Public Law 102-429
102d Congress

An Act

Oct. 21, 1992
[H.R. 5739]

To reauthorize the Export-Import Bank of the United States.

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

Export Enhancement Act of 1992.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

12 USC 635 note.

(a) SHORT TITLE.—This Act may be cited as the "Export Enhancement Act of 1992".

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

TITLE I—REAUTHORIZATION OF EXPORT-IMPORT BANK

Sec. 101. Declaration of policy.
Sec. 102. Extension of authority.
Sec. 103. Tied aid credit fund extension.
Sec. 104. Use of loan guarantees.
Sec. 105. Expanded use of loan guarantees.
Sec. 106. Environmental policy.
Sec. 107. Insurance-related business stemming from Bank activities.
Sec. 108. Debt reduction; enterprise for the Americas initiative.
Sec. 109. Increase in aggregate loan, guarantee, and insurance authority.
Sec. 110. Limitation on financing for certain countries.
Sec. 111. Conditional allowance of assistance for exports to Angola.
Sec. 112. Financing of sales of defense articles or services.
Sec. 113. Increase in advisory committee membership.
Sec. 114. Financing of high technology exports to emerging democracies.
Sec. 115. Cooperation on export financing programs.
Sec. 116. Assistance for exports by small businesses.
Sec. 117. Compensation of employees.
Sec. 118. Report on regional offices.
Sec. 119. Report on financing of services.
Sec. 120. Report on demand for trade finance for the Baltic States, the independent states of the former Soviet Union, and Central and Eastern Europe.
Sec. 121. Elimination of outdated provisions.

TITLE II—EXPORT PROMOTION

Sec. 201. Trade Promotion Coordinating Committee.
Sec. 202. One-stop shops.
Sec. 203. Commercial Service cooperation in Federal financing and insurance programs.
Sec. 204. Environmental trade promotion.
Sec. 205. Rank of Commercial Service officers.
Sec. 206. Report on export policy.
Sec. 207. Provisional repeal of amendments.
Sec. 208. Export promotion authorization.

TITLE III—MISCELLANEOUS

Sec. 301. John Heinz Competitive Excellence Award.

TITLE I—REAUTHORIZATION OF EXPORT-IMPORT BANK

12 USC 635 note.

SEC. 101. DECLARATION OF POLICY.

The Congress finds that—

(1) as the world's largest economy, the United States has an enormous stake in the future of the global trading system;

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(2) exports are a crucial force driving the United States economy;

(3) during 1991, the value of United States exports increased by 7.1 percent from the 1990 level to $421,600,000,000, supporting more than 7,000,000 full-time United States jobs, and affecting the lives of all of the people of the United States;

(4) exports also support the global strategic position of the United States;

(5) a significant part of a country's influence is drawn from the reputation of its goods, its industrial connections with other countries, and the capital it has available for investment, and trade finance is a critical component of this equation;

(6) the growth in United States exports has increased the demand for financing from the Export-Import Bank of the United States;

(7) during 1991, the value of exports assisted by the Export-Import Bank rose 28.7 percent, from $9,700,000,000 to $12,100,000,000, the highest level since 1981;

(8) the Export-Import Bank used its entire budget authority provided for 1991, and still could not meet all of the demand for its financing assistance; and

(9) accordingly, the charter of the Export-Import Bank, which is scheduled to expire on September 30, 1992, must be renewed in order that the Bank continue to arrange competitive and innovative financing for the foreign sales of United States exporters.

SEC. 102. EXTENSION OF AUTHORITY.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "1992" and inserting "1997".

SEC. 103. TIED AID CREDIT FUND EXTENSION.

(a) IN GENERAL.—Section 15(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(c)(2)) is amended by striking "fiscal year 1992" and inserting "September 30, 1995".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 15(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(e)) is amended to read as follows:

"(e) AUTHORIZATION.—There are authorized to be appropriated to the Fund $500,000,000 for each of fiscal years 1993, 1994, and 1995. Such sums are authorized to remain available until expended.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 15 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3) is amended—

(1) by striking "predacious" each place such term appears and inserting "predatory";

(2) in subsection (a)(5)—

(A) by striking "temporary"; and

(B) by striking "existing arrangement" and inserting "existing Arrangement";

(3) in subsection (b)(1)—

(A) by striking "To carry out the purposes of subsection (a)(5), the" and inserting "The";

(B) in subparagraph (A), by inserting before the semicolon the following: "and with special attention to matching

tied aid and partially untied aid credits extended by other governments—

"(i) in violation of the Arrangement; or

"(ii) in cases in which the Bank determines that United States trade or economic interests justify the matching of tied aid credits extended in compliance with the Arrangement, including grandfathered cases"; and

(C) in subparagraph (B), by striking "partially untied aid credits; and" and all that follows through the end of clause (ii), and inserting the following: "partially untied aid credits, and impedes negotiations or violates agreements on tied aid to eliminate the use of such credits for commercial purposes; or

"(ii) engages in predatory financing practices that seek to circumvent international agreements on tied aid; or";

(4) in subsection (b)(2)(A), by striking "of the Treasury";

(5) in subsection (b)(2)(B), by striking "private financial institutions or entities" and inserting "United States exporters and private financial institutions or entities, and in consultation with other Federal agencies";

(6) in subsection (b)(4), by adding at the end the following: "The Bank shall also request and take into consideration the views of the private sector on principal sectors and key markets of countries described in paragraph (1)(B).";

(7) by amending paragraphs (1) and (2) of subsection (g) to read as follows:

Reports.

"(1) IN GENERAL.—On or before October 15, 1992, and every 6 months thereafter, the Bank, in consultation with the Secretary, shall submit a report on tied aid credits to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

"(2) CONTENTS OF REPORTS.—Each report required under paragraph (1) shall contain a description of—

"(A) the implementation of the Arrangement restricting tied aid and partially untied aid credits for commercial purposes, including the operation of notification and consultation procedures;

"(B) all principal offers of tied aid credit financing by foreign countries during the previous 6-month period, including all offers notified by countries participating in the Arrangement, and in particular—

"(i) offers grandfathered under the Arrangement; and

"(ii) notifications of exceptions under the Arrangement;

"(C) any use by the Bank of the Tied Aid Credit Fund to match specific offers, including those that are grandfathered or exceptions under the Arrangement; and

"(D) other actions by the United States Government to combat predatory financing practices by foreign governments, including additional negotiations among participating governments in the Arrangement."; and

(8) in subsection (h)—

(A) by striking "For the purpose of this section—" and inserting "For purposes of this section, the following definitions shall apply:"; and

(B) by adding at the end the following new paragraph:

"(6) OFFERS GRANDFATHERED UNDER THE ARRANGEMENT.—The term 'offers grandfathered under the Arrangement' means—

"(A) financing offers made or lines of credit extended on or before February 15, 1992; or

"(B) financing offers extended for subloans under lines of credit referred to in subparagraph (A) made on or before August 15, 1992, or, in the case of Mexico, on or before December 31, 1992.".

SEC. 104. USE OF LOAN GUARANTEES.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended in the fifth sentence by inserting after the first semicolon the following: "that the Bank, in determining whether to provide support for a transaction under the loan, guarantee, or insurance program, or any combination thereof, shall consider the need to involve private capital in support of United States exports as well as the cost of the transaction as calculated in accordance with the requirements of the Federal Credit Reform Act of 1990;".

SEC. 105. EXPANDED USE OF LOAN GUARANTEES.

Section 2(c)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(c)(3)) is amended—

(1) by striking "With" and inserting the following:

"(A) IN GENERAL.—With"; and

(2) by adding at the end the following new subparagraph:

"(B) GUARANTEE COVERAGE.—For the guarantee program provided for in this subsection, the Bank may provide up to 100 percent coverage of the interest and principal if the Board of Directors determines such coverage to be necessary to ensure acceptance of Bank guarantees by financial institutions for any transaction in any export market in which the Bank is open for business.".

SEC. 106. ENVIRONMENTAL POLICY.

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. 17. ENVIRONMENTAL POLICY AND PROCEDURES. 12 USC 635i-5.

"(a) ENVIRONMENTAL EFFECTS CONSIDERATION.—

"(1) IN GENERAL.—Consistent with the objectives of section 2(b)(1)(A), the Bank shall establish procedures to take into account the potential beneficial and adverse environmental effects of goods and services for which support is requested under its direct lending and guarantee programs. Such procedures shall apply to any transaction involving a project—

"(A) for which long-term support of $10,000,000 or more is requested from the Bank;

"(B) for which the Bank's support would be critical to its implementation; and

"(C) which may have significant environmental effects upon the global commons or any country not participating in the project, or may produce an emission, an effluent,

or a principal product that is prohibited or strictly regulated pursuant to Federal environmental law.

"(2) AUTHORITY TO WITHHOLD FINANCING.—The procedures established under paragraph (1) shall permit the Board of Directors, in its judgment, to withhold financing from a project for environmental reasons or to approve financing after considering the potential environmental effects of a project.

"(b) USE OF BANK PROGRAMS TO ENCOURAGE CERTAIN EXPORTS.—The Bank shall encourage the use of its programs to support the export of goods and services that have beneficial effects on the environment or mitigate potential adverse environmental effects. The Board of Directors shall name an officer of the Bank to advise the Board on ways that the Bank's programs can be used to support the export of such goods and services. The officer shall act as liaison between the Bank and other Federal Government agencies, including the agencies whose representatives are members of the Environmental Trade Promotion Working Group of the Trade Promotion Coordinating Committee, with respect to overall United States Government policy on the environment.

"(c) INCLUSION IN REPORT TO CONGRESS.—The Bank shall provide in its annual report to the Congress a summary of its activities under subsections (a) and (b).

"(d) INTERPRETATION.—Nothing in this section shall be construed to create any cause of action.".

SEC. 107. INSURANCE-RELATED BUSINESS STEMMING FROM BANK ACTIVITIES.

Section 2(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(d)) is amended by striking paragraphs (2) and (3) and inserting after paragraph (1) the following:

"(2) COMPETITIVE OPPORTUNITY FOR INSURANCE COMPANIES.—In the case of any long-term loan or guarantee of not less than $10,000,000, the Bank shall seek to ensure that United States insurance companies are accorded a fair and open competitive opportunity to provide insurance against risk of loss in connection with any transaction with respect to which such loan or guarantee is provided.

"(3) RESPONSIVE ACTIONS.—If the Bank becomes aware that a fair and open competitive opportunity is not accorded to any United States insurance company in a foreign country with respect to which the Bank is considering a loan or guarantee, the Bank—

"(A) may approve or deny the loan or guarantee after considering whether such action would be likely to achieve competitive access for United States insurance companies; and

"(B) shall forward information regarding any foreign country that denies United States insurance companies a fair and open competitive opportunity to the Secretary of Commerce and to the United States Trade Representative for consideration of a recommendation to the President that access by such country to export credit of the United States should be restricted.

"(4) NOTICE OF APPROVAL.—If the Bank approves a loan or guarantee with respect to a foreign country notwithstanding information regarding denial by that foreign country of competitive opportunities for United States insurance companies, the Bank shall include notice of such approval and the reason for such

approval in the report on competition in officially supported export credit required under subsection (b)(1)(A).

"(5) DEFINITIONS.—For purposes of this section—

"(A) the term 'United States insurance company'—

"(i) includes an individual, partnership, corporation, holding company, or other legal entity which is authorized (or in the case of a holding company, subsidiaries of which are authorized) by a State to engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

"(ii) includes foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in clause (i); and

"(B) the term 'fair and open competitive opportunity' means, with respect to the provision of insurance by a United States insurance company, that the company—

"(i) has received notice of the opportunity to provide such insurance; and

"(ii) has been evaluated for such opportunity on a nondiscriminatory basis.".

SEC. 108. DEBT REDUCTION; ENTERPRISE FOR THE AMERICAS INITIATIVE.

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. 18. DEBT REDUCTION; ENTERPRISE FOR THE AMERICAS INITIATIVE. 12 USC 635i-6.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'eligible country' means a country designated by the President in accordance with section (b);

"(2) the term 'Facility' means the entity established in the Department of the Treasury by section 601 of the Agricultural Trade Development and Assistance Act of 1954; and

"(3) the term 'IMF' means the International Monetary Fund.

"(b) ELIGIBILITY FOR BENEFITS UNDER THE FACILITY.—

"(1) REQUIREMENTS.—To be eligible for benefits from the Facility under this section, a country must—

"(A) be a Latin American or Caribbean country;

"(B) have in effect, have received approval for, or, as appropriate in exceptional circumstances, be making significant progress toward—

"(i) an IMF standby arrangement, extended IMF arrangement, or an arrangement under the structural adjustment facility or enhanced structural adjustment facility or, in exceptional circumstances, an IMF monitored program or its equivalent; and

"(ii) as appropriate, structural or sectoral adjustment loans from the International Bank for Reconstruction and Development or the International Development Association;

"(C) have put in place major investment reforms in conjunction with an Inter-American Development Bank loan or otherwise be implementing, or making significant progress toward, an open investment regime; and

"(D) if appropriate, have agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction.

President.

"(2) ELIGIBILITY DETERMINATIONS.—The President shall determine whether a country is an eligible country for purposes of paragraph (1).

"(c) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

"(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any loan or portion thereof made before January 1, 1992, to any eligible country or any agency thereof pursuant to this Act, or, on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

"(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

"(B) a debt buy-back by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development activities, in a manner consistent with sections 607 through 612 of the Agricultural Trade Development and Assistance Act of 1954,

if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

President.

"(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

"(3) TREATMENT UNDER SECURITIES LAWS.—The filing of a registration statement under the Securities Act of 1933 shall not be required with respect to the sale or offer for sale by the Bank of a loan or any interest therein pursuant to this section. For purposes of the Securities Act of 1933, the Bank shall not be deemed to be an issuer or underwriter with respect to any subsequent sale or other disposition of such loan (or any interest therein) or any security received by an eligible purchaser pursuant to any debt-for-equity swap, debt-for-development swap, or debt-for-nature swap.

"(4) ADMINISTRATION.—The Facility shall notify the Bank of purchasers that the President has determined to be eligible, and shall direct the Bank to carry out the sale, reduction, or cancellation of a loan pursuant to this section. The Bank shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

"(5) LIMITATIONS.—The authorities of this subsection may be exercised only to such extent as provided for in advance in appropriations Acts, as necessary to implement the Federal Credit Reform Act of 1990.

"(d) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

"(e) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (c)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

"(f) DEBTOR CONSULTATION.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President shall consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps. President.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the sale, reduction, and cancellation of loans or portions thereof pursuant to this section, there are authorized to be appropriated to the President such sums as may be necessary, which are authorized to remain available until expended.".

SEC. 109. INCREASE IN AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

(a) FEES AND PREMIUMS.—Section 2(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(c)(1)) is amended to read as follows:

"(1) The Bank shall charge fees and premiums commensurate, in the judgment of the Bank, with risks covered in connection with the contractual liability that the Bank incurs for guarantees, insurance, coinsurance, and reinsurance against political and credit risks of loss.".

(b) AGGREGATE AUTHORITY.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended—

(1) by striking "SEC. 7. (a)(1)" and inserting the following:

"SEC. 7. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

"(a) LIMITATION ON OUTSTANDING AMOUNTS.—";

(2) in subsection (a)—

(A) by striking paragraph (3); and

(B) by striking "$40,000,000,000" and inserting "$75,000,000,000"; and

(3) in subsection (a)(2)—

(A) by striking "(2)(A)(i)" and inserting the following:

"(b) PRESIDENTIAL DETERMINATION.—

"(1) IN GENERAL.—";

(B) by striking "(I)" and inserting "(A)";

(C) by striking "(II)" and inserting "(B)";

(D) by striking "(III)" and inserting "(C)";

(E) by striking "(ii) Not later than" and inserting the following:

"(2) REPORT.—Not later than";

(F) by striking "(B)(i)" and inserting the following:

"(3) REQUEST FOR LEGISLATION.—

"(A) IN GENERAL.—"; and

(G) by striking "(ii)" and inserting the following:

"(B) CONTINUED AVAILABILITY OF AUTHORITY.—".

SEC. 110. LIMITATION ON FINANCING FOR CERTAIN COUNTRIES.

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

"(B) MARXIST-LENINIST COUNTRY DEFINED.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'Marxist-Leninist country' means any country that maintains a centrally planned economy based on the principles of Marxism-Leninism, or is economically and militarily dependent on any other such country.

"(ii) SPECIFIC COUNTRIES DEEMED TO BE MARXIST-LENINIST.—Unless otherwise determined by the President in accordance with subparagraph (C), the following countries are deemed to be Marxist-Leninist countries for purposes of this paragraph:

"(I) Cambodian People's Republic.
"(II) Democratic People's Republic of Korea.
"(III) Democratic Republic of Afghanistan.
"(IV) Lao People's Democratic Republic.
"(V) People's Republic of China.
"(VI) Republic of Cuba.
"(VII) Socialist Federal Republic of Yugoslavia.
"(VIII) Socialist Republic of Vietnam.
"(IX) Tibet.".

SEC. 111. CONDITIONAL ALLOWANCE OF ASSISTANCE FOR EXPORTS TO ANGOLA.

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

(1) by striking paragraph (11) and redesignating paragraph (12) as paragraph (11); and

(2) in paragraph (11), as redesignated, by striking "Notwithstanding any determination by the President under paragraph (2) or (11), the" and inserting "The".

SEC. 112. FINANCING OF SALES OF DEFENSE ARTICLES OR SERVICES.

(a) EXTENSION OF AUTHORITY.—Section 2(b)(6)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(B)) is amended—

(1) in clause (iv), by inserting "and" at the end;

(2) in clause (v), by striking "; and" and inserting a period; and

(3) by striking clause (vi).

(b) ADDITIONAL CRITERIA FOR NATIONAL INTEREST WAIVER.—Section 2(b)(6)(D)(i) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(D)(i)) is amended—

(1) by striking "and" at the end of subclause (I);

(2) by redesignating subclause (II) as subclause (III); and

(3) by inserting after subclause (I) the following:

President.

"(II) the President determines, after consultation with the Assistant Secretary of State for Human Rights and Humanitarian Affairs, that the purchasing country has complied with all restrictions imposed by the United States on the end use of any defense articles or services for which a guarantee or insurance was provided under subparagraph (B), and has not used any such defense articles or services to engage in a consistent pattern of gross violations of internationally recognized human rights; and".

(c) REPORT.—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 new subparagraph:

"(H) Once in each calendar quarter, the Bank shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives on all instances in which the Bank, during the reporting quarter, guaranteed, insured, or extended credit or participated in an extension of credit in connection with any credit sale of an article, service, or related technical data described in subparagraph (G) that the Bank determined would not be put to a military use. Such report shall include a description of each of the transactions and the justification for the Bank's actions.".

(d) CONFORMING AMENDMENTS.—Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended—

(1) in subparagraph (A), by striking "designated under" and all that follows through the end of the subparagraph and inserting a period;

(2) in subparagraph (B)—

(A) by striking ", and section 32 of the Arms Export Control Act,"; and

(B) in clause (v), by striking "and services" and inserting "or services";

(3) in subparagraph (D)(i)(III), as redesignated by subsection (b) of this section, by striking "determination has" and inserting "determinations have";

(4) in subparagraph (D)(ii), by striking "sentence" and inserting "clause"; and

(5) in subparagraph (G), by striking "and services" and inserting "or services".

(e) REPEAL.—Section 32 of the Arms Export Control Act (22 U.S.C. 2772) is repealed.

SEC. 113. INCREASE IN ADVISORY COMMITTEE MEMBERSHIP.

Section 3(d)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)(1)(A)) is amended by striking "twelve" and inserting "15".

SEC. 114. FINANCING OF HIGH TECHNOLOGY EXPORTS TO EMERGING DEMOCRACIES.

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

"(H)(i) It is further the policy of the United States to foster the development of democratic institutions and market economies in countries seeking such development, and to assist the export of high technology items to such countries.

"(ii) In exercising its authority, the Bank shall develop a program for providing guarantees and insurance with respect to the export of high technology items to countries making the transition to market based economies, including eligible East European countries (within the meaning of section 4 of the Support For East European Democracy (SEED) Act of 1989).

"(iii) As part of the ongoing marketing and outreach efforts of the Bank, the Bank shall, to the maximum extent practicable, inform high technology companies, particularly small business concerns (as such term is defined in section 3 of the Small Business Act), about the programs of the Bank for United States companies

interested in exporting high technology goods to countries making the transition to market based economies, including any eligible East European country (within the meaning of section 4 of the Support For East European Democracy (SEED) Act of 1989).

"(iv) In carrying out clause (iii), the Bank shall—

"(I) work with other agencies involved in export promotion and finance; and

"(II) invite State and local governments, trade centers, commercial banks, and other appropriate public and private organizations to serve as intermediaries for the outreach efforts.".

SEC. 115. COOPERATION ON EXPORT FINANCING PROGRAMS.

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:

12 USC 635i-7.

"SEC. 19. COOPERATION ON EXPORT FINANCING PROGRAMS.

"The Bank shall, subject to appropriate memoranda of understanding—

"(1) provide complete and current information on all of its programs and financing practices to—

"(A) the Small Business Administration and other Federal agencies involved in promoting exports and marketing export financing programs; and

"(B) State and local export financing organizations that indicate a desire to participate in export promotion; and

"(2) consistent with the provisions of section 2301(f)(2) of the Export Enhancement Act of 1988, undertake a program to provide training for personnel designated in such memoranda with respect to such financing programs.".

SEC. 116. ASSISTANCE FOR EXPORTS BY SMALL BUSINESSES.

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 inserting "directly" after "exports".

12 USC 635a note.

SEC. 117. COMPENSATION OF EMPLOYEES.

(a) IN GENERAL.—The Board of Directors of the Export-Import Bank of the United States may compensate not more than 35 employees of the Bank without regard to the provisions of chapter 51 or subchapter III or VIII of chapter 53 of title 5, United States Code.

(b) SUNSET.—Effective 2 years after the date of enactment of this Act, subsection (a) is hereby repealed.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Export-Import Bank of the United States shall submit a report to the Congress on—

(1) the recruitment and employee retention problems of the Bank;

(2) any relief from such problems afforded by the Office of Personnel Management;

(3) any use of the authority provided in subsection (a); and

(4) the conclusions and recommendations of the Bank with respect to—

(A) whether such problems have been satisfactorily addressed; and

(B) whether or not the authority of subsection (a) should be extended.

SEC. 118. REPORT ON REGIONAL OFFICES. 12 USC 635a note.

Not later than 1 year after the date of enactment of this Act, the Export-Import Bank of the United States shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the Bank's plan to establish and operate regional offices. In addition, the report shall consider the appropriateness of cooperating with other Federal agencies and State and local organizations in co-locating personnel of such agencies and organizations with personnel of the Bank in such regional offices.

SEC. 119. REPORT ON FINANCING OF SERVICES. 12 USC 635 note.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Export-Import Bank of the United States (in this section referred to as the "Bank") shall submit a report to the Committee on Banking, Finance and Urban Affairs and the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on ways of facilitating the export financing of high technology services.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an analysis of the current export financing needs of firms dealing in high technology services;

(2) an identification of the export financing support provided by commercial lenders to finance the sale of high technology services;

(3) an identification of the official export credit programs in support of such exports of countries that are major participants in the Organization for Economic Cooperation and Development; and

(4) a review of the programs of the Bank to determine how it can meet identified market needs of firms dealing in high technology services.

(c) DEFINITION.—For purposes of this section, the term "high technology services" means industries in which above average percentages of scientists and engineers are employed, and which have the highest direct research and development expenditures per dollar of sales, including—

(1) computer programming and software services;

(2) data processing services; and

(3) computer related services.

SEC. 120. REPORT ON DEMAND FOR TRADE FINANCE FOR THE BALTIC STATES, THE INDEPENDENT STATES OF THE FORMER SOVIET UNION, AND CENTRAL AND EASTERN EUROPE. 12 USC 635 note.

(a) FINDINGS.—The Congress finds that—

(1) United States export participation in the emerging markets in the independent States of the former Soviet Union, Central and Eastern Europe, and the Baltic States holds definite potential for preserving and creating jobs in the United States and strengthening the competitiveness of United States exports;

(2) export assistance for United States goods destined for emerging republics is an investment in the development and establishment of their market economies, a critical element in maintaining existing United States businesses which export to the regions in which such republics are located, and a significant factor in the economic future of the United States and such republics;

(3) the Export-Import Bank of the United States (in this section referred to as the "Bank") has a unique opportunity to play a leading role in assisting United States exporters to participate in the rapidly changing and highly competitive markets in the independent States of the former Soviet Union, Central and Eastern Europe, and the Baltic States; and

(4) it is in the interest of the United States for the Bank to—

(A) monitor carefully the export assistance programs and terms offered by foreign governments for competitive exports; and

(B) make every effort to offer United States business export assistance for transactions in the independent States of the former Soviet Union, Central and Eastern Europe, and the Baltic States, that is comparable to the assistance being provided by other governments.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Bank shall transmit to the Congress a report analyzing the present and future demand for loans, guarantees, and insurance for trade between the United States and the Baltic States, between the United States and the independent States of the former Soviet Union, and between the United States and Central and Eastern Europe, and shall make recommendations regarding the adequacy of financing for trade between the United States and such countries. As used in this section, the term "independent States of the former Soviet Union" includes all successor states (other than the Baltic States) to the Soviet Union.

SEC. 121. ELIMINATION OF OUTDATED PROVISIONS.

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

(1) in subsection (a)(3)—

(A) by striking "(A) IN GENERAL.—";

(B) by striking subparagraph (B); and

(C) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively;

(2) in subsection (b)(1)(A), by striking "The Bank shall also" and all that follows through the final period and inserting the following: "The Bank shall include in the annual report a description of its role in the implementation of the strategic plan prepared by the Trade Promotion Coordinating Committee in accordance with section 2312 of the Export Enhancement Act of 1988.";

(3) in subsection (b)(1)(E)(v), by striking "not less than—" and all that follows through the end of clause (v) and inserting "not less than 10 percent of such authority for each fiscal year."; and

(4) by striking subsection (f).

(b) AMENDMENT TO SECTION 4.—Section 4 of the Export-Import Bank Act of 1945 (12 U.S.C. 635b) is amended by striking all

after the first sentence and inserting the following: "Certificates evidencing stock ownership of the United States shall be issued by the Bank to the President of the United States, or to such other person or persons as the President may designate from time to time, to the extent of payments made for the capital stock of the Bank.".

(c) REPEAL OF CERTAIN OUTDATED SECTIONS.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended—

(1) by striking sections 5, 10, 12, 13, 14, and 16;

(2) by redesignating sections 6 through 9 as sections 5 through 8, respectively;

(3) by redesignating section 11 as section 9;

(4) by redesignating section 15 as section 10;

(5) by redesignating section 17, as added by section 106 of this Act, as section 11;

(6) by redesignating section 18, as added by section 108 of this Act, as section 12; and

(7) by redesignating section 19, as added by section 115 of this Act, as section 13.

12 USC 635c; 59 Stat. 529; 12 USC 635i, 635i-1, 635i-2, 635i-4. 12 USC 635d-635g. 12 USC 635h. 12 USC 635i-3. *Ante*, p. 2189. *Ante*, p. 2191. *Ante*, p. 2196.

TITLE II—EXPORT PROMOTION

SEC. 201. TRADE PROMOTION COORDINATING COMMITTEE.

Subtitle C of the Export Enhancement Act of 1988 (15 U.S.C. 4721 et seq.) is amended by adding at the end the following new section:

"SEC. 2312. TRADE PROMOTION COORDINATING COMMITTEE.

15 USC 4727.

President.

"(a) ESTABLISHMENT AND PURPOSE.—The President shall establish the Trade Promotion Coordinating Committee (hereafter in this section referred to as the 'TPCC'). The purpose of the TPCC shall be—

"(1) to provide a unifying framework to coordinate the export promotion and export financing activities of the United States Government; and

"(2) to develop a governmentwide strategic plan for carrying out Federal export promotion and export financing programs.

"(b) DUTIES.—The TPCC shall—

"(1) coordinate the development of the trade promotion policies and programs of the United States Government;

"(2) provide a central source of information for the business community on Federal export promotion and export financing programs;

"(3) coordinate official trade promotion efforts to ensure better delivery of services to United States businesses, including—

"(A) information and counseling on United States export promotion and export financing programs and opportunities in foreign markets;

"(B) representation of United States business interests abroad; and

"(C) assistance with foreign business contacts and projects;

"(4) prevent unnecessary duplication in Federal export promotion and export financing activities;

"(5) assess the appropriate levels and allocation of resources among agencies in support of export promotion and export financing and provide recommendations to the President based on its assessment; and

"(6) carry out such other duties as are deemed to be appropriate, consistent with the purpose of the TPCC.

"(c) STRATEGIC PLAN.—To carry out subsection (b), the TPCC shall develop and implement a governmentwide strategic plan for Federal trade promotion efforts. Such plan shall—

"(1) establish a set of priorities for Federal activities in support of United States exports and explain the rationale for the priorities;

"(2) review current Federal programs designed to promote the sale of United States exports in light of the priorities established under paragraph (1) and develop a plan to bring such activities into line with the priorities and to improve coordination of such activities;

"(3) identify areas of overlap and duplication among Federal export promotion activities and propose means of eliminating them;

"(4) propose to the President an annual unified Federal trade promotion budget that supports the plan for priority activities and improved coordination established under paragraph (2) and eliminates funding for the areas of overlap and duplication identified under paragraph (3); and

"(5) review efforts by the States (as defined in section 2301(i)) to promote United States exports and propose means of developing cooperation between State and Federal efforts, including co-location, cost-sharing between Federal and State export promotion programs, and sharing of market research data.

"(d) MEMBERSHIP.—

"(1) IN GENERAL.—Members of the TPCC shall include representatives from—

"(A) the Department of Commerce;

"(B) the Department of State;

"(C) the Department of the Treasury;

"(D) the Department of Agriculture;

"(E) the Department of Energy;

"(F) the Department of Transportation;

"(G) the Office of the United States Trade Representative;

"(H) the Small Business Administration;

"(I) the Agency for International Development;

"(J) the Trade and Development Program;

"(K) the Overseas Private Investment Corporation;

"(L) the Export-Import Bank of the United States; and

"(M) at the discretion of the President, such other departments or agencies as may be necessary.

"(2) CHAIRPERSON.—The Secretary of Commerce shall serve as the chairperson of the TPCC.

"(e) MEMBER QUALIFICATIONS.—Members of the TPCC shall be appointed by the heads of their respective departments or agencies. Such members, as well as alternates designated by any members unable to attend a meeting of the TPCC, shall be individuals who exercise significant decisionmaking authority in their respective departments or agencies.

"(f) REPORT TO THE CONGRESS.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1993, and annually thereafter, a report describing the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto.".

SEC. 202. ONE-STOP SHOPS.

Section 2301(b) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(b)) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(8) utilizing district and foreign offices as one-stop shops for United States exporters by providing exporters with information on all export promotion and export finance activities of the Federal Government, assisting exporters in identifying which Federal programs may be of greatest assistance, and assisting exporters in making contact with the Federal programs identified; and".

SEC. 203. COMMERCIAL SERVICE COOPERATION IN FEDERAL FINANCING AND INSURANCE PROGRAMS.

(a) IN GENERAL.—Section 2301(b) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(b)) is amended by adding at the end the following new paragraph:

"(9) providing United States exporters and export finance institutions with information on all financing and insurance programs of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Trade and Development Program, and the Small Business Administration, including providing assistance in completing applications for such programs and working with exporters and export finance institutions to address any deficiencies in such applications that have been submitted.".

(b) TRAINING AND INFORMATION ASSISTANCE.—Section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) COOPERATION IN FEDERAL FINANCING AND INSURANCE PROGRAMS.—To assist the Commercial Service in carrying out subsection (b)(9), and consistent with the provisions of section 13 of the Export-Import Bank Act of 1945, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Trade and Development Program, and the Small Business Administration shall each—

"(1) provide to the Commercial Service complete and current information on all of its programs and financing practices; and

"(2) undertake a training program regarding such programs and practices for Commercial Service Officers who are designated by the Assistant Secretary of Commerce and Director General of the Commercial Service.".

SEC. 204. ENVIRONMENTAL TRADE PROMOTION.

(a) TPCC ACTIVITIES.—Subtitle C of the Export Enhancement Act of 1988 (15 U.S.C. 4721 et seq.) is amended by adding at the end the following new section:

15 USC 4728.

"SEC. 2313. ENVIRONMENTAL TRADE PROMOTION.

"(a) STATEMENT OF POLICY.—It is the policy of the United States to foster the export of United States environmental technologies, goods, and services. In exercising their powers and functions, all appropriate departments and agencies of the United States Government shall encourage and support sales of such technologies, goods, and services.

"(b) ENVIRONMENTAL TRADE WORKING GROUP OF THE TRADE PROMOTION COORDINATION COMMITTEE.—

President.

"(1) ESTABLISHMENT AND PURPOSE.—The President shall establish the Environmental Trade Promotion Working Group (hereafter in this section referred to as the 'Working Group') as a subcommittee of the Trade Promotion Coordination Committee (hereafter in this section referred to as the 'TPCC'), established under section 2312. The purpose of the Working Group shall be—

"(A) to address all issues with respect to the export promotion and export financing of United States environmental technologies, goods, and services; and

"(B) to develop a strategy for expanding United States exports of environmental technologies, goods, and services.

"(2) MEMBERSHIP.—The members of the Working Group shall be—

"(A) representatives of the departments and agencies that are represented on the TPCC, who are designated by the head of their respective departments or agencies to advise the head of such department or agency on ways of promoting the export of United States environmental technologies, goods, and services; and

"(B) a representative of the Environmental Protection Agency.

"(3) CHAIRPERSON.—The Secretary of Commerce (hereafter in this section referred to as the 'Secretary') shall designate the chairperson of the Working Group from among senior employees of the Department of Commerce. The chairperson shall—

"(A) assess the effectiveness of United States Government programs for the promotion of exports of environmental technologies, goods, and services;

"(B) recommend improvements to such programs, including regulatory changes or additional authority that may be necessary to improve the promotion of exports of environmental technologies, goods, and services;

"(C) ensure that the members of the Working Group coordinate their environmental trade promotion programs, including feasibility studies, technical assistance, training programs, business information services, and export financing; and

"(D) assess, jointly with the Working Group representative of the Environmental Protection Agency, the extent to which the environmental trade promotion programs of the Working Group advance the environmental goals estab-

lished in 'Agenda 21' by the United Nations Conference on Environment and Development held at Rio de Janeiro, and in other international environmental agreements.

"(4) REPORT TO CONGRESS.—The chairperson of the TPCC shall include a report on the activities of the Working Group as a part of the annual report submitted to the Congress by the TPCC.

"(c) TRADE INFORMATION.—In support of the work of the Working Group, the Secretary shall, as part of the regular market survey and information services activities of the Department of Commerce, make available—

"(1) information on existing and emerging markets and market trends for environmental technologies, goods, and services; and

"(2) a description of the export promotion programs for environmental technologies, goods, and services of the agencies that are represented on the Working Group.

"(d) OVERSEAS SERVICES FOR EXPORTERS.—

"(1) AUTHORIZATION.—The Secretary is authorized to designate a Foreign Commercial Service officer to serve as the Environmental Export Assistance Officer in any country—

"(A) whose companies are important competitors for United States exports of environmental technologies, goods, and services; or

"(B) that offers promising markets for such exports.

"(2) DUTIES.—The officer designated under paragraph (1) shall provide export promotion assistance to United States companies, including—

"(A) assessments of government assistance provided to producers of environmental technologies, goods, and services in such countries, the effectiveness of such assistance on the competitiveness of United States products, and whether comparable United States assistance exists;

"(B) assistance in identifying potential customers and market opportunities in such countries;

"(C) assistance in obtaining necessary business services in such countries;

"(D) information on environmental standards and regulations in such countries; and

"(E) information on all United States Government programs that could assist the promotion, financing, and sale of exports of United States environmental technologies, goods, and services in such countries.".

(b) REPORT ON INSURANCE FEASIBILITY.—Not later than 1 year after the date of enactment of this Act, the chairperson of the Trade Promotion Coordinating Committee, after consultation with the appropriate departments and agencies of the United States Government, shall submit a report to the Congress that analyzes— 15 USC 4728 note.

(1) the extent to which Federal investment insurance and export financing programs sufficiently protect against business failures or default on obligations arising from changes by a foreign government in its environmental laws or regulations; and

(2) the advisability and feasibility of expanding the coverage of such programs, or creating new programs, to address such risks.

SEC. 205. RANK OF COMMERCIAL SERVICE OFFICERS.

Section 2301(d)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(d)(1)) is amended in the first sentence by striking "8" and inserting "16".

SEC. 206. REPORT ON EXPORT POLICY.

The Export Enhancement Act of 1988 (15 U.S.C. 4721 et seq.) is amended by adding at the end the following new section:

15 USC 4729.

"SEC. 2314. REPORT ON EXPORT POLICY.

"(a) IN GENERAL.—Not later than May 31 of each year, the Secretary of Commerce shall submit to the Congress a report on the international economic position of the United States and, not later than June 30 of each year, shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives to testify on issues addressed in that report.

"(b) CONTENTS.—

"(1) IN GENERAL.—Each report required under subsection (a) shall address—

"(A) the state of United States international economic competitiveness, focusing, in particular, on the efforts of the Department of Commerce—

"(i) to encourage research and development of technologies and products deemed critical for industrial leadership;

"(ii) to promote investment in and improved manufacturing processes for such technologies and products; and

"(iii) to increase United States industrial exports of products using the technologies described in clause (i) to those markets where the United States Government has sought to reduce barriers to exports;

"(B) the report on the Trade Promotion Coordinating Committee strategic plan submitted to the Congress in accordance with section 2312(f);

"(C) other specific recommendations of the Department of Commerce to improve the United States balance of trade;

"(D) the effects on the international economic competitiveness of the United States of—

"(i) formal and informal trade barriers; and

"(ii) subsidies by foreign countries to their domestic industries;

"(E) the efforts of the Department of Commerce to reduce trade barriers; and

"(F) the adequacy of export financing programs of the United States Government and recommendations for improving such programs.

"(2) POLICY BASIS FOR REPORTS.—Portions of each report under this section may incorporate or be based upon relevant reports and testimony produced by the Department of Commerce or other agencies, but the policy views shall be those of the Secretary of Commerce.".

SEC. 207. PROVISIONAL REPEAL OF AMENDMENTS.

In the event of the enactment of title II of H.R. 3489, "An Act to reauthorize the Export Administration Act of 1979, and for other purposes", this title and the amendments made by this

title are repealed, effective on the date of enactment of title II of H.R. 3489, "An Act to reauthorize the Export Administration Act of 1979, and for other purposes".

SEC. 208. EXPORT PROMOTION AUTHORIZATION.

Section 202 of the Export Administration Amendments Act of 1985 (15 U.S.C. 4052) is amended to read as follows:

"SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Commerce—

"(1) to carry out export promotion programs—

"(A) $190,000,000 for fiscal year 1993; and

"(B) $200,000,000 for fiscal year 1994; and

"(2) to carry out section 2303 of the Export Enhancement Act of 1988, $5,500,000 for each of fiscal years 1993 and 1994.".

TITLE III—MISCELLANEOUS

SEC. 301. JOHN HEINZ COMPETITIVE EXCELLENCE AWARD. 2 USC 831.

(a) ESTABLISHMENT.—There is hereby established the John Heinz Competitive Excellence Award, which shall be evidenced by a national medal bearing the inscription "John Heinz Competitive Excellence Award". The medal, to be minted by the United States Mint and provided to the Congress, shall be of such design and bear such additional inscriptions as the Secretary of the Treasury may prescribe, in consultation with the Majority and Minority Leaders of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the family of Senator John Heinz. The medal shall be— Medals.

(1) three inches in diameter; and

(2) made of bronze obtained from recycled sources.

(b) AWARD CATEGORIES.—

(1) IN GENERAL.—Two separate awards may be given under this section in each year. One such award may be given to a qualifying individual (including employees of any State or local government, or the Federal Government), and 1 such award may be given to a qualifying organization, institution, or business.

(2) LIMITATION.—No award shall be made under this section to an entity in either category described in paragraph (1) in any year if there is no qualified individual, organization, institution, or business recommended under subsection (c) for an award in such category in that year.

(c) QUALIFICATION CRITERIA FOR AWARD.—

(1) SELECTION PANEL.—A selection panel shall be established, comprised of a total of 8 persons, including—

(A) 2 persons appointed by the Majority Leader of the Senate;

(B) 2 persons appointed by the Minority Leader of the Senate;

(C) 2 persons appointed by the Speaker of the House of Representatives; and

(D) 2 persons appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATION.—An individual, organization, institution, or business may qualify for an award under this section only if such individual, organization, institution, or business—

(A) is nominated to the Majority or Minority Leader of the Senate or to the Speaker or the Minority Leader of the House of Representatives by a member of the Senate or the House of Representatives;

(B) permits a rigorous evaluation by the Office of Technology Assessment of the way in which such individual, organization, institution, or business has demonstrated excellence in promoting United States industrial competitiveness; and

(C) meets such other requirements as the selection panel determines to be appropriate to achieve the objectives of this section.

(3) EVALUATION.—An evaluation of each nominee shall be conducted by the Office of Technology Assessment. The Office of Technology Assessment shall work with the selection panel to establish appropriate procedures for evaluating nominees.

(4) PANEL REVIEW.—The selection panel shall review the Office of Technology Assessment's evaluation of each nominee and may, based on those evaluations, recommend 1 award winner for each year for each category described in subsection (b)(1) to the Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives.

(d) PRESENTATION OF AWARD.—

(1) IN GENERAL.—The Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives shall make the award to an individual and an organization, institution, or business that has demonstrated excellence in promoting United States industrial competitiveness in the international marketplace through technological innovation, productivity improvement, or improved competitive strategies.

(2) CEREMONIES.—The presentation of an award under this section shall be made by the Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives, with such ceremonies as they may deem proper.

(3) PUBLICITY.—An individual, organization, institution, or business to which an award is made under this section may publicize its receipt of such award and use the award in its advertising, but it shall be ineligible to receive another award in the same category for a period of 5 years.

(e) PUBLICATION OF EVALUATIONS.—

(1) SUMMARY OF EVALUATIONS.—The Office of Technology Assessment shall ensure that all nominees receive a detailed summary of any evaluation conducted of such nominee under subsection (c).

Public information.

(2) SUMMARY OF COMPETITIVENESS STRATEGY.—The Office of Technology Assessment shall also make available to all nominees and the public a summary of each award winner's competitiveness strategy. Proprietary information shall not be included in any such summary without the consent of the award winner.

(f) REIMBURSEMENT OF COSTS.—The Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader

of the House of Representatives are authorized to seek and accept gifts from public and private sources to defray the cost of implementing this section.

Approved October 21, 1992.

LEGISLATIVE HISTORY—H.R. 5739 (S. 2864):

HOUSE REPORTS: No. 102-1010 (Comm. of Conference).
SENATE REPORTS: No. 102-320 accompanying S. 2864 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 138 (1992):
Aug. 4, considered and passed House.
Aug. 12, considered and passed Senate, amended, in lieu of S. 2864.
Oct. 5, House agreed to conference report.
Oct. 8, Senate agreed to conference report.