

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1372

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Export-Import Bank Reauthorization Act of 2001".

#### SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "2001" and inserting "2006".

#### SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended to read as follows:

"(iii) The sub-Saharan Africa advisory committee shall terminate on September 30, 2006."

#### SEC. 4. GUARANTEES, INSURANCE, EXTENSION OF CREDIT.

Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(1) in the fourth sentence, by striking "on an annual basis" and inserting "not later than June 30 each year";

(2) in the fifth sentence, by inserting "(including through use of market windows)" after "United States exporters"; and

(3) by inserting after the fifth sentence, the following new sentence: "With respect to the proceeding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from other governments and government-related agencies."

#### SEC. 5. FINANCING FOR SMALL BUSINESS.

Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking "10" and inserting "18".

#### SEC. 6. MARKET WINDOWS.

The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following new section:

##### "SEC. 15. MARKET WINDOWS.

"(a) ENHANCED TRANSPARENCY.—To ensure that the Bank financing remains fully competitive, the United States should seek enhanced transparency over the activities of market windows in the OECD Export Credit Arrangement. If such transparency indicates that market windows are disadvantaging United States exporters, the United States should seek negotiations for multilateral disciplines and transparency within the OECD Export Credit Arrangement.

"(b) AUTHORIZATION.—The Bank is authorized to provide financing on terms and conditions that are inconsistent with those permitted under the OECD Export Credit Arrangement—

"(1) to match financing terms and conditions that are being offered by market windows on terms that are inconsistent with those permitted under the OECD Export Credit Arrangement, if—

"(A) matching such terms and conditions advances the negotiations for multilateral disciplines and transparency within the OECD Export Credit Arrangement; or

"(B) transparency verifies that the market window financing is being offered on terms that are more favorable than the terms and conditions that are available from private financial markets; and

"(2) when the foreign government-supported institution refuses to provide suffi-

cient transparency to permit the Bank to make a determination under paragraph (1).

"(c) DEFINITION.—In this section, the term 'OECD' means the Organization for Economic Cooperation and Development."

#### SEC. 7. INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK.

(a) ESTABLISHMENT OF POSITION.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or the Board of Directors of the Tennessee Valley Authority;" and inserting "the Board of Directors of the Tennessee Valley Authority; or the President of the Export-Import Bank;"; and

(2) in paragraph (2), by striking "or the Tennessee Valley Authority;" and inserting "the Tennessee Valley Authority, or the Export-Import Bank;".

(b) SPECIAL PROVISIONS.—The Inspector General Act of 1978 is amended—

(1) by redesignating section 8I as section 8J and inserting after section 8H the following new section:

##### "§ 8I. Special Provisions Relating to the Export-Import Bank of the United States

"(a) IN GENERAL.—The Inspector General of the Export-Import Bank shall not prevent or prohibit the Audit Committee from initiating, carrying out, or completing any audit or investigation or undertaking any other activities in the performance of the duties and responsibilities of the Audit Committee, including auditing the financial statements of the Export-Import Bank, determining when it is appropriate to use independent external auditors, and selecting independent external auditors. In carrying out the duties and responsibilities of Inspector General, the Inspector General of the Export-Import Bank shall not be prevented or prohibited from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation. The Audit Committee shall make available to the Inspector General of the Export-Import Bank the reports of all audits the Committee undertakes in the discharge of its duties and responsibilities.

"(b) AUDIT COMMITTEE.—For purposes of this section, the term 'Audit Committee' means the Audit Committee of the Board of Directors of the Export-Import Bank or any successor thereof."

(2) in section 8J (as redesignated), by striking "or 8H of this Act" and inserting "8H, or 8I of this Act".

(c) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Environmental Protection Agency the following:

"Inspector General, Export-Import Bank."

(d) INITIAL IMPLEMENTATION.—Section 9(a)(2) of the Inspector General Act of 1978 is amended by inserting "to the Office of the Inspector General," after "(2)".

(e) TECHNICAL CORRECTIONS.—Section 11 of the Inspector General Act of 1978 is amended—

(1) in paragraph (1)—

(A) by striking the second semicolon after "Community Service";

(B) by striking "and" after "Financial Institutions Fund;"; and

(C) by striking "and" after "Trust Corporation;"; and

(2) in paragraph (2), by striking the second comma after "Community Service".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002.

MOTION OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. OXLEY moves to strike out all of the enacting clause of the Senate bill S. 1372 and insert in lieu thereof the provisions of H.R. 2871 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 2871, was laid on the table.

#### APPOINTMENT OF CONFEREES

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to S. 1372 and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Financial Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. OXLEY, BEREUTER, TOOMEY, GARY G. MILLER of California, LAFALCE and SANDERS.

From the Committee on Government Reform, for consideration of section 7 of the Senate bill, and modifications committed to conference: Messrs. BURTON of Indiana, HORN and WAXMAN.

There was no objection.

#### PERSONAL EXPLANATION

Mr. HOLT. Mr. Speaker, on Thursday April 26, 2002, I was unavoidably detained in my congressional district in New Jersey, attending a memorial service for a close friend and former co-worker. Because of that, I missed record votes in the House. Had I been present, Mr. Speaker, I would have voted yes on rollcall 111, yes on rollcall 112, yes on rollcall 113, no on rollcall 114, no on rollcall 115, and yes on rollcall 116.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 495. An act to designate the Federal building located in Charlotte Amalie, St. Thomas, United States Virgin Islands, as the "Ron de Lugo Federal Building".

H.R. 819. An act to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building".

H.R. 3093. An act to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the "William L. Beatty Federal Building and United States Courthouse".

H.R. 3282. An act to designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the "Mike Mansfield Federal Building and United States Courthouse".

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles

in which the concurrence of the House is requested:

S. 1721. An act to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Courthouse".

S. Con. Res. 102. Concurrent resolution proclaiming the week of May 4 through May 11, 2002, as "National Safe Kids Week".

### MULTINATIONAL DEVELOPMENT BANKS AUTHORIZATION ACT

Mr. OXLEY. Mr. Speaker, pursuant to the previous order of the House, I move to suspend the rules and pass the bill (H.R. 2604) to authorize the United States to participate in and contribute to the seventh replenishment of the resources of the Asian Development Fund and the fifth replenishment of the resources of the International Fund for Agricultural Development, and to set forth additional policies of the United States toward the African Development Bank, the African Development Fund, the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development, as amended.

The Clerk read as follows:

H.R. 2604

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

#### SECTION 1. UNITED STATES CONTRIBUTION TO THE SEVENTH REPLENISHMENT OF THE RESOURCES OF THE ASIAN DEVELOPMENT FUND.

The Asian Development Bank Act (22 U.S.C. 285–285aa) is amended by adding at the end the following:

##### "SEC. 31. SEVENTH REPLENISHMENT.

"(a) CONTRIBUTION AUTHORITY.—

"(1) IN GENERAL.—The United States Governor of the Bank may contribute on behalf of the United States \$412,000,000 to the Asian Development Fund, a special fund of the Bank.

"(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For contribution authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury not more than \$412,000,000, without fiscal year limitation."

#### SEC. 2. UNITED STATES CONTRIBUTION TO THE FIFTH REPLENISHMENT OF THE RESOURCES OF THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT.

(a) CONTRIBUTION AUTHORITY.—

(1) IN GENERAL.—The United States Governor of the International Fund for Agricultural Development may contribute on behalf of the United States \$30,000,000 to the International Fund for Agricultural Development.

(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For contribution authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury not more than \$30,000,000, without fiscal year limitation.

(c) REPORT ON PARTICIPATION OF THE IFAD IN THE ENHANCED HIPC INITIATIVE.—Within 3 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit

to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the participation of the International Fund for Agricultural Development in the Enhanced HIPC Initiative. The report shall include a statement of the cost to the International Fund for Agricultural Development of participating in the Enhanced HIPC Initiative, the effects of such participation (if not reimbursed) on current and future programs of the International Fund for Agricultural Development, the feasibility of allowing the World Bank HIPC Trust Fund to reimburse the International Fund for Agricultural Development for the costs of such participation, and the amount of additional appropriations from the United States to the World Bank HIPC Trust Fund that would be necessary to allow such participation.

#### SEC. 3. HIV/AIDS STRATEGIC PLAN.

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p–262p–7) is amended by adding at the end the following:

##### "SEC. 1625. HIV/AIDS STRATEGIC PLAN.

"The Secretary of the Treasury shall instruct the United States Executive Directors at the African Development Bank, the African Development Fund, the Asian Development Bank, the Asian Development Fund, a special fund of the Asian Development Bank, and the Inter-American Development Bank, and the United States Governor of the International Fund for Agricultural Development to support continued efforts by such institutions as appropriate in regard to HIV/AIDS, tuberculosis, malaria, and other infectious diseases, including—

"(1) development and implementation of a strategic plan to fight against the spread of HIV/AIDS, tuberculosis, malaria, and other infectious diseases;

"(2) integration of HIV/AIDS, tuberculosis, malaria, and other infectious diseases activities in ongoing projects as appropriate, development of new dedicated HIV/AIDS, tuberculosis, malaria, and other infectious diseases, projects as appropriate that take into consideration the institution's mandate and core strengths, and the building of AIDS-mitigation measures into other projects;

"(3) design and implementation of HIV/AIDS, tuberculosis, malaria, and other infectious diseases impact assessment criteria into environmental and social assessment processes that the institution considers when designing and evaluating new project proposals;

"(4) work on disseminating information on best practices and project design for HIV/AIDS, tuberculosis, malaria, and other infectious diseases projects; and

"(5) support training for professional staff on HIV/AIDS, tuberculosis, malaria, and other infectious disease prevention issues to ensure that these health-related concerns are integrated into all aspects of the work of the institution."

#### SEC. 4. USER FEES.

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p–262p–7) is further amended by adding at the end the following:

##### "SEC. 1626. USER FEES.

"The Secretary of the Treasury shall instruct the United States Executive Director at the African Development Bank, the African Development Fund, the Asian Development Bank, the Asian Development Fund, a special fund of the Asian Development Bank, and the Inter-American Development Bank, and the United States Governor of the International Fund for Agricultural Development to oppose any loan, grant, document, or strategy that is subject to endorsement or approval by the board of directors of any such institution, which includes user fees or service charges in impoverished countries directly or under the guise of community financing, cost-sharing, or cost recovery mechanisms, for primary education or primary health care, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being."

#### SEC. 5. TRANSPARENCY.

(a) UNITED STATES POLICY IN REGIONAL MULTILATERAL DEVELOPMENT INSTITUTIONS.—Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o–2) is further amended by adding at the end the following:

##### "SEC. 1504. TRANSPARENCY.

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at the African Development Bank, the African Development Fund, the Asian Development Bank, the Asian Development Fund, a special fund of the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development, and the United States Governor of the International Fund for Agricultural Development to—

"(1) continue to make efforts to promote greater transparency regarding the activities of such institutions, including project design, project monitoring and evaluation, project implementation, resource allocation, and decision-making;

"(2) support continued efforts to allow informed participation and input by affected communities, including translation of information on proposed projects, providing information through information technology applications, oral briefings, and outreach to and dialogue with community organizations and institutions in affected areas; and

"(3) work toward ensuring that—

"(A) meetings of the Boards of Directors (or, in the case of the International Fund for Agricultural Development, the Board of Governors) of their respective institutions are open to the public and the media, except for discussion of sensitive matters such as individual personnel matters;

"(B) transcripts of such meetings are available to the public no later than 60 calendar days after the meetings, except for discussion of sensitive matters such as individual personnel matters; and

"(C) all key documents that are presented for endorsement or approval by the Board of Directors (or, in the case of the International Fund for Agricultural Development, the Board of Governors) of their respective institutions will be made available to the public at least 15 days before consideration by the Board.

"(b) STATEMENT OF GOALS.—The Secretary of the Treasury shall instruct the United States Executive Director at the African Development Bank, the African Development Fund, the Asian Development Bank, the Asian Development Fund, a special fund of the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development, and the United States Governor of the International Fund for Agricultural Development to inform their respective institutions of the goals enumerated in subsection (a), in a manner that the Secretary of the Treasury deems appropriate."

(b) CONGRESSIONAL TESTIMONY REQUIRED.—The United States Executive Directors at the African Development Bank, the African Development Fund, the Asian Development Bank, the Asian Development Fund, a special fund of the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development, and the United States Governor of the International Fund for Agricultural Development shall, at the request of the Committee on Financial Services of the House of Representatives or of the Committee on Foreign Relations of the Senate appear before the committee making the request, on an annual basis, and testify on the efforts undertaken pursuant to section 1504 of the International Financial Institutions Act and on other matters relating to any such institution.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary of the Treasury may make grants in such amounts as the