

117TH CONGRESS
1ST SESSION

H. R. 5614

To amend the Better Utilization of Investments Leading to Development Act of 2018 to establish restrictions relating to the People's Republic of China with respect to the provision of support under title II of that Act.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2021

Mr. CLOUD introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Better Utilization of Investments Leading to Development Act of 2018 to establish restrictions relating to the People's Republic of China with respect to the provision of support under title II of that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. 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:

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

21 **“(a) IN GENERAL.—In providing support under title**
22 **II, the Corporation may not—**

23 **“(1) accept or use funds or goods or services**
24 **that are provided directly or indirectly by the Gov-**
25 **ernment of the People’s Republic of China or any**
26 **covered Chinese entity; or**

1 “(2) provide support to any individual who ad-
2 vises, sits on the board of directors of, or has influ-
3 ence in decisions of, a covered Chinese entity or the
4 Chinese Development Bank, the China ExIM Bank,
5 Sinosure, China’s State Administration of Foreign
6 Exchange (SAFE), or the China Investment Cor-
7 poration (CIC).

8 “(b) CERTIFICATION.—

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

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

16 “(B) it will return any such funds to the
17 Corporation if the Corporation determines that
18 the entity is in violation of any such restric-
19 tions.

20 “(2) PENALTIES.—If the Corporation deter-
21 mines that a certification of an entity required by
22 paragraph (1) is inaccurate, the entity shall be pro-
23 hibited from receiving any additional funds for
24 projects supported by the Corporation under title II
25 for a period of not less than 12 months, or until

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

10 “(3) POLICIES AND PROCEDURES.—The Cor-
11 poration, in consultation with the appropriate con-
12 gressional committees, shall—

13 “(A) develop policies and procedures to im-
14 plement the requirements of this subsection;
15 and

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

18 “(c) CONSIDERATION.—The Corporation and each
19 entity receiving funds for projects supported by the Cor-
20 poration under title II shall, for purposes of meeting the
21 requirements of this section, take into account the nature
22 and extent to which the Government of the People’s Re-
23 public of China controls or otherwise influences covered
24 Chinese entities.

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

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

3 “(A) an entity that is organized under the
4 laws of the People’s Republic of China or other-
5 wise subject to the jurisdiction of the Govern-
6 ment of the People’s Republic of China;

7 “(B) an entity that is controlled by or af-
8 filiated with another entity that is subject to
9 the jurisdiction of the Government of the Peo-
10 ple’s Republic of China or a national of the
11 People’s Republic of China, including an entity
12 in which such other entity or national deter-
13 mines, directs, or decides for the entity impor-
14 tant matters with respect to the business oper-
15 ations of the entity; or

16 “(C) any other entity of the People’s Re-
17 public of China that the Corporation determines
18 to be appropriate.

19 “(2) FUNDS.—The term ‘funds’ includes finan-
20 cial support, technical support, or other support.”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 for the FAA Reauthorization Act of 2018 (49 U.S.C.
23 40101 note) is amended by striking the item relating to
24 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.”.

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

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

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

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