

117TH CONGRESS  
2D SESSION

# H. R. 7935

To reinforce commercial relationships with Latin American and Caribbean allies and expand critical supply chains in the Americas.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2022

Mr. ESPAILLAT (for himself and Mrs. CHERFILUS-McCORMICK) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reinforce commercial relationships with Latin American and Caribbean allies and expand critical supply chains in the Americas.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Opportunities in the  
5       Americas Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) Our neighbors in the Western Hemisphere  
2           play a vital role in ensuring regional peace, security,  
3           and democracy.

4           (2) According to the United States Trade Rep-  
5           resentative, in 2020 the United States exported  
6           \$11.1 billion worth of goods to Caribbean Basin Ini-  
7           tiative countries and imported \$5.1 billion.

8           (3) According to the United States Census Bu-  
9           reau, in 2021 the United States exported \$174.62  
10          billion worth of goods to Central and South America  
11          and imported \$120.99 billion.

12          (4) The economic viability of the Western  
13          Hemisphere brings essential strength and stability to  
14          the region.

15          (5) There is significant opportunity to improve  
16          regional investment in manufacturing, co-production  
17          and nearshoring arrangements, and the free flow of  
18          goods and services in the Western Hemisphere.

19          (6) Closer economic integration among the  
20          Americas through free trade agreements encourages  
21          further economic and commercial ties in the region.

22          (7) The United States should exercise its influ-  
23          ence to encourage private sector investment, free  
24          markets, and economic cooperation in the region.

1           (8) Countries in the Western Hemisphere  
2           should combat corruption, strengthen their judicial  
3           systems, reduce bureaucratic red tape, streamline  
4           permitting, and embrace free markets in order to en-  
5           courage more private sector investment.

6           (9) The Western Hemisphere has a supply  
7           chain that is overly dependent on the People's Re-  
8           public of China.

9           (10) The United States free trade agreements  
10          and preference programs in the Western Hemi-  
11          sphere, including the Dominican Republic-Central  
12          America Free Trade Agreement and the Caribbean  
13          Basin Trade Partnership Act, are key economic driv-  
14          ers in the region and represent a crucial alternative  
15          co-production and trading bloc to the People's Re-  
16          public of China.

17          (11) Ensuring that critical supply chains for  
18          key products, including textiles and apparel, lithium  
19          batteries, and pharmaceuticals, are located both in  
20          the United States and other countries in the West-  
21          ern Hemisphere is a national security priority for  
22          the United States.

23          (12) The United States should enact policies  
24          that incentivize manufacturers to relocate to the  
25          Western Hemisphere, and United States companies

1 to expand operations in the region through  
2 nearshoring and co-production arrangements.

3 (13) Increased investment incentives, co-produc-  
4 tion, and trade between the United States and Latin  
5 America and the Caribbean will foster joint economic  
6 and commercial growth, increase investment oppor-  
7 tunities, and contribute to job creation.

8 **SEC. 3. ASSISTANCE PROVIDED BY THE UNITED STATES**  
9 **INTERNATIONAL DEVELOPMENT FINANCE**  
10 **CORPORATION.**

11 (a) USE OF FUNDS.—

12 (1) IN GENERAL.—Notwithstanding any other  
13 provision of law, the DFC shall use not less than 10  
14 percent of the amounts made available under any  
15 provision of law to the DFC for each fiscal year be-  
16 ginning after the date of the enactment of this Act  
17 to finance the qualified moving costs and necessary  
18 workforce development costs and the qualified costs  
19 of expanding business of, and reduce the interest  
20 rate on any loan to be provided by the DFC to the  
21 interest rate described in paragraph (4) to, any  
22 qualified corporation that is eligible for, or a recipi-  
23 ent of, assistance from the DFC, to the extent of  
24 qualifying applications for assistance under this sec-  
25 tion.

1           (2) COORDINATION.—The DFC shall carry out  
2       this section in coordination with—

3           (A) relevant Federal agencies, including  
4       the United States Trade and Development  
5       Agency, the Export-Import Bank of the United  
6       States, the United States Army Corps of Engi-  
7       neers, and the United States Agency for Inter-  
8       national Development;

9           (B) relevant international financial institu-  
10      tions, including the World Bank and the Inter-  
11      American Development Bank;

12          (C) relevant nongovernmental organiza-  
13      tions; and

14          (D) relevant governments of Latin Amer-  
15      ican and Caribbean countries.

16          (3) AVAILABILITY OF UNUSED AMOUNTS.—If  
17      the DFC does not use the entire amount described  
18      in paragraph (1) for a fiscal year as described in  
19      such paragraph, such amount shall, to the maximum  
20      extent practicable, be made available to the DFC for  
21      the next fiscal year, in addition to other available  
22      funds, to carry out this section or other DFC pro-  
23      grams for qualified Latin American or Caribbean  
24      countries.

1           (4) INTEREST RATE DESCRIBED.—The interest  
2       rate described in this paragraph is—

3                   (A) the Federal funds rate; or

4                   (B) the interest rate that is determined by  
5       reducing by not less than  $\frac{1}{2}$  of 1 percent and  
6       not more than 1 percent (but to not less than  
7       zero percent) the interest rate on the loan to be  
8       provided by the DFC to the qualified corpora-  
9       tion,

10      whichever is the lesser.

11      (b) NO NEGATIVE EFFECTS ON EMPLOYMENT IN  
12      THE UNITED STATES.—The DFC shall not provide assist-  
13      ance under this section unless the Secretary of Commerce  
14      has determined that the provision of the assistance would  
15      not result in a negative effect on employment in the  
16      United States.

17      (c) DISPOSITION OF UNUSED ASSISTANCE.—A cor-  
18      poration to which financing is made under this section  
19      shall remit to the DFC any portion of the assistance that  
20      is not expended within 4 years after the date the financing  
21      is made.

22      (d) CONDITIONS ON PROVISION OF LOANS.—The  
23      DFC—

1           (1) may provide loans under this section to a  
2           corporation only if the loans are commercially viable,  
3           as determined by the DFC; and

4           (2) shall determine an appropriate amount of  
5           time for repayment of loans under this section to a  
6           corporation.

7           (e) CONDITIONS ON RECEIPT OF ASSISTANCE.—

8           (1) IN GENERAL.—The DFC may not provide  
9           assistance under this section to a corporation un-  
10          less—

11                 (A) the DFC determines that the corpora-  
12                 tion will create jobs in the qualified Latin  
13                 American or Caribbean country to which it  
14                 moves operations or expands business in num-  
15                 bers determined by the DFC to be commensu-  
16                 rate with the assistance provided;

17                 (B) the DFC determines that the corpora-  
18                 tion will expand its business operations in the  
19                 Western Hemisphere if it already does business  
20                 in a qualified Latin American or Caribbean  
21                 country;

22                 (C) the corporation makes a binding com-  
23                 mitment to the DFC that, on and after the date  
24                 the assistance is provided—

1 (i) neither the corporation nor any  
2 owner of the corporation will have an own-  
3 ership relationship with the Government of  
4 the People's Republic of China or the Chi-  
5 nese Communist Party, the Government of  
6 the Russian Federation, or any other for-  
7 eign adversary;

8 (ii) neither the corporation nor any  
9 owner of the corporation will have a sig-  
10 nificant contractual or supplier relationship  
11 with the People's Republic of China; and

12 (iii) the corporation—

13 (I) will not have its headquarters  
14 in the People's Republic of China, the  
15 Russian Federation, or any other for-  
16 eign adversary; and

17 (II) will not have a majority of  
18 its operations in the People's Republic  
19 of China and a majority of its revenue  
20 will not be generated in the People's  
21 Republic of China;

22 (D) the corporation, when receiving fund-  
23 ing in relation to qualified moving costs—

24 (i) makes a binding commitment to  
25 the DFC that it will submit to the DFC a



1 report specifying the progress it is making  
2 to move its operations from the People's  
3 Republic of China to the qualified Latin  
4 American or Caribbean country; and

5 (ii) makes a binding commitment to  
6 the DFC that it will move all assets of the  
7 corporation with respect to which the as-  
8 sistance is provided to a qualified Latin  
9 American or Caribbean country; and

10 (E) the corporation will retain all assets of  
11 the corporation with respect to which the assist-  
12 ance is provided in a qualified Latin American  
13 or Caribbean country after the date described  
14 in subparagraph (C) or the last day of the ex-  
15 tension described in subparagraph (E), as the  
16 case may be.

17 (2) COMPLIANCE DETERMINATIONS.—

18 (A) IN GENERAL.—The DFC, in coordina-  
19 tion with the Department of State and the  
20 United States Trade Representative, shall make  
21 all determinations regarding compliance with  
22 the provisions of paragraph (1).

23 (B) NON-COMPLIANCE ACTIONS.—If the  
24 DFC has reduced the interest rate on any loan  
25 provided by the DFC to a qualified corporation

1 to the interest rate described in subsection  
2 (a)(4) and the corporation is subsequently de-  
3 termined by the agency not to be in compliance  
4 with the provisions of subsection (a), the DFC  
5 shall adjust the interest rate on such loan or  
6 any other loan to be provided by the DFC to  
7 the corporation to the prevailing market inter-  
8 est rate.

9 (f) PLAN.—Not later than 180 days after the date  
10 of the enactment of this Act, the DFC shall develop and  
11 submit to the Committee on Foreign Affairs of the House  
12 of Representatives and the Committee on Foreign Rela-  
13 tions of the Senate a plan to streamline the provision of  
14 assistance under this section, including to expedite the ap-  
15 proval process for the provision of such assistance.

16 (g) PROGRESS REPORTS.—Not later than one year  
17 after the date of the enactment of this Act, and annually  
18 thereafter for 15 years, the DFC shall submit to the Com-  
19 mittee on Foreign Affairs of the House of Representatives  
20 and the Committee on Foreign Relations of the Senate  
21 a report on progress made in providing assistance under  
22 this section.

23 (h) SUNSET.—This section shall have no force or ef-  
24 fect on or after the date that is 15 years after the date  
25 of the enactment of this Act.

1   **SEC. 4. EXPENSES PAID FOR WITH TARIFFS COLLECTED**  
2                   **FROM THE PEOPLE'S REPUBLIC OF CHINA.**

3           (a) ESTABLISHMENT OF TRUST FUND.—There is es-  
4   tablished in the Treasury of the United States a trust fund  
5   consisting of such amounts as are appropriated to such  
6   trust fund under subsection (b).

7           (b) APPROPRIATIONS TO TRUST FUND.—There are  
8   hereby appropriated to such trust fund amounts equiva-  
9   lent to the tariffs collected by the United States on goods  
10  manufactured in the People's Republic of China.

11          (c) APPROPRIATIONS FROM TRUST FUND.—There  
12  are hereby appropriated from such trust fund to the Gen-  
13  eral Fund of the Treasury amounts equivalent to the re-  
14  duction in revenue to such General Fund by reason assist-  
15  ance provided by the DFC under section 3.

16          (d) TIMING OF TRANSFERS, ETC.—Rules similar to  
17  the rules of section 9601 of the Internal Revenue Code  
18  of 1986 shall apply with respect to appropriations to and  
19  from such trust fund under subsections (b) and (c).

20   **SEC. 5. INITIATIVES FOR TECHNICAL ASSISTANCE FOR**  
21                   **GRID IMPROVEMENT AND ENERGY EFFI-**  
22                   **CIENCY.**

23          The DFC, in consultation with the Secretary of En-  
24  ergy and the heads of other relevant Federal departments  
25  and agencies and in cooperation with the governments and  
26  regional authorities of qualified Latin American and Car-

1 ibbean countries, shall support initiatives, including new  
2 initiatives and initiatives in existence as of the date of the  
3 enactment of this Act, as appropriate, to provide technical  
4 assistance and expertise on electrical grid and energy effi-  
5 ciency improvements in such countries in which qualified  
6 corporations relocate or expand business pursuant to sec-  
7 tion 3 for the following purposes:

8 (1) Expanding and improving the reliability,  
9 flexibility, and resilience of the electrical grid to  
10 maintain business operations in a relocated area.

11 (2) Developing microgrids or distributed energy  
12 resources in areas in which connection to the larger  
13 electrical grid is challenging.

14 (3) Increasing the optimal integration of renew-  
15 able energy into the electrical grid.

16 (4) Enhancing the interconnectivity of electrical  
17 grids.

18 (5) Boosting the energy storage capacity of the  
19 electrical grid.

20 (6) Developing standards for clean energy tech-  
21 nologies, smart buildings, and data centers.

22 (7) Increasing deployment of smart meters and  
23 other energy efficiency technology.

24 (8) Increasing the energy efficiency of build-  
25 ings, appliances, and the industrial sector.

1 (9) Improving pollution controls.

2 **SEC. 6. TEMPORARY INCREASED EXPENSING FOR RELO-**  
3 **CATING MANUFACTURING FROM THE PEO-**  
4 **PLE'S REPUBLIC OF CHINA TO A QUALIFIED**  
5 **LATIN AMERICAN OR CARIBBEAN COUNTRY.**

6 (a) IN GENERAL.—For purposes of section 168(k) of  
7 the Internal Revenue Code of 1986, in the case of any  
8 qualified relocated manufacturing property which is placed  
9 in service after the date of the enactment of this Act, and  
10 before January 1, 2030—

11 (1) such property shall be treated as qualified  
12 property (within the meaning of such section),

13 (2) the applicable percentage otherwise deter-  
14 mined under section 168(k)(6) of such Code with re-  
15 spect to such property shall be 75 percent, and

16 (3) paragraph (8) of such section shall not  
17 apply.

18 (b) QUALIFIED RELOCATED MANUFACTURING PROP-  
19 erty.—For purposes of this section—

20 (1) IN GENERAL.—The term “qualified relo-  
21 cated manufacturing property” means qualified  
22 property (within the meaning of section 168(k) of  
23 such Code) or nonresidential real property (as de-  
24 fined in section 168(e)(2)(B) of such Code) which  
25 is—

1 (A) placed in service in a qualified Latin  
2 American or Caribbean country by a qualified  
3 manufacturer, and

4 (B) is acquired by such qualified manufac-  
5 turer in connection with a qualified relocation  
6 of manufacturing.

7 (2) QUALIFIED RELOCATION OF MANUFAC-  
8 TURING.—

9 (A) IN GENERAL.—The term “qualified re-  
10 location of manufacturing” means, with respect  
11 to any qualified manufacturer, the relocation of  
12 the manufacturing of any tangible personal  
13 property from the People’s Republic of China to  
14 a qualified Latin American or Caribbean coun-  
15 try.

16 (B) RELOCATION OF PROPERTY NOT RE-  
17 QUIRED.—For purposes of subparagraph (A),  
18 manufacturing shall not fail to be treated as re-  
19 located merely because property used in such  
20 manufacturing was not relocated.

21 (C) RELOCATION OF NOT LESS THAN  
22 EQUIVALENT PRODUCTIVE CAPACITY RE-  
23 QUIRED.—For purposes of subparagraph (A),  
24 manufacturing shall not be treated as relocated  
25 unless the property manufactured in a qualified

1 Latin American or Caribbean country is sub-  
2 stantially identical to the property previously  
3 manufactured in the People’s Republic of China  
4 and the increase in the units of production of  
5 such property in a qualified Latin American or  
6 Caribbean country by the qualified manufac-  
7 turer is not less than the reduction in the units  
8 of production of such property by such qualified  
9 manufacturer in the People’s Republic of  
10 China.

11 (3) QUALIFIED MANUFACTURER.—The term  
12 “qualified manufacturer” means any person engaged  
13 in the trade or business of manufacturing any tan-  
14 gible personal property.

15 **SEC. 7. DEFINITIONS.**

16 In this Act:

17 (1) DFC.—The term “DFC” means the United  
18 States International Development Finance Corpora-  
19 tion.

20 (2) FEDERAL FUNDS RATE.—The term “Fed-  
21 eral funds rate” means the discount window primary  
22 credit interest rate most recently published on the  
23 Federal Reserve Statistical Release on selected inter-  
24 est rates (daily or weekly), commonly referred to as  
25 the H.15 release.

1           (3) FOREIGN ADVERSARY.—The term “foreign  
2       adversary” means a foreign government engaged in  
3       a long-term pattern or serious instances of conduct  
4       significantly adverse to the national security of the  
5       United States or security and safety of United  
6       States persons.

7           (4) QUALIFIED CORPORATION.—The term  
8       “qualified corporation”—

9           (A) means a corporation that is not incor-  
10       porated in a country the government of which  
11       is a foreign adversary; and

12          (B) does not include a state-owned enter-  
13       prise.

14          (5) QUALIFIED LATIN AMERICAN OR CARIB-  
15       BEAN COUNTRY.—The term “qualified Latin Amer-  
16       ican or Caribbean country” means a Latin American  
17       or Caribbean country—

18          (A) that is a party to a free trade agree-  
19       ment of preference program with the United  
20       States; and

21          (B) the government of which is not a for-  
22       eign adversary.

23          (6) QUALIFIED COSTS OF EXPANDING BUSI-  
24       NESS.—The term “qualified costs of expanding busi-  
25       ness” means—



1 (A) the costs of increased operating ex-  
2 penditures, including capital investments, work-  
3 force development, and such other expenses, as  
4 determined or limited by the DFC; and

5 (B) the costs of increased overhead, as de-  
6 termined or limited by the DFC.

7 (7) QUALIFIED MOVING COSTS.—The term  
8 “qualified moving costs” means—

9 (A) the costs of moving inventory, equip-  
10 ment, and supplies from the People’s Republic  
11 of China to a qualified Latin American or Car-  
12 ibbean country; and

13 (B) the costs of workforce development  
14 and construction of facilities.

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