

# Congress of the United States

Washington, DC 20515

January 24, 2024

Ryan Arbuckle, Chief, Program Coordination and  
Strategy  
Office of Railroad Development  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: [Docket No. FRA-2023-0099] Notice of Proposed Nonavailability Waiver of Buy America Requirements for the Nevada Department of Transportation to Purchase Certain High-Speed Rail Components

Dear Mr. Arbuckle:

We are writing to express our concerns regarding the Notice of Proposed Nonavailability Waiver of Buy America Requirements for the Nevada Department of Transportation to Purchase Certain High-Speed Rail Components. To ensure the United States can meet its own transportation needs, high-speed trains acquired for the Brightline West project must align with Buy America policy. Granting any waiver to exempt high-speed train sets and high-speed rail infrastructure from these regulations would disproportionately favor foreign suppliers, undermining the growth of our domestic manufacturing sector.

As you are aware, waivers to Buy America are meant to be issued when domestic manufacturing materially impacts the overall project cost or is not available. However, we know this is not the case for high-speed trains, with domestic manufacturers already producing the newest generation of high-speed trains for Amtrak, with some of the most recent models having already completed thousands of miles in on-track safety testing. This clearly demonstrates the existence of a thriving and growing domestic manufacturing base for the bulk of our country's high-speed rail needs.

Additionally, granting a waiver to authorize the procurement of high-speed rail from manufacturers outside the U.S. contradicts the fundamental objectives of Buy America. The Infrastructure Investment and Jobs Act (IIJA) underscores that Buy America waivers are not intended to close the door on American manufacturing; rather, they are designed to send clear market signals, encouraging American firms to invest domestically and generate quality jobs in our communities.<sup>1</sup> Granting a waiver in this case, specifically permitting the manufacturing and assembly of two trainsets in Germany, would deviate from the goals of Buy America. Such a decision would lead to the outsourcing of jobs that could otherwise be carried out domestically, ultimately favoring a foreign supplier over U.S. workers. This deviation from Buy America's goals becomes even more critical when considering specific examples.

For instance, one manufacturer—Alstom—has leveraged over \$250 million in investment in local communities to ensure the successes of their manufacturing plants and employees. Nationally, the current U.S. supply chain that delivers high-speed trainsets and infrastructure for Amtrak spans across 27 states, with over \$590 million invested in their domestic suppliers.<sup>2</sup> Upholding a strong Buy America policy is crucial to ensuring that these investments in good paying jobs right here in the U.S. can continue to grow and thrive in the years ahead.

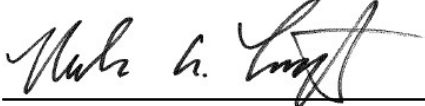
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<sup>1</sup> <https://www.whitehouse.gov/wp-content/uploads/2022/07/Build-America-Buy-America-Factsheet-and-FAQs-for-Award-Recipients.pdf>


<sup>2</sup> <https://www.alstom.com/high-speed-rail-america-already-here-alstom>


We therefore strongly urge the Federal Railroad Administration (FRA) stay true to its commitments to a strong Buy America policy and not proceed with the current waiver being considered for the Brightline West project. Thank you for your consideration and we look forward to seeing more investment in American manufacturers.


Respectfully,

  
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Nicholas A. Langworthy  
Member of Congress

  
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Elise M. Stefanik  
Member of Congress

  
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Joseph D. Morelle  
Member of Congress

  
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Dan Meuser  
Member of Congress

  
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Marcus J. Molinaro  
Member of Congress

  
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Anthony D'Esposito  
Member of Congress

  
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Nicole Malliotakis  
Member of Congress