

115TH CONGRESS
2D SESSION

H. R. 5137

To standardize and extend certain Buy America provisions.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2018

Mr. BRENDAN F. BOYLE of Pennsylvania (for himself, Mr. VISCLOSKY, Mr. CROWLEY, Ms. SÁNCHEZ, Mrs. DINGELL, Mr. GALLEGO, Mr. GOMEZ, Mrs. WATSON COLEMAN, Mr. SOTO, Mr. POCAN, Ms. BLUNT ROCHESTER, Mr. NORCROSS, Mr. MCEACHIN, and Mrs. LAWRENCE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To standardize and extend certain Buy America provisions.

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 2.0 Act”.

5 **SEC. 2. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
6 **TURED GOODS.**

7 (a) IN GENERAL.—Funds made available to carry out
8 a transportation or infrastructure project using Federal

1 funds may not be obligated for a project unless the steel,
2 iron, and manufactured goods used for the project are pro-
3 duced in the United States.

4 (b) EXCEPTIONS.—Subsection (a) shall not apply in
5 any case or category of cases in which the head of the
6 Federal department or agency overseeing a project finds
7 that—

8 (1) applying subsection (a) would be incon-
9 sistent with the public interest;

10 (2) iron, steel, and the relevant manufactured
11 goods are not produced in the United States in suffi-
12 cient and reasonably available quantities and of a
13 satisfactory quality; or

14 (3) inclusion of iron, steel, and manufactured
15 goods produced in the United States will increase
16 the cost of the overall project by more than 25 per-
17 cent.

18 (c) WAIVER.—If the head of a Federal department
19 or agency receives a request for a waiver under this sec-
20 tion, the head of such department or agency shall make
21 available to the public a copy of the request and informa-
22 tion available to the head of such department or agency
23 concerning the request, and shall allow for public input
24 on the request for at least 15 days prior to making a find-
25 ing based on the request. The head of such department

1 or agency shall make the request and accompanying infor-
2 mation available by electronic means, including on the offi-
3 cial public Internet site of such department or agency.

4 (d) APPLICATION.—This section shall be applied in
5 a manner consistent with United States obligations under
6 international agreements.

7 (e) APPLICABILITY.—Nothing in this section shall
8 supercede or preempt any existing Buy America provision
9 to the extent such provision conflicts with this section.

10 **SEC. 3. PUBLIC TRANSPORTATION BUY AMERICA PROVI-**
11 **SIONS.**

12 Section 5323(j)(2)(C)(i) of title 49, United States
13 Code, is amended—

14 (1) by striking “and” at the end of subclause
15 II;

16 (2) in subclause (III)—

17 (A) by striking “and each fiscal year there-
18 after”; and

19 (B) by striking “and” at the end of the
20 subclause; and

21 (3) inserting after subclause (III) the following:

22 “(IV) for fiscal year 2021 is
23 more than 75 percent of the cost of
24 all components of the rolling stock;

1 “(V) for fiscal year 2022 is more
2 than 80 percent of the cost of all com-
3 ponents of the rolling stock;

4 “(VI) for fiscal year 2023 is
5 more than 85 percent of the cost of
6 all components of the rolling stock;

7 “(VII) for fiscal year 2024 is
8 more than 90 percent of the cost of
9 all components of the rolling stock;

10 “(VIII) for fiscal year 2025 is
11 more than 95 percent of the cost of
12 all components of the rolling stock;
13 and

14 “(IX) for fiscal year 2026 and
15 each fiscal year thereafter is 100 per-
16 cent of the cost of all components of
17 the rolling stock; and”.

18 **SEC. 4. RAIL LOAN AND LOAN GUARANTEE BUY AMERICA**
19 **PROVISIONS.**

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

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

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

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

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

6 **SEC. 5. AVIATION BUY AMERICA PROVISIONS.**

7 Section 50101 of title 49, United States Code, is
8 amended—

9 (1) in subsection (a) by inserting “, iron,” after
10 “steel”; and

11 (2) in subsection (b)—

12 (A) in paragraph (2), by inserting “, iron,”
13 after “steel”; and

14 (B) in paragraph (3), by striking subpara-
15 graph (A) and inserting the following:

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

18 “(i) for fiscal year 2018 is more than
19 60 percent of the cost of all components of
20 the facility or equipment;

21 “(ii) for fiscal year 2019 is more than
22 65 percent of the cost of all components of
23 the facility or equipment;

1 “(iii) for fiscal year 2020 is more
2 than 70 percent of the cost of all compo-
3 nents of the facility or equipment;

4 “(iv) for fiscal year 2021 is more than
5 75 percent of the cost of all components of
6 the facility or equipment;

7 “(v) for fiscal year 2022 is more than
8 80 percent of the cost of all components of
9 the facility or equipment;

10 “(vi) for fiscal year 2023 is more than
11 85 percent of the cost of all components of
12 the facility or equipment;

13 “(vii) for fiscal year 2024 is more
14 than 90 percent of the cost of all compo-
15 nents of the facility or equipment;

16 “(viii) for fiscal year 2025 is more
17 than 95 percent of the cost of all compo-
18 nents of the facility or equipment; and

19 “(ix) for fiscal year 2026, and each
20 fiscal year thereafter, is 100 percent of the
21 cost of all components of the facility or
22 equipment; and”.

1 **SEC. 6. SAFE DRINKING WATER BUY AMERICA PROVISION.**

2 Section 1452(a)(4)(A) of the Safe Drinking Water
3 Act (42 U.S.C. 300j-12(a)) is amended by striking “Dur-
4 ing fiscal year 2017, funds” and inserting “Funds”.

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