

an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to agreements entered into on or after the date of the enactment of this Act.

(c) **EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.**—

(1) **IN GENERAL.**—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

“SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

“(a) **GENERAL RULE.**—The Secretary shall establish a program requiring the payment of user fees for—

“(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

“(2) other similar requests.

“(b) **PROGRAM CRITERIA.**—

“(1) **IN GENERAL.**—The fees charged under the program required by subsection (a)—

“(A) shall vary according to categories (or subcategories) established by the Secretary,

“(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

“(C) shall be payable in advance.

“(2) **EXEMPTIONS, ETC.**—

“(A) **IN GENERAL.**—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

“(B) **EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.**—No fee shall be imposed under this section for any request to which section 620(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 applies.

“(3) **AVERAGE FEE REQUIREMENT.**—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

| Category | Average Fee |
|---|-------------|
| Employee plan ruling and opinion .. | \$250 |
| Exempt organization ruling | \$350 |
| Employee plan determination | \$300 |
| Exempt organization determination | \$275 |
| Chief counsel ruling | \$200. |

“(c) **TERMINATION.**—No fee shall be imposed under this section with respect to requests made after September 30, 2005.”

(2) **CONFORMING AMENDMENTS.**—

(A) The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

“Sec. 7527. Internal Revenue Service user fees.”

(B) Section 10511 of the Revenue Act of 1987 is repealed.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to requests made after the date of the enactment of this Act.

SA 3400. Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, Ms. MIKULSKI, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page A-35, line 1, strike all through page A-36, line 3, and insert the following:

“SEC. 225. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

“(a) **NOTIFICATION OF INVESTIGATION.**—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation.

“(b) **NOTIFICATION OF AFFIRMATIVE FINDING.**—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately notify the Secretary of that finding.

On page A-45, between lines 16 and 17, insert the following:

“(2) **INDUSTRY-WIDE CERTIFICATION.**—If the Secretary receives a petition under subsection (b)(2)(E) on behalf of all workers in a domestic industry producing an article or receives 3 or more petitions under subsection (b)(2) within a 180-day period on behalf of groups of workers producing the same article, the Secretary shall make a determination under subsections (a)(1) and (c)(1) of this section with respect to the domestic industry as a whole in which the workers are or were employed.

On page A-45, line 15, strike “(2)” and insert “(3)”.

On page A-45, line 20, strike “(3)” and insert “(4)”.

On page A-46, line 1, strike “(4)” and insert “(5)”.

On page A-95, between lines 5 and 6, insert the following:

SEC. 113. COORDINATION WITH OTHER TRADE PROVISIONS.

(a) **RECOMMENDATIONS BY ITC.**—

(1) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking “, including the provision of trade adjustment assistance under chapter 2”.

(2) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2252(a)(3)(D)) is amended by striking “, including the provision of trade adjustment assistance under chapter 2”.

(b) **ASSISTANCE FOR WORKERS.**—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2252(a)(1)(A)) is amended to read as follows:

“(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

“(i) the President shall take all appropriate and feasible action within his power; and

“(ii) the Secretary of Labor, the Secretary of Agriculture, or the Secretary of Commerce, as appropriate, shall certify as eligible for trade adjustment assistance under section 231(a), 292, or 299B, workers, farmers, or fishermen who are or were employed in the domestic industry defined by the Commission if such workers, farmers, or fishermen become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the date on which the Commission made its report to the President under section 202(f).”.

(c) **SPECIAL LOOK-BACK RULE.**—Section 203(a)(1)(A) of the Trade Act of 1974 shall apply to a worker, farmer, or fisherman if not more than 1 year before the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 the Commission notified the President of an affirmative determination under section 202(f) of such Act with respect to the domestic industry in which such worker, farmer, or fisherman was employed.

Beginning on page A-120, line 7, strike all through page A-121, line 9, and insert the following:

“SEC. 294. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

“(a) **NOTIFICATION OF INVESTIGATION.**—Whenever the International Trade Commission (in this chapter referred to as the ‘Commission’) begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation.

“(b) **NOTIFICATION OF AFFIRMATIVE DETERMINATION.**—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing an agricultural commodity, the Commission shall immediately notify the Secretary of that finding.

Beginning on page A-136, line 3, strike all through page A-137, line 2, and insert the following:

“SEC. 299C. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

“(a) **NOTIFICATION OF INVESTIGATION.**—Whenever the International Trade Commission (in this chapter referred to as the ‘Commission’) begins an investigation under section 202 with respect to fish or a class of fish, the Commission shall immediately notify the Secretary of the investigation.

“(b) **NOTIFICATION OF AFFIRMATIVE DETERMINATION.**—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing fish or a class of fish, the Commission shall immediately notify the Secretary of that finding.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 9, 2002, at 9:30 a.m., in closed session to mark up the Department of Defense Authorization Act for Fiscal Year 2003.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 9, 2002, at 9:30 a.m., to hear testimony on revenue issues related to the Highway Trust Fund.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “judicial nominations” on Thursday, May 9, 2002, in the Dirksen Room 226 at 2 p.m.

Witness List

Panel I: The Honorable Daniel K. Inouye; the Honorable Arlen Specter; the Honorable Daniel Akaka; the Honorable Rick Santorum; the Honorable Christopher Cox; the Honorable Tim Holden; and the Honorable Melissa Hart.

Panel II: Richard R. Clifton to be a U.S. Circuit Court Judge for the 9th Circuit.

Panel III: Christopher C. Conner to be a U.S. District Court Judge for the Middle District of Pennsylvania; Joy Flowers Conti to be a U.S. District Court Judge for the Western District of Pennsylvania; and John E. Jones, III to be a U.S. District Court Judge for the Middle District of Pennsylvania.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT
AND THE COURTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on "Ghosts of Nominations Past: Setting the Record Straight" on Thursday, May 9, 2002, at 10 a.m., in Dirksen 226.

Witness List

Panel I: The Honorable Jorge Rangel, the Rangel Law Firm, Corpus Christi, Texas; Kent Markus, Esq., Director, Dave Thomas Center for Adoption Law, Capital University Law School, Columbus, Ohio; Enrique Moreno, Esq., Law Offices of Enrique Moreno, EL Paso, Texas; and Bonnie Campbell, Esq., Former Attorney General of Iowa, Washington, DC.

Panel II: The Honorable C. Boyden Gray, Former White House Counsel, Washington, DC, and the Honorable Carlos Bea, Superior Court, San Francisco, CA.

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, AND
FISHERIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere and Fisheries be authorized to meet on Thursday, May 9, 2002, at 9:30 a.m., on oversight of management issues at the National Marine Fisheries Service.

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

UNANIMOUS CONSENT AGREE-
MENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, May 13, at 4 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 815, Paul Cassell, to be a United States District Judge; that there be 2 hours for debate on the nomination equally divided between the chairman and the ranking member of the Judiciary Committee or their designees; that at 6 p.m., on Monday, the Senate vote on confirmation of the nomination; the motion to reconsider be laid upon the table; the President be immediately notified of the Senate's action; any statements thereon be printed in the RECORD; and the Senate return to legislative session, without any intervening action or debate.

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

EXPORT-IMPORT BANK
REAUTHORIZATION ACT OF 2002

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives with respect to S. 1372.

The Presiding Officer laid before the Senate a message from the House, as follows:

Resolved, That the bill from the Senate (S. 1372) 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:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Export-Import Bank Reauthorization Act of 2002".

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Clarification that purposes include United States employment.

Sec. 3. Extension of authority.

Sec. 4. Administrative expenses.

Sec. 5. Increase in aggregate loan, guarantee, and insurance authority.

Sec. 6. Activities relating to Africa.

Sec. 7. Small business.

Sec. 8. Technology.

Sec. 9. Tied Aid Credit Fund.

Sec. 10. Expansion of authority to use Tied Aid Credit Fund.

Sec. 11. Renaming of Tied Aid Credit Program and Fund as Export Competitive-ness Program and Fund.

Sec. 12. Annual competitiveness report.

Sec. 13. Renewable energy sources.

Sec. 14. GAO reports.

Sec. 15. Human rights.

Sec. 16. Steel.

Sec. 17. Correction of references.

Sec. 18. Authority to deny application for assistance based on fraud or corruption by the applicant.

Sec. 19. Consideration of foreign country helpfulness in efforts to eradicate terrorism.

Sec. 20. Outstanding orders and preliminary injury determinations.

Sec. 21. Sense of the Congress relating to renewable energy targets.

Sec. 22. Requirement that applicants for assistance disclose whether they have violated the Foreign Corrupt Practices Act; maintenance of list of violators.

Sec. 23. Sense of the Congress.

SEC. 2. CLARIFICATION THAT PURPOSES INCLUDE UNITED STATES EMPLOYMENT.

Section 2(a)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(1)) is amended by striking the 2nd sentence and inserting the following: "The objects and purposes of the Bank shall be to aid in financing and to facilitate exports of goods and services, imports, and the exchange of commodities and services between the United States or any of its territories or insular possessions and any foreign country or the agencies or nationals of any such country, and in so doing to contribute to the employment of United States workers. To further meet the objective set forth in the preceding sentence, the Bank shall ensure that its loans, guarantees, insurance, and credits are contributing to maintaining or increasing employment of United States workers."

SEC. 3. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law 103-428 (12 U.S.C. 635 note; 108 Stat. 4376) are each amended by striking "2001" and inserting "2005".

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) *LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS*.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

"(f) *LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES*.—

"(1) *IN GENERAL*.—For administrative expenses incurred by the Bank, including technology-related expenses to carry out section 2(b)(1)(E)(x), there are authorized to be appropriated to the Bank not more than—

"(A) for fiscal year 2002, \$80,000,000; and

"(B) for each of fiscal years 2003 through 2005, the amount authorized by this paragraph to be appropriated for the then preceding fiscal year, increased by the inflation percentage (as defined in section 6(a)(2)(B)) applicable to the then current fiscal year.

"(2) *OUTREACH TO SMALL BUSINESSES WITH FEWER THAN 100 EMPLOYEES*.—Of the amount appropriated pursuant to paragraph (1), there shall be available for outreach to small business concerns (as defined under section 3 of the Small Business Act) employing fewer than 100 employees, not more than—

"(A) \$2,000,000 for fiscal year 2002; and

"(B) for each of fiscal years 2003 through 2005, the amount required by this paragraph to be made available for the then preceding fiscal year, increased by the inflation percentage (as defined in section 6(a)(2)(B)) applicable to the then current fiscal year."

(b) *REQUIRED BUDGET SUBCATEGORIES*.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

"(34) with respect to the amount of appropriations requested for use by the Export-Import Bank of the United States, a separate statement of the amount requested for its program budget, the amount requested for its administrative expenses, and of the amount requested for its administrative expenses, the amount requested for technology expenses and the amount requested for expenses for outreach to small business concerns (as defined under section 3 of the Small Business Act) employing fewer than 100 employees."

(c) *SENSE OF THE CONGRESS ON THE IMPORTANCE OF TECHNOLOGY IMPROVEMENTS*.—

(1) *FINDINGS*.—The Congress finds that—

(A) the Export-Import Bank of the United States is in great need of technology improvements;

(B) part of the amount budgeted for administrative expenses of the Export-Import Bank is used for technology initiatives and systems upgrades for computer hardware and software purchases;

(C) the Export-Import Bank is falling behind its foreign competitor export credit agencies' proactive technology improvements;

(D) small businesses disproportionately benefit from improvements in technology;

(E) small businesses need Export-Import Bank technology improvements in order to export transactions quickly, with as great paper ease as possible, and with a quick Bank turn-around time that does not overstrain the tight resources of such businesses;

(F) the Export-Import Bank intends to develop a number of e-commerce initiatives aimed at improving customer service, including web-based application and claim filing procedures which would reduce processing time, speed payment of claims, and increase staff efficiency;

(G) the Export-Import Bank is beginning the process of moving insurance applications from an outdated mainframe system to a modern, web-enabled database, with new functionality including credit scoring, portfolio management, work flow and e-commerce features to be added; and

(H) the Export-Import Bank wants to continue its e-commerce strategy, including web site development, expanding online applications and establishing a public/private sector technology partnership.