AMENDMENT TO RULES COMMITTEE PRINT 116-36

OFFERED BY MR. HILL OF ARKANSAS

Page 33, after line 22, insert the following:

SEC. ___. PROHIBITION ON ASSISTANCE FOR THE GOVERNMENT OF CHINA.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635), as amended by the preceding provisions of this Act, is amended by adding at the end the following:

“(n) PROHIBITION ON ASSISTANCE FOR THE GOVERNMENT OF CHINA.—

“(1) IN GENERAL.—The Agency may not authorize the provision of financial assistance for a lender, obligor, or end user that is the government of China, unless the President of the United States reports to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that the financial assistance is not provided for a lender, obligor, or end user that, as determined by the President of the United States, knowingly authorizes, engages in, or facilitates the theft of
United States intellectual property or the illicit transfer of technology from a United States person.

“(2) Waiver authorities.—

“(A) President of the Agency.—The President of the Agency may waive paragraph (1) on reporting to the committees specified in paragraph (1) that the financial assistance—

“(i) would enable exports directly by United States small business concerns; or

“(ii) is required for the export of humanitarian goods or services.

“(B) President of the United States.—The President of the United States may waive paragraph (1) for not more than 1 year at a time on reporting to the committees specified in paragraph (1) that the waiver is essential to the national interest of the United States, with a detailed explanation of the reasons therefor.

“(3) Definition.—In this subsection, the term ‘Government of China’ means—

“(A) the state and the Government of China, as well as any political subdivision, agency, or instrumentality thereof;
“(B) any entity owned or controlled, directly or indirectly, by any of the foregoing, including any corporation, partnership, association, or other entity in which any of the foregoing owns a 50 percent or greater interest or a controlling interest, and any entity which is otherwise controlled by any of the foregoing;

“(C) any person that is or has been acting or purporting to act, directly or indirectly, for or on behalf of any of the foregoing; and

“(D) any other person which the Secretary of the Treasury determines is included in any of the foregoing.

“(4) KNOWINGLY.—In this subsection, the term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.”.