

**Congress of the United States**  
**Washington, DC 20515**

November 17, 2015

The Honorable Bill Shuster  
Chairman  
Committee on Transportation & Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Jim Inhofe  
Chairman  
Committee on Environment & Public Works  
U.S. Senate  
Washington, DC 20510

The Honorable Peter DeFazio  
Ranking Member  
Committee on Transportation & Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Barbara Boxer  
Ranking Member  
Committee on Environment & Public Works  
U.S. Senate  
Washington, DC 20510

Dear Chairman Shuster, Chairman Inhofe, Ranking Member DeFazio, and Ranking Member Boxer:

As you work to complete the conference report for a long term surface transportation reauthorization bill, we urge you to preserve certain provisions in the House and Senate bills that strengthen Buy America provisions and to reject certain provisions in the Senate bill that would weaken Buy America provisions. With an opportunity to pass the first truly long-term surface transportation reauthorization since 2005, it is imperative that this law does everything possible to improve American infrastructure and create jobs for people around the country.

Specifically, we support provisions in both bills that increase the domestic content of rolling stock procured with Federal Transit Administration funds from 60% to 70%. This modest increase is phased in incrementally over the next five years and will ensure that equipment used and paid for by taxpayers is manufactured with a higher percentage of American-made materials. These provisions should be maintained in the final conference report, along with Section 3009 of the House-passed bill, which makes Buy America compliance an eligible activity for technical assistance and will help our transit community comply with these important requirements.

We also urge you to maintain provisions found in H.R. 749, the Passenger Rail Reform and Investment Act of 2015 (PRRIA) as you reconcile differences between that legislation and the rail title included in the Senate bill. Section 303 of PRRIA codifies Buy America requirements for Railroad Rehabilitation & Improvement Financing (RRIF) loans, a program that has the capacity to provide \$35 billion in direct loans and loan guarantees for rail infrastructure improvements. As the House and Senate work to modernize this program in a manner that allows more applicants to utilize and spend down its balance, it is critical that this program abide by domestic content standards that are applicable to other transportation investment programs.

While the House and Senate bills contain the positive aforementioned provisions, there are two troubling provisions that we urge you to reject. First, Section 35313 of the Senate bill increases Amtrak's procurement threshold for Buy America applicability from \$1 million to \$5 million. Had this increased threshold been in place for this fiscal year, at least 85% of Amtrak's anticipated capital projects would have been exempt from Buy America requirements.

Additionally, this increase opens the possibility of procurements being segmented into smaller contracts to avoid meeting the new threshold, thus creating even more Buy America exemptions. Second, Section 21013 of the Senate bill changes how waiver requests for transit procurements are handled. Specifically, a provision in this section would shift responsibilities and burdens of proof in the waiver process in a manner that would make granting Buy America waivers easier. This would undermine successful past efforts to strengthen the waiver process to make it more accountable and effective and it should not be included. Accordingly, we ask that you reject both of these provisions.

The purpose of a surface transportation reauthorization is not only to improve our nation's infrastructure, but also to create jobs for our workforce. A strong Buy America component is crucial to this effort and we strongly encourage you to hold firm in strengthening our Buy America laws.



DAN LIPINSKI  
Member of Congress

Sincerely,



CHRISTOPHER MURPHY  
U.S. Senator