

119TH CONGRESS
1ST SESSION

S. _____

To address national security risks and prohibit the use of Federal funds for the procurement of certain vehicles and vehicle technologies produced or provided by entities based in certain countries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CORNYN (for himself, Ms. BALDWIN, Mr. SCOTT of Florida, Mr. PETERS, Ms. SMITH, Mr. RICKETTS, Mrs. CAPITO, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To address national security risks and prohibit the use of Federal funds for the procurement of certain vehicles and vehicle technologies produced or provided by entities based in certain countries, 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 “Safeguarding Transit
5 Operations to Prohibit China Act” or the “STOP China
6 Act”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the People’s Republic of China (referred to
4 in this section as the “PRC”) uses a deliberately in-
5 tricate web of industrial policies to distort market
6 behavior to achieve dominance in global markets and
7 increase the dependence of the United States on im-
8 ports from the PRC;

9 (2) the adoption of PRC-developed technologies
10 in the United States, including those used in certain
11 vehicles, poses a significant risk to national security
12 and threatens the long-term competitiveness of the
13 United States;

14 (3) the PRC intentionally creates overcapacity
15 and sells products at below-market prices to gain
16 market share and undermine United States domestic
17 supply chains;

18 (4) Congress must continue to confront the
19 military-civil fusion strategy of the PRC and the in-
20 trusion of the PRC into the United States transpor-
21 tation market, as Congress has done in the National
22 Defense Authorization Act for Fiscal Year 2020
23 (Public Law 116–92; 133 Stat. 1198) and the FAA
24 Reauthorization Act of 2024 (Public Law 118–63;
25 138 Stat. 1025);

(5) United States taxpayer dollars should not be used to fund PRC-subsidized vehicle manufacturing or technology companies; and

4 (6) any entity accepting Federal funding must
5 be prevented from procuring certain vehicles—

(A) from a PRC entity or an entity otherwise related legally or financially to a corporation based in the PRC; or

9 (B) that contain certain vehicle tech-
10 nologies identified as matters of national secu-
11 rity concern.

12 **SEC. 3. PROHIBITIONS RELATING TO CERTAIN VEHICLES**
13 **PRODUCED OR PROVIDED BY ENTITIES**
14 **BASED IN CERTAIN COUNTRIES.**

15 Section 5323(u) of title 49, United States Code, is
16 amended—

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

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

“(A) COVERED ENTITY.—The term ‘covered entity’ means an entity (including a corporation, partnership, association, organization, or other entity)—

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

1 “(ii) that is headquartered in, incor-
2 porated in, or otherwise organized under
3 the laws of a covered nation;

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

11 “(I) through—

12 “(aa) the ownership of a
13 majority of the total outstanding
14 voting interest in the entity;

15 “(bb) board representation;

16 “(cc) proxy voting;

17 “(dd) a special share;

18 “(ee) contractual arrange-
19 ments;

20 “(ff) formal or informal ar-
21 rangements to act in concert; or

22 “(gg) other means; and

23 “(II) regardless of whether that
24 power is—

25 “(aa) direct; or

1 “(bb) exercised or
2 unexercised;

3 “(iv) is owned or controlled by, a sub-
4 sidiary of, an affiliate of, or in a joint ven-
5 ture with an entity described in clause (i),
6 (ii), or (iii);

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

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

14 “(B) COVERED FUNDING.—The term ‘cov-
15 ered funding’ means any financial assistance
16 made available under this chapter.

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

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

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 produced or provided by a covered
24 entity included on the list developed under
25 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 STOP China Act).

6 “(2) PROHIBITION.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (C), on and after the date of enactment
9 of the STOP China Act, the Secretary may not
10 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 STOP China 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 STOP China Act, the United States Trade
24 Representative, in consultation with the
25 Attorney General and the Secretary, shall

1 make publicly available, including on a
2 publicly accessible website, a list of covered
3 entities that produce or provide—

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

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

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

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

19 “(II) not less frequently than—

20 “(aa) once every 90 days
21 during the 180-day period begin-
22 ning on the date of initial publi-
23 cation of the list under that
24 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 (2) in paragraph (4), by striking “paragraph
11 (1)” each place that term appears and inserting
12 “paragraph (2)”;

13 (3) in paragraph (5)—

14 (A) in subparagraph (A)—

15 (i) by striking “This subsection, in-
16 cluding the” and inserting “The”;

17 (ii) by striking the comma after
18 “(4)”;

19 (iii) by inserting “that does not utilize
20 covered funds” after “subcontract”;

21 (iv) by striking “rail rolling stock
22 manufacturer described in paragraph (1)”
23 and inserting “covered entity”;

24 (v) by striking “the manufacturer”
25 and inserting “the covered entity”;

1 (vi) by striking “date of enactment of
2 this subsection” and inserting “date of en-
3 actment of the STOP China Act”;

4 (B) by striking subparagraph (B) and in-
5 serting the following:

6 “(B) CONTRACT COMPLETION.—Notwith-
7 standing paragraph (2), covered funds may be
8 obligated for a contract or subcontract that was
9 eligible for assistance under this chapter under
10 the provisions of this subsection prior to the
11 date of enactment of the STOP China Act until
12 the delivery of rolling stock is complete under
13 such contract.”; and

14 (C) by striking subparagraph (C); and
15 (4) by adding at the end the following:

16 “(6) SEVERABILITY.—If any provision of this
17 subsection, or the application of this subsection to
18 any person or circumstance, is held to be unconstitu-
19 tional or otherwise invalid, the remainder of this
20 subsection, and the application of the provision to
21 any other person or circumstance, shall not be af-
22 fected.”.

1 **SEC. 4. PROHIBITIONS RELATING TO ADDITIONAL VEHI-**
2 **CLES PRODUCED OR PROVIDED BY ENTITIES**
3 **BASED IN CERTAIN COUNTRIES.**

4 (a) DEFINITIONS.—In this section:

5 (1) COVERED ENTITY; COVERED INDIVIDUAL;
6 COVERED NATION; COVERED VEHICLE; ELECTRIC
7 POWER TRAIN.—The terms “covered entity”; “cov-
8 ered individual”, “covered nation”, “covered vehi-
9 cle”, and “electric power train” have the meanings
10 given those terms in section 5323(u)(1) of title 49,
11 United States Code.

12 (2) COVERED FUNDING.—The term “covered
13 funding” means any appropriations made available
14 to the Department, other than funds made available
15 under chapter 53 of title 49, United States Code.

16 (3) DEPARTMENT.—The term “Department”
17 means the Department of Transportation.

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of Transportation.

20 (b) PROHIBITION.—

21 (1) IN GENERAL.—Subject to paragraph (3),
22 the Department may not award, obligate, allocate, or
23 expend covered funding—

24 (A) for the procurement of a covered vehi-
25 cle by the Department or any other agency or
26 person; or

1 (B) for the construction, installation, or
2 maintenance of infrastructure to fuel or charge
3 a covered vehicle that is a bus, if the applicable
4 covered vehicle is procured under a contract or
5 subcontract executed on or after the date of en-
6 actment of this Act.

7 (2) LIST OF COVERED ENTITIES.—

8 (A) IN GENERAL.—Not later than 30 days
9 after the date of enactment of this Act, the
10 United States Trade Representative, in con-
11 sultation with the Attorney General and the
12 Secretary, shall make publicly available, includ-
13 ing on a publicly accessible website, a list of
14 covered entities that produce or provide—

15 (i) covered vehicles to which the prohi-
16 bition under paragraph (1) applies; or

17 (ii) electric power trains the incorpo-
18 ration of which into a covered vehicle
19 would render the covered vehicle subject to
20 the prohibition under that paragraph.

21 (B) UPDATES.—The United States Trade
22 Representative shall update the list required
23 under subparagraph (A)—

24 (i) based on information provided to
25 the United States Trade Representative by

1 the Attorney General and the Secretary;
2 and

3 (ii) not less frequently than—

4 (I) once every 90 days during the
5 180-day period beginning on the date
6 of initial publication of the list under
7 that subparagraph; and

8 (II) annually thereafter.

9 (3) EXCEPTION.—Notwithstanding paragraph
10 (1), the Department may procure a covered vehicle
11 or construct, install, or maintain infrastructure to
12 fuel or charge a covered vehicle for purposes of—

13 (A) the inspection or investigation of a
14 motor vehicle or equipment; or

15 (B) motor vehicle safety research, develop-
16 ment, or testing.

17 (c) SEVERABILITY.—If any provision of this section,
18 or the application of this section to any person or cir-
19 cumstance, is held to be unconstitutional or otherwise in-
20 valid, the remainder of this section, and the application
21 of the provision to any other person or circumstance, shall
22 not be affected.