

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7**

**OFFERED BY MR. RAHALL OF WEST VIRGINIA,
MR. LATOURETTE OF OHIO, MR. GARAMENDI
OF CALIFORNIA, MS. SUTTON OF OHIO, MR.
MURPHY OF CONNECTICUT, AND MR. LIPIN-
SKI OF ILLINOIS**

Page 256, line 4, insert “(a) IN GENERAL.—” be-
fore “Section 313”.

Page 257, line 7, strike the closing quotation marks
and the final period.

Page 257, after line 7, insert the following:

1 “(i) REGULATIONS.—Not later than 1 year after the
2 date of enactment of this subsection, the Secretary shall
3 issue regulations establishing the criteria that the Sec-
4 retary shall use to determine whether the application of
5 subsection (a) is consistent with the public interest for the
6 purposes of subsection (b)(1).

7 “(j) CONSISTENCY WITH INTERNATIONAL AGREE-
8 MENTS.—This section shall be applied in a manner that
9 is consistent with United States obligations under inter-
10 national agreements.”.

1 (b) REVIEW OF NATIONWIDE WAIVERS.—Not later
2 than 1 year after the date of enactment of this Act, and
3 at least once every 5 years thereafter, the Secretary shall
4 review each standing nationwide waiver issued under sec-
5 tion 313 of title 23, United States Code, to determine
6 whether continuing such waiver is necessary.

7 (c) REPEALS.—

8 (1) WAIVER NOTIFICATION AND ANNUAL RE-
9 PORTS.—Section 117 of the SAFETEA-LU Tech-
10 nical Corrections Act of 2008 (23 U.S.C. 313 note;
11 122 Stat. 1607) and the item relating to that sec-
12 tion in the table of contents contained in section
13 1(b) of that Act, are repealed.

14 (2) NOTICE AND PUBLIC COMMENTS.—Section
15 123 of title I of division A of the Consolidated Ap-
16 propriations Act, 2010 (23 U.S.C. 313 note; 123
17 Stat. 3048), is repealed.

Page 257, after line 7, insert the following (and re-
designate subsequent sections, and conform the table of
contents, accordingly):

18 **SEC. 1722. DEPARTMENT OF TRANSPORTATION BUY AMER-**
19 **ICA ANNUAL REPORT.**

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

1 “(f) BUY AMERICA.—Not later than February 1 of
2 each year beginning after the date of enactment of the
3 American Energy and Infrastructure Jobs Act of 2012,
4 the Secretary shall submit to Congress a report that—

5 “(1) specifies each highway, public transpor-
6 tation, or railroad project with respect to which the
7 Secretary issued a waiver from a Buy America re-
8 quirement during the preceding calendar year;

9 “(2) identifies the country of origin and product
10 specifications for steel, iron, or manufactured goods
11 acquired pursuant to each such waiver from a Buy
12 America requirement issued by the Secretary during
13 the preceding calendar year;

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

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

20 “(5) summarizes the funds expended on—

21 “(A) steel, iron, and manufactured goods
22 produced in the United States for highway,
23 public transportation, or railroad projects with
24 respect to which a Buy America requirement,

1 under which the Secretary has waiver authority,
2 applied during the preceding calendar year; and
3 “(B) steel, iron, and manufactured goods
4 produced outside the United States for high-
5 way, public transportation, or railroad projects
6 with respect to which the Secretary issued a
7 waiver from a Buy America requirement during
8 the preceding calendar year; and
9 “(6) provides an employment impact analysis of
10 the cumulative effect of all waivers for highway, pub-
11 lic transportation, or railroad projects from a Buy
12 America requirement issued by the Secretary during
13 the preceding calendar year on manufacturing em-
14 ployment in the United States.”.

Page 350, line 15, strike “section” and insert “sub-
section”.

Page 351, after line 8, insert the following:

15 (c) PROCUREMENT OF ROLLING STOCK.—Section
16 5323(j) is further amended—
17 (1) in paragraph (1)—
18 (A) by striking “(1) The Secretary” and
19 inserting “(1)(A) The Secretary” ; and
20 (B) by adding at the end the following:

1 “(B) Funds made available to carry out this chapter
2 may not be obligated for the procurement of rolling stock
3 (including train control, communication, traction power
4 equipment, and rolling stock prototypes) unless—

5 “(i) the cost of components and subcomponents
6 produced in the United States—

7 “(I) for fiscal year 2012 is more than 60
8 percent of the cost of all components of the roll-
9 ing stock;

10 “(II) for fiscal year 2013 is more than 70
11 percent of the cost of all components of the roll-
12 ing stock;

13 “(III) for fiscal year 2014 is more than 80
14 percent of the cost of all components of the roll-
15 ing stock;

16 “(IV) for fiscal year 2015 is more than 90
17 percent of the cost of all components of the roll-
18 ing stock; and

19 “(V) for fiscal year 2016, and each fiscal
20 year thereafter, is 100 percent of the cost of all
21 components of the rolling stock; and

22 “(ii) final assembly of the rolling stock, includ-
23 ing rolling stock prototypes, occurs in the United
24 States.”;

25 (2) in paragraph (2)—

1 (A) in subparagraph (B) by adding “and”
2 at the end;

3 (B) by striking subparagraph (C); and

4 (C) by redesignating subparagraph (D) as
5 subparagraph (C); and

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

7 “(11) WAIVERS RELATING TO ROLLING
8 STOCK.—If the Secretary finds that a component of
9 rolling stock is not produced in the United States in
10 sufficient and reasonably available quantities or to a
11 satisfactory quality, the Secretary shall limit the
12 waiver under paragraph (2) to such component.

13 “(12) REGULATIONS.—Not later than 1 year
14 after the date of enactment of this paragraph, the
15 Secretary shall issue regulations establishing the cri-
16 teria that the Secretary shall use to determine
17 whether the application of paragraph (1) is con-
18 sistent with the public interest for the purposes of
19 paragraph (2)(A).

20 “(13) CONSISTENCY WITH INTERNATIONAL
21 AGREEMENTS.—This subsection shall be applied in a
22 manner that is consistent with United States obliga-
23 tions under international agreements.”.

24 (d) REVIEW OF GENERAL PUBLIC INTEREST WAIV-
25 ERS.—Not later than 1 year after the date of enactment

1 of this Act, and at least once every 5 years thereafter,
2 the Secretary shall review the general public interest waiv-
3 ers described in subsection (b) of Appendix A of section
4 661.7 of title 49, Code of Federal Regulations (or any suc-
5 cessor regulation), to determine whether continuing such
6 waivers is in the public interest.

Page 755, strike lines 4 through 6, and insert the following:

7 (a) IN GENERAL.—Section 24305(f) of title 49,
8 United States Code, is amended—

9 (1) by striking paragraph (3) and inserting the
10 following:

11 “(3) Paragraph (2) of this subsection applies only to
12 amounts appropriated to the Secretary of Transportation
13 for the use of Amtrak for capital projects (as defined in
14 subparagraphs (A) and (B) of section 24401(2), including
15 projects carried out pursuant to section 101(e) of the Pas-
16 senger Rail Investment and Improvement Act of 2008 and
17 any amendments made to that Act.”; and

18 (2) by adding at the end the following new
19 paragraphs:

Page 756, line 4, strike the closing quotation marks
and the final period.

Page 756, after line 4, insert the following:

1 “(7) Not later than 1 year after the date of enact-
2 ment of this paragraph, the Secretary shall issue regula-
3 tions establishing the criteria that the Secretary shall use
4 to determine whether the application of paragraph (2) is
5 inconsistent with the public interest for the purposes of
6 paragraph (4)(A)(i).

7 “(8) This subsection shall be applied in a manner
8 that is consistent with United States obligations under
9 international agreements.”.

Page 756, after line 4, insert the following:

10 (b) REVIEW OF NATIONWIDE WAIVERS.—Not later
11 than 1 year after the date of enactment of this Act, and
12 at least once every 5 years thereafter, the Secretary shall
13 review each standing nationwide waiver issued under sec-
14 tion 24305(f) of title 49, United States Code, to determine
15 whether continuing such waiver is necessary.

Page 837, line 15, insert “(a) IN GENERAL.—” be-
fore “Section 24405(a)”.

Page 837, strike lines 17 through 19 and insert the
following:

16 (1) by striking paragraphs (4), (5), and (11)
17 and redesignating paragraphs (6) through (10) as
18 paragraphs (4) through (8), respectively; and

Page 837, line 22, strike “(11)” and insert “(9)”.

Page 838, line 4, strike “(12)” and insert “(10)”.

Page 838, line 17, strike the closing quotation marks and the final period.

Page 838, after line 17, insert the following:

1 “(11) This section shall be applied in a manner that
2 is consistent with United States obligations under inter-
3 national agreements.

4 “(12) Not later than 1 year after the date of enact-
5 ment of this subsection, the Secretary shall issue regula-
6 tions establishing the criteria that the Secretary shall use
7 to determine whether the application of paragraph (1) is
8 inconsistent with the public interest for the purposes of
9 paragraph (2)(A).”.

Page 838, after line 17, insert the following:

10 (b) REVIEW OF NATIONWIDE WAIVERS.—Not later
11 than 1 year after the date of enactment of this Act, and
12 at least once every 5 years thereafter, the Secretary shall
13 review each standing nationwide waiver issued under sec-
14 tion 24405(a) of title 49, United States Code, to deter-
15 mine whether continuing such waiver is necessary.

Page 840, after line 17, insert the following (and conform the table of contents accordingly):

1 **SEC. 8704. RAIL LOAN AND LOAN GUARANTEE BUY AMER-**
2 **ICA PROVISIONS.**

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

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

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

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

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

