

(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

(3) a construction schedule for the project;

(4) a document control procedure and record-keeping system;

(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

(8) material testing policies and procedures;

(9) internal plan implementation and reporting requirements;

(10) criteria and procedures to be used for testing the operational system or its major components;

(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

(12) the recipient's commitment to submit periodically a project budget and project schedule to the Secretary.

[*(b)* Repealed. Pub. L. 114-94, div. A, title XI, § 11316(p), Dec. 4, 2015, 129 Stat. 1679]

(c) **ACCESS TO SITES AND RECORDS.**—Each recipient of assistance under this chapter shall provide the Secretary and a contractor the Secretary chooses under subsection (b) of this section with access to the construction sites and records of the recipient when reasonably necessary.

(Added Pub. L. 110-432, div. B, title III, § 301(a), Oct. 16, 2008, 122 Stat. 4941, § 24403; amended Pub. L. 114-94, div. A, title XI, § 11316(p), Dec. 4, 2015, 129 Stat. 1679; renumbered § 22903, Pub. L. 115-420, § 7(a)(1), Jan. 3, 2019, 132 Stat. 5445.)

#### Editorial Notes

##### AMENDMENTS

2019—Pub. L. 115-420 renumbered section 24403 of this title as this section.

2015—Subsec. (b). Pub. L. 114-94 struck out subsec. (b) which related to secretarial oversight.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

#### § 22904. Use of capital grants to finance first-dollar liability of grant project

Notwithstanding the requirements of section 22902 of this chapter, the Secretary of Transportation may approve the use of a capital assist-

ance grant under this chapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the grant, but the coverage may not exceed \$20,000,000 per occurrence or \$20,000,000 in aggregate per year.

(Added Pub. L. 110-432, div. B, title III, § 301(a), Oct. 16, 2008, 122 Stat. 4942, § 24404; renumbered § 22904 and amended Pub. L. 115-420, § 7(a)(1), (b)(2)(B), Jan. 3, 2019, 132 Stat. 5445, 5446.)

#### Editorial Notes

##### AMENDMENTS

2019—Pub. L. 115-420 renumbered section 24404 of this title as this section and substituted “section 22902” for “section 24402”.

#### § 22905. Grant conditions

(a) **BUY AMERICA.**—(1) The Secretary of Transportation may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

(2) The Secretary of Transportation may waive paragraph (1) of this subsection if the Secretary finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

(C) rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time; or

(D) including domestic material will increase the cost of the overall project by more than 25 percent.

(3) For purposes of this subsection, in calculating the components' costs, labor costs involved in final assembly shall not be included in the calculation.

(4) If the Secretary determines that it is necessary to waive the application of paragraph (1) based on a finding under paragraph (2), the Secretary shall, before the date on which such finding takes effect—

(A) publish in the Federal Register a detailed written justification as to why the waiver is needed; and

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

(5) Not later than December 31, 2012, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on any waivers granted under paragraph (2).

(6) The Secretary of Transportation may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

(A) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection; and