

103^D CONGRESS
2^D SESSION

H. R. 5165

To authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 1994

Mr. BEREUTER introduced the following bill; which was referred to the Committee on Banking, Finance and Urban Affairs

A BILL

To authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes.

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. AUTHORITY TO PROVIDE FINANCING FOR THE**
2 **EXPORT OF NONLETHAL DEFENSE ARTICLES**
3 **OR SERVICES THE PRIMARY END USE OF**
4 **WHICH WILL BE FOR CIVILIAN PURPOSES.**

5 (a) IN GENERAL.—Section 2(b)(6) of the Export-Im-
6 port Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended
7 by adding at the end the following:

8 “(I)(i) Subparagraph (A) shall not apply to a trans-
9 action involving defense articles or services if—

10 “(I) the Bank determines that—

11 “(aa) the defense articles or services are
12 nonlethal; and

13 “(bb) the primary end use of the defense
14 articles or services will be for civilian purposes;
15 and

16 “(II) at least 15 calendar days before the date
17 on which the Board of Directors of the Bank gives
18 final approval to Bank participation in the trans-
19 action, the Bank provides notice of the transaction
20 to the Committees on Banking, Finance and Urban
21 Affairs and on Appropriations of the House of Rep-
22 resentatives and the Committees on Banking, Hous-
23 ing, and Urban Affairs and on Appropriations of the
24 Senate.

25 “(ii) Not more than 10 percent of the loan, guaran-
26 tee, and insurance authority available to the Bank for a

1 fiscal year may be used by the Bank to support the sale
2 of defense articles or services to which subparagraph (A)
3 does not apply by reason of clause (i) of this subpara-
4 graph.

5 “(iii) Not later than September 1 of each fiscal year,
6 the Comptroller General of the United States, in consulta-
7 tion with the Bank, shall submit to the Committees on
8 Banking, Finance and Urban Affairs and on Appropria-
9 tions of the House of Representatives and the Committees
10 on Banking, Housing, and Urban Affairs and on Appro-
11 priations of the Senate a report on the end uses of any
12 defense articles or services described in clause (i) with re-
13 spect to which the Bank provided support during the sec-
14 ond preceding fiscal year.”.

15 (b) REPORT TO THE CONGRESS.—Section 2(b)(6)(H)
16 of the Export-Import Bank Act of 1945 (12 U.S.C.
17 635(b)(6)(H)) is amended by inserting “or described in
18 subparagraph (I)(i)” before the period at the end of the
19 first sentence.

20 (c) PERIOD OF EFFECTIVENESS.—The amendments
21 made by this section shall remain in effect during the pe-
22 riod beginning on the date of enactment of this Act and
23 ending on September 30, 1997.

1 **SEC. 2. PROMOTION OF EXPORTS OF ENVIRONMENTALLY**
2 **BENEFICIAL GOODS AND SERVICES.**

3 (a) IN GENERAL.—The first section 11(b) of the Ex-
4 port-Import Bank Act of 1945 (12 U.S.C. 635i-5(b)) is
5 amended—

6 (1) by inserting before “The Bank shall” the
7 following:

8 “(1) IN GENERAL.—”;

9 (2) in the first sentence, by inserting before the
10 period “(such as exports of products and services
11 used to aid in the monitoring, abatement, control, or
12 prevention of air, water, and ground contaminants
13 or pollution, or which provide protection in the han-
14 dling of toxic substances, subject to a final deter-
15 mination by the Bank, and products and services for
16 foreign environmental projects dedicated entirely to
17 the prevention, control, or cleanup of air, water, or
18 ground pollution, including facilities to provide for
19 control or cleanup, and used in the retrofitting of fa-
20 cility equipment for the sole purpose of mitigating,
21 controlling, or preventing adverse environmental ef-
22 fects, subject to a final determination by the
23 Bank)”; and

24 (3) by adding at the end the following:

25 “(2) LIMITATIONS ON AUTHORIZATION OF AP-
26 PROPRIATIONS.—In addition to other funds available

1 to support the export of goods and services described
2 in paragraph (1), there are authorized to be appro-
3 priated to the Bank not more than \$35,000,000 for
4 the cost (as defined in section 502(5) of the Federal
5 Credit Reform Act of 1990) of supporting such ex-
6 ports. If, in any fiscal year, the funds appropriated
7 in accordance with this paragraph are not fully uti-
8 lized due to insufficient qualified transactions for the
9 export of such goods and services, such funds may
10 be expended for other purposes eligible for support
11 by the Bank.”.

12 (b) TECHNICAL CORRECTION.—The Export-Import
13 Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended
14 by redesignating the second section 11 (12 U.S.C. 635i-
15 8) as section 14.

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