

AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4863
OFFERED BY Mr. Tipton of Colorado

At the end of the substitute, add the following:

1 SEC. ____ PROHIBITION ON ASSISTANCE FOR THE GOVERN-
2 MENT OF CHINA.

3 Section 2 of the Export-Import Bank Act of 1945
4 (12 U.S.C. 635), as amended by the preceding provisions
5 of this Act, is amended by adding at the end the following:

6 “(o) PROHIBITION ON ASSISTANCE FOR THE GOV-
7 ERNMENT OF CHINA.—

8 “(1) IN GENERAL.—The Agency may not au-
9 thorize the provision of financial assistance for a
10 lender, obligor, or end user that is the government
11 of China, unless the President of the United States
12 reports to the Committee on Financial Services of
13 the House of Representatives and the Committee on
14 Banking, Housing, and Urban Affairs of the Senate
15 that the financial assistance is not provided for a
16 lender, obligor, or end user that knowingly provides
17 significant goods, services, or other material or fi-
18 nancial support to advance the strategic objectives of

10/10/10

1 the Belt and Road Initiative (or any successor or
2 comparable initiative of the government of China).

3 “(2) WAIVER AUTHORITIES.—

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

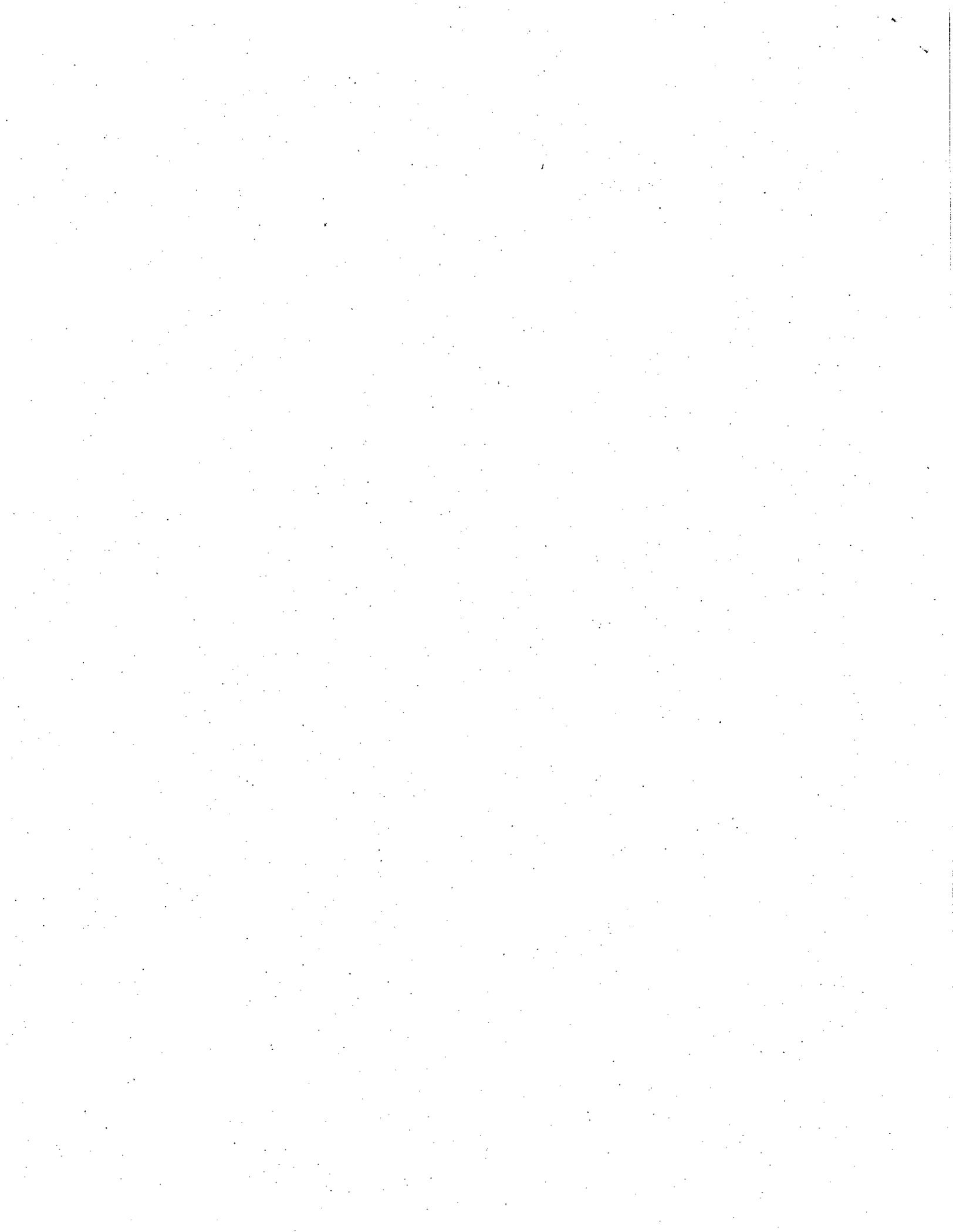
8 “(i) would enable exports directly by
9 United States small business concerns; or

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

12 “(B) PRESIDENT OF THE UNITED
13 STATES.—The President of the United States
14 may waive paragraph (1) for not more than 1
15 year at a time on reporting to the committees
16 specified in paragraph (1) that the waiver is es-
17 sential to the national interest of the United
18 States, with a detailed explanation of the rea-
19 sons therefor.

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

22 “(A) the state and the Government of
23 China, as well as any political subdivision, agen-
24 cy, or instrumentality thereof;



1 “(B) any entity owned or controlled, di-
2 rectly or indirectly, by any of the foregoing, in-
3 cluding any corporation, partnership, associa-
4 tion, or other entity in which any of the fore-
5 going owns a 50 percent or greater interest or
6 a controlling interest, and any entity which is
7 otherwise controlled by any of the foregoing;

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

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

14 “(4) KNOWINGLY.—In this subsection, the term
15 ‘knowingly’, with respect to conduct, a circumstance,
16 or a result, means that a person has actual knowl-
17 edge, or should have known, of the conduct, the cir-
18 cumstance, or the result.”



