

118TH CONGRESS
1ST SESSION

H. R. 2912

To amend title 49, United States Code, to apply certain limitations to the requirements for buying goods produced in the United States for certain airport-related projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2023

Mr. SWALWELL (for himself, Mr. GARAMENDI, and Ms. CRAIG) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to apply certain limitations to the requirements for buying goods produced in the United States for certain airport-related projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airport Infrastructure
5 Vehicle Security Act”.

6 **SEC. 2. BUYING GOODS PRODUCED IN THE UNITED STATES.**

7 (a) IN GENERAL.—Section 50101 of title 49, United
8 States Code, is amended—

1 (1) by striking “(except section 47127)” each
2 place it appears; and

3 (2) by adding at the end the following:

4 “(d) LIMITATION ON CERTAIN ROLLING STOCK PRO-
5 CUREMENTS.—

6 “(1) IN GENERAL.—Financial assistance made
7 available under the provisions described in sub-
8 section (a) shall not be used in awarding a contract
9 or subcontract to an entity on or after the date of
10 enactment of this subsection for the procurement of
11 rolling stock for use in an airport-related project if
12 the manufacturer of the rolling stock—

13 “(A) is incorporated in or has manufac-
14 turing facilities in the United States; and

15 “(B) is owned or controlled by, is a sub-
16 sidiary of, or is otherwise related legally or fi-
17 nancially to a corporation based in a country
18 that—

19 “(i) is identified as a nonmarket econ-
20 omy country (as defined in section 771(18)
21 of the Tariff Act of 1930 (19 U.S.C.
22 1677(18))) as of the date of enactment of
23 this subsection;

24 “(ii) was identified by the United
25 States Trade Representative in the most

1 recent report required by section 182 of
2 the Trade Act of 1974 (19 U.S.C. 2242)
3 as a foreign country included on the pri-
4 ority watch list defined in subsection (g)(3)
5 of that section; and

6 “(iii) is subject to monitoring by the
7 Trade Representative under section 306 of
8 the Trade Act of 1974 (19 U.S.C. 2416).

9 “(2) EXCEPTION.—

10 “(A) IN GENERAL.—For purposes of para-
11 graph (1), the term ‘otherwise related legally or
12 financially’ does not include—

13 “(i) a minority relationship or invest-
14 ment; or

15 “(ii) relationship with or investment
16 in a subsidiary, joint venture, or other en-
17 tity based in a country described in para-
18 graph (1)(B) that does not export rolling
19 stock or components of rolling stock for
20 use in the United States.

21 “(B) CORPORATION BASED IN CHINA.—
22 Notwithstanding subparagraph (A)(i), for pur-
23 poses of paragraph (1), the term ‘otherwise re-
24 lated legally or financially’ includes a minority
25 relationship or investment if the relationship or

1 investment involves a corporation based in
2 China.

3 “(3) INTERNATIONAL AGREEMENTS.—This sub-
4 section shall be applied in a manner consistent with
5 the obligations of the United States under inter-
6 national agreements.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) RESTRICTING CONTRACT AWARDS BECAUSE
9 OF DISCRIMINATION AGAINST UNITED STATES
10 GOODS OR SERVICES.—Section 50102 of title 49,
11 United States Code, is amended by striking “(except
12 section 47127)”.

13 (2) RESTRICTION ON AIRPORT PROJECTS USING
14 PRODUCTS OR SERVICES OF FOREIGN COUNTRIES
15 DENYING FAIR MARKET OPPORTUNITIES.—Section
16 50104(b) of title 49, United States Code, is amend-
17 ed by striking “(except section 47127)”.

18 (3) FRAUDULENT USE OF MADE IN AMERICA
19 LABEL.—Section 50105 of title 49, United States
20 Code, is amended by striking “(except section
21 47127)”.

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