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:

SEC. 30326. RESTRICTIONS RELATING TO THE PEOPLE’S REPUBLIC OF CHINA WITH RESPECT TO THE PROVISION OF SUPPORT UNDER TITLE II OF THE BETTER UTILIZATION OF INVESTMENTS LEADING TO DEVELOPMENT ACT OF 2018.

(a) PURPOSE.—The purpose of this section and the amendments made by this section is to prevent the People’s Republic of China from being involved in financing or carrying out projects that would directly or indirectly benefit the People’s Republic of China.

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

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

(2) by inserting after section 1453 the following:
“SEC. 1454. RESTRICTIONS RELATING TO THE PEOPLE'S PUBLIC OF CHINA WITH RESPECT TO THE PROVISION OF SUPPORT UNDER TITLE II.

“(a) In General.—In providing support under title II, the Corporation may not—

“(1) accept or use funds or goods or services that are provided directly or indirectly by the Government of the People’s Republic of China or any covered Chinese entity; or

“(2) provide support to any individual who advises, sits on the board of directors of, or has influence in decisions of, a covered Chinese entity or the Chinese Development Bank, the China ExIM Bank, Sinosure, China’s State Administration of Foreign Exchange (SAFE), or the China Investment Corporation (CIC).

“(b) Certification.—

“(1) In General.—The Corporation shall require each entity receiving funds for projects supported by the Corporation under title II to certify, in good faith and in writing, that—

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

“(B) it will return any such funds to the Corporation if the Corporation determines that
the entity is in violation of any such restrictions.

“(2) PENALTIES.—If the Corporation determines that a certification of an entity required by paragraph (1) is inaccurate, the entity shall be prohibited from receiving any additional funds for projects supported by the Corporation under title II for a period of not less than 12 months, or until such time as the entity provides assurances to the Corporation in writing that it will not submit a certification that is inaccurate in the future, whichever occurs earlier. If the Corporation determines that any subsequent certification of an entity required by paragraph (1) is inaccurate, the entity shall be prohibited from receiving any additional funds for projects supported by the Corporation under title II for a period of not less than 24 months.

“(3) POLICIES AND PROCEDURES.—The Corporation, in consultation with the appropriate congressional committees, shall—

“(A) develop policies and procedures to implement the requirements of this subsection; and

“(B) publish such policies and procedures on the Corporation’s website.
“(c) CONSIDERATION.—The Corporation and each entity receiving funds for projects supported by the Corporation under title II shall, for purposes of meeting the requirements of this section, take into account the nature and extent to which the Government of the People’s Republic of China controls or otherwise influences covered Chinese entities.

“(d) DEFINITIONS.—In this subsection:

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

“(A) an entity that is organized under the laws of the People’s Republic of China or otherwise subject to the jurisdiction of the Government of the People’s Republic of China;

“(B) an entity that is controlled by or affiliated with another entity that is subject to the jurisdiction of the Government of the People’s Republic of China or a national of the People’s Republic of China, including an entity in which such other entity or national determines, directs, or decides for the entity important matters with respect to the business operations of the entity; or
“(C) any other entity of the People’s Republic of China that the Corporation determines to be appropriate.

“(2) FUNDS.—The term ‘funds’ includes financial support, technical support, or other support.”.

(c) CLERICAL AMENDMENT.—The table of contents for the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note) is amended by striking the item relating to section 1454 and inserting the following:

“Sec. 1454. Restrictions relating to the People’s Republic of China with respect to the provision of support under title II.

“Sec. 1455. Applicability of certain provisions of law.”.

(d) EFFECTIVE DATE.—The amendments made by this section—

(1) take effect on the date of the enactment of this Act; and

(2) apply with respect to support under title II of the Better Utilization of Investments Leading to Development Act of 2018 provided on or after such date of enactment.