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. LIPINSKI OF ILLINOIS

Page 256, line 4, insert "(a) In general.—" before "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
date of enactment of this subsection, the Secretary shall
issue regulations establishing the criteria that the Sec-
retary shall use to determine whether the application of
subsection (a) is consistent with the public interest for the
purposes of subsection (b)(1).

7 "(j) Consistency With International Agreements.—This section shall be applied in a manner that
is consistent with United States obligations under inter-
national agreements."
(b) REVIEW OF NATIONWIDE WAIVERS.—Not later than 1 year after the date of enactment of this Act, and at least once every 5 years thereafter, the Secretary shall review each standing nationwide waiver issued under section 313 of title 23, United States Code, to determine whether continuing such waiver is necessary.

(c) REPEALS.—

(1) WAIVER NOTIFICATION AND ANNUAL REPORTS.—Section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (23 U.S.C. 313 note; 122 Stat. 1607) and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

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123 of title I of division A of the Consolidated Appropriations Act, 2010 (23 U.S.C. 313 note; 123 Stat. 3048), is repealed.

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

SEC. 1722. DEPARTMENT OF TRANSPORTATION BUY AMERICAN ANNUAL REPORT.

Section 308 of title 49, United States Code, is amended by adding at the end the following:
"(f) Buy America.—Not later than February 1 of each year beginning after the date of enactment of the American Energy and Infrastructure Jobs Act of 2012, the Secretary shall submit to Congress a report that—

"(1) specifies each highway, public transportation, or railroad project with respect to which the Secretary issued a waiver from a Buy America requirement during the preceding calendar year;

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

"(3) summarizes the monetary value of contracts awarded pursuant to each such waiver;

"(4) provides the justification for each such waiver, including the specific law, treaty, or international agreement under which the waiver was granted;

"(5) summarizes the funds expended on—

"(A) steel, iron, and manufactured goods produced in the United States for highway, public transportation, or railroad projects with respect to which a Buy America requirement,
under which the Secretary has waiver authority, 
applied during the preceding calendar year; and 

"(B) steel, iron, and manufactured goods 
produced outside the United States for high-
way, public transportation, or railroad projects 
with respect to which the Secretary issued a 
waiver from a Buy America requirement during 
the preceding calendar year; and 

"(6) provides an employment impact analysis of 
the cumulative effect of all waivers for highway, pub-
lic transportation, or railroad projects from a Buy 
America requirement issued by the Secretary during 
the preceding calendar year on manufacturing em-
ployment in the United States."

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

Page 351, after line 8, insert the following:

(c) PROCUREMENT OF ROLLING STOCK.—Section 
5323(j) is further amended—

(1) in paragraph (1)—

(A) by striking "(1) The Secretary" and 
inserting "(1)(A) The Secretary" ; and 

(B) by adding at the end the following:
“(B) Funds made available to carry out this chapter may not be obligated for the procurement of rolling stock (including train control, communication, traction power equipment, and rolling stock prototypes) unless—

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

“(I) for fiscal year 2012 is more than 60 percent of the cost of all components of the rolling stock;

“(II) for fiscal year 2013 is more than 70 percent of the cost of all components of the rolling stock;

“(III) for fiscal year 2014 is more than 80 percent of the cost of all components of the rolling stock;

“(IV) for fiscal year 2015 is more than 90 percent of the cost of all components of the rolling stock; and

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

“(ii) final assembly of the rolling stock, including rolling stock prototypes, occurs in the United States.”;

(2) in paragraph (2)—
(A) in subparagraph (B) by adding "and"

at the end;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as

subparagraph (C); and

(3) by adding at the end the following:

"(11) Waivers relating to rolling stock.—If the Secretary finds that a component of
rolling stock is not produced in the United States in
sufficient and reasonably available quantities or to a
satisfactory quality, the Secretary shall limit the
waiver under paragraph (2) to such component.

"(12) Regulations.—Not later than 1 year
after the date of enactment of this paragraph, the
Secretary shall issue regulations establishing the cri-
teria that the Secretary shall use to determine
whether the application of paragraph (1) is con-
sistent with the public interest for the purposes of
paragraph (2)(A).

"(13) Consistency with international
agreements.—This subsection shall be applied in a
manner that is consistent with United States obliga-
tions under international agreements."

(d) Review of General Public Interest Waiv-
ers.—Not later than 1 year after the date of enactment
of this Act, and at least once every 5 years thereafter,
the Secretary shall review the general public interest waiv-
ers described in subsection (b) of Appendix A of section
661.7 of title 49, Code of Federal Regulations (or any suc-
cessor regulation), to determine whether continuing such
waivers is in the public interest.

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

(a) IN GENERAL.—Section 24305(f) of title 49,
United States Code, is amended—
(1) by striking paragraph (3) and inserting the
following:
“(3) Paragraph (2) of this subsection applies only to
amounts appropriated to the Secretary of Transportation
for the use of Amtrak for capital projects (as defined in
subparagraphs (A) and (B) of section 24401(2), including
projects carried out pursuant to section 101(c) of the Pas-
enger Rail Investment and Improvement Act of 2008 and
any amendments made to that Act.”; and
(2) by adding at the end the following new
paragraphs:

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

Page 756, after line 4, insert the following:
“(7) Not later than 1 year after the date of enactment of this paragraph, the Secretary shall issue regulations establishing the criteria that the Secretary shall use to determine whether the application of paragraph (2) is inconsistent with the public interest for the purposes of paragraph (4)(A)(i).

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

Page 756, after line 4, insert the following:

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

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

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

(1) by striking paragraphs (4), (5), and (11) and redesignating paragraphs (6) through (10) as 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:

"(11) This section shall be applied in a manner that is consistent with United States obligations under international agreements.

"(12) Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue regulations establishing the criteria that the Secretary shall use to determine whether the application of paragraph (1) is inconsistent with the public interest for the purposes of paragraph (2)(A)."

Page 838, after line 17, insert the following:

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

Page 840, after line 17, insert the following (and conform the table of contents accordingly):
SEC. 8704. RAIL LOAN AND LOAN GUARANTEE BUY AMERICA PROVISIONS.

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

(1) by striking “and” at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(3) by adding at the end the following:

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