

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 1026**

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**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       “(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.*