

118TH CONGRESS
1ST SESSION

H. R. 748

To amend title 40, United States Code, to prohibit the distribution of Federal funds to certain entities related to the People’s Republic of China for certain public works projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Ms. TENNEY (for herself, Ms. SPANBERGER, Mr. PHILLIPS, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 40, United States Code, to prohibit the distribution of Federal funds to certain entities related to the People’s Republic of China for certain public works 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 “Stop Communist Con-
5 struction of Public Infrastructure Act” or the “Stop CCP
6 Infrastructure Act”.

1 **SEC. 2. RESTRICTION OF ENTITIES FROM USING FEDERAL**
2 **FUNDS FROM ENGAGING, ENTERING INTO,**
3 **AND AWARDING PUBLIC WORKS CONTRACTS.**

4 (a) IN GENERAL.—Chapter 33 of title 40, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 3319. Restriction of entities from using Federal**
8 **funds to engage, enter into, and award**
9 **public works contracts**

10 “(a) IN GENERAL.—Notwithstanding any other pro-
11 vision of law, Federal funds may not be provided to any
12 covered entity for any covered public works project.

13 “(b) REQUIREMENTS.—Any entity receiving funds
14 for any covered public works project shall be free from
15 any obligations, influences, or connections to any covered
16 entity.

17 “(c) EXCEPTION.—This section shall only apply to
18 projects that are located in the United States.

19 “(d) DEFINITIONS.—In this section:

20 “(1) COVERED ENTITY.—The term ‘covered en-
21 tity’ means any entity that—

22 “(A) is headquartered in China;

23 “(B) is owned, directed, controlled, fi-
24 nanced, or influenced directly or indirectly by
25 the Government of the People’s Republic of
26 China, the CCP, or the Chinese military, in-

1 including any entity for which the Government of
2 the People’s Republic of China, the CCP, or the
3 Chinese military have the ability, through own-
4 ership of a majority or a dominant minority of
5 the total outstanding voting interest in an enti-
6 ty, board representation, proxy voting, a special
7 share, contractual arrangements, formal or in-
8 formal arrangements to act in concert, or other
9 means, to determine, direct, or decide for an
10 entity in an important manner; or

11 “(C) is a parent, subsidiary, or affiliate of
12 any entity described in subparagraph (B).

13 “(2) COVERED PUBLIC WORKS PROJECT.—The
14 term ‘covered public works project’ means any
15 project of the construction, repair, renovation, or
16 maintenance of public buildings, structures, sewers,
17 water works, roads, bridges, docks, underpasses and
18 viaducts, as well as any other improvement to be
19 constructed, repaired or renovated or maintained on
20 public property to be paid, in whole or in part, with
21 public funds or with financing to be retired with
22 public funds in the form of lease payments or other-
23 wise.”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 33 of title 40, United States Code, is amended by in-

1 setting after the item relating to section 3318 the fol-
2 lowing:

“3319. Restriction of entities from using Federal funds to engage, enter into,
and award public works contracts.”.

3 (c) NON-FEDERAL PUBLIC WORKS.—Chapter 35 of
4 title 40, United States Code, is amended by adding at the
5 end the following:

6 **“§ 3506. Restriction of States and local governments**
7 **from using Federal funds to engage,**
8 **enter into, and award public works con-**
9 **tracts**

10 “(a) IN GENERAL.—A State or local government re-
11 ceiving Federal funds may not provide such funds to any
12 covered entity for any covered public works project.

13 “(b) REQUIREMENTS.—A State or local government
14 shall verify that any entity receiving funds for any covered
15 public works project is free from any obligations, influ-
16 ences, or connections to any covered entity.

17 “(c) EXCEPTION.—This section shall only apply to
18 projects that are located in a State.

19 “(d) DEFINITIONS.—In this section:

20 “(1) COVERED ENTITY.—The term ‘covered en-
21 tity’ means any entity that—

22 “(A) is headquartered in China;

23 “(B) is owned, directed, controlled, fi-
24 nanced, or influenced directly or indirectly by

1 the Government of the People’s Republic of
2 China, the CCP, or the Chinese military, in-
3 cluding any entity for which the Government of
4 the People’s Republic of China, the CCP, or the
5 Chinese military have the ability, through own-
6 ership of a majority or a dominant minority of
7 the total outstanding voting interest in an enti-
8 ty, board representation, proxy voting, a special
9 share, contractual arrangements, formal or in-
10 formal arrangements to act in concert, or other
11 means, to determine, direct, or decide for an
12 entity in an important manner; or

13 “(C) is a parent, subsidiary, or affiliate of
14 any entity described in subparagraph (B).

15 “(2) COVERED PUBLIC WORKS PROJECT.—The
16 term ‘covered public works project’ means any
17 project of the construction, repair, renovation, or
18 maintenance of public buildings, structures, sewers,
19 water works, roads, bridges, docks, underpasses and
20 viaducts, as well as any other improvement to be
21 constructed, repaired or renovated or maintained on
22 public property to be paid, in whole or in part, with
23 public funds or with financing to be retired with
24 public funds in the form of lease payments or other-
25 wise.”.

1 (d) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 35 of title 40, United States Code, is amended by add-
3 ing at the end the following:

“3506. Restriction of States and local governments from using Federal funds
to engage, enter into, and award public works contracts.”.

4 (e) UPDATING REGULATIONS.—The Federal Acquisi-
5 tion Regulation and the Defense Federal Acquisition Reg-
6 ulation shall be revised to implement the provisions of this
7 Act.

8 (f) RULE OF APPLICABILITY.—The amendments
9 made by this section shall take effect, and shall apply to
10 projects beginning on or after, 180 days after the date
11 of enactment of this Act.

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