

CLIENT ALERT

FTA Softens Blow of Stricter Buy America Requirements for Rolling Stock

April 12, 2016

On April 6, 2016, the Federal Transit Administration proposed a [policy statement](#) and a [public interest waiver](#), both clarifying that the increased U.S. content percentages mandated by the FAST Act will not apply to contracts entered into before the act's October 1, 2015, effective date and waiving application of the higher percentages to any other contracts resulting from solicitations advertised prior to December 4, 2015 (the date the law was enacted). The FAST Act itself provided some relief from the increased percentages by requiring the FTA, when denying non-availability waivers, to certify to the identity of domestic suppliers of the iron, steel, or manufactured good at issue and by allowing inclusion of domestically sourced iron or steel used in foreign manufactured car shells or rolling stock frames to be included in the calculation of the domestic cost percentage.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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