

"(B) Not less than 2 members appointed to the Advisory Committee shall be representative of the labor community."

SEC. 8. OUTREACH TO COMPANIES.

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

"(I) The Chairman of the Bank shall design and implement a program to provide information about Bank programs to companies which have not participated in Bank programs. Not later than 1 year after the date of the enactment of this subparagraph, the Chairman of the Bank shall submit to the Congress a report on the activities undertaken pursuant to this subparagraph."

SEC. 9. FIRMS THAT HAVE SHOWN A COMMITMENT TO REINVESTMENT AND JOB CREATION IN THE UNITED STATES TO BE GIVEN PREFERENCE IN FINANCIAL ASSISTANCE DETERMINATIONS.

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

"(J) The Board of Directors of the Bank shall prescribe such regulations and the Bank shall implement such procedures as may be appropriate to ensure that, in selecting from among firms to which to provide financial assistance, preference be given to any firm that has shown a commitment to reinvestment and job creation in the United States."

SEC. 10. PREFERENCE IN EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO CHINA TO BE PROVIDED TO COMPANIES ADHERING TO CODE OF CONDUCT.

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

"(f) PREFERENCE IN ASSISTANCE FOR EXPORTS TO CHINA TO BE PROVIDED TO ENTITIES ADHERING TO CODE OF CONDUCT.—

"(1) PROHIBITIONS.—

"(A) IN GENERAL.—In determining whether to guarantee, insure, extend credit, or participate in the extension of credit with respect to the export of goods or services destined for the People's Republic of China, the Board of Directors shall give preference to entities that the Board of Directors determines have established and are adhering to the code of conduct set forth in paragraph (2).

"(B) PENALTY FOR VIOLATION.—The Bank shall withdraw any guarantee, insurance, or credit that the Bank has provided, and shall withdraw from any participation in an extension of credit, to an entity with respect to the export of any good or service destined for the People's Republic of China if the Board of Directors determines that the entity is not adhering to the code of conduct set forth in paragraph (2).

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

"(A) Provide a safe and healthy workplace.

"(B) Ensure fair employment, including by—

"(i) avoiding child and forced labor, and discrimination based upon race, gender, national origin, or religious beliefs;

"(ii) respecting freedom of association and the right to organize and bargain collectively;

"(iii) paying not less than the minimum wage required by law or the prevailing industry wage, whichever is higher; and

"(iv) providing all legally mandated benefits.

"(C) Obey all applicable environmental laws.

"(D) Comply with United States and local laws promoting good business practices, including laws prohibiting illicit payments and ensuring fair competition.

"(E) Maintain, through leadership at all levels, a corporate culture—

"(i) which respects free expression consistent with legitimate business concerns, and does not condone political coercion in the workplace;

"(ii) which encourages good corporate citizenship and makes a positive contribution to the communities in which the entity operates; and

"(iii) in which ethical conduct is recognized, valued, and exemplified by all employees.

"(F) Require similar behavior by partners, suppliers, and subcontractors under terms of contracts.

"(G) Implement and monitor compliance with the subparagraphs (A) through (F) through a program that is designed to prevent and detect noncompliance by any employee or supplier of the entity and that includes—

"(i) standards for ethical conduct of employees of the entity and of suppliers which refer to the subparagraphs;

"(ii) procedures for assignment of appropriately qualified personnel at the management level to monitor and enforce compliance;

"(iii) procedures for reporting noncompliance by employees and suppliers;

"(iv) procedures for selecting qualified individuals who are not employees of the entity or of suppliers to monitor compliance, and for assessing the effectiveness of such compliance monitoring;

"(v) procedures for disciplinary action in response to noncompliance;

"(vi) procedures designed to ensure that, in cases in which noncompliance is detected, reasonable steps are taken to correct the noncompliance and prevent similar noncompliance from occurring; and

"(vii) communication of all standards and procedures with respect to the code of conduct to every employee and supplier—

"(I) by requiring all management level employees and suppliers to participate in a training program; or

"(II) by disseminating information orally and in writing, through posting of an explanation of the standards and procedures in prominent places sufficient to inform all employees and suppliers, in the local languages spoken by employees and managers.

"(3) SMALL BUSINESS EXCEPTION.—This subsection shall not apply to an entity that is a small business (within the meaning of the Small Business Act)."

(b) ANNUAL REPORT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended by adding at the end the following: "The Bank shall include in the annual report a description of the actions the Bank has taken to comply with subsection (f) during the period covered by the report."

(c) RECIPIENTS OF ASSISTANCE FROM THE EXPORT-IMPORT BANK TO BE PROVIDED WITH RESOURCES AND INFORMATION TO FURTHER ADHERENCE TO GLOBAL CODES OF CORPORATE CONDUCT.—The Export-Import Bank of the United States shall work with the Clearinghouse on Corporate Responsibility that is being developed by the Department of Commerce to ensure that recipients of assistance from the Export-Import Bank are made aware of, and have access to, resources and organizations that can assist the recipients in developing, implementing, and monitoring global codes of corporate conduct.

SEC. 11. RENAMING OF BANK AS THE UNITED STATES EXPORT BANK.

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

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

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'United States Export Bank Act of 1945'."

(2) The following provisions of such Act are amended by striking "Export-Import Bank of the United States" and inserting "United States Export Bank":

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

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

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

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

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

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

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

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

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

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

(3) The following provisions of such Act are amended by striking "Export-Import Bank" each place it appears and inserting "United States Export Bank":

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

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

(b) DEEMING RULES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the Export-Import Bank of the United States is deemed to be a reference to the United States Export Bank, and any reference in any law, map, regulation, document, paper, or other record of the United States to the Export-Import Bank Act of 1945 is deemed to be a reference to the United States Export Bank Act of 1945.

SEC. 12. PROHIBITION AGAINST ASSISTANCE TO RUSSIA IF RUSSIA TRANSFERS CERTAIN MISSILE SYSTEMS TO THE PEOPLE'S REPUBLIC OF CHINA.

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

"(12) PROHIBITION AGAINST ASSISTANCE TO RUSSIA IF RUSSIA TRANSFERS CERTAIN MISSILE SYSTEMS TO THE PEOPLE'S REPUBLIC OF CHINA.—

If the President of the United States is made aware that Russia has transferred or delivered to the People's Republic of China an SS-N-22 or SS-N-26 missile system, the President of the United States shall notify the Bank of the transfer or delivery. Upon receipt of the notification, the Bank shall not insure, guarantee, extend credit or participate in an extension of credit with respect to, or otherwise subsidize the export of any good or service to Russia."

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

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

"(f) PROHIBITION AGAINST ASSISTANCE FOR EXPORTS TO COMPANIES THAT EMPLOY CHILD LABOR.—The Bank shall not guarantee, insure, extend credit, or participate in the extension of credit with respect to the export of any good or service to an entity if the entity—

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

"(2) has not made a binding commitment to not employ children in such manner."

Mr. NICKLES. Mr. President, I move that the Senate disagree to the amendment of the House, agree to the request for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. D'AMATO, Mr. GRAMS, Mr. HAGEL, Mr. SARBANES, and Ms. MOSELEY-BRAUN conferees on the part of the Senate.

ORDERS FOR MONDAY, NOVEMBER 3, 1997

Mr. NICKLES. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Monday, November 3. I further ask on Monday immediately following the prayer the routine requests through the morning hour be granted and there immediately be a period for the transaction of morning business until the

hour of 2:45 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Under a previous order, at 2:45 p.m. the Senate will proceed to the nomination of Charles Rossotti to be the IRS Commissioner, with a vote to occur at 5:45 p.m. on Monday. I anticipate that following the 5:45 p.m. vote, the Senate will begin debate on a motion to proceed to consideration of Senate bill 1269, the so-called fast-track legislation.

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. NICKLES. I ask unanimous consent the committees have until 6 o'clock p.m. this evening to file reports on legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. In conjunction with the previous unanimous-consent agreements, on Monday the Senate will begin a period of morning business from 12 noon until 2:45 p.m. At 2:45 p.m. the Senate will proceed to executive session to consider the nomination of calendar No. 351, Charles Rossotti to be Commissioner of the Internal Revenue Service. Under the previous consent, there will be 3 hours of debate upon the nomination, with the vote occurring at the expiration of that time. Therefore, Members can anticipate the first roll-call vote on Monday at approximately 5:45 p.m. Following that vote, the Senate will begin debate on the motion to proceed to Senate bill 1269, the fast-track legislation. The Senate may also consider and complete action on any or all of the following items: The D.C. appropriations bill, FDA reform conference report, Amtrak strike resolution, the intelligence authorization conference report, and any additional

legislative or executive items that can be cleared for action.

As a reminder to all Members, today cloture was filed on both H.R. 2646, the A-plus education savings account bill, and the motion to proceed to 1269, the fast-track legislation. Those cloture votes will occur on Tuesday morning, and the leader will notify all Senators of the time of the cloture votes on Tuesday. Therefore, all first-degree amendments to H.R. 2646 must be filed Monday by 1 o'clock p.m. Needless to say, all Senators should expect rollcall votes during every day of the session next week.

ADJOURNMENT UNTIL 12 NOON MONDAY, NOVEMBER 3, 1997

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:22 p.m., adjourned until Monday, November 3, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 31, 1997:

DEPARTMENT OF JUSTICE

BEVERLY BALDWIN MARTIN, OF GEORGIA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS VICE JAMES LAMAR WIGGINS, RESIGNED.

CENTRAL INTELLIGENCE AGENCY

ROBERT M. MCNAMARA, JR., OF MARYLAND, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY. (NEW POSITION)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KENNETH A. THOMAS, OF OREGON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

NASIR ABBASI, OF MARYLAND
CHRISTOPHER ADAMS, OF CALIFORNIA
KELLY ADAMS-SMITH, OF NEW JERSEY
STEVEN P. ADAMS-SMITH, OF NEW JERSEY
STEPHEN J. AKARD, OF INDIANA
SALVATORE ANTONIO AMODEO, OF VIRGINIA
JONE M. BOSWORTH, OF NEBRASKA
MELANIE M. BOWEN, OF MASSACHUSETTS
ROXANNE CABRAL, OF VIRGINIA
MARK MINGE CAMERON, OF ALABAMA
HUNTER HUIE CASHDOLLAR, OF TENNESSEE
GARY L. CHILDS, OF INDIANA
MICHAEL S. COHEN, OF VIRGINIA
ANGELA COLYVAS, OF PENNSYLVANIA
R. SEAN COOPER, OF CALIFORNIA
ALAN EYRE, OF VIRGINIA
JOSEPH G. FEARN, OF VIRGINIA
PAUL MICHAEL FERMOILE, OF LOUISIANA
ANTHONY C. FERNANDES, OF MASSACHUSETTS
ERIC A. FICHTE, OF VIRGINIA
KATHRYN LAURA FLACHSBART, OF CALIFORNIA
KRISTINA A. GILL, OF TENNESSEE
DIANE M. GOODNIGHT, OF VIRGINIA
SANDRA GROOMS, OF VIRGINIA
MICHAEL WILLIAM HALE, OF VIRGINIA
NEAL J. HANLEY, OF VIRGINIA
ALI JALILI, OF VIRGINIA
DANIEL P. JASSEM, OF COLORADO
THOMAS TAN JUNG, OF WASHINGTON
DAVID JOSEPH JURAS, OF KENTUCKY
KIMBERLY A. KARSIAN, OF COLORADO
ALEXANDER I. KASANOF, OF NEW YORK
RIMA KOYLER, OF PENNSYLVANIA
LLOYD R. LEWIS, III, OF OHIO
MICHAEL J. MA, OF VIRGINIA
LAURA A. MALENAS, OF MARYLAND
PETER G. MARTIN, OF MASSACHUSETTS
EMILY T. METZGAR, OF MICHIGAN
DANA CHRISTIAN MURRAY, OF FLORIDA
KIM M. NATOLI, OF FLORIDA
KIRBY D. NELSON, OF IDAHO
GEORGE ARTHUR NOLL, OF RHODE ISLAND
QUI NGUYEN, OF CALIFORNIA
BRIAN JAY O'ROURKE, OF NEW MEXICO
TERESA D. PEREZ, OF TEXAS
STEVEN D. PRICE, OF CALIFORNIA
BARTON J. PUTNEY, OF WISCONSIN
DANIEL MICHAEL RHEA, OF VIRGINIA
JAMES SAMUELS, OF VIRGINIA
MITCHELL R. SCOGGINS, OF NORTH CAROLINA
KATHLEEN R. SEIP, OF VIRGINIA
SUSANNAH E. SILVERBRAND, OF MAINE
KIRK G. SMITH, OF WASHINGTON
W. AARON TARVER, OF LOUISIANA
CHRISTOPH J. WELSH, OF VIRGINIA
LOUISE M. WILKINS, OF VIRGINIA
MARC HERVERT WILLIAMS, OF NEVADA
CHARLES GRANDIN WISE, OF VIRGINIA

CONFIRMATION

Executive nomination confirmed by the Senate October 31, 1997:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE,

To be lieutenant general

MAJ. GEN. JACK P. NIX, JR.