

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2
OFFERED BY MR. LAMB OF PENNSYLVANIA**

Page 499, after line 5, insert the following:

1 “(6) PROHIBITION ON DOUBLE COUNTING.—

2 “(A) IN GENERAL.—No labor costs in-
3 cluded in the cost of a component or subcompo-
4 nent by the manufacturer of rolling stock may
5 be treated as rolling stock assembly costs for
6 purposes of calculating domestic content.

7 “(B) VIOLATION.—A violation of this para-
8 graph shall be treated as a false claim under
9 subchapter III of chapter 37 of title 31.

10 “(7) DEFINITION OF HIGHLY SKILLED LABOR
11 COSTS.—In this subsection, the term ‘highly skilled
12 labor costs’—

13 “(A) means the apportioned value of direct
14 wage compensation associated with final assem-
15 bly activities of workers directly employed by a
16 rolling stock original equipment manufacturer
17 and directly associated with the final assembly
18 activities of a rolling stock vehicle that advance

1 the value or improve the condition of the end
2 product;

3 “(B) does not include any temporary or in-
4 direct activities or those hired via a third-party
5 contractor or subcontractor;

6 “(C) are limited to metalworking, fabrica-
7 tion, welding, electrical, engineering, and other
8 technical activities requiring training;

9 “(D) are not otherwise associated with ac-
10 tivities required under section 661.11 of title
11 49, Code of Federal Regulations; and

12 “(E) includes only activities performed in
13 the United States and does not include that of
14 foreign nationals providing assistance at a
15 United States manufacturing facility.”

