States.

4 “(F) STATE REQUIREMENTS.—The Ad-  
5 ministrator may not impose a limitation or con-  
6 dition on assistance provided under this section  
7 that restricts—

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

15 “(ii) any recipient of such assistance  
16 from complying with such State require-  
17 ments.

18 “(G) INTENTIONAL VIOLATIONS.—Pursu-  
19 ant to procedures established under subpart 9.4  
20 of chapter 1 of title 48, Code of Federal Regu-  
21 lations (or successor regulations), a person shall  
22 be ineligible to receive a contract or subcontract  
23 funded with amounts made available from a  
24 State loan fund if the Administrator, the head  
25 of any department, agency, or instrumentality

1 of the United States, or a court determines that  
2 such person intentionally—

3 “(i) affixed a label bearing a ‘Made in  
4 America’ inscription, or any inscription  
5 with the same meaning, to any steel, iron,  
6 or manufactured goods that—

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

9 “(II) were not produced in the  
10 United States; or

11 “(ii) represented that any steel, iron,  
12 or manufactured goods were produced in  
13 the United States that—

14 “(I) were used in a project to  
15 which this paragraph applies; and

16 “(II) were not produced in the  
17 United States.

18 “(H) CONSISTENCY WITH INTERNATIONAL  
19 AGREEMENTS.—

20 “(i) IN GENERAL.—This paragraph  
21 shall be applied in a manner that is con-  
22 sistent with United States obligations  
23 under international agreements.

24 “(ii) TREATMENT OF FOREIGN COUN-  
25 TRIES IN VIOLATION OF INTERNATIONAL

1           AGREEMENTS.—The Administrator shall  
2           prohibit the use of steel, iron, and manu-  
3           factured goods produced in a foreign coun-  
4           try in a project funded with amounts made  
5           available from a State loan fund, including  
6           any project for which the Administrator  
7           has issued a waiver under subparagraph  
8           (C), if the Administrator, in consultation  
9           with the United States Trade Representa-  
10          tive, determines that the foreign country is  
11          in violation of the terms of an agreement  
12          with the United States by discriminating  
13          against steel, iron, or manufactured goods  
14          that are produced in the United States and  
15          covered by the agreement.”.

16          (b) REVIEW OF NATIONWIDE WAIVERS.—Not later  
17          than 1 year after the date of enactment of this Act, and  
18          at least every 5 years thereafter, the Administrator of the  
19          Environmental Protection Agency shall review each stand-  
20          ing nationwide waiver issued under paragraph (4) of sec-  
21          tion 1452(a) of the Safe Drinking Water Act (42 U.S.C.  
22          300j–12(a)) (as added by this section) to determine  
23          whether continuing that waiver is necessary.

1 **SEC. 202. ECONOMIC DEVELOPMENT BUY AMERICA PROVI-**  
2 **SIONS.**

3 (a) IN GENERAL.—Title VI of the Public Works and  
4 Economic Development Act of 1965 (42 U.S.C. 3211 et  
5 seq.) is amended by adding at the end the following:

6 **“SEC. 613. BUY AMERICA.**

7 “(a) DEFINITION OF PRODUCED IN THE UNITED  
8 STATES.—In this section, the term ‘produced in the  
9 United States’ means, with respect to iron and steel, an  
10 end product for which all manufacturing processes oc-  
11 curred in the United States, other than a metallurgical  
12 process relating to the refinement of steel.

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

15 “(1) IN GENERAL.—Notwithstanding any other  
16 provision of law, amounts made available to carry  
17 out section 201 or 209 may not be obligated for a  
18 project unless the steel, iron, and manufactured  
19 goods used for the project are produced in the  
20 United States.

21 “(2) SCOPE.—This section applies to all con-  
22 tracts for a project carried out within the scope of  
23 the applicable finding, determination, or decision  
24 under the National Environmental Policy Act of  
25 1969 (42 U.S.C. 4321 et seq.) regardless of the  
26 funding source of those contracts, if at least one

1 contract for the project is funded with amounts  
2 made available to carry out section 201 or 209.

3 “(c) EXCEPTIONS.—

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

7 “(A) applying subsection (b) 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 Sec-  
23 retary shall issue regulations establishing the criteria  
24 that the Secretary shall use to determine whether

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

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

8 “(d) WAIVER REQUIREMENTS.—

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

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

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

20 “(i) include the information available  
21 to the Secretary concerning the request, in-  
22 cluding whether the request is being made  
23 under subparagraph (A), (B), or (C) of  
24 subsection (c)(1); and

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

4                   “(2) DETAILED JUSTIFICATION IN FEDERAL  
5 REGISTER.—If the Secretary issues a waiver under  
6 subsection (c), the Secretary 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 the  
14 first February 1 after the date of enactment of this  
15 section and not later than each February 1 there-  
16 after, the Secretary shall submit to the Committee  
17 on Transportation and Infrastructure of the House  
18 of Representatives and the Committee on Environ-  
19 ment and Public Works of the Senate a report  
20 that—

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

24                   “(B) identifies the country of origin and  
25 product specifications for steel, iron, or manu-

1           factured goods acquired pursuant to each waiver  
2           under subsection (c) issued by the Secretary  
3           during the preceding calendar year;

4           “(C) summarizes the monetary value of  
5           contracts awarded pursuant to each waiver;

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

10          “(E) summarizes the amounts expended  
11          on—

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

18                 “(ii) steel, iron, and manufactured  
19                 goods produced outside the United States  
20                 for projects with respect to which the Sec-  
21                 retary issued a waiver under subsection (c)  
22                 during the preceding calendar year; and

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

1           during the preceding calendar year on manufac-  
2           turing employment in the United States.

3           “(e) STATE REQUIREMENTS.—The Secretary may  
4 not impose a limitation or condition on assistance provided  
5 under section 201 or 209 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          “(f) INTENTIONAL VIOLATIONS.—Pursuant to proce-  
15          dures established under subpart 9.4 of chapter 1 of title  
16          48, Code of Federal Regulations (or successor regula-  
17          tions), a person shall be ineligible to receive a contract  
18          or subcontract funded with amounts made available to  
19          carry out section 201 or 209 if the Secretary, the head  
20          of any department, agency, or instrumentality of the  
21          United States, or a court determines that such person in-  
22          tentionally—

23          “(1) affixed a label bearing a ‘Made in Amer-  
24          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 “(g) 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 Secretary shall prohibit the use of steel, iron, and  
22 manufactured goods produced in a foreign country  
23 in a project funded with amounts made available to  
24 carry out section 201 or 209, including any project  
25 for which the Secretary has issued a waiver under

1 subsection (c), if the Secretary, in consultation with  
2 the United States Trade Representative, determines  
3 that the foreign country is in violation of the terms  
4 of an agreement with the United States by discrimi-  
5 nating against steel, iron, or manufactured goods  
6 that are produced in the United States and covered  
7 by the agreement.”.

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

“613. Buy America.”.

12 (c) REVIEW OF NATIONWIDE WAIVERS.—Not later  
13 than 1 year after the date of enactment of this Act, and  
14 at least every 5 years thereafter, the Secretary of Com-  
15 merce shall review each standing nationwide waiver issued  
16 under section 613 of the Public Works and Economic De-  
17 velopment Act of 1965 (as added by this section) to deter-  
18 mine whether continuing that waiver is necessary.

19 **SEC. 203. FEMA MITIGATION GRANT BUY AMERICA PROVI-**  
20 **SIONS.**

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

1 **“SEC. 707. BUY AMERICA.**

2       “(a) DEFINITION OF PRODUCED IN THE UNITED  
3 STATES.—In this section, the term ‘produced in the  
4 United States’ means, with respect to iron and steel, an  
5 end product for which all manufacturing processes oc-  
6 curred in the United States, other than a metallurgical  
7 process relating to the refinement of steel.

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

10           “(1) IN GENERAL.—Notwithstanding any other  
11 provision of law, funds made available under section  
12 203, 404, 406, 417, or 614 may not be obligated for  
13 a project unless the steel, iron, and manufactured  
14 goods used for the project are produced in the  
15 United States.

16           “(2) SCOPE.—This section applies to all con-  
17 tracts for a project carried out within the scope of  
18 the applicable finding, determination, or decision  
19 under the National Environmental Policy Act of  
20 1969 (42 U.S.C. 4321 et seq.), regardless of the  
21 funding source of those contracts, if at least one  
22 contract for the project is funded with amounts  
23 made available to carry out a section specified in  
24 paragraph (1).

25       “(c) EXCEPTIONS.—

1           “(1) ISSUANCE OF WAIVERS.—The President  
2 may waive subsection (b) only if the President finds  
3 that—

4           “(A) applying subsection (b) would be in-  
5 consistent with the public interest, as deter-  
6 mined in accordance with the regulations issued  
7 in accordance with paragraph (2);

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

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

13           “(ii) to a satisfactory quality; or

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

18           “(2) REGULATIONS.—Not later than 1 year  
19 after the date of enactment of the Invest in Amer-  
20 ican Jobs Act of 2014, the President shall issue reg-  
21 ulations establishing the criteria that the President  
22 shall use to determine whether the application of  
23 subsection (b) is inconsistent with the public interest  
24 for purposes of paragraph (1)(A).

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

7           “(d) WAIVER REQUIREMENTS.—

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

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

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

19           “(i) include the information available  
20 to the President concerning the request,  
21 including whether the request is being  
22 made under subparagraph (A), (B), or (C)  
23 of subsection (c)(1); and

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

4                   “(2) DETAILED JUSTIFICATION IN FEDERAL  
5 REGISTER.—If the President issues a waiver under  
6 subsection (c), 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 the Invest in American Jobs Act of 2014,  
16 the President, acting through the Administrator of  
17 the Federal Emergency Management Agency, shall  
18 submit to the Committee on Homeland Security and  
19 Governmental Affairs of the Senate and the Com-  
20 mittee on Transportation and Infrastructure of the  
21 House of Representatives a report that—

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

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

6           “(e) STATE REQUIREMENTS.—The President may  
7           not impose a limitation or condition on assistance provided  
8           under a section specified in subsection (b)(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           “(f) INTENTIONAL VIOLATIONS.—Pursuant to proce-  
19           dures established under subpart 9.4 of chapter 1 of title  
20           48, Code of Federal Regulations (or successor regula-  
21           tions), a person shall be ineligible to receive a contract  
22           or subcontract funded with amounts made available to  
23           carry out a section specified in subsection (b)(1) if the  
24           President, the head of any department, agency, or instru-

1 mentality of the United States, or a court determines that  
2 such person intentionally—

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

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

9 “(B) were not produced in the United  
10 States; or

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

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

16 “(B) were not produced in the United  
17 States.

18 “(g) CONSISTENCY WITH INTERNATIONAL AGREE-  
19 MENTS.—

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

23 “(2) TREATMENT OF FOREIGN COUNTRIES IN  
24 VIOLATION OF INTERNATIONAL AGREEMENTS.—The  
25 President shall prohibit the use of steel, iron, and

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

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

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

23      (c) REPEAL OF BUY AMERICA REQUIREMENTS.—  
24      Section 306 of the Disaster Mitigation Act of 2000 (42  
25      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 fol-  
6 lowing:

7 **“SEC. 14. BUY AMERICA.**

8 “(a) DEFINITION OF PRODUCED IN THE UNITED  
9 STATES.—In this section, the term ‘produced in the  
10 United States’ means, with respect to iron and steel, an  
11 end product for which all manufacturing processes oc-  
12 curred in the United States, other than a metallurgical  
13 process relating to the refinement of steel.

14 “(b) DOMESTIC SOURCE REQUIREMENT FOR STEEL,  
15 IRON, AND MANUFACTURED GOODS.—

16 “(1) IN GENERAL.—Notwithstanding any other  
17 provision of law, amounts made available to carry  
18 out this Act may not be used, in whole or in part,  
19 for a project for the alteration of a bridge unless the  
20 steel, iron, and manufactured goods used for the  
21 project are produced in the United States.

22 “(2) SCOPE.—This section applies to all con-  
23 tracts for a project carried out within the scope of  
24 the applicable finding, determination, or decision  
25 under the National Environmental Policy Act of  
26 1969 (42 U.S.C. 4321 et seq.), regardless of the

1 funding source of those contracts, if at least one  
2 contract for the project is funded with amounts  
3 made available to carry out this Act.

4 “(c) EXCEPTIONS.—

5 “(1) ISSUANCE OF WAIVERS.—The Secretary  
6 may waive the requirements of subsection (b) only if  
7 the Secretary finds that—

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

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

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

17 “(ii) to a satisfactory quality; or

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

22 “(2) REGULATIONS.—Not later than 1 year  
23 after the date of enactment of this section, the Sec-  
24 retary shall issue regulations establishing the criteria  
25 that the Secretary shall use to determine whether

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

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

8 “(d) WAIVER REQUIREMENTS.—

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

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

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

20 “(i) include the information available  
21 to the Secretary concerning the request, in-  
22 cluding whether the request is being made  
23 under subparagraph (A), (B), or (C) of  
24 subsection (c)(1); and

1                   “(ii) be provided by electronic means,  
2                   including on the official public Internet site  
3                   of the department in which the Coast  
4                   Guard is operating.

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

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

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

14                   “(3) ANNUAL REPORT.—Not later than the  
15                   first February 1 after the date of enactment of this  
16                   section and not later than each February 1 there-  
17                   after, the Secretary shall submit to the Committee  
18                   on Transportation and Infrastructure of the House  
19                   of Representatives and the Committee on Commerce,  
20                   Science, and Transportation of the Senate a report  
21                   that—

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

6           “(C) summarizes the monetary value of  
7 contracts awarded pursuant to each waiver;

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

12           “(E) summarizes the amounts expended  
13 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 Sec-  
23 retary issued a waiver under subsection (c)  
24 during the preceding calendar year; and

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

6           “(e) STATE REQUIREMENTS.—The Secretary may  
7           not impose a limitation or condition on assistance provided  
8           under this Act 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          “(f) INTENTIONAL VIOLATIONS.—Pursuant to proce-  
18          dures established under subpart 9.4 of chapter 1 of title  
19          48, Code of Federal Regulations (or successor regula-  
20          tions), a person shall be ineligible to receive a contract  
21          or subcontract funded with amounts made available under  
22          this Act if the Secretary, the head of any department,  
23          agency, or instrumentality of the United States, or a court  
24          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           “(g) 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                   Secretary 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

1 under this Act, including any project for which the  
2 Secretary has issued a waiver under subsection (c),  
3 if the Secretary, in consultation with the United  
4 States Trade Representative, determines that the  
5 foreign country is in violation of the terms of an  
6 agreement with the United States by discriminating  
7 against steel, iron, or manufactured goods that are  
8 produced in the United States and covered by the  
9 agreement.

10 “(h) EMERGENCY WAIVER.—Notwithstanding any  
11 other provision of this section, the Secretary 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 Secretary of the de-  
17 partment in which the Coast Guard is operating shall re-  
18 view each standing nationwide waiver issued under section  
19 14 of the Act of June 21, 1940 (as added by this section),  
20 to determine whether continuing that waiver is necessary.

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