



A bold voice for transportation workers

HISTORIC OPPORTUNITY TO STRENGTHEN AND ENFORCE BUY AMERICA RULES

Transportation unions have long believed that our federal policies should incentivize the use of public transportation funds to maximize U.S. job creation and revive what became a moribund transportation manufacturing sector. It is why we have pushed successfully for stronger domestic content, or Buy America, rules. It is also why we have waged an aggressive [national effort](#) to align procurement policies at public transportation authorities with the goal of rewarding high-road employers.

Fortunately, the President in his address last month to a Joint Session of Congress pushed a \$1 trillion investment in the infrastructure of the United States and has declared that his plan will be guided by strong Buy America objectives that at their core focus on putting millions of Americans to work. It is now time for execution.

We believe this is a critical moment in our campaign to enact new investment initiatives that finally repair and modernize our badly deteriorated transportation system and infrastructure. By joining that effort with a renewed commitment to strong Buy America policies, we have an opportunity to restore America as a nation that builds things again. With the backing of the President's forceful messaging, we must now raise the bar on our procurement rules so that the billions of dollars in new investments not only grow our economy, but also maximize middle class job creation, transform disadvantaged communities and target job growth among dislocated Americans including single moms, veterans and people of color.

We did not achieve this new momentum by accident. President Obama started this shift in policy in 2009 when his Department of Transportation (DOT) led an historical effort to strictly enforce federal Buy America laws and end the practice of rubber stamping waivers. In recent years TTD and its affiliates have led the fight to improve Buy America policies by successfully closing the segmentation loophole that allowed, for example, the San Francisco Bay Bridge to be built with 43,000 tons of Chinese steel, increasing the Buy America threshold to 70% for all Federal Transit Administration Grants, and codifying 100% Buy America requirements for high-speed rail projects. Additionally, through our partnership with the Jobs to Move America Coalition (JMA), TTD unions have developed and implemented innovative procurement policies that focus on recreating a U.S. transportation manufacturing sector that no longer seeks to win new contracts through low-road bids, but instead wins based on high-road labor models.

This success has often come in the face of fierce opposition from special interests in the name of cheaper goods and corporate profits. But make no mistake, these efforts succeed because they work. As an October, 2014 report from the Duke Center for Globalization, Governance and Competitiveness concluded, Buy America delivers “economic benefits to the U.S. economy” and mitigates “the safety risks of using potentially inferior-quality foreign inputs.” Now is the time for federal policy makers to capitalize on the political tailwinds offered by President Trump and enact policies that further strengthen Buy America.

For starters, Congress should pass legislation that ensures that all infrastructure, public works and construction projects funded with taxpayer dollars are subject to strict Buy America standards. Senator Sherrod Brown (D-OH) introduced legislation (S. 181) earlier this year that would achieve that goal, and enactment of his law would ensure that Buy American coverage is presumed for public projects, not applied on a case by case basis. Furthermore, Congress should pass the Buy American Improvement Act, introduced in February by Congressman Dan Lipinski (IL-3). This comprehensive legislation would harmonize Buy America laws across various federal agencies, bringing consistency to how these laws are applied to publicly financed projects, while also requiring increased transparency to the process. This bill would also expand domestic content requirements to federal programs that are currently not covered.

Beyond federal legislation, we should mainstream innovative local procurement policies that seek to reward good employers and maximize the economic impact of transit and rail procurements. Chief among these policies is the U.S. Employment Plan (USEP) developed by JMA. The USEP provides a system of voluntary price credits and/or scoring methods that allow transit agencies to evaluate the quality of procurement bids based on factors such as domestic content, the number of U.S. jobs created or supported, compensation and benefits, job training, and the number of people hired from disadvantaged communities. A version of the USEP has been adopted by several local transit agencies, including in Chicago, Los Angeles, and at Amtrak, which announced last year that its new high-speed rail cars will be made by members of the International Association of Machinists and Aerospace Workers at its Alstom plant in Hornell, NY. These successes would not have been possible without the smart use of the USEP and we will oppose any efforts to prevent local and state governments from adopting similar policies moving forward.

Transportation labor believes there is an historic opportunity to partner with President Trump on a \$1 trillion infrastructure investment plan that also embraces more vigorous Buy America policies. It is time to move beyond rhetoric and finally reform – and then strongly enforce – Buy America rules. Americans are ready to get to work.

Policy Statement No. W17-02
Adopted March 12, 2017