

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.

(2) *SENSE OF THE CONGRESS.*—The Congress emphasizes the importance of technology improvements for the Export-Import Bank of the United States, which are of particular importance for small businesses.

SEC. 5. INCREASE IN AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended to read as follows:

“(a) *LIMITATION ON OUTSTANDING AMOUNTS.*—

“(1) *IN GENERAL.*—The Export-Import Bank of the United States shall not have outstanding at any one time loans, guarantees, and insurance in an aggregate amount in excess of the applicable amount.

“(2) *APPLICABLE AMOUNT.*—

“(A) *IN GENERAL.*—In paragraph (1), the term ‘applicable amount’ means—

“(i) during fiscal year 2002, \$100,000,000,000, increased by the inflation percentage applicable to fiscal year 2002;

“(ii) during fiscal year 2003, \$110,000,000,000, increased by the inflation percentage applicable to fiscal year 2003;

“(iii) during fiscal year 2004, \$120,000,000,000, increased by the inflation percentage applicable to fiscal year 2004; and

“(iv) during fiscal year 2005, \$130,000,000,000, increased by the inflation percentage applicable to fiscal year 2005.

“(B) *INFLATION PERCENTAGE.*—For purposes of subparagraph (A) of this paragraph, the inflation percentage applicable to any fiscal year is the percentage (if any) by which—

“(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on December 31 of the immediately preceding fiscal year; exceeds

“(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on December 31 of the 2nd preceding fiscal year.

“(3) *SUBJECT TO APPROPRIATIONS.*—All spending and credit authority provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.”.

SEC. 6. ACTIVITIES RELATING TO AFRICA.

(a) *EXTENSION OF ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.*—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 by striking “4 years after the date of enactment of this subparagraph” and inserting “on September 30, 2005”.

(b) *COORDINATION OF AFRICA ACTIVITIES.*—Section 2(b)(9)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(A)) is amended by inserting “, in consultation with the Department of Commerce and the Trade Promotion Coordinating Council,” after “shall”.

(c) *CONTINUED REPORTS TO THE CONGRESS.*—Section 7(b) of the Export-Import Bank Reauthorization Act of 1997 (12 U.S.C. 635 note) is amended by striking “4” and inserting “8”.

(d) *CREATION OF OFFICE ON AFRICA.*—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is further amended by adding at the end the following:

“(g) *OFFICE ON AFRICA.*—

“(1) *ESTABLISHMENT.*—There is established in the Bank an Office on Africa.

“(2) *FUNCTION.*—The Office on Africa shall focus on increasing Bank activities in Africa and increasing visibility among United States companies of African markets for exports.

“(3) *REPORTS.*—The Office on Africa shall, from time to time not less than annually, report to the Board on the matters described in paragraph (2).”.

SEC. 7. SMALL BUSINESS.

(a) *IN GENERAL.*—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—

(1) by striking “10” and inserting “20”; and

(2) by inserting “, and from such amount, not less than 8 percent of such authority shall be

made available for small business concerns employing fewer than 100 employees” before the period.

(b) *OUTREACH TO BUSINESSES OWNED BY SOCIALLY DISADVANTAGED INDIVIDUALS OR WOMEN.*—Section 2(b)(1)(E)(iii)(II) of such Act (12 U.S.C. 635(b)(1)(E)(iii)(II)) is amended by inserting after “Bank” the following: “, with particular emphasis on conducting outreach and increasing loans to businesses not less than 51 percent of which are directly and unconditionally owned by 1 or more socially disadvantaged individuals (as defined in section 8(a)(5) of the Small Business Act) or women.”.

(c) *OFFICE FOR SMALL BUSINESS EXPORTERS.*—Section 3 of such Act (12 U.S.C. 635a) is further amended by adding at the end the following:

“(h) *OFFICE FOR SMALL BUSINESS EXPORTERS.*—

“(1) *ESTABLISHMENT.*—There is established in the Bank an Office for Small Business Exporters.

“(2) *FUNCTION.*—The Office for Small Business Exporters shall focus on increasing Bank activities to enhance small business exports and to meet the unique trade finance needs of small business exporters.

“(3) *REPORTS.*—The Office for Small Business Exporters shall, from time to time not less than annually, report to the Board on the how the Office for Small Business Exporters is achieving the goals as described in paragraph (2).

“(4) *SENSE OF CONGRESS.*—It is the sense of the Congress that the Bank should redirect and prioritize existing resources and personnel to establish the Office for Small Business Exporters.”.

SEC. 8. TECHNOLOGY.

(a) *SMALL BUSINESS.*—Section 2(b)(1)(E) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)) is amended by adding at the end the following:

“(x) The Bank shall implement technology improvements which are designed to improve small business outreach, including allowing customers to use the Internet to apply for all Bank programs.”.

(b) *ELECTRONIC TRACKING OF PENDING TRANSACTIONS.*—Section 2(b)(1) of such Act (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

“(J) The Bank shall implement an electronic system designed to track all pending transactions of the Bank.”.

(c) *REPORTS.*—

(1) *IN GENERAL.*—During each of fiscal years 2002 through 2005, the Export-Import Bank of the United States shall submit to the Committees on Financial Services and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate an interim report and a final report on the efforts made by the Bank to carry out subsections (E)(x) and (J) of section 2(b)(1) of the Export-Import Bank Act of 1945, and on how the efforts are assisting small businesses.

(2) *TIMING.*—The interim report required by paragraph (1) for a fiscal year shall be submitted April 30 of the fiscal year, and the final report so required for a fiscal year shall be submitted on November 1 of the succeeding fiscal year.

SEC. 9. TIED AID CREDIT FUND.

(a) *PRINCIPLES, PROCESS, AND STANDARDS.*—Section 10(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(b)) is amended—

(1) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) in consultation with the Secretary and in accordance with the principles, process, and standards developed pursuant to paragraph (5) of this subsection and the purposes described in subsection (a)(5);”;

(2) by adding at the end the following:

“(5) *PRINCIPLES, PROCESS, AND STANDARDS GOVERNING USE OF THE FUND.*—

“(A) *IN GENERAL.*—The Secretary and the Bank jointly shall develop a process for, and the principles and standards to be used in, determining how the amounts in the Tied Aid Credit Fund could be used most effectively and efficiently to carry out the purposes of subsection (a)(6).

“(B) *CONTENT OF PRINCIPLES, PROCESS, AND STANDARDS.*—

“(i) *CONSIDERATION OF CERTAIN PRINCIPLES AND STANDARDS.*—In developing the principles and standards referred to in subparagraph (A), the Secretary and the Bank shall consider administering the Tied Aid Credit Fund in accordance with the following principles and standards:

“(I) The Tied Aid Credit Fund should be used to leverage multilateral negotiations to restrict the scope for aid-financed trade distortions through new multilateral rules, and to police existing rules.

“(II) The Tied Aid Credit Fund will be used to counter a foreign tied aid credit confronted by a United States exporter when bidding for a capital project.

“(III) Credible information about an offer of foreign tied aid will be required before the Tied Aid Credit Fund is used to offer specific terms to match such an offer.

“(IV) The Tied Aid Credit Fund will be used to enable a competitive United States exporter to pursue further market opportunities on commercial terms made possible by the use of the Fund.

“(V) Each use of the Tied Aid Credit Fund will be in accordance with the Arrangement unless a breach of the Arrangement has been committed by a foreign export credit agency.

“(VI) The Tied Aid Credit Fund may only be used to defend potential sales by United States companies to a project that is environmentally sound.

“(VII) The Tied Aid Credit Fund may be used to preemptively counter potential foreign tied aid offers without triggering foreign tied aid use.

“(ii) *LIMITATION.*—The principles, process and standards referred to in subparagraph (A) shall not result in the Secretary having the authority to veto a specific deal.

“(C) *INITIAL PRINCIPLES, PROCESS, AND STANDARDS.*—As soon as is practicable but not later than 6 months after the date of the enactment of this paragraph, the Secretary and the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of the principles, process, and standards developed pursuant to subparagraph (A).

“(D) *TRANSITIONAL PRINCIPLES AND STANDARDS.*—The principles and standards set forth in subparagraph (B)(i) shall govern the use of the Tied Aid Credit Fund until the principles, process, and standards required by subparagraph (C) are submitted.

“(E) *UPDATE AND REVISION.*—The Secretary and the bank jointly should update and revise, as needed, the principles, process, and standards developed pursuant to subparagraph (A), and, on doing so, shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of the principles, process, and standards so updated and revised.”.

(b) *RECONSIDERATION OF BOARD DECISIONS ON USE OF FUND.*—Section 10(b) of such Act (12 U.S.C. 635i-3(b)) is further amended by adding at the end the following:

“(6) *RECONSIDERATION OF DECISIONS.*—

“(A) *IN GENERAL.*—Taking into consideration the time sensitivity of transactions, the Board of Directors of the Bank shall expeditiously pursuant to paragraph (2) reconsider a decision of the Board to deny an application of the use of the Tied Aid Credit Fund if the applicant submits the request for reconsideration within 3 months of the denial.

“(B) PROCEDURAL RULES.—In any such reconsideration, the applicant may be required to, provide new information on the application.”.

SEC. 10. EXPANSION OF AUTHORITY TO USE TIED AID CREDIT FUND.

(a) UNTIED AID.—

(1) NEGOTIATIONS.—The Secretary of the Treasury shall seek to negotiate an OECD Arrangement on Untied Aid. In the negotiations, the Secretary should seek agreement on subjecting untied aid to the rules governing the Arrangement, including the rules governing disclosure.

(2) REPORT TO THE CONGRESS.—Within 1 year 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 Banking, Housing, and Urban Affairs of the Senate a report on the successes, failures, and obstacles in initiating negotiations, and if negotiations were initiated, in reaching the agreement described in paragraph (1).

(b) MARKET WINDOWS.—

(1) NEGOTIATIONS.—The Secretary of the Treasury shall seek to negotiate an OECD Arrangement on Market Windows. In the negotiations, the Secretary should seek agreement on subjecting market windows to the rules governing the Arrangement, including the rules governing disclosure.

(2) REPORT TO THE CONGRESS.—Within 2 years 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 Banking, Housing, and Urban Affairs of the Senate a report on the successes, failures, and obstacles in initiating negotiations, and if negotiations were initiated, in reaching the agreement described in paragraph (1).

(c) USE OF TIED AID CREDIT FUND TO COMBAT UNTIED AID.—Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3) is amended in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by inserting “, or untied aid,” before “for commercial” the 1st and 3rd places it appears; and

(C) by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following:

“(5) the Bank has, at a minimum, the following two tasks:

“(A)(i) First, the Bank should match, and even overmatch, foreign export credit agencies and aid agencies when they engage in tied aid outside the confines of the Arrangement and when they exploit loopholes, such as untied aid;

“(ii) such matching and overmatching is needed to provide the United States with leverage in efforts at the OECD to reduce the overall level of export subsidies;

“(iii) only through matching or bettering foreign export credit offers can the Bank buttress United States negotiators in their efforts to bring these loopholes within the disciplines of the Arrangement; and

“(iv) in order to bring untied aid within the discipline of the Arrangement, the Bank should sometimes initiate highly competitive financial support when the Bank learns that foreign untied aid offers will be made; and

“(B) Second, the Bank should support United States exporters when the exporters face foreign competition that is consistent with the letter and spirit of the Arrangement and the Subsidies Code of the World Trade Organization, but which nonetheless is more generous than the terms available from the private financial market; and”.

(d) DEFINITION OF MARKET WINDOW.—Section 10(h) of such Act (12 U.S.C. 635i–3(h)) is amended by adding at the end the following:

“(7) MARKET WINDOW.—The term ‘market window’ means the provision of export financing through an institution (or a part of an institu-

tion) that claims to operate on a commercial basis while benefiting directly or indirectly from some level of government support.”.

SEC. 11. RENAMING OF TIED AID CREDIT PROGRAM AND FUND AS EXPORT COMPETITIVENESS PROGRAM AND FUND.

Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3) is further amended—

(1) by striking all that precedes paragraph (1) of subsection (a) and inserting the following:

“SEC. 10. EXPORT COMPETITIVENESS FUND.

“(a) FINDINGS.—The Congress finds that—”;

(2) in subsection (a)(6) (as so redesignated by section 9(c)(1)(D) of this Act), by striking “tied aid program” and inserting “export competitiveness program”;

(3) in the heading of subsection (b), by striking “TIED AID CREDIT” and inserting “EXPORT COMPETITIVENESS”;

(4) in subsection (b)(1)—

(A) by striking “tied aid credit program” and inserting “export competitiveness program”; and

(B) by striking “Tied Aid Credit fund” and inserting “Export Competitiveness Fund”;

(5) in subsection (b)(2), by striking “tied aid credit program” and inserting “export competitiveness program”;

(6) in subsection (b)(3)—

(A) by striking “tied aid credit program” and inserting “export competitiveness program”; and

(B) by striking “Tied Aid Credit Fund” and inserting “Export Competitiveness Fund”;

(7) in subsection (b)(5) (as added by section 9(a)(2) of this Act), by striking “Tied Aid Credit Fund” each place it appears and inserting “Export Competitiveness Fund”;

(8) in subsection (b)(6) (as added by section 9(b) of this Act), by striking “Tied Aid Credit Fund” and inserting “Export Competitiveness Fund”;

(9) in subsection (c)—

(A) in the subsection heading, by striking “TIED AID CREDIT” and inserting “EXPORT COMPETITIVENESS”; and

(B) in paragraph (1), by striking “Tied Aid Credit” and inserting “Export Competitiveness”;

(10) in subsection (d), by striking “tied aid credit” and inserting “export competitiveness”; and

(11) in subsection (g)(2)(C), by striking “Tied Aid Credit” and inserting “Export Competitiveness”.

SEC. 12. ANNUAL COMPETITIVENESS REPORT.

(a) TIMING.—

(1) IN GENERAL.—Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended in the 4th sentence by striking “on an annual basis” and inserting “on June 30 of each year”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to reports for calendar years after calendar year 2000.

(b) ADDITIONAL MATTERS TO BE ADDRESSED.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended by adding at the end the following: “The Bank shall include in the annual report a description of the volume of financing provided by each foreign export credit agency, and a description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.”.

(c) NUMBER OF SMALL BUSINESS SUPPLIERS OF BANK USERS.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is further amended by adding at the end the following: “The Bank shall estimate on the basis of an annual survey or tabulation the number of entities that are suppliers of users of the Bank and that are small business concerns (as defined under section 3 of the Small Business Act) located in the United States, and shall include the estimate in the annual report.”.

(d) OUTREACH TO BUSINESSES OWNED BY SOCIALLY DISADVANTAGED INDIVIDUALS OR BY WOMEN.—Section 2(b)(1)(A) of such Act (12

U.S.C. 635(b)(1)(A)) is further amended by adding at the end the following: “The Bank shall include in the annual report a description of outreach efforts made by the Bank to any business not less than 51 percent of which is directly and unconditionally owned by 1 or more socially disadvantaged individuals (as defined in section 8(a)(5) of the Small Business Act) or women, and any data on the results of such efforts.”.

SEC. 13. RENEWABLE ENERGY SOURCES.

(a) PROMOTION.—Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)), as amended by section 8(b) of this Act, is amended by adding at the end the following:

“(K) The Bank shall promote the export of goods and services related to renewable energy sources.”.

(b) DESCRIPTION OF EFFORTS TO BE INCLUDED IN ANNUAL COMPETITIVENESS REPORT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is further amended by adding at the end the following: “The Bank shall include in the annual report a description of the efforts undertaken under subparagraph (K).”.

SEC. 14. GAO REPORTS.

(a) POTENTIAL OF WTO TO REMEDY UNTIED AID AND MARKET WINDOWS.—Within 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that examines—

(1) whether a case could be brought by the United States in the World Trade Organization seeking relief against untied aid and market windows, and if so, the kinds of relief that would be available if the United States were to prevail in such a case; and

(2) the scope of penalty tariffs that the United States could impose against imports from a country that uses untied aid or market windows.

(b) COMPARATIVE RESERVE PRACTICES OF EXPORT CREDIT AGENCIES AND PRIVATE BANKS.—Within 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that examines the reserve ratios of the Export-Import Bank of the United States as compared with the reserve practices of private banks and foreign export credit agencies.

(c) HUMAN RIGHTS.—Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by inserting “(as provided in the Universal Declaration of Human Rights adopted by the United Nations General Assembly on December 10, 1948)” after “human rights”.

SEC. 16. STEEL.

(a) REEVALUATION.—The Export-Import Bank of the United States shall re-assess the effects of the approval by the Bank of an \$18,000,000 medium-term guarantee to support the sale of computer software, control systems, and main drive power supplies to Benxi Iron & Steel Company, in Benxi, Liaoning, China, for the purpose of evaluating whether the adverse impact test of the Bank sufficiently takes account of the interests of United States industries.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the re-assessment required by subsection (a).

SEC. 17. CORRECTION OF REFERENCES.

(a) Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by striking “Banking and”.

(b) Each of the following provisions of the Export-Import Bank Act of 1945 is amended by striking "Banking, Finance and Urban Affairs" and inserting "Financial Services":

(1) Section 2(b)(6)(D)(i)(III) (12 U.S.C. 635(b)(6)(D)(i)(III)).

(2) Section 2(b)(6)(H) (12 U.S.C. 635(b)(6)(H)).

(3) Section 2(b)(6)(I)(i)(II) (12 U.S.C. 635(b)(6)(I)(i)(II)).

(4) Section 2(b)(6)(I)(iii) (12 U.S.C. 635(b)(6)(I)(iii)).

(5) Section 10(g)(1) (12 U.S.C. 635i-3(g)(1)).

SEC. 18. AUTHORITY TO DENY APPLICATION FOR ASSISTANCE BASED ON FRAUD OR CORRUPTION BY THE APPLICANT.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

"(f) **AUTHORITY TO DENY APPLICATION FOR ASSISTANCE BASED ON FRAUD OR CORRUPTION BY PARTY TO THE TRANSACTION.**—In addition to any other authority of the Bank, the Bank may deny an application for assistance with respect to a transaction if the Bank has substantial credible evidence that any party to the transaction has committed an act of fraud or corruption in connection with a transaction involving a good or service that is the same as, or substantially similar to, a good or service the export of which is the subject of the application."

SEC. 19. CONSIDERATION OF FOREIGN COUNTRY HELPFULNESS IN EFFORTS TO ERADICATE TERRORISM.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is further amended by adding at the end the following:

"(L) It is further the policy of the United States that, in considering whether to guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or information by a national or agency of any nation, the Bank shall take into account the extent to which the nation has been helpful or unhelpful in efforts to eradicate terrorism. The Bank shall consult with the Department of State to determine the degree to which each relevant nation has been helpful or unhelpful in efforts to eradicate terrorism."

SEC. 20. OUTSTANDING ORDERS AND PRELIMINARY INJURY DETERMINATIONS.

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

(1) in paragraph (2), by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)"; and

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4) and by inserting after paragraph (1) the following:

"(2) **OUTSTANDING ORDERS AND PRELIMINARY INJURY DETERMINATIONS.**—

"(A) **ORDERS.**—The Bank shall not provide any loan or guarantee to an entity for the resulting production of substantially the same product that is the subject of—

"(i) a countervailing duty or antidumping order under title VII of the Tariff Act of 1930; or

"(ii) a determination under title II of the Trade Act of 1974.

"(B) **AFFIRMATIVE DETERMINATION.**—Within 60 days after the date of the enactment of this Act, the Bank shall establish procedures regarding loans or guarantees provided to any entity that is subject to a preliminary determination of a reasonable indication of material injury to an industry under title VII of the Tariff Act of 1930. The procedures shall help to ensure that these loans and guarantees are likely to not re-

sult in a significant increase in imports of substantially the same product covered by the preliminary determination and are likely to not have a significant adverse impact on the domestic industry. The Bank shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the implementation of these procedures.

"(C) **COMMENT PERIOD.**—The Bank shall establish procedures under which the Bank shall notify interested parties and provide a comment period with regard to loans or guarantees reviewed pursuant to subparagraph (B)."

SEC. 21. SENSE OF THE CONGRESS RELATING TO RENEWABLE ENERGY TARGETS.

(a) **ALLOCATION OF ASSISTANCE AMONG ENERGY PROJECTS.**—It is the sense of the Congress that, of the total amount available to the Export-Import Bank of the United States for the extension of credit for transactions related to energy projects, the Bank should, not later than the beginning of fiscal year 2006, use—

(1) not more than 95 percent for transactions related to fossil fuel projects; and

(2) not less than 5 percent for transactions related to renewable energy and energy efficiency projects.

(b) **DEFINITION OF RENEWABLE ENERGY.**—In this section, the term "renewable energy" means projects related to solar, wind, biomass, fuel cell, landfill gas, or geothermal energy sources.

SEC. 22. REQUIREMENT THAT APPLICANTS FOR ASSISTANCE DISCLOSE WHETHER THEY HAVE VIOLATED THE FOREIGN CORRUPT PRACTICES ACT; MAINTENANCE OF LIST OF VIOLATORS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is further amended by adding at the end the following:

"(M) The Bank shall require an applicant for assistance from the Bank to disclose whether the applicant has been found by a court of the United States to have violated the Foreign Corrupt Practices Act, and shall maintain a list of persons so found to have violated such Act."

SEC. 23. SENSE OF THE CONGRESS.

It is the sense of the Congress that, when considering a proposal for assistance for a project that is worth \$10,000,000 or more, the management of the Export-Import Bank of the United States should have available for review a detailed assessment of the potential human rights impact of the proposed project.

Mr. REID. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, without intervening action or debate.

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

The PRESIDING OFFICER (Mr. WELLSTONE) appointed Mr. SARBANES, Mr. DODD, Mr. JOHNSON, Mr. BAYH, Mr. GRAMM, Mr. SHELBY, and Mr. HAGEL conferees on the part of the Senate.

STAR PRINT—S. 2430

Mr. REID. Mr. President, I ask unanimous consent that S. 2430 be star printed with the changes at the desk.

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

MEASURE READ THE FIRST TIME—H.R. 4560

Mr. REID. Mr. President, it is my understanding that H.R. 4560 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (H.R. 4560) to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, MAY 10, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m., Friday, May 10; that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the majority leader and the Republican leader or their designees; further, at 11 a.m., the Senate resume consideration of the trade bill.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:28 p.m., recessed until Friday, May 10, 2002, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 9, 2002:

THE JUDICIARY

LEONARD E. DAVIS, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.
ANDREW S. HANEN, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

SAMUEL H. MAYS, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE.

THOMAS M. ROSE, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO.