

114TH CONGRESS  
1ST SESSION

# H. R. 2451

To amend title 23 and title 49, United States Code, to strengthen domestic content standards, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2015

Mr. LIPINSKI (for himself, Mr. JOYCE, Mr. HIGGINS, Mrs. LAWRENCE, Mrs. BUSTOS, Mr. POCAN, Ms. NORTON, and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23 and title 49, United States Code, to strengthen domestic content standards, 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.**

4 This Act may be cited as the “Buy America Update  
5 Act”.

6 **SEC. 2. FHWA DOMESTIC CONTENT STANDARDS IMPROVE-**  
7 **MENT.**

8 (a) CMAQ LOOPHOLE.—Section 313(b) of title 23,  
9 United States Code, is amended—

1 (1) by redesignating paragraph (3) as para-  
2 graph (4);

3 (2) in paragraph (2) by striking “or”; and

4 (3) by inserting after paragraph (2) the fol-  
5 lowing:

6 “(3) that when procuring rolling stock under  
7 this chapter—

8 “(A) the cost of components and sub-  
9 components produced in the United States is  
10 more than 60 percent of the cost of all compo-  
11 nents of the rolling stock; and

12 “(B) final assembly of the rolling stock has  
13 occurred in the United States; or”.

14 (b) **RULE REEVALUATION.**—Not later than 1 year  
15 after the date of enactment of this Act, the Secretary of  
16 Transportation shall review the regulations found in sec-  
17 tion 635.410 of title 23, Code of Federal Regulations, or  
18 any similar successor regulations, to determine whether  
19 manufactured products other than those containing steel  
20 and iron should be considered for the purposes of domestic  
21 content preferences.

22 **SEC. 3. COMPONENT REQUIREMENTS AND VERIFICATION.**

23 (a) **AUDITING AND CERTIFICATION MODERNIZA-**  
24 **TION.**—

1           (1) Not later than 6 months after the date of  
2 enactment of this Act, the Secretary of Transpor-  
3 tation shall—

4           (A) initiate a rulemaking to develop audit  
5 procedures for the agency to review offeror and  
6 recipient compliance with domestic content pro-  
7 visions; and

8           (B) issue guidance on best practices for  
9 pre-award and post-delivery audits by recipients  
10 under section 5323(m) of title 49, United  
11 States Code.

12          (2) In developing the guidance required under  
13 paragraph (1)(B), the Secretary shall consider best  
14 practices for—

15           (A) proper and sufficient documentation  
16 requests from bidders by recipients under sec-  
17 tion 5323(m) of such title to support certifi-  
18 cation of compliance;

19           (B) proper and sufficient documentation  
20 requests from bidders by recipients under sec-  
21 tion 5323(m) of such title to support pre-award  
22 and post-delivery audits;

23           (C) determining the timing and require-  
24 ments for post-delivery audit; and

1 (D) verifying the origin of supplier compo-  
2 nents and subcomponents.

3 (b) COMPONENT GUIDANCE.—Not later than 6  
4 months after the date of enactment of this Act, the Sec-  
5 retary shall initiate a rulemaking to further develop stand-  
6 ards under section 5323(j) of title 49, United States Code,  
7 for measuring the percentage value of a component rel-  
8 ative to the entire procurement.

9 **SEC. 4. RAIL BUY AMERICA MODERNIZATION.**

10 Section 24305(f) of title 49, United States Code, is  
11 amended by adding at the end the following:

12 “(5) Before seeking a waiver request under para-  
13 graph (4), Amtrak shall contract with the National Insti-  
14 tute of Standards and Technology to conduct a supplier  
15 scouting process for domestic suppliers that can provide  
16 the compliant products for which a waiver will be sought.  
17 Upon conclusion of the supplier scouting process for a par-  
18 ticular component, material, or subcomponent, Amtrak  
19 shall submit to the Secretary a scouting report along with  
20 the waiver request. The Secretary shall consider the re-  
21 sults of the supplier scouting before making a decision on  
22 Amtrak’s waiver. If the Secretary decides to grant the  
23 waiver, the Secretary shall publish in the Federal Register  
24 a summary of the Scouting report and the reasons for the  
25 Secretary’s decision.”.

1 **SEC. 5. FAA BUY AMERICA MODERNIZATION.**

2 Section 50101 of title 49, United States Code, is  
3 amended by adding at the end the following:

4 “(d) SUPPLIER SCOUTING.—Before issuing a waiver  
5 under subsection (b), the Secretary shall—

6 “(1) consult with the National Institute of  
7 Standards and Technology; and

8 “(2) begin a supplier scouting process for do-  
9 mestic suppliers that can provide for those compliant  
10 products for which a waiver will be sought.

11 “(e) PUBLICATION REQUIRED.—Upon conclusion of  
12 the supplier scouting process required under subsection  
13 (d)(2) for a particular component, material, or subcompo-  
14 nent, the Secretary make the results of the supplier scout-  
15 ing available to the public.”.

16 **SEC. 6. APPLICATION OF BUY AMERICA REQUIREMENTS TO**  
17 **PROJECTS FINANCED WITH PASSENGER FA-**  
18 **CILITY CHARGES.**

19 (a) IN GENERAL.—Section 50101(a) of title 49,  
20 United States Code, is amended by inserting “, and may  
21 approve a project under section 40117,” before “only if  
22 steel”.

23 (b) APPLICABILITY.—The amendment made by sub-  
24 section (b) shall apply to an application submitted pursu-

1 ant to section 40177(c) of title 49, United States Code,  
2 after the date of enactment of this Act.

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