

Murphy Amst #5

S.L.C.



Murphy 1st Degree 5

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To amend the Better Utilization of Investments Leading to Development Act of 2018 to facilitate increased equity investments.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**S.** \_\_\_\_\_

To address issues involving the People’s Republic of China.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MURPHY

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . FACILITATION OF INCREASED EQUITY INVEST-**  
3 **MENTS UNDER THE BETTER UTILIZATION OF**  
4 **INVESTMENTS LEADING TO DEVELOPMENT**  
5 **ACT OF 2018.**

6 (a) APPLICABILITY OF FEDERAL CREDIT REFORM  
7 ACT OF 1990.—Section 1421(e) of the Better Utilization  
8 of Investments Leading to Development Act of 2018 (22  
9 U.S.C. 9621(e)) is amended by adding at the end the fol-  
10 lowing:

11 “(7) APPLICABILITY OF FEDERAL CREDIT RE-  
12 FORM ACT OF 1990.—

1           “(A) IN GENERAL.—Subject to subpara-  
2           graphs (B) and (C), support provided under  
3           paragraph (1) with respect to a project shall be  
4           considered to be a Federal credit program that  
5           is subject to the Federal Credit Reform Act of  
6           1990 (2 U.S.C. 661 et seq.) for purposes of ap-  
7           plying the requirements of such Act to such  
8           support.

9           “(B) DETERMINATION OF COST.—

10           “(i) IN GENERAL.—For purposes of  
11           section 502(5) of the Federal Credit Re-  
12           form Act of 1990 (2 U.S.C. 661a(5) et  
13           seq.) the cost of support provided under  
14           paragraph (1) with respect to a project  
15           shall be the net present value, at the time  
16           when funds are disbursed to provide the  
17           support, of the following estimated cash  
18           flows:

19           “(I) The purchase price of the  
20           support.

21           “(II) Dividends, redemptions,  
22           and other shareholder distributions  
23           during the term of the support.

1                   “(III) Proceeds received upon a  
2                   sale, redemption, or other liquidation  
3                   of the support.

4                   “(IV) Adjustments for risk of es-  
5                   timated losses, if any.

6                   “(ii) CHANGES IN TERMS IN-  
7                   CLUDED.—The estimated cash flows de-  
8                   scribed in subclauses (I) through (IV) of  
9                   clause (i) shall include the effects of  
10                  changes in terms resulting from the exer-  
11                  cise of options included in the agreement  
12                  to provide the support.

13                  “(C) REESTIMATE OF COST.—When the  
14                  estimated cost of support provided under para-  
15                  graph (1) with respect to a project made in a  
16                  single fiscal year is reestimated in a subsequent  
17                  year, the difference between the reestimated  
18                  cost and the previous cost estimate shall be  
19                  paid from the balances available in the Cor-  
20                  porate Capital Account established under sec-  
21                  tion 1434.”.

22                  (b) MAXIMUM CONTINGENT LIABILITY.—Section  
23                  1433 of the Better Utilization of Investments Leading to  
24                  Development Act of 2018 (22 U.S.C. 9633) is amended

1 by striking “\$60,000,000,000” and inserting  
2 “\$100,000,000,000”.

3 (c) FUNDING FOR CORPORATE CAPITAL ACCOUNT.—  
4 Section 1434(b) of the Better Utilization of Investments  
5 Leading to Development Act of 2018 (22 U.S.C. 9634(b))  
6 is amended—

7 (1) in paragraph (5), by striking “and” at the  
8 end;

9 (2) by redesignating paragraph (6) as para-  
10 graph (7); and

11 (3) by inserting after paragraph (5) the fol-  
12 lowing:

13 “(7) receipts of reestimated costs received pur-  
14 suant to section 1421(c).”.