

1 SEC. 3013. GENERAL PROVISIONS.

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

1 (7) in subsection (u)—

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

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

5 “(A) COVERED ENTITY.—The term ‘cov-  
6 ered entity’ means an entity (including a cor-  
7 poration, partnership, association, organization,  
8 or other entity)—

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

11 “(ii) that is headquartered in, incor-  
12 porated in, or otherwise organized under  
13 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           “(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 250 Act, the United  
24 States Trade Representative, in consulta-  
25 tion with the Attorney General and the

1 Secretary, shall make publicly available, in-  
2 cluding on a publicly accessible website, a  
3 list of 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 90 days  
22 during the 180-day period begin-  
23 ning on the date of initial publi-  
24 cation of the list under such  
25 clause; and



1 graph (1)” and inserting “covered en-  
2 tity”;

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

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

10 (ii) by striking subparagraph (B) and  
11 inserting the following:

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

21 (iii) by striking subparagraph (C);

22 and

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

1           “(6) SEVERABILITY.—If any provision of this  
2 subsection, or the application of this subsection to  
3 any person or circumstance, is held to be unconstitutional or  
otherwise invalid, the remainder of this  
4 subsection, and the application of the provision to  
5 any other person or circumstance, shall not be affected.”;