

Public Law 103-428
103d Congress

An Act

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.

Oct. 31, 1994
[H.R. 4455]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

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

“(I)(i) Subparagraph (A) shall not apply to a transaction involving defense articles or services if—

“(I) the Bank determines that—

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

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

“(II) at least 15 calendar days before the date on which the Board of Directors of the Bank gives final approval to Bank participation in the transaction, the Bank provides notice of the transaction to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate.

“(ii) Not more than 10 percent of the loan, guarantee, and insurance authority available to the Bank for a fiscal year may be used by the Bank to support the sale of defense articles or services to which subparagraph (A) does not apply by reason of clause (i) of this subparagraph.

“(iii) Not later than September 1 of each fiscal year, the Comptroller General of the United States, in consultation with the Bank, shall submit to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate a report on the end uses of any defense articles or services described in clause (i) with respect to which the Bank provided support during the second preceding fiscal year.”

Reports.

(b) **REPORT TO THE CONGRESS.**—Section 2(b)(6)(H) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(H)) is amended by

inserting "or described in subparagraph (I)(i)" before the period at the end of the first sentence.

12 USC 635
note.

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

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

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

(1) by inserting before "The Bank shall" the following:
"(1) IN GENERAL.—";

(2) in the first sentence, by inserting before the period "(such as exports of products and services used to aid in the monitoring, abatement, control, or prevention of air, water, and ground contaminants or pollution, or which provide protection in the handling of toxic substances, subject to a final determination by the Bank, and products and services for foreign environmental projects dedicated entirely to the prevention, control, or cleanup of air, water, or ground pollution, including facilities to provide for control or cleanup, and used in the retrofitting of facility equipment for the sole purpose of mitigating, controlling, or preventing adverse environmental effects, subject to a final determination by the Bank)"; and

(3) by adding at the end the following:

"(2) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to other funds available to support the export of goods and services described in paragraph (1), there are authorized to be appropriated to the Bank not more than \$35,000,000 for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of supporting such exports. If, in any fiscal year, the funds appropriated in accordance with this paragraph are not fully utilized due to insufficient qualified transactions for the export of such goods and services, such funds may be expended for other purposes eligible for support by the Bank."

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

Approved October 31, 1994.

LEGISLATIVE HISTORY—H.R. 4455:

HOUSE REPORTS: No. 103-681 (Comm. on Banking, Finance and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 140 (1994):

Aug. 8, considered and passed House.

Oct. 5, considered and passed Senate, amended.

Oct. 6, House concurred in Senate amendment.