

AMENDMENT TO RULES COMMITTEE PRINT 119-

33

OFFERED BY MR. GIMENEZ OF FLORIDA

At the end of subtitle B of title XVII, insert the following new section:

1 **SEC. 17__ . PROHIBITIONS RELATING TO CERTAIN VEHI-**
2 **CLES PRODUCED OR PROVIDED BY ENTITIES**
3 **BASED IN CERTAIN COUNTRIES.**

4 (a) IN GENERAL.—Section 5323 of title 49, United
5 States Code, is amended—

6 (1) in subsection (u)—

7 (A) by striking paragraphs (1) and (2) and
8 inserting the following:

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) COVERED ENTITY.—The term ‘cov-
11 ered entity’ means an entity (including a cor-
12 poration, partnership, association, organization,
13 or other entity)—

14 “(i) the principal place of business of
15 which is in a covered nation;

16 “(ii) that is headquartered in, incor-
17 porated in, or otherwise organized under
18 the laws of a covered nation;

1 “(iii) that, regardless of where the en-
2 tity is organized or doing business, is
3 owned or controlled by a covered nation or
4 covered individual, including circumstances
5 in which a covered individual possesses the
6 power to determine, direct, or decide mat-
7 ters affecting the entity—

8 “(I) through—

9 “(aa) the ownership of a
10 majority of the total outstanding
11 voting interest in the entity;

12 “(bb) board representation;

13 “(cc) proxy voting;

14 “(dd) a special share;

15 “(ee) contractual arrange-
16 ments;

17 “(ff) formal or informal ar-
18 rangements to act in concert; or

19 “(gg) other means; and

20 “(II) regardless of whether the
21 power is—

22 “(aa) direct; or

23 “(bb) exercised or
24 unexercised;

1 “(iv) is owned or controlled by a sub-
2 sidiary or affiliate of an entity described in
3 clause (i), (ii), or (iii), or that is the major-
4 ity owner of a joint venture with an entity
5 described in clause (i), (ii), or (iii);

6 “(v) is a manufacturer from which the
7 procurement of rolling stock was ever pro-
8 hibited under this subsection; or

9 “(vi) is an owner of, successor of, sub-
10 sidiary of, or affiliate of a manufacturer
11 described in clause (v), or is the majority
12 owner of a joint venture with such a manu-
13 facturer.

14 “(B) COVERED FUNDING.—The term ‘cov-
15 ered funding’ means any financial assistance
16 administered in accordance with the require-
17 ments of this chapter.

18 “(C) COVERED INDIVIDUAL.—The term
19 ‘covered individual’ means any individual, wher-
20 ever located—

21 “(i) whose activities are directly or su-
22 pervised, directed, controlled, financed, or
23 subsidized, in whole or in majority part, by
24 a covered nation or covered entity;

1 “(ii) who acts as an agent, representa-
2 tive, or employee of a covered nation or an
3 individual described in clause (i);

4 “(iii) who acts in any other capacity
5 at the order of, at the request of, or under
6 the direction or control of a covered nation
7 or an individual described in clause (i); or

8 “(iv) who—

9 “(I) is a citizen or resident of a
10 covered nation or a country controlled
11 by a covered nation; and

12 “(II) is not a citizen or perma-
13 nent resident of the United States.

14 “(D) COVERED NATION.—The term ‘cov-
15 ered nation’ has the meaning given the term in
16 section 4872(d) of title 10.

17 “(E) COVERED VEHICLE.—The term ‘cov-
18 ered vehicle’ means rolling stock that—

19 “(i) is produced or provided by a cov-
20 ered entity included on the list developed
21 under paragraph (2)(B); or

22 “(ii) incorporates an electric power
23 train manufactured or provided by a cov-
24 ered entity included on the list developed
25 under paragraph (2)(B).

1 “(F) ELECTRIC POWER TRAIN.—The term
2 ‘electric power train’ has the meaning given the
3 term in section 571.305 of title 49, Code of
4 Federal Regulations (as in effect on the date of
5 enactment of the BUILD America 250 Act).

6 “(2) PROHIBITION.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (C), on and after the date of enactment
9 of the BUILD America 250 Act, the Secretary
10 may not award or obligate covered funding—

11 “(i) for a contract or subcontract for
12 the procurement of a covered vehicle; or

13 “(ii) for the construction, installation,
14 or maintenance of infrastructure to fuel or
15 charge a covered vehicle that is a bus, if
16 the applicable covered vehicle is procured
17 under a contract or subcontract executed
18 on or after the date of enactment of the
19 BUILD America 250 Act.

20 “(B) LIST OF COVERED ENTITIES.—

21 “(i) IN GENERAL.—Not later than 30
22 days after the date of enactment of the
23 BUILD America Act, the United States
24 Trade Representative, in consultation with
25 the Attorney General and the Secretary,

1 shall make publicly available, including
2 on a publicly accessible website, a list of
3 covered entities that produce or pro-
4 vide—

5 “(I) rolling stock to which the
6 prohibition under subparagraph (A)
7 applies; or

8 “(II) electric power trains the in-
9 corporation of which into rolling stock
10 would render the rolling stock subject
11 to the prohibition under subparagraph
12 (A).

13 “(ii) UPDATES.—The United States
14 Trade Representative shall update the list
15 required under clause (i)—

16 “(I) based on information pro-
17 vided to the United States Trade Rep-
18 resentative by the Attorney General
19 and the Secretary; and

20 “(II) not less frequently than—

21 “(aa) once every days during
22 the 180-day period beginning on
23 the date of initial publication of
24 the list under such clause; and

25 “(bb) annually thereafter.

1 “(C) EXCEPTION.—Notwithstanding sub-
2 paragraph (A), the Secretary may procure a
3 covered vehicle or construct, install, or maintain
4 infrastructure to fuel or charge a covered vehi-
5 cle for purposes of—

6 “(i) the inspection or investigation of
7 a motor vehicle or equipment; or

8 “(ii) motor vehicle safety research, de-
9 velopment, or testing.”;

10 (B) in paragraph (4) by striking “para-
11 graph (1)” each place it appears and inserting
12 “paragraph (2)”;

13 (C) in paragraph (5)—

14 (i) in subparagraph (A)—

15 (I) by striking “This subsection,
16 including the” and inserting “The”;

17 (II) by striking “(4),” and insert-
18 ing “(4)”;

19 (III) by inserting “that does not
20 utilize covered funds” after “sub- con-
21 tract”;

22 (IV) by striking “rail rolling
23 stock manufacturer described in para-
24 graph (1)” and inserting “covered en-
25 tity”;

1 (V) by striking “the manufac-
2 turer” and inserting “the covered en-
3 tity”; and

4 (VI) by striking “date of enact-
5 ment of this subsection” and inserting
6 “date of enactment of the BUILD
7 America 250 Act”;

8 (ii) by striking subparagraph (B) and
9 inserting the following:

10 “(B) CONTRACT COMPLETION.—Notwith-
11 standing paragraph (2), covered funds may be
12 obligated for a contract or subcontract that was
13 eligible for assistance under this chapter under
14 the provisions of this subsection prior to the
15 date of enactment of the BUILD America 250
16 Act until the delivery of rolling stock is com-
17 plete under such contract and throughout the
18 completion of all contract warranties under
19 such contract.”; and

20 (iii) by striking subparagraph (C);
21 and

22 (D) by adding at the end the following:

23 “(6) SEVERABILITY.—If any provision of this
24 subsection, or the application of this subsection to
25 any person or circumstance, is held to be unconstitu-

1 tional or otherwise invalid, the remainder of this
2 subsection, and the application of the provision to
3 any other person or circumstance, shall not be af-
4 fected.”.

