AMENDMENT TO H.R. 7

OFFERED BY MR. CRAVAACK OF MINNESOTA

At the end of subtitle G of title I of the bill add at the end the following:

1 **SEC. 17____. HIGHWAY BUY AMERICA PROVISIONS.**

2 Section 313 of title 23, United States Code, is
3 amended by adding at the end the following:

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

12 "(h) WAIVER REQUIREMENTS.—

13 "(1) IN GENERAL.—If the Secretary receives a
14 request for a waiver under this section, the Sec-
15 retary shall provide notice of and an opportunity for
16 public comment on the request at least 30 days be-
17 fore making a finding based on the request.

18 "(2) NOTICE REQUIREMENTS.—A notice pro-
19 vided under paragraph (1) shall include the informa-

1 tion available to the Secretary concerning the re-
2 quest and shall be provided by electronic means, in-
3 cluding on the official public Internet Web site of
4 the Department of Transportation.

5 "(3) DETAILED JUSTIFICATION.—If the Sec-
6 retary issues a waiver under this subsection, the
7 Secretary shall publish in the Federal Register a de-
8 tailed justification for the waiver that addresses the
9 public comments received under paragraph (1), and
10 shall ensure that such justification is published be-
11 fore the waiver takes effect.".

At the end of title II of the bill, insert the following:

12 **SEC. 20____. TRANSIT BUY AMERICA PROVISIONS.**

13 Section 5323(j) is amended by adding at the end the
14 following:

15 "(3) APPLICATION OF BUY AMERICA TO TRAN-
16 SIT PROGRAMS.—The requirements of this sub-
17 section apply to all contracts for a project carried
18 out within the scope of the applicable finding, deter-
19 mination, or decision under the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
21 regardless of the funding source of such contracts,
22 if at least one contract for the project is funded with
23 amounts made available to carry out this chapter.

24 "(4) ADDITIONAL WAIVER REQUIREMENTS.—

1 "(A) IN GENERAL.—If the Secretary re-
2 ceives a request for a waiver under this section,
3 the Secretary shall provide notice of and an op-
4 portunity for public comment on the request at
5 least 30 days before making a finding based on
6 the request.
7 "(B) NOTICE REQUIREMENTS.—A notice
8 provided under subparagraph (A) shall include
9 the information available to the Secretary con-
10 cerning the request and shall be provided by
11 electronic means, including on the official public
12 Internet Web site of the Department of Trans-
13 portation
14 "(C) DETAILED JUSTIFICATION.—If the
15 Secretary issues a waiver under this subsection,
16 the Secretary shall publish in the Federal Reg-
17 ister a detailed justification for the waiver that
18 addresses the public comments received under
19 subparagraph (A), and shall ensure that such
20 justification is published before the waiver takes
21 effect.".

In title VIII of the bill, at the end of subtitle B, insert the following new section (and conform the table of contents accordingly):

1 **SEC. 8107. APPLICATION OF BUY AMERICA TO AMTRAK.**

2 Section 24305(f) of title 49, United States Code, is
3 amended by adding at the end the following new para-
4 graphs:

5 "(5) The requirements of this subsection apply
6 to all contracts for a project carried out within the
7 scope of the applicable finding, determination, or de-
8 cision under the National Environmental Policy Act
9 of 1969 (42 U.S.C. 4321 et seq.), regardless of the
10 funding source of such contracts, if at least one con-
11 tract for the project is funded with amounts made
12 available to carry out this title.

13 "(6) If the Secretary receives a request for an
14 exemption under this subsection, the Secretary shall
15 provide notice of and an opportunity for public com-
16 ment on the request at least 30 days before making
17 a finding based on the request. Such a notice shall
18 include the information available to the Secretary
19 concerning the request and shall be provided by elec-
20 tronic means, including on the official public Inter-
21 net Web site of the Department of Transportation.
22 If the Secretary grants an exemption under this sub-
23 section, the Secretary shall publish in the Federal
24 Register a detailed justification for the exemption
25 that addresses the public comments received under

1 this paragraph, and shall ensure that such justifica-
2 tion is published before the exemption takes effect.''.

At the end of title VIII of the bill, insert the following new subtitle (and conform the table of contents accordingly):

3 **Subtitle H—Miscellaneous**

4 **SEC. 8701. APPLICATION OF BUY AMERICA TO INTERCITY**
5 **PASSENGER RAIL SERVICE CORRIDORS.**

6 Section 24405(a) of title 49, United States Code, is
7 amended—

8 (1) by striking paragraph (4) and redesignating
9 paragraphs (5) through (11) as paragraphs (4)
10 through (10), respectively; and

11 (2) by adding at the end the following new
12 paragraphs:

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

20 ''(12) If the Secretary receives a request for a waiver
21 under this subsection, the Secretary shall provide notice
22 of and an opportunity for public comment on the request

1 at least 30 days before making a finding based on the re-
2 quest. Such a notice shall include the information available
3 to the Secretary concerning the request and shall be pro-
4 vided by electronic means, including on the official public
5 Internet Web site of the Department of Transportation.
6 If the Secretary issues a waiver under this subsection, the
7 Secretary shall publish in the Federal Register a detailed
8 justification for the waiver that addresses the public com-
9 ments received under this paragraph, and shall ensure
10 that such justification is published before the waiver takes
11 effect.''.