

# Congress of the United States

Washington, DC 20515

April 12, 2024

The Honorable Maria Cantwell  
Chair  
Committee on Commerce, Science, and  
Transportation  
United States Senate  
Washington, D.C. 20510

The Honorable Sam Graves  
Chair  
Committee on Transportation  
and Infrastructure  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Ted Cruz  
Ranking Member  
Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, D.C. 20510

The Honorable Rick Larsen  
Ranking Member  
Committee on Transportation  
and Infrastructure  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairs Cantwell and Graves and Rankings Members Cruz and Larsen:

As you work to reconcile the House (H.R.3935) and Senate (S.1939) bills reauthorizing the Federal Aviation Administration (FAA), we urge you to maintain Section 423 (Limitation on certain rolling stock procurements) of the House-passed version in the final compromise. Section 423 of the House bill closes a “Buy America” loophole in current law that mainland Chinese state-controlled companies could exploit to sell rolling stock such as buses, trams, and railcars to federally funded airport projects. Current law precludes Chinese state-controlled enterprises from selling rolling stock to other federally funded transportation projects.

In 2019, Congress enacted the bicameral, bipartisan *Transit Infrastructure Vehicle Security Act*, strengthening the “Buy America” law for rolling stock used in public transportation projects funded by the Federal Transit Administration, see 49 U.S. Code §5323(u). Now that Chinese state-controlled enterprises are barred from selling rolling stock to other federally funded transportation projects, Congress must apply the same standard to federally funded airport projects. American taxpayer dollars for airport improvement projects should support domestic manufacturing and workers, not heavily subsidized foreign competitors in non-market economies.

Section 423 of the House bill (H.R.3935) prohibits federal funding to purchase rail cars or buses from foreign rolling stock manufacturers including Chinese state-controlled enterprises companies. With the “Buy America” loophole for federally funded public transportation projects now closed, we are concerned that Chinese-based firms like the China Railway Construction Corporation (CRCC) and BYD Auto will turn to the U.S. market for airport shuttles, trams, and

monorails. Congress should not wait for unscrupulous foreign companies to exploit this remaining loophole in our ‘Buy America’ laws before acting to close it.

Again, we urge you to close this remaining loophole for rolling stock in federally funded airport projects by keeping Section 423 of the House bill (H.R.3935) in the final FAA reauthorization. We must secure America’s supply chains and support domestic manufacturing by ensuring that taxpayer funds are spent on American-made equipment and materials including rolling stock.

Thank you for your attention to this critical issue and to further ensuring American tax dollars are being invested in U.S. businesses, technology, and workers. We are willing to entertain changes that may be necessary to include this section in the final bill.

Sincerely,



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Eric Swalwell  
Member of Congress



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John Garamendi  
Member of Congress



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Josh Gottheimer  
Member of Congress



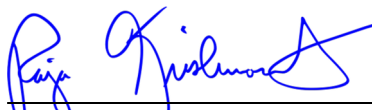
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Katie Porter  
Member of Congress



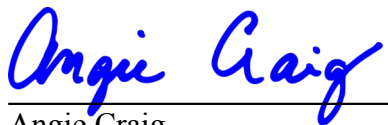
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Dina Titus  
Member of Congress



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Raja Krishnamoorthi  
Member of Congress



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Angie Craig  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



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Barbara Lee  
Member of Congress



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André Carson  
Member of Congress



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Bonnie Watson Coleman  
Member of Congress



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Mikie Sherrill  
Member of Congress