

AMENDMENT TO H.R. 2997
OFFERED BY MR. LIPINSKI OF ILLINOIS AND MR.
NOLAN OF MINNESOTA

Add at the end of title VI, the following:

1 **SEC. 6 ___. BUY AMERICA REQUIREMENTS.**

2 (a) IN GENERAL.—Section 50101 of title 49, United
3 States Code, is amended—

4 (1) in subsection (a) by inserting “, iron,” after
5 “only if steel”; and

6 (2) by adding at the end the following:

7 “(d) WAIVER PUBLICATION.—

8 “(1) IN GENERAL.—If the Secretary determines
9 that it is necessary to waive the application of sub-
10 section (a) based on a finding under subsection (b),
11 the Secretary shall, before the date on which such
12 finding takes effect—

13 “(A) publish in the Federal Register a de-
14 tailed written justification as to why the waiver
15 is needed; and

16 “(B) provide notice of such finding and an
17 opportunity for public comment on such finding
18 for a reasonable period of time not to exceed 15
19 days.

1 “(2) REPORT TO CONGRESS.—Not later than
2 90 days after the last day of each fiscal year, the
3 Secretary shall submit to Congress a report on the
4 amount of the number of Buy America waivers
5 granted under this section during that fiscal year.
6 The report required by this paragraph shall sepa-
7 rately indicate—

8 “(A) an itemized list of all waivers granted
9 with respect to steel, iron, or manufactured
10 goods;

11 “(B) the dollar value of any steel, iron, or
12 manufactured goods purchased that were manu-
13 factured outside of the United States; and

14 “(C) a summary of the total procurement
15 funds spent on steel, iron, or manufactured
16 goods manufactured in the United States versus
17 funds spent on steel, iron, or manufactured
18 goods manufactured outside of the United
19 States.

20 “(3) AVAILABILITY OF REPORT.—The Secretary
21 shall make the report submitted under paragraph
22 (2) publicly available on the Internet Web site of the
23 Department of Transportation not later than 30
24 days after the date of submission of the report to
25 Congress.

1 “(e) FALSE REPRESENTATIONS.—If it has been de-
2 termined by a court or Federal agency that any person
3 intentionally—

4 “(1) affixed a label bearing a ‘Made in Amer-
5 ica’ inscription, or any inscription with the same
6 meaning, to any product used in projects to which
7 this section applies, sold in or shipped to the United
8 States that was not made in the United States; or

9 “(2) represented that any product used in
10 projects to which this section applies, sold in or
11 shipped to the United States that was not produced
12 in the United States, was produced in the United
13 States;

14 that person shall be ineligible to receive any contract or
15 subcontract made with funds authorized to be expended
16 by the Federal Aviation Administration, pursuant to the
17 debarment, suspension, and ineligibility procedures in sub-
18 part 9.4 of chapter 1 of title 48, Code of Federal Regula-
19 tions.”.

