

105TH CONGRESS
1ST SESSION

S. 1026

AMENDMENT

In the House of Representatives, U. S.,

October 6, 1997.

Resolved, That the bill from the Senate (S. 1026) entitled “An Act to reauthorize the Export-Import Bank of the United States.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. EXTENSION OF AUTHORITY.***

2 *Section 7 of the Export-Import Bank Act of 1945 (12*
3 *U.S.C. 635f) is amended by striking “1997” and inserting*
4 *“2001”.*

5 ***SEC. 2. TIED AID CREDIT FUND AUTHORITY.***

6 *(a) Section 10(c)(2) of the Export-Import Bank Act*
7 *of 1945 (12 U.S.C. 635i-3(c)(2)) is amended by striking*
8 *“through September 30, 1997”.*

9 *(b) Section 10(e) of such Act (12 U.S.C. 635i-3(e)) is*
10 *amended by striking the first sentence and inserting the fol-*
11 *lowing: “There are authorized to be appropriated to the*
12 *Fund such sums as may be necessary to carry out the pur-*
13 *poses of this section.”.*

1 **SEC. 3. EXTENSION OF AUTHORITY TO PROVIDE FINANCING**
2 **FOR THE EXPORT OF NONLETHAL DEFENSE**
3 **ARTICLES OR SERVICES THE PRIMARY END**
4 **USE OF WHICH WILL BE FOR CIVILIAN PUR-**
5 **POSES.**

6 *Section 1(c) of Public Law 103-428 (12 U.S.C. 635*
7 *note; 108 Stat. 4376) is amended by striking “1997” and*
8 *inserting “2001”.*

9 **SEC. 4. CLARIFICATION OF PROCEDURES FOR DENYING**
10 **CREDIT BASED ON THE NATIONAL INTEREST.**

11 *Section 2(b)(1)(B) of the Export-Import Bank Act of*
12 *1945 (12 U.S.C. 635(b)(1)(B)) is amended—*

13 *(1) in the last sentence, by inserting “, after con-*
14 *sultation with the Committee on Banking and Finan-*
15 *cial Services of the House of Representatives and the*
16 *Committee on Banking, Housing, and Urban Affairs*
17 *of the Senate,” after “President”; and*

18 *(2) by adding at the end the following: “Each*
19 *such determination shall be delivered in writing to*
20 *the President of the Bank, shall state that the deter-*
21 *mination is made pursuant to this section, and shall*
22 *specify the applications or categories of applications*
23 *for credit which should be denied by the Bank in fur-*
24 *therance of the national interest.”.*

1 **SEC. 5. ADMINISTRATIVE COUNSEL.**

2 *Section 3(e) of the Export-Import Bank Act of 1945*
3 *(12 U.S.C. 635a(e)) is amended—*

4 *(1) by inserting “(1)” after “(e)”; and*

5 *(2) by adding at the end the following:*

6 *“(2) The General Counsel of the Bank shall ensure that*
7 *the directors, officers, and employees of the Bank have avail-*
8 *able appropriate legal counsel for advice on, and oversight*
9 *of, issues relating to ethics, conflicts of interest, personnel*
10 *matters, and other administrative law matters by designat-*
11 *ing an attorney to serve as Assistant General Counsel for*
12 *Administration, whose duties, under the supervision of the*
13 *General Counsel, shall be concerned solely or primarily with*
14 *such issues.”.*

15 **SEC. 6. ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.**

16 *(a) IN GENERAL.—Section 2(b) of the Export-Import*
17 *Bank Act of 1945 (12 U.S.C. 635(b)) is amended by insert-*
18 *ing after paragraph (8) the following:*

19 *“(9)(A) The Board of Directors of the Bank shall take*
20 *prompt measures, consistent with the credit standards oth-*
21 *erwise required by law, to promote the expansion of the*
22 *Bank’s financial commitments in sub-Saharan Africa*
23 *under the loan, guarantee, and insurance programs of the*
24 *Bank.*

25 *“(B)(i) The Board of Directors shall establish and use*
26 *an advisory committee to advise the Board of Directors on*

1 *the development and implementation of policies and pro-*
 2 *grams designed to support the expansion described in sub-*
 3 *paragraph (A).*

4 “(ii) *The advisory committee shall make recommenda-*
 5 *tions to the Board of Directors on how the Bank can facili-*
 6 *tate greater support by United States commercial banks for*
 7 *trade with sub-Saharan Africa.*

8 “(iii) *The advisory committee shall terminate 4 years*
 9 *after the date of the enactment of this subparagraph.*”.

10 **(b) REPORTS TO THE CONGRESS.**—*Within 6 months*
 11 *after the date of the enactment of this Act, and annually*
 12 *for each of the 4 years thereafter, the Board of Directors*
 13 *of the Export-Import Bank of the United States submit to*
 14 *the Congress a report on the steps that the Board has taken*
 15 *to implement section 2(b)(9)(B) of the Export-Import Bank*
 16 *Act of 1945 and any recommendations of the advisory com-*
 17 *mittee established pursuant to such section.*

18 **SEC. 7. INCREASE IN LABOR REPRESENTATION ON THE AD-**
 19 **VISORY COMMITTEE OF THE EXPORT-IMPORT**
 20 **BANK.**

21 *Section 3(d)(2) of the Export-Import Bank Act of 1945*
 22 *(12 U.S.C. 635a(d)(2)) is amended—*

23 (1) *by inserting “(A)” after “(2)”;* and

24 (2) *by adding after and below the end the follow-*
 25 *ing:*

1 “(B) Not less than 2 members appointed to the Advi-
2 sory Committee shall be representative of the labor commu-
3 nity.”.

4 **SEC. 8. OUTREACH TO COMPANIES.**

5 Section 2(b)(1) of the Export-Import Bank Act of 1945
6 (12 U.S.C. 635(b)(1)) is amended by adding at the end the
7 following:

8 “(I) The Chairman of the Bank shall design and im-
9 plement a program to provide information about Bank pro-
10 grams to companies which have not participated in Bank
11 programs. Not later than 1 year after the date of the enact-
12 ment of this subparagraph, the Chairman of the Bank shall
13 submit to the Congress a report on the activities undertaken
14 pursuant to this subparagraph.”.

15 **SEC. 9. FIRMS THAT HAVE SHOWN A COMMITMENT TO REIN-**
16 **VESTMENT AND JOB CREATION IN THE UNIT-**
17 **ED STATES TO BE GIVEN PREFERENCE IN FI-**
18 **NANCIAL ASSISTANCE DETERMINATIONS.**

19 Section 2(b)(1) of the Export-Import Bank Act of 1945
20 (12 U.S.C. 635(b)(1)), as amended by section 8 of this Act,
21 is amended by adding at the end the following:

22 “(J) The Board of Directors of the Bank shall prescribe
23 such regulations and the Bank shall implement such proce-
24 dures as may be appropriate to ensure that, in selecting
25 from among firms to which to provide financial assistance,

1 *preference be given to any firm that has shown a commit-*
 2 *ment to reinvestment and job creation in the United*
 3 *States.”.*

4 **SEC. 10. PREFERENCE IN EXPORT-IMPORT BANK ASSIST-**
 5 **ANCE FOR EXPORTS TO CHINA TO BE PRO-**
 6 **VIDED TO COMPANIES ADHERING TO CODE**
 7 **OF CONDUCT.**

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

11 *“(f) PREFERENCE IN ASSISTANCE FOR EXPORTS TO*
 12 *CHINA TO BE PROVIDED TO ENTITIES ADHERING TO CODE*
 13 *OF CONDUCT.—*

14 *“(1) PROHIBITIONS.—*

15 *“(A) IN GENERAL.—In determining whether*
 16 *to guarantee, insure, extend credit, or partici-*
 17 *pate in the extension of credit with respect to the*
 18 *export of goods or services destined for the Peo-*
 19 *ple’s Republic of China, the Board of Directors*
 20 *shall give preference to entities that the Board of*
 21 *Directors determines have established and are*
 22 *adhering to the code of conduct set forth in para-*
 23 *graph (2).*

24 *“(B) PENALTY FOR VIOLATION.—The Bank*
 25 *shall withdraw any guarantee, insurance, or*

1 *credit that the Bank has provided, and shall*
 2 *withdraw from any participation in an exten-*
 3 *sion of credit, to an entity with respect to the ex-*
 4 *port of any good or service destined for the Peo-*
 5 *ple’s Republic of China if the Board of Directors*
 6 *determines that the entity is not adhering to the*
 7 *code of conduct set forth in paragraph (2).*

8 “(2) *CODE OF CONDUCT.*—*An entity shall do all*
 9 *of the following in all of its operations:*

10 “(A) *Provide a safe and healthy workplace.*

11 “(B) *Ensure fair employment, including*
 12 *by—*

13 “(i) *avoiding child and forced labor,*
 14 *and discrimination based upon race, gen-*
 15 *der, national origin, or religious beliefs;*

16 “(ii) *respecting freedom of association*
 17 *and the right to organize and bargain col-*
 18 *lectively;*

19 “(iii) *paying not less than the mini-*
 20 *imum wage required by law or the prevail-*
 21 *ing industry wage, whichever is higher; and*

22 “(iv) *providing all legally mandated*
 23 *benefits.*

24 “(C) *Obey all applicable environmental*
 25 *laws.*

1 “(D) *Comply with United States and local*
2 *laws promoting good business practices, includ-*
3 *ing laws prohibiting illicit payments and ensur-*
4 *ing fair competition.*

5 “(E) *Maintain, through leadership at all*
6 *levels, a corporate culture—*

7 “(i) *which respects free expression con-*
8 *sistent with legitimate business concerns,*
9 *and does not condone political coercion in*
10 *the workplace;*

11 “(ii) *which encourages good corporate*
12 *citizenship and makes a positive contribu-*
13 *tion to the communities in which the entity*
14 *operates; and*

15 “(iii) *in which ethical conduct is rec-*
16 *ognized, valued, and exemplified by all em-*
17 *ployees.*

18 “(F) *Require similar behavior by partners,*
19 *suppliers, and subcontractors under terms of con-*
20 *tracts.*

21 “(G) *Implement and monitor compliance*
22 *with the subparagraphs (A) through (F) through*
23 *a program that is designed to prevent and detect*
24 *noncompliance by any employee or supplier of*
25 *the entity and that includes—*

1 “(i) standards for ethical conduct of
2 employees of the entity and of suppliers
3 which refer to the subparagraphs;

4 “(ii) procedures for assignment of ap-
5 propriately qualified personnel at the man-
6 agement level to monitor and enforce com-
7 pliance;

8 “(iii) procedures for reporting non-
9 compliance by employees and suppliers;

10 “(iv) procedures for selecting qualified
11 individuals who are not employees of the
12 entity or of suppliers to monitor compli-
13 ance, and for assessing the effectiveness of
14 such compliance monitoring;

15 “(v) procedures for disciplinary action
16 in response to noncompliance;

17 “(vi) procedures designed to ensure
18 that, in cases in which noncompliance is de-
19 tected, reasonable steps are taken to correct
20 the noncompliance and prevent similar
21 noncompliance from occurring; and

22 “(vii) communication of all standards
23 and procedures with respect to the code of
24 conduct to every employee and supplier—

1 “(I) by requiring all management
2 level employees and suppliers to par-
3 ticipate in a training program; or

4 “(II) by disseminating informa-
5 tion orally and in writing, through
6 posting of an explanation of the stand-
7 ards and procedures in prominent
8 places sufficient to inform all employ-
9 ees and suppliers, in the local lan-
10 guages spoken by employees and man-
11 agers.

12 “(3) *SMALL BUSINESS EXCEPTION.*—*This sub-*
13 *section shall not apply to an entity that is a small*
14 *business (within the meaning of the Small Business*
15 *Act).”.*

16 *(b) ANNUAL REPORT.*—*Section 2(b)(1)(A) of such Act*
17 *(12 U.S.C. 635(b)(1)(A)) is amended by adding at the end*
18 *the following: “The Bank shall include in the annual report*
19 *a description of the actions the Bank has taken to comply*
20 *with subsection (f) during the period covered by the re-*
21 *port.”.*

22 *(c) RECIPIENTS OF ASSISTANCE FROM THE EXPORT-*
23 *IMPORT BANK TO BE PROVIDED WITH RESOURCES AND*
24 *INFORMATION TO FURTHER ADHERENCE TO GLOBAL*
25 *CODES OF CORPORATE CONDUCT.*—*The Export-Import*

1 *Bank of the United States shall work with the Clearing-*
 2 *house on Corporate Responsibility that is being developed*
 3 *by the Department of Commerce to ensure that recipients*
 4 *of assistance from the Export-Import Bank are made aware*
 5 *of, and have access to, resources and organizations that can*
 6 *assist the recipients in developing, implementing, and mon-*
 7 *itoring global codes of corporate conduct.*

8 **SEC. 11. RENAMING OF BANK AS THE UNITED STATES EX-**
 9 **PORT BANK.**

10 *(a) AMENDMENTS TO THE EXPORT-IMPORT BANK ACT*
 11 *OF 1945.—*

12 *(1) The first section of the Export-Import Bank*
 13 *Act of 1945 (12 U.S.C. 635 note) is amended to read*
 14 *as follows:*

15 **“SECTION 1. SHORT TITLE.**

16 *“This Act may be cited as the ‘United States Export*
 17 *Bank Act of 1945’.”*

18 *(2) The following provisions of such Act are*
 19 *amended by striking “Export-Import Bank of the*
 20 *United States” and inserting “United States Export*
 21 *Bank”:*

22 *(A) Section 2(a)(1) (12 U.S.C. 635(a)(1)).*

23 *(B) Section 3(a) (12 U.S.C. 635a(a)).*

24 *(C) Section 3(b) (12 U.S.C. 635a(b)).*

25 *(D) Section 3(c)(1) (12 U.S.C. 635a(c)(1)).*

1 (E) Section 4 (12 U.S.C. 635b).

2 (F) Section 5 (12 U.S.C. 635d).

3 (G) Section 6(a) (12 U.S.C. 635e(a)).

4 (H) Section 7 (12 U.S.C. 635f).

5 (I) Section 8(a) (12 U.S.C. 635g(a)).

6 (J) Section 9 (12 U.S.C. 635h).

7 (3) *The following provisions of such Act are*
8 *amended by striking “Export-Import Bank” each*
9 *place it appears and inserting “United States Export*
10 *Bank”:*

11 (A) Section 2(b)(1)(A) (12 U.S.C.
12 635(b)(1)(A)).

13 (B) Section 3(c)(3) (12 U.S.C. 635a(c)(3)).

14 (b) *DEEMING RULES.—Any reference in any law,*
15 *map, regulation, document, paper, or other record of the*
16 *United States to the Export-Import Bank of the United*
17 *States is deemed to be a reference to the United States Ex-*
18 *port Bank, and any reference in any law, map, regulation,*
19 *document, paper, or other record of the United States to*
20 *the Export-Import Bank Act of 1945 is deemed to be a ref-*
21 *erence to the United States Export Bank Act of 1945.*

1 **SEC. 12. PROHIBITION AGAINST ASSISTANCE TO RUSSIA IF**
 2 **RUSSIA TRANSFERS CERTAIN MISSILE SYS-**
 3 **TEMS TO THE PEOPLE'S REPUBLIC OF CHINA.**

4 *Section 2(b) of the Export-Import Bank Act of 1945*
 5 *(12 U.S.C 635(b)) is amended by adding at the end the*
 6 *following:*

7 *“(12) PROHIBITION AGAINST ASSISTANCE TO RUSSIA*
 8 *IF RUSSIA TRANSFERS CERTAIN MISSILE SYSTEMS TO THE*
 9 *PEOPLE’S REPUBLIC OF CHINA.—If the President of the*
 10 *United States is made aware that Russia has transferred*
 11 *or delivered to the People’s Republic of China an SS–N–*
 12 *22 or SS–N–26 missile system, the President of the United*
 13 *States shall notify the Bank of the transfer or delivery.*
 14 *Upon receipt of the notification, the Bank shall not insure,*
 15 *guarantee, extend credit or participate in an extension of*
 16 *credit with respect to, or otherwise subsidize the export of*
 17 *any good or service to Russia.”.*

18 **SEC. 13. PROHIBITION AGAINST PROVISION OF ASSISTANCE**
 19 **FOR EXPORTS TO COMPANIES THAT EMPLOY**
 20 **CHILD LABOR.**

21 *Section 2 of the Export-Import Bank Act of 1945 (12*
 22 *U.S.C. 635) is amended by adding at the end the following:*

23 *“(f) PROHIBITION AGAINST ASSISTANCE FOR EXPORTS*
 24 *TO COMPANIES THAT EMPLOY CHILD LABOR.—The Bank*
 25 *shall not guarantee, insure, extend credit, or participate in*

1 *the extension of credit with respect to the export of any good*
2 *or service to an entity if the entity—*

3 “(1) *employs children in a manner that would*
4 *violate United States law regarding child labor if the*
5 *entity were located in the United States; or*

6 “(2) *has not made a binding commitment to not*
7 *employ children in such manner.”.*

Attest:

Clerk.