

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4863
OFFERED BY MR. HUIZENGA OF MICHIGAN**

At the end of the substitute, add the following:

1 **SEC. ____ . PROGRAM ON CHINA AND TRANSFORMATIONAL**
2 **EXPORTS.**

3 (a) IN GENERAL.—Section 2 of the Export-Import
4 Bank Act of 1945 (12 U.S.C. 635) is amended by adding
5 at the end the following:

6 “(o) PROGRAM ON CHINA AND TRANSFORMATIONAL
7 EXPORTS.—

8 “(1) IN GENERAL.—The Agency shall establish
9 a Program on China and Transformational Exports
10 to support the extension of loans, guarantees, and
11 insurance, at rates and on terms and other condi-
12 tions, to the extent practicable, that are fully com-
13 petitive with rates, terms, and other conditions es-
14 tablished by the People’s Republic of China or by a
15 covered country, that aim to—

16 “(A) directly neutralize export subsidies
17 for competing goods and services financed by
18 official export credit, tied aid, or blended fi-

1 nancing provided by the People's Republic of
2 China or by a covered country; or

3 “(B) advance the comparative leadership
4 of the United States with respect to the Peo-
5 ple's Republic of China, or support United
6 States innovation, employment, and techno-
7 logical standards, through direct exports in any
8 of the following areas:

9 “(i) Artificial intelligence.

10 “(ii) Biotechnology.

11 “(iii) Biomedical sciences.

12 “(iv) Wireless communications equip-
13 ment (including 5G or subsequent wireless
14 technologies).

15 “(v) Quantum computing.

16 “(vi) Renewable energy, energy effi-
17 ciency, and energy storage.

18 “(vii) Semiconductor and semicon-
19 ductor machinery manufacturing.

20 “(viii) Emerging financial tech-
21 nologies, including technologies that facili-
22 tate—

23 “(I) financial inclusion through
24 increased access to capital and finan-
25 cial services;

1 “(II) data security and privacy;

2 “(III) payments, the transfer of
3 funds, and associated messaging serv-
4 ices; and

5 “(IV) efforts to combat money
6 laundering and the financing of ter-
7 rorism.

8 “(ix) Water treatment and sanitation,
9 including technologies and infrastructure
10 to reduce contaminants and improve water
11 quality.

12 “(x) High performance computing.

13 “(xi) Associated services necessary for
14 use of any of the foregoing exports.

15 “(2) COVERED COUNTRIES.—In this subsection,
16 the term ‘covered country’ means any country
17 that—

18 “(A) the Secretary of the Treasury des-
19 ignates as a covered country in a report to the
20 Committee on Financial Services of the House
21 of Representatives and the Committee on Bank-
22 ing, Housing, and Urban Affairs of the Senate;
23 and

24 “(B) is not a participant in the Arrange-
25 ment on Officially Supported Export Credits of

1 the Organization for Economic Cooperation and
2 Development (in this subsection referred to as
3 the 'Arrangement'); and

4 “(C) is not in substantial compliance with
5 the financial terms and conditions of the Ar-
6 rangement.

7 “(3) FINANCING.—

8 “(A) IN GENERAL.—It shall be a goal of
9 the Agency to reserve not less than 20 percent
10 of the applicable amount (as defined in section
11 6(a)(2)) for support made pursuant to the Pro-
12 gram on China and Transformational Exports.

13 “(B) EXCEPTION.—The Secretary of the
14 Treasury may reduce or eliminate the 20 per-
15 cent goal in subparagraph (A), on reporting to
16 the Committee on Financial Services of the
17 House of Representatives and the Committee
18 on Banking, Housing, and Urban Affairs of the
19 Senate that the People’s Republic of China is in
20 substantial compliance with—

21 “(i) the financial terms and conditions
22 of the Arrangement; and

23 “(ii) the rules and principles of the
24 Paris Club.

1 “(C) SUNSET AND REPORT.—The program
2 established under paragraph (1) shall expire on
3 September 30, 2026. Not later than 4 years
4 after enactment of this subsection, the Presi-
5 dent of the Agency shall submit a report to the
6 Committee on Financial Services of the House
7 of Representatives and the Committee on Bank-
8 ing, Housing, and Urban Affairs of the Senate
9 assessing the following:

10 “(i) The capacity and demand of
11 United States entities to export goods and
12 services in the areas described in para-
13 graph (1)(B), as assessed in consultation
14 with the Secretary of Commerce.

15 “(ii) The availability of private-sector
16 financing for exports in the areas.

17 “(iii) The feasibility and advisability
18 of continuing the goal of subparagraph (A)
19 of this paragraph with respect to para-
20 graph (1)(B) after September 30, 2026.

21 “(D) NATIONAL ADVISORY COUNCIL ON
22 INTERNATIONAL FINANCIAL AND MONETARY
23 PROBLEMS.—The National Advisory Council on
24 International Financial and Monetary Problems
25 shall ensure that Agency authorizations pursu-

1 ant to the Program on China and Trans-
2 formational Exports are considered or reviewed
3 expeditiously, consistent with the other credit
4 standards required by law.”.

5 (b) REQUIRED REPORTING.—Section 8 of such Act
6 (12 U.S.C. 635g) is amended by adding at the end the
7 following:

8 “(1) REPORT ON AUTHORIZATIONS UNDER THE PRO-
9 GRAM ON CHINA AND TRANSFORMATIONAL EXPORTS.—
10 The Agency shall include in its annual report to Congress
11 under subsection (a) a narrative and financial summary
12 of the authorizations made under the Program on China
13 and Transformational Exports.”.

14 (c) RULE OF CONSTRUCTION.—Nothing in section
15 2(l)(1)(B) of the Export-Import Bank Act of 1945 shall
16 be construed to weaken any export controls affecting crit-
17 ical technologies (as defined in section 721(a)(6)(A) of the
18 Defense Production Act of 1950 (50 U.S.C.
19 4565(a)(6)(A))).

20 (d) DEEMING RULE UNDER TIED AID CREDIT PRO-
21 GRAM.—Section 10(b)(5)(B)(i)(III) of such Act (12 U.S.C
22 635i-3(b)(5)(B)(i)(III)) is amended by adding at the end
23 the following new sentence: “The requirement that there
24 be credible evidence of a history of a foreign export credit
25 agency making offers not subject to the Arrangement is

1 deemed met in the case of exports likely to be supported
2 by a foreign export credit agency from the People's Repub-
3 lic of China, unless the Secretary of the Treasury has re-
4 ported to the Committee on Financial Services of the
5 House of Representatives and the Committee on Banking,
6 Housing, and Urban Affairs of the Senate that China is
7 in substantial compliance with the OECD Arrangement on
8 Officially Supported Export Credits.”.

9 **SEC. ____ . CHINESE GOVERNMENT-OWNED ENTERPRISES.**

10 (a) **IN GENERAL.**—Section 2 of the Export-Import
11 Bank Act of 1945 (12 U.S.C. 635), as amended by the
12 preceding provisions of this Act, is amended by adding at
13 the end the following:

14 “(p) **RESTRICTION ON FINANCING FOR ENTITIES**
15 **OWNED OR CONTROLLED BY THE CHINESE GOVERN-**
16 **MENT.**—

17 “(1) **IN GENERAL.**—An authorization approved
18 by the Board of Directors after the effective date of
19 this subsection may not take effect if a loan, guar-
20 antee, or insurance is approved for which the end
21 user, obligor, or lender is a foreign entity that is at
22 least 25 percent owned, directly or indirectly, by the
23 government of the People's Republic of China, un-
24 less the Secretary of Commerce, based on informa-
25 tion available to the United States Government, in

1 consultation with appropriate Federal agencies, com-
2 pletes a due diligence review and certifies the financ-
3 ing, in accordance with paragraph (3), in a report
4 to the Committee on Financial Services of the House
5 of Representatives and the Committee on Banking,
6 Housing, and Urban Affairs of the Senate. For the
7 purposes of identifying whether a foreign entity is at
8 least 25 percent owned, directly or indirectly, by the
9 government of the People's Republic of China, the
10 Board of Directors may rely on any of the following:

11 “(A) Information required of or provided
12 by a party to the transaction.

13 “(B) Any credible publication, database,
14 web-based resource, or other information com-
15 piled by any government agency.

16 “(C) Any information collected or compiled
17 by a nongovernmental organization or other en-
18 tity provided to or made available to the Bank,
19 that the Board of the Directors finds credible.

20 “(2) LIMITATION ON FINANCING OF LOCAL
21 COSTS.—The Agency may not approve financing for
22 a transaction if more than 15 percent of local costs
23 with respect to the transaction that are incurred in
24 the People's Republic of China would be covered by
25 the financing.

1 “(3) DUE DILIGENCE REVIEW AND REPORT.—

2 For the purposes of the report described in para-
3 graph (1), the Secretary of Commerce shall present
4 the findings of the due diligence review, but may not
5 provide the certification referred to in paragraph
6 (1), if—

7 “(A) the foreign entity provides goods,
8 services, or other material or financial support
9 in connection with any of the following policies,
10 operations, or entities of the government of the
11 People’s Republic of China:

12 “(i) The People’s Liberation Army
13 and the Ministry of State Security;

14 “(ii) Activities pursuant to the Belt
15 and Road Initiative (or any successor or
16 comparable activity of that government);

17 “(iii) The abuse of human rights, in-
18 cluding the restriction of freedom of ex-
19 pression and the mistreatment of ethnic or
20 religious minorities in China; or

21 “(iv) Any other policy or operation
22 that, in the determination of the President,
23 may threaten the national interest of the
24 United States;

1 “(B) the Secretary of Commerce finds that
2 the transaction would not provide a meaningful
3 net economic benefit for the United States;

4 “(C) the foreign entity knowingly engages
5 in the theft of United States intellectual prop-
6 erty or the illicit transfer of technology from a
7 United States person;

8 “(D) the transaction described in para-
9 graph (1) involves the export of critical tech-
10 nologies (as defined under section 721(a)(6) of
11 the Defense Production Act of 1950) to the for-
12 eign entity; or

13 “(E) the leadership of the foreign entity
14 engages in a significant act or acts of corrup-
15 tion or money laundering, or has committed a
16 violation of the Foreign Corrupt Practices Act
17 of 1977, the Arms Export Control Act, the
18 International Emergency Economic Powers Act,
19 or the Export Administration Act of 1979.

20 “(4) TIMING AND FORM OF REPORT.—The re-
21 port described in paragraph (3) shall be submitted
22 not later than 45 days after approval by the Board
23 of Directors, except that the Secretary of Commerce
24 may extend the required time in which to submit the
25 report by one 15-day period on notifying the Com-

1 mittee on Financial Services of the House of Rep-
2 resentatives and the Committee on Banking, Hous-
3 ing, and Urban Affairs of the Senate that the exten-
4 sion is necessary. The report described in paragraph
5 (3) shall be submitted in unclassified form but may
6 contain a classified annex.

7 “(5) PROCEDURES FOR CHINESE GOVERNMENT-
8 CONTROLLED ENTITIES.—The requirements of para-
9 graph (1) shall apply to any foreign entity, notwith-
10 standing the level of ownership by the government of
11 the People’s Republic of China, if the Agency has
12 reason to believe that the foreign entity is controlled
13 by the government of the People’s Republic of
14 China.

15 “(6) EXEMPTION.—Paragraphs (1) and (2)
16 shall not apply to the following if—

17 “(A) financing would enable exports di-
18 rectly by United States small business concerns;

19 “(B) financing is required for the export of
20 humanitarian goods or services, including life-
21 saving, rescue, and medical equipment (such as
22 ambulances, firefighting vehicles, hospital sup-
23 plies, and medical devices); or

24 “(C) financing is required for water or
25 power projects in sub-Saharan Africa that are

1 not projects of the Belt and Road Initiative (or
2 a successor or comparable initiative of the Chi-
3 nese government).

4 “(7) PRESIDENTIAL WAIVER.—The President
5 may waive any requirement of paragraph (1) or (2)
6 for up to 1 year at a time, on reporting in writing
7 to the Committee on Financial Services of the House
8 of Representative and the Committee on Banking,
9 Housing, and Urban Affairs of the Senate that the
10 waiver is essential to the national interest of the
11 United States, with a detailed explanation of the
12 reasons therefor.”.

13 (b) SUNSET.—The amendment made by subsection
14 (a) shall have no force or effect on and after the earlier
15 of—

16 (1) the date that is 30 days after the Secretary
17 of the Treasury submits a report to the Committee
18 on Financial Services of the House of Representa-
19 tives and the Committee on Banking, Housing, and
20 Urban Affairs of the Senate certifying that the Peo-
21 ple’s Republic of China is in substantial compliance
22 with—

23 (A) the financial terms and conditions of
24 the Arrangement on Officially Supported Ex-

1 port Credits of the Organization for Economic
2 Cooperation and Development; and

3 (B) the rules and principles of the Paris
4 Club; or

5 (2) the date that is 30 days after the President
6 of the United States Export Finance Agency reports
7 to the Committee on Financial Services of the House
8 of Representatives and the Committee on Banking,
9 Housing, and Urban Affairs of the Senate that the
10 Board of Directors of the Agency has voted in favor
11 of terminating the requirement for a certification in
12 section 2(m)(1) of the Export-Import Bank Act of
13 1945, except that the Board of Directors may not
14 hold such a vote before the date that is 5 years after
15 the date of the enactment of this Act.

16 **SEC. ____ . PROHIBITION ON ASSISTANCE FOR THE GOVERN-**
17 **MENT OF THE RUSSIAN FEDERATION.**

18 Section 2 of the Export-Import Bank Act of 1945
19 (7 U.S.C. 635), as amended by the preceding provisions
20 of this Act, is amended by adding at the end the following:

21 “(q) PROHIBITION ON ASSISTANCE FOR THE GOV-
22 ERNMENT OF THE RUSSIAN FEDERATION.—

23 “(1) IN GENERAL.—The Agency may not au-
24 thorize the provision of financial assistance for a
25 lender, obligor, or end user that is the government

1 of the Russian Federation, unless the President of
2 the United States reports to the Committee on Fi-
3 nancial Services of the House of Representatives and
4 the Committee on Banking, Housing, and Urban Af-
5 fairs of the Senate that the Government of the Rus-
6 sian Federation—

7 “(A) is undertaking meaningful actions to
8 prevent Russian persons from interfering in any
9 Federal, State, or local election (as defined in
10 section 301(1) of the Federal Election Cam-
11 paign Act of 1971) of the United States, and
12 includes a detailed description of the actions;
13 and

14 “(B) is taking meaningful steps to imple-
15 ment any of the following that is in effect:

16 “(i) The Minsk Agreement to address
17 the ongoing conflict in eastern Ukraine,
18 signed in Minsk, Belarus, on February 11,
19 2015, by the leaders of Ukraine, Russia,
20 France, and Germany.

21 “(ii) The Minsk Protocol agreed to on
22 September 5, 2014.

23 “(iii) Any successor agreement agreed
24 to by the Government of Ukraine.

25 “(2) WAIVER AUTHORITIES.—

1 “(A) PRESIDENT OF THE AGENCY.—The
2 President of the Agency may waive paragraph
3 (1) on reporting to the committees specified in
4 paragraph (1) that the financial assistance—

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

7 “(ii) is required for the export of hu-
8 manitarian goods or services.

9 “(B) PRESIDENT OF THE UNITED
10 STATES.—The President of the United States
11 may waive paragraph (1) for not more than 1
12 year at a time on reporting to the Committee
13 on Financial Services of the House of Rep-
14 resentatives and the Committee on Banking,
15 Housing, and Urban Affairs of the Senate that
16 the waiver is essential to the national interest
17 of the United States, with a detailed expla-
18 nation of the reasons therefor.

19 “(3) DEFINITION.—In this subsection, the term
20 ‘Government of the Russian Federation’ means—

21 “(A) the state and the Government of the
22 Russian Federation, as well as any political
23 subdivision, agency, or instrumentality thereof;

24 “(B) any entity owned or controlled, di-
25 rectly or indirectly, by any of the foregoing, in-

1 cluding any corporation, partnership, associa-
2 tion, or other entity in which any of the fore-
3 going owns a 50 percent or greater interest or
4 a controlling interest, and any entity which is
5 otherwise controlled by any of the foregoing;

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

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

12 **SEC. ____ . PROMOTION OF FREE SPEECH WITH RESPECT TO**
13 **CHINA.**

14 Section 2 of the Export-Import Bank Act of 1945
15 (7 U.S.C. 635), as amended by the preceding provisions
16 of this Act, is amended by adding at the end the following:

17 “(r) PROMOTION OF FREE SPEECH WITH RESPECT
18 TO CHINA.—Before authorizing financial assistance with
19 respect to a transaction, the Board of Directors of the
20 Agency shall require the primary exporter to certify that
21 the exporter does not punish or otherwise seek to restrict
22 the freedom of speech of United States employees in the
23 employees’ personal communications with respect to any
24 of the following:

1 “(1) Actions taken by the Chinese government
2 to limit or punish demonstrations of support for
3 freedom of expression in Hong Kong.

4 “(2) Commitments of the People’s Republic of
5 China under the Sino-Joint British Declaration.

6 “(3) The gross violation of internationally rec-
7 ognized human rights (as defined in section 502B of
8 the Foreign Assistance Act of 1961 (22 U.S.C.
9 2304(d)(1))) in China, including in the Xinjiang
10 Uyghur Autonomous Region or the Tibet Autono-
11 mous Region.”.



