

AMENDMENT TO RULES COMM. PRINT 117-31
OFFERED BY MR. CLOUD OF TEXAS

At the end of title III of division D, add the following:

1 **SEC. 30326. RESTRICTIONS RELATING TO THE PEOPLE'S**
2 **REPUBLIC OF CHINA WITH RESPECT TO THE**
3 **PROVISION OF SUPPORT UNDER TITLE II OF**
4 **THE BETTER UTILIZATION OF INVESTMENTS**
5 **LEADING TO DEVELOPMENT ACT OF 2018.**

6 (a) **PURPOSE.**—The purpose of this section and the
7 amendments made by this section is to prevent the Peo-
8 ple's Republic of China from being involved in financing
9 or carrying out projects that would directly or indirectly
10 benefit the People's Republic of China.

11 (b) **IN GENERAL.**—Title V of the Better Utilization
12 of Investments Leading to Development Act of 2018 (22
13 U.S.C. 9671 et seq.) is amended—

14 (1) by redesignating section 1454 as section
15 1455; and

16 (2) by inserting after section 1453 the fol-
17 lowing:

1 **“SEC. 1454. RESTRICTIONS RELATING TO THE PEOPLE’S RE-**
2 **PUBLIC OF CHINA WITH RESPECT TO THE**
3 **PROVISION OF SUPPORT UNDER TITLE II.**

4 “(a) IN GENERAL.—In providing support under title
5 II, the Corporation may not—

6 “(1) accept or use funds or goods or services
7 that are provided directly or indirectly by the Gov-
8 ernment of the People’s Republic of China or any
9 covered Chinese entity; or

10 “(2) provide support to any individual who ad-
11 vises, sits on the board of directors of, or has influ-
12 ence in decisions of, a covered Chinese entity or the
13 Chinese Development Bank, the China ExIM Bank,
14 Sinosure, China’s State Administration of Foreign
15 Exchange (SAFE), or the China Investment Cor-
16 poration (CIC).

17 “(b) CERTIFICATION.—

18 “(1) IN GENERAL.—The Corporation shall re-
19 quire each entity receiving funds for projects sup-
20 ported by the Corporation under title II to certify,
21 in good faith and in writing, that—

22 “(A) it will not use such funds in violation
23 of the restrictions described in subsection (a);
24 and

25 “(B) it will return any such funds to the
26 Corporation if the Corporation determines that

1 the entity is in violation of any such restric-
2 tions.

3 “(2) PENALTIES.—If the Corporation deter-
4 mines that a certification of an entity required by
5 paragraph (1) is inaccurate, the entity shall be pro-
6 hibited from receiving any additional funds for
7 projects supported by the Corporation under title II
8 for a period of not less than 12 months, or until
9 such time as the entity provides assurances to the
10 Corporation in writing that it will not submit a cer-
11 tification that is inaccurate in the future, whichever
12 occurs earlier. If the Corporation determines that
13 any subsequent certification of an entity required by
14 paragraph (1) is inaccurate, the entity shall be pro-
15 hibited from receiving any additional funds for
16 projects supported by the Corporation under title II
17 for a period of not less than 24 months.

18 “(3) POLICIES AND PROCEDURES.—The Cor-
19 poration, in consultation with the appropriate con-
20 gressional committees, shall—

21 “(A) develop policies and procedures to im-
22 plement the requirements of this subsection;
23 and

24 “(B) publish such policies and procedures
25 on the Corporation’s website.

1 “(c) CONSIDERATION.—The Corporation and each
2 entity receiving funds for projects supported by the Cor-
3 poration under title II shall, for purposes of meeting the
4 requirements of this section, take into account the nature
5 and extent to which the Government of the People’s Re-
6 public of China controls or otherwise influences covered
7 Chinese entities.

8 “(d) DEFINITIONS.—In this subsection:

9 “(1) COVERED CHINESE ENTITY.—The term
10 ‘covered Chinese entity’ means—

11 “(A) an entity that is organized under the
12 laws of the People’s Republic of China or other-
13 wise subject to the jurisdiction of the Govern-
14 ment of the People’s Republic of China;

15 “(B) an entity that is controlled by or af-
16 filiated with another entity that is subject to
17 the jurisdiction of the Government of the Peo-
18 ple’s Republic of China or a national of the
19 People’s Republic of China, including an entity
20 in which such other entity or national deter-
21 mines, directs, or decides for the entity impor-
22 tant matters with respect to the business oper-
23 ations of the entity; or

