Office of the Secretary of Transportation § 30.9

collection, alteration, and repair of
public projects and public works.
(e) The restrictions of this part also
apply to all products used in the con-
struction, alteration, or repair of pub-
lic projects and public works; Provided,
however, That
(1) The restrictions of this part do
not apply to construction equipment or
vehicles that do not become part of a
delivered structure, product, or project
and
(2) Notwithstanding paragraph (c) of
this section, the restrictions of section
109(a) of the Continuing Resolution do
not apply to vehicles to be used by the
project, including, but not limited to,
buses, trucks, automobiles, rail rolling
stock, and aircraft.

§ 30.5 Effective dates.
The provisions of section 109(a) of the
Continuing Resolution apply to con-
tracts (or new subcontracts under ex-
isting contracts, whether or not sub-
ject to the restriction) entered into
after December 22, 1987, its date of en-
actment, and before October 1, 1988.
The provisions of section 115 of the Air-
port Safety Act apply to contracts
funded by the Act and entered into
after December 30, 1987, its date of en-
actment; the restrictions remain effec-
tive so long as money provided by the
Airport Safety Act is used. Accord-
ingly, any contracts or subcontracts
subject to the restrictions of this part
entered into with contractors or sub-
contractors owned or controlled by
citizens of subject countries, as defined
by §§ 30.7 and 30.9 of this part, since De-
cember 22, 1987 shall be canceled at no
cost to the Government, subject to the
waiver provisions of §30.17 of this part.
All public works or public buildings
contracts entered into after December
22, 1987, shall include, or be modified to
include, a provision prohibiting sub-
contracting with citizens of subject
countries, as defined by §§ 30.7 and 30.9
of this part.

§ 30.7 Definitions.
(a) Funds appropriated for FY 1988 by
this resolution or any other law, as used
in this part with reference to section
109(a) of the Continuing Resolution,
means all appropriated and trust funds
available to DOT, its modal adminis-
tration, or their grantees for expendi-
ture or obligation in fiscal year 1988,
regardless of the fiscal year in which
the funds were appropriated.
(b) Funds made available by this Act,
as used in this part with reference to
section 115(a) of the Airport Safety
Act, means all funds, including trust
funds, made available to DOT, its
modal administrations, or their grant-
ees by that Act, whether or not the
contracts to be funded are awarded
(c) Contractor and subcontractor
means any person, other than a sup-
plier of products, performing any archi-
tectural, engineering, or other service
directly related to the preparation for
or performance of the construction, al-
teration, or repair of any public build-
ing or public work in the United States
or any territory or possession of the
United States.
(d) Contractor or subcontractor of a for-
gain country means any contractor or
subcontractor that is a citizen or na-
tional of a foreign country, or is con-
trolled directly or indirectly by one or
more citizens or nationals of a foreign
country.
(e) Service of a foreign country means
any service provided by a person that
is a citizen or national of a foreign
country, or is controlled by one or
more citizens or nationals of a foreign
country.
(f) Product of a foreign country means
construction materials, i.e., articles,
materials, and supplies brought to the
construction site for incorporation into
the public works project. A product is
considered to have been produced in a
foreign country if more than fifty per-
cent of the total cost of the product is
allocable to production or manufacture
in the foreign country.
(g) Foreign country means a country
included in the list of countries that
discriminate against U.S. firms pub-
lished by the U.S.T.R.

§ 30.9 Citizenship: Direct or indirect
control.
A contractor, subcontractor, or per-
son providing a service shall be consid-
ered to be a citizen or national of a for-
gain country, or controlled directly or
indirectly by citizens or nationals of a