

119TH CONGRESS
2D SESSION

S. 5294

To amend title 49, United States Code, to require all railroad freight cars operating on the United States general railroad system of transportation to meet certain manufacturing and content requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2026

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to require all railroad freight cars operating on the United States general railroad system of transportation to meet certain manufacturing and content requirements, 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 “Keeping China Off
5 the Rails Act of 2026”.

1 **SEC. 2. AMENDMENTS TO REQUIREMENTS FOR RAILROAD**
2 **FREIGHT CARS PLACED INTO SERVICE IN**
3 **THE UNITED STATES AND TRANSPORTING**
4 **DEPARTMENT OF DEFENSE CARGO.**

5 Section 20171 of title 49, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by redesignating paragraphs (5)
9 through (12), as paragraphs (6) through (13),
10 respectively; and

11 (B) by inserting after paragraph (4) the
12 following:

13 “(5) DEPARTMENT OF DEFENSE CARGO.—The
14 term ‘Department of Defense cargo’ means the
15 movement of goods by a rail carrier arranged for,
16 by, or on behalf of any of the Armed Forces, as de-
17 fined in section 101 of title 10.”;

18 (2) in subsection (b)(1) by striking “A rail-
19 road” and inserting “Except as required in sub-
20 section (d), a railroad”;

21 (3) in subsection (c)(3)(B) by striking “Asso-
22 ciation of American Railroad’s Umler system” and
23 inserting “Association of American Railroads’ Umler
24 system”; and

25 (4) by adding at the end the following:

1 “(d) REQUIREMENTS FOR RAILROAD FREIGHT CARS
2 TRANSPORTING DEPARTMENT OF DEFENSE CARGO.—
3 For railroad freight cars transporting Department of De-
4 fense cargo, only the requirements of subparagraphs (A)
5 and (B) of subsection (b)(1) shall apply and such require-
6 ments shall apply as follows:

7 “(1) For the 1-year period beginning on the
8 date of enactment of the National Defense Author-
9 ization Act for Fiscal Year 2027, a railroad freight
10 car produced during the 2-year period immediately
11 prior to such date of enactment.

12 “(2) For the 1-year period beginning 1 year
13 after such date of enactment, a railroad freight car
14 produced during the 5-year period immediately prior
15 to such date of enactment.

16 “(3) For the 1-year period beginning 2 years
17 after such date of enactment, a railroad freight car
18 produced during the 10-year period immediately
19 prior to such date of enactment.

20 “(4) For the 1-year period beginning 3 years
21 after such date of enactment, a railroad freight car
22 produced during the 15-year period immediately
23 prior to such date of enactment.

24 “(5) On and after the date that is 4 years after
25 such date of enactment, a railroad freight car.

1 “(e) EXCEPTION.—Notwithstanding subsection (d)
2 the requirements of subparagraphs (A) and (B) of sub-
3 section (b)(1) shall not apply if—

4 “(1) the railcar is used for transporting De-
5 partment of Defense cargo for clandestine purposes
6 and reasonably believed to be unknown to a country
7 of concern; or

8 “(2) the railroad freight car owner has not been
9 notified in advance of Department of Defense cargo
10 being shipped in the railroad freight car.”.

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