

AMENDMENT

OFFERED BY MR. GARAMENDI OF CALIFORNIA

At the end of subtitle A of title I, add the following:

1 **SEC. 1_____ . USE OF QUALIFIED CEMENT IN DEPARTMENT**
2 **OF TRANSPORTATION PROJECTS.**

3 (a) **REQUIREMENT FOR QUALIFIED CEMENT.—**

4 (1) **IN GENERAL.—**Notwithstanding any other
5 provision of law, the Secretary of Transportation
6 shall ensure that, to the maximum extent prac-
7 ticable, all cement used in projects receiving Federal
8 financial assistance from the Department of Trans-
9 portation is qualified cement, as defined in sub-
10 section (e).

11 (2) **IMPLEMENTATION.—**The Secretary shall
12 implement this subsection through project specifica-
13 tions, grant conditions, or other appropriate admin-
14 istrative mechanisms.

15 (b) **WAIVER AUTHORITY.—**

16 (1) **IN GENERAL.—**The Secretary may waive
17 the requirement under subsection (a) only upon a
18 written determination, published in the Federal Reg-
19 ister, that—

1 (A) qualified cement is not available in suf-
2 ficient and reasonably available quantities or of
3 a satisfactory quality;

4 (B) the use of qualified cement would in-
5 crease the total cost of the project by more than
6 25 percent; or

7 (C) application of the requirement would
8 be inconsistent with the public interest.

9 (2) PROJECT SPECIFIC DETERMINATIONS.—Any
10 waiver issued under this subsection shall be limited
11 in scope to the specific project and quantity of ce-
12 ment for which the waiver is granted.

13 (c) LIMITATION ON WAIVERS FOR CERTAIN LARGE-
14 SCALE PROJECTS.—Notwithstanding subsection (b), the
15 Secretary may not grant a waiver of the requirement
16 under subsection (a) for any project that—

17 (1) receives Federal financial assistance from
18 the Department of Transportation in an amount ex-
19 ceeding \$100,000,000;

20 (2) is—

21 (A) a highway or bridge project carried out
22 on—

23 (i) the National Multimodal Freight
24 Network established under section 70103
25 of title 49, United States Code;

1 (ii) the National Highway Freight
2 Network established under section 167 of
3 title 23, United States Code; or

4 (iii) the National Highway System (as
5 defined in section 101(a) of title 23,
6 United States Code);

7 (B) a freight intermodal (including public
8 ports) or freight rail project that provides a
9 public benefit;

10 (C) a railway-highway grade separation or
11 elimination project;

12 (D) an intercity passenger rail project;

13 (E) a public transportation project that
14 is—

15 (i) eligible for assistance under chap-
16 ter 53; and

17 (ii) part of a project described in any
18 of subparagraphs (A) through (D);

19 (F) a grouping, combination, or program
20 of interrelated, connected, or dependent projects
21 of any of the projects described in subpara-
22 graphs (A) through (E); or

23 (G) defined in section 6701 of title 49,
24 United States Code; and

1 (3) where the Secretary determines that the use
2 of qualified cement is essential to national competi-
3 tiveness, economic security, or supply chain resil-
4 ience.

5 (d) GEOGRAPHIC ELIGIBILITY FOR QUALIFIED CE-
6 MENT.—For purposes of subsection (a), cement shall be
7 considered qualified cement if it—

8 (1) is produced in—

9 (A) the United States;

10 (B) Canada; or

11 (C) Mexico; and

12 (2) meets the definition of qualified cement.

13 (e) DEFINITIONS.—In this section:

14 (1) CEMENT.—The term “Cement” means hy-
15 draulic cement, including portland cement and
16 blended hydraulic cement, as defined by applicable
17 American Society for Testing and Materials (ASTM)
18 standards and referenced in Department of Trans-
19 portation specifications.

20 (2) QUALIFIED CEMENT.—The term “qualified
21 cement” means cement for which all manufacturing
22 processes, from clinker production in a kiln through
23 finish grinding and blending into cement, occurred
24 entirely within one of the countries listed in sub-
25 section (d), and which complies with applicable per-

- 1 performance, labor, and environmental requirements
- 2 under Federal law.

