

109TH CONGRESS
2D SESSION

H. R. 5377

To require nationals of the United States that employ more than 20 persons in a foreign country to implement a Corporate Code of Conduct with respect to the employment of those persons, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2006

Ms. MCKINNEY introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Government Reform and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require nationals of the United States that employ more than 20 persons in a foreign country to implement a Corporate Code of Conduct with respect to the employment of those persons, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Corporate Code of
5 Conduct Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) On January 31, 1999, at the World Eco-
2 nomic Forum, United Nations Secretary General
3 Kofi Annan challenged world business leaders, in
4 their individual corporate practices and by sup-
5 porting appropriate public policies, to “embrace and
6 enact” the Global Compact, an agreement that asks
7 corporations to protect human rights, labor rights,
8 and the environment.

9 (2)(A) On November 16, 1999, the Program on
10 International Policy Attitudes (PIPA) issued a re-
11 port that contained the results of a poll of 1,826
12 randomly selected adults, weighted to be demo-
13 graphically representative, conducted from October
14 21–29, 1999, relating to international agreements
15 on environmental and labor standards.

16 (B) In the poll, 93 percent of the respondents
17 stated that “countries that are part of international
18 trade agreements should be required to maintain
19 minimum standards for working conditions”, 77 per-
20 cent of the respondents believed (of which, 48 per-
21 cent strongly believed) that there should be more
22 international agreements on environmental stand-
23 ards, and 88 percent of the respondents agreed (of
24 which, 67 percent strongly agreed) that “American
25 companies that operate in other countries should be

1 expected to abide by United States environmental
2 standards.”.

3 (3) The European Parliament has passed a Eu-
4 ropean Code of Conduct calling for European busi-
5 nesses to abide by European Union laws in oper-
6 ations outside of Europe.

7 (4) The protests in 2000 against the World
8 Trade Organization (WTO) in Seattle, Washington,
9 and the World Bank and International Monetary
10 Fund (IMF) in Washington, D.C., demonstrate a
11 growing constituency against the unregulated expan-
12 sion of globalization.

13 (5) Unfortunately, too many United States
14 businesses with operations abroad are notorious for
15 their blatant disregard for the well being of the citi-
16 zens of their host nations who are employees of the
17 businesses.

18 (6) Many United States businesses recklessly
19 pollute the local environment of foreign countries,
20 pose serious health risks to local citizens, and
21 threaten the cultural heritage of local citizens.

22 (7) 70 percent of workers in United States pro-
23 duction factories abroad are women. Many of these
24 women face mandatory pregnancy testing on a

1 monthly basis and are forced to take birth control
2 provided by their employer.

3 (8) Public confidence has declined substantially
4 in the capacity and effectiveness of government at
5 all levels to counteract unfair economic competition
6 and to command greater corporate responsibility in-
7 side and outside of the marketplace.

8 (9) At the same time, public concern is growing
9 regarding the increasing concentration of unaccount-
10 able corporate power and the declining corporate re-
11 sponsibility across national borders.

12 (10) Yet every year the United States Govern-
13 ment provides a wide array of taxpayer-financed
14 services and financial subsidies as well as special tax
15 breaks as assistance to United States-based multi-
16 national corporations, especially to enable such cor-
17 porations to invest overseas, to create jobs in foreign
18 countries, and to expand their access to foreign mar-
19 kets.

20 **SEC. 3. RESPONSIBLE BUSINESS PRACTICES OF UNITED**
21 **STATES NATIONALS IN FOREIGN COUNTRIES.**

22 (a) REQUIREMENT.—A national of the United States
23 that employs more than 20 persons in a foreign country,
24 either directly or through subsidiaries, subcontractors, af-
25 filiates, joint ventures, partners, or licensees (including

1 any security forces of the national), shall take the nec-
2 essary steps to implement the Corporate Code of Conduct
3 described in subsection (b) with respect to the employment
4 of those persons.

5 (b) CORPORATE CODE OF CONDUCT.—The Corporate
6 Code of Conduct described in this subsection is as follows:

7 (1) Provide a safe and healthy workplace.

8 (2)(A) Ensure fair employment, including the
9 prohibition of the use of child and forced labor, the
10 prohibition of discrimination based upon race, gen-
11 der, national origin, or religious beliefs, respect for
12 freedom of association and the right to organize
13 independently and bargain collectively, and the pay-
14 ment of a living wage to all workers, including, at
15 a minimum, a living wage that would meet the basic
16 needs of an average-size family and provide some
17 discretionary income for an average-size family.

18 (B) Prohibit mandatory overtime work by em-
19 ployees under the age of 18.

20 (C) Prohibit the practice of pregnancy testing
21 of employees, including the forced usage of birth
22 control, and further prohibit the dismissal or dis-
23 crimination of employees based on pregnancy.

24 (D) Prohibit retaliation against any employee
25 who conveys information, either internally, publicly,

1 or to government regulators in the country involved
2 or the United States, relating to a violation or al-
3 leged violation of any provision of this subsection.

4 (3) Promote good governance and good business
5 practices, including prohibiting illicit payments, en-
6 suring fair competition, and revocation of corporate
7 charters when corporations fail to serve the public
8 good and general welfare.

9 (4)(A) Maintain, through leadership at all lev-
10 els, a corporate culture that respects free expression
11 consistent with legitimate business concerns, does
12 not condone political coercion in the workplace, en-
13 courages good corporate citizenship and makes a
14 positive contribution to the communities in which
15 the national of the United States operates, and pro-
16 motes ethical conduct that is recognized, valued, and
17 exemplified by all employees.

18 (B) In addition, comply with internationally
19 recognized worker rights and core labor standards.

20 (5) Uphold responsible environmental protection
21 and environmental practices, including compliance
22 with internationally recognized environmental stand-
23 ards and with all Federal environmental laws for
24 similar operations that would be applicable to the

1 national of the United States if the operations of the
2 national were located in the United States.

3 (6) Comply with minimum international human
4 rights standards.

5 (7)(A) Require, under terms of contract, part-
6 ners, suppliers, and subcontractors of the national of
7 the United States (including any security forces of
8 the national) to adopt and adhere to the principles
9 described in paragraphs (1) through (6).

10 (B) In addition, require full public disclosure of
11 information relating to location and address, cor-
12 porate name, applicable financial agreements, worker
13 rights practices and labor standards, working condi-
14 tions, environmental performance, and applicable in-
15 vestments of partners, suppliers, subsidiaries, con-
16 tractors, and subcontractors of the national of the
17 United States (including any security forces of the
18 national).

19 (8) Implement and monitor compliance with the
20 principles described in paragraphs (1) through (7)
21 through a self-financing program internal to the
22 business that is designed to prevent and detect con-
23 duct that is not in compliance with such principles
24 by any employee of the national of the United

1 States, or any employee of the partner, supplier, or
2 subcontractor of the national, and that includes—

3 (A) standards for ethical conduct of such
4 employees which refer to the principles;

5 (B) procedures for assignment of appro-
6 priately qualified personnel at the management
7 level to monitor and enforce compliance with
8 the principles;

9 (C) procedures for reporting violations of
10 the principles by such employees;

11 (D) procedures for disciplinary action in
12 response to violations of the principles;

13 (E) procedures designed to ensure that, in
14 cases in which a violation of the principles has
15 been detected, reasonable steps are taken to
16 correct the violation and prevent similar viola-
17 tions from occurring;

18 (F) procedures for providing educational
19 and employment-related counseling to any em-
20 ployee in violation of the principles; and

21 (G) communication of all standards and
22 procedures with respect to the principles to
23 every employee—

24 (i) by requiring the employee to par-
25 ticipate in a training program; or

1 (ii) by disseminating information in
2 writing in the appropriate local language
3 that explains the standards and proce-
4 dures.

5 (c) DEFINITIONS.—In this section:

6 (1) BASIC NEEDS OF AN AVERAGE-SIZE FAM-
7 ILY.—The term “basic needs of an average-size fam-
8 ily”—

9 (A) means nutritious food, clothing, health
10 care, education, potable water, child care, trans-
11 portation, housing, and energy; and

12 (B) shall be determined by wage studies
13 that measure the purchasing power necessary to
14 provide for the needs described in subparagraph
15 (A).

16 (2) INTERNATIONALLY RECOGNIZED ENVIRON-
17 MENTAL STANDARDS.—The term “internationally
18 recognized environmental standards” includes stand-
19 ards relating to—

20 (A) mitigation of global climate change;

21 (B) reduction in the consumption and pro-
22 duction of ozone-depleting substances;

23 (C) reduction in ship pollution of the
24 oceans from such sources as oil, noxious bulk
25 liquids, hazardous freight, sewage, and garbage;

(D) the ban on international ocean dumping of high-level radioactive waste, chemical warfare agents, and hazardous substances;

(E) government control of the transboundary movement of hazardous waste materials and their disposal for the purpose of reducing global pollution due to such materials;

(F) preservation of endangered species;

(G) conservation of biological diversity;

(H) promotion of biodiversity; and

(I) preparation of oil-spill contingency plans.

(3) MINIMUM INTERNATIONAL HUMAN RIGHTS STANDARDS.—The term “minimum international human rights standards” means standards contained in the following United Nations instruments relating to international human rights: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Prevention and Punishment of the Crime of Genocide, the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar

1 to Slavery, and the International Convention on the
2 Elimination of All Forms of Racial Discrimination.

3 (4) INTERNATIONALLY RECOGNIZED WORKER
4 RIGHTS AND CORE LABOR STANDARDS.—The term
5 “internationally recognized worker rights and core
6 labor standards” means standards contained in the
7 following International Labor Organization (ILO)
8 conventions:

9 (A) Freedom of Association and Protection
10 of the Right to Organize Convention (No. 87).

11 (B) Right to Organize and Collective Bar-
12 gaining Convention (No. 98).

13 (C) Forced Labour Convention (No. 29).

14 (D) Abolition of Forced Labour Conven-
15 tion (No. 105).

16 (E) Discrimination (Employment and Oc-
17 cupation) Convention (No. 111).

18 (F) Equal Remuneration Convention (No.
19 100).

20 (G) Minimum Age Convention (No. 138).

21 (H) Occupational Safety and Health (No.
22 155).

23 (I) Convention on the Worst Forms of
24 Child Labor (No. 182).

1 (5) NATIONAL OF THE UNITED STATES.—The
 2 term “national of the United States” means—

3 (A) a citizen of the United States or an
 4 alien lawfully admitted for permanent residence
 5 in the United States; or

6 (B) a corporation, partnership, or other
 7 business association that is organized under the
 8 laws of the United States.

9 (6) UNITED STATES.—The term “United
 10 States” means the States of the United States, the
 11 District of Columbia, the Commonwealth of Puerto
 12 Rico, and any territory or possession of the United
 13 States.

14 **SEC. 4. PREFERENCE IN AWARD OF CONTRACTS AND PRO-**
 15 **VISION OF CERTAIN FOREIGN TRADE AND IN-**
 16 **VESTMENT ASSISTANCE.**

17 (a) PREFERENCE IN AWARD OF CONTRACTS.—

18 (1) IN GENERAL.—In entering into contracts
 19 with entities described in subsection (c) to procure
 20 goods or services, the head of an executive agency
 21 shall give a preference to contracting with entities
 22 that have adopted and are enforcing the Corporate
 23 Code of Conduct described in section 3(b).

1 (2) STANDARDS.—The Federal Acquisition
2 Regulations shall include standards with respect to
3 the preference required by this subsection.

4 (b) PREFERENCE IN PROVIDING CERTAIN FOREIGN
5 TRADE AND INVESTMENT ASSISTANCE.—

6 (1) DEPARTMENT OF COMMERCE.—

7 (A) IN GENERAL.—In providing entities
8 described in subsection (c) that are also United
9 States exporters with introduction to contacts
10 in foreign countries pursuant to section
11 2301(b)(4) of the Omnibus Trade and Competi-
12 tiveness Act of 1988 (15 U.S.C. 4721(b)(4)),
13 and in coordinating trade missions with entities
14 described in subsection (c), the Secretary of
15 Commerce shall give preference to entities that
16 have adopted the Corporate Code of Conduct
17 set forth in section 3(b).

18 (B) REGULATIONS.—The Secretary of
19 Commerce shall promulgate regulations con-
20 taining standards with respect to the preference
21 required by this paragraph.

22 (2) OVERSEAS PRIVATE INVESTMENT CORPORA-
23 TION.—

24 (A) IN GENERAL.—In providing financing
25 and issuing investment insurance, reinsurance,

1 and guaranties to entities described in sub-
2 section (c) pursuant to title IV of chapter 2 of
3 part I of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2191 et seq.), the Overseas Private
5 Investment Corporation shall give preference to
6 entities that have adopted the Corporate Code
7 of Conduct set forth in section 3(b).

8 (B) REGULATIONS.—The Board of Direc-
9 tors of the Overseas Private Investment Cor-
10 porations shall promulgate regulations con-
11 taining standards with respect to the preference
12 required by this paragraph.

13 (3) TRADE AND DEVELOPMENT AGENCY.—

14 (A) IN GENERAL.—In providing assistance
15 to entities described in subsection (c) under sec-
16 tion 661 of the Foreign Assistance Act of 1961
17 (22 U.S.C. 2421(b)), the Trade and Develop-
18 ment Agency shall give preference to entities
19 that have adopted the Corporate Code of Con-
20 duct set forth in section 3(b).

21 (B) REGULATIONS.—The Director of the
22 Trade and Development Agency shall promul-
23 gate regulations containing standards with re-
24 spect to the preference required by this para-
25 graph.

1 (4) EXPORT-IMPORT BANK OF THE UNITED
2 STATES.—

3 (A) IN GENERAL.—In providing guaran-
4 tees, insurance, and credit, and in participating
5 in extensions of credit, for entities described in
6 subsection (c), the Export-Import Bank of the
7 United States shall give preference to entities
8 that have adopted the Corporate Code of Con-
9 duct set forth in section 3(b).

10 (B) REGULATIONS.—The Board of Direc-
11 tors of the Export-Import Bank shall promul-
12 gate regulations containing standards with re-
13 spect to the preference required by this para-
14 graph.

15 (c) ENTITIES DESCRIBED.—The entities described in
16 this subsection are nationals of the United States that em-
17 ploy more than 20 persons in a foreign country, either
18 directly or through subsidiaries, subcontractors, affiliates,
19 joint ventures, partners, or licensees (including any secu-
20 rity forces of the national).

21 **SEC. 5. INVESTIGATIONS OF COMPLIANCE WITH COR-**
22 **PORATE CODE OF CONDUCT.**

23 (a) DEFINITION.—In this section, the term “appro-
24 priate Federal official” means the Secretary of Commerce,

1 the Secretary of Labor, the Secretary of State, or the Ad-
2 ministrator of the Environmental Protection Agency.

3 (b) PETITIONS.—

4 (1) IN GENERAL.—Any person may at any time
5 file a petition with the appropriate Federal official
6 requesting that action be taken under section 6 and
7 setting forth the allegations in support of the re-
8 quest. A petition alleging the failure of an entity to
9 comply with the Corporate Code of Conduct adopted
10 by the entity pursuant to section 3 may seek—

11 (A) the termination of a contract awarded
12 or of assistance provided to an entity that re-
13 ceived a preference under section 4 in the
14 award of a contract or in the provision of as-
15 sistance;

16 (B) the withdrawal, suspension, or limita-
17 tion of the eligibility of an entity for a pref-
18 erence under section 6; or

19 (C) action under both subparagraphs (A)
20 and (B).

21 (2) REVIEW; DETERMINATION TO INITIATE IN-
22 VESTIGATION.—The appropriate Federal official
23 shall review the allegations in any petition filed
24 under paragraph (1) and, not later than 45 days
25 after the date on which the petition is received, shall

1 initiate an investigation unless the petition is dis-
2 missed under paragraph (3).

3 (3) DETERMINATION NOT TO INITIATE INVES-
4 TIGATION.—

5 (A) IN GENERAL.—The appropriate Fed-
6 eral official may determine not to initiate an in-
7 vestigation with respect to a petition filed under
8 paragraph (1) only upon issuing a finding that
9 the petition is frivolous. This finding shall be
10 made without regard to whether similar allega-
11 tions were made in a previously reviewed peti-
12 tion and shall focus exclusively on whether the
13 facts alleged in a petition, if true, would fail to
14 establish a prima facie case for noncompliance
15 with the Corporate Code of Conduct set forth in
16 section 3. Only if the facts alleged in a petition,
17 if true, fail to make out a prima facie case, or
18 if a petition contains only conclusory allegations
19 with no allegation of supporting facts, shall a
20 petition be dismissed as frivolous.

21 (B) NOTIFICATION.—If the appropriate
22 Federal official finds a petition to be frivolous,
23 such official shall issue a written decision indi-
24 cating the specific reasons therefor and shall
25 publish notice of the determination, together

1 with a summary of such reasons, in the Federal
2 Register. A copy of the decision shall be sent to
3 the petitioner and shall be made available for
4 public review.

5 (4) SPECIAL COMMITTEES.—The Secretary of
6 Commerce, the Secretary of Labor, the Secretary of
7 State, and the Administrator of the Environmental
8 Protection Agency may establish one or more special
9 committees to review petitions filed under paragraph
10 (1) that are under investigation and make written
11 recommendations with respect to each petition. The
12 written recommendations shall be available to the
13 public. The members of the special committees may
14 be drawn from other agencies within the executive
15 branch, and each member shall have the necessary
16 expertise relevant to the issues raised in any peti-
17 tions to be considered.

18 (5) INVESTIGATIONS.—

19 (A) IN GENERAL.—In initiating an inves-
20 tigation of a petition under this subsection, the
21 appropriate Federal official shall publish a sum-
22 mary of the petition in the Federal Register,
23 along with a request for any person to submit
24 information relevant to the petition. Following
25 such publication, such official shall conduct an

1 independent investigation and gather informa-
2 tion from all available resources. As part of the
3 review process, the appropriate Federal official
4 shall, as soon as practicable, and in no event
5 later than 90 days after the date on which the
6 petition is filed, provide opportunity for the
7 presentation of information concerning the
8 issues involved, including a public hearing at
9 which all interested parties may participate.

10 (B) PETITIONS ALLEGING NONCOMPLI-
11 ANCE.—With respect to any petition alleging
12 noncompliance, the appropriate Federal official
13 shall determine whether such violations have oc-
14 curred or are occurring. Such official in the
15 preceding sentence shall provide written rec-
16 ommendations regarding the disposition of the
17 allegations that shall be entered in the record of
18 the investigation. The appropriate Federal offi-
19 cial, or any member of any special committee
20 established under paragraph (4), may also seek
21 advice from experts in the fields of human
22 rights, worker rights, environmental protection,
23 and equal opportunity employment. The advice
24 may be in writing or taken as oral testimony at

1 a public hearing and shall be entered in the
2 record of the investigation.

3 (6) DECISIONS.—After completion of the inves-
4 tigation, and in no event later than 270 days after
5 the date on which the petition was filed, the appro-
6 priate Federal official shall issue a decision whether
7 to grant the relief requested in the petition. The de-
8 cision shall be in writing and clearly reference the
9 issues presented, the factual findings regarding the
10 allegations, and the standard applied in determining
11 whether the facts as found required action under
12 section 6. A copy of the decision shall be provided
13 to the petitioner, the entity involved in the petition,
14 and any other party that submitted information rel-
15 evant to the petition, and shall be made available for
16 public review. A summary of the decision shall be
17 published in the Federal Register.

18 (c) INITIATION OF INVESTIGATION BY MEANS OTHER
19 THAN PETITION.—If the appropriate Federal official de-
20 termines that an investigation should be initiated with re-
21 spect to any matter in order to determine whether the
22 matter requires action under section 6, such official shall
23 publish such determination in the Federal Register and
24 shall initiate such investigation using the procedures of

1 paragraphs (5) and (6) of subsection (b), to the extent
2 appropriate.

3 (d) PROMULGATION OF REGULATIONS.—The Sec-
4 retary of Commerce shall promulgate regulations to imple-
5 ment this section. The regulations may include—

6 (1) procedures for the creation of special com-
7 mittees under subsection (b)(4);

8 (2) coordinating investigations with other agen-
9 cies;

10 (3) consolidating multiple petitions concerning
11 the same contract or entity; and

12 (4) holding hearings on similar petitions at the
13 same time in order to efficiently gather information.

14 (e) JUDICIAL REVIEW OF DETERMINATIONS.—Any
15 final decision dismissing or denying a petition requesting
16 action under section 6, or any final decision that results
17 in an action against an entity under section 6, may be
18 appealed by the petitioner or the entity to the appropriate
19 United States Court of Appeals for review. The decision
20 shall be reviewed as a final agency action.

21 **SEC. 6. TERMINATION OF CONTRACTS OR ASSISTANCE AND**
22 **WITHDRAWAL, SUSPENSION, OR LIMITATION**
23 **OF PREFERENCE.**

24 (a) TERMINATION OF CONTRACT OR ASSISTANCE.—
25 Based upon a determination from an investigation initi-

1 ated under section 5 and notwithstanding any other provi-
2 sion of law, the Secretary of Commerce, the Secretary of
3 Labor, the Secretary of State, or the Administrator of the
4 Environmental Protection Agency shall terminate a con-
5 tract entered into by the executive agency involved with
6 an entity described in section 4(c) for the procurement of
7 goods or services by the agency, and the appropriate Fed-
8 eral official or entity described in paragraph (1), (2), (3),
9 or (4) of section 4(b) shall terminate foreign trade and
10 investment assistance from the United States Government
11 (as described in section 4(b)) provided to an entity de-
12 scribed in section 4(c), if the entity or contractor or other
13 recipient of the assistance is not in compliance with the
14 Corporate Code of Conduct described in section 3(b).

15 (b) WITHDRAWAL, SUSPENSION, OR LIMITATION OF
16 PREFERENCE.—The designation of an entity as eligible to
17 receive a preference under section 4 shall be withdrawn,
18 suspended, or limited if the entity is no longer in complete
19 compliance with the Corporate Code of Conduct described
20 in section 3(b).

21 **SEC. 7. REPORTING REQUIREMENTS.**

22 (a) REPORTS TO CERTAIN FEDERAL DEPARTMENTS
23 AND AGENCIES.—Each entity described in section 4(c)
24 that enters into a contract with an executive agency for
25 the procurement of goods or services by the agency, and

1 each entity described in section 4(c) that receives certain
2 foreign trade and investment assistance from the United
3 States Government (as described in section 4(b)), shall
4 prepare and submit to the Secretary of Commerce, the
5 Secretary of Labor, the Secretary of State, and the Ad-
6 ministrator of the Environmental Protection Agency an
7 annual report, which shall be made available to the public,
8 that contains a description of the monitoring program es-
9 tablished and carried out by the entity pursuant to section
10 3(b)(8) and any progress made toward full compliance
11 with the principles described in paragraphs (1) through
12 (7) of section 3(b) by the individuals described in section
13 3(b)(8).

14 (b) REPORTS TO CONGRESS.—The Secretary of Com-
15 merce, the Secretary of Labor, the Secretary of State, and
16 the Administrator of the Environmental Protection Agen-
17 cy shall jointly prepare and submit to the Congress, at
18 the same time the annual Department of State Country
19 Reports on Human Rights Practices is submitted, an an-
20 nual report, which shall be made available to the public,
21 that contains a compilation of the reports received from
22 each entity under subsection (a) for the prior year (includ-
23 ing a compilation of the petitions submitted to the appro-
24 priate Federal officials under section 5 for the prior year)
25 and that contains an analysis of the extent to which each

1 such entity is in compliance with the Corporate Code of
2 Conduct described in section 3(b).

3 **SEC. 8. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS.**

4 (a) REGULATORY AUTHORITY.—The President shall
5 issue such rules, regulations, licenses, and orders as are
6 necessary to carry out the provisions of this Act.

7 (b) ENFORCEMENT AND PENALTIES.—

8 (1) IN GENERAL.—The President, with respect
9 to his authorities under subsection (a), shall take the
10 necessary steps to ensure compliance (including the
11 monitoring of compliance) with the provisions of this
12 Act and any rules, regulations, licenses, and orders
13 issued to carry out this Act.

14 (2) LIABILITY.—Beginning 2 years after the
15 date of the enactment of this Act, any person who
16 is in violation of any provision of this Act (or any
17 rule, regulation, license, or order issued to carry out
18 this Act) shall be liable for damages in a civil cause
19 of action initiated in an appropriate United States
20 district court to any individual aggrieved by the act
21 or omission of the person in question, or to the
22 heirs, estate, or other legal representative of the in-
23 dividual.

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