

Union Calendar No. 132

105TH CONGRESS
1ST Session

H. R. 1370

[Report No. 105-224]

A BILL

To reauthorize the Export-Import Bank of the
United States.

JULY 31, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To reauthorize the Export-Import Bank of the United States.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1997

Mr. CASTLE (by request) (for himself, Mr. FLAKE, Mr. LEACH, Mr. GONZALEZ, Mr. BEREUTER, Mr. LAFALCE, Mr. MANZULLO, Mr. BENTSEN, Mr. GEJDENSON, Mrs. MALONEY of New York, Mr. METCALF, and Mr. GILMAN) introduced the following bill; which was referred to the Committee on Banking and Financial Services

JULY 31, 1997

Additional sponsor: Mr. MALONEY of Connecticut

JULY 31, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 17, 1997]

A BILL

To reauthorize the Export-Import Bank of the United States.

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

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.”.*

14 **SEC. 3. EXTENSION OF AUTHORITY TO PROVIDE FINANCING**
 15 **FOR THE EXPORT OF NONLETHAL DEFENSE**
 16 **ARTICLES OR SERVICES THE PRIMARY END**
 17 **USE OF WHICH WILL BE FOR CIVILIAN PUR-**
 18 **POSES.**

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

22 **SEC. 4. CLARIFICATION OF PROCEDURES FOR DENYING**
 23 **CREDIT BASED ON THE NATIONAL INTEREST.**

24 *Section 2(b)(1)(B) of the Export-Import Bank Act of*
 25 *1945 (12 U.S.C. 635(b)(1)(B)) is amended—*

1 (1) *in the last sentence, by inserting “, after con-*
 2 *sultation with the Committee on Banking and Finan-*
 3 *cial Services of the House of Representatives and the*
 4 *Committee on Banking, Housing, and Urban Affairs*
 5 *of the Senate,” after “President”; and*

6 (2) *by adding at the end the following: “Each*
 7 *such determination shall be delivered in writing to*
 8 *the President of the Bank, shall state that the deter-*
 9 *mination is made pursuant to this section, and shall*
 10 *specify the applications or categories of applications*
 11 *for credit which should be denied by the Bank in fur-*
 12 *therance of the national interest.”.*

13 **SEC. 5. ADMINISTRATIVE COUNSEL.**

14 *Section 3(e) of the Export-Import Bank Act of 1945*
 15 *(12 U.S.C. 635a(e)) is amended—*

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

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

18 “(2) *The General Counsel of the Bank shall ensure that*
 19 *the directors, officers, and employees of the Bank have avail-*
 20 *able appropriate legal counsel for advice on, and oversight*
 21 *of, issues relating to ethics, conflicts of interest, personnel*
 22 *matters, and other administrative law matters by designat-*
 23 *ing an attorney to serve as Assistant General Counsel for*
 24 *Administration, whose duties, under the supervision of the*

1 *General Counsel, shall be concerned solely or primarily with*
 2 *such issues.”.*

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

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

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

13 *“(B)(i) The Board of Directors shall establish and use*
 14 *an advisory committee to advise the Board of Directors on*
 15 *the development and implementation of policies and pro-*
 16 *grams designed to support the expansion described in sub-*
 17 *paragraph (A).*

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

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

24 *(b) REPORTS TO THE CONGRESS.—Within 6 months*
 25 *after the date of the enactment of this Act, and annually*

1 *for each of the 4 years thereafter, the Board of Directors*
 2 *of the Export-Import Bank of the United States submit to*
 3 *the Congress a report on the steps that the Board has taken*
 4 *to implement section 2(b)(9)(B) of the Export-Import Bank*
 5 *Act of 1945 and any recommendations of the advisory com-*
 6 *mittee established pursuant to such section.*

7 **SEC. 7. INCREASE IN LABOR REPRESENTATION ON THE AD-**
 8 **VISORY COMMITTEE OF THE EXPORT-IMPORT**
 9 **BANK.**

10 *Section 3(d)(2) of the Export-Import Bank Act of 1945*
 11 *(12 U.S.C. 635a(d)(2)) is amended—*

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

13 *(2) by adding after and below the end the follow-*
 14 *ing:*

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

18 **SEC. 8. OUTREACH TO COMPANIES.**

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

22 *“(I) The Chairman of the Bank shall design and im-*
 23 *plement a program to provide information about Bank pro-*
 24 *grams to companies which have not participated in Bank*
 25 *programs. Not later than 1 year after the date of the enact-*

1 *ment of this subparagraph, the Chairman of the Bank shall*
 2 *submit to the Congress a report on the activities undertaken*
 3 *pursuant to this subparagraph.”.*

4 **SEC. 9. FIRMS THAT HAVE SHOWN A COMMITMENT TO REIN-**
 5 **VESTMENT AND JOB CREATION IN THE UNIT-**
 6 **ED STATES TO BE GIVEN PREFERENCE IN FI-**
 7 **NANCIAL ASSISTANCE DETERMINATIONS.**

8 *Section 2(b)(1) of the Export-Import Bank Act of 1945*
 9 *(12 U.S.C. 635(b)(1)), as amended by section 8 of this Act,*
 10 *is amended by adding at the end the following:*

11 *“(J) The Board of Directors of the Bank shall prescribe*
 12 *such regulations and the Bank shall implement such proce-*
 13 *dures as may be appropriate to ensure that, in selecting*
 14 *from among firms to which to provide financial assistance,*
 15 *preference be given to any firm that has shown a commit-*
 16 *ment to reinvestment and job creation in the United*
 17 *States.”.*