Public Law 107–189
107th Congress

An Act

June 14, 2002
[S. 1372]

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-Import Bank Reauthorization Act of 2002.
12 USC 635 note.

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. Annual competitiveness report.
Sec. 12. Annual report.
Sec. 13. Renewable energy sources.
Sec. 14. GAO report on comparative reserve practices of export credit agencies and private banks.
Sec. 15. Human rights.
Sec. 16. Authority to deny application for assistance based on fraud or corruption by any party involved in the transaction.
Sec. 17. Consideration of foreign country helpfulness in efforts to eradicate terrorism.
Sec. 18. Outstanding orders and preliminary injury determinations.
Sec. 19. Requirement that applicants for assistance disclose whether they have violated certain Acts; maintenance of list of violators.
Sec. 20. Sense of the Congress.
Sec. 21. Consideration of enforcement of certain laws.
Sec. 22. Inspector General of the Export-Import Bank.
Sec. 23. Sense of the Congress in tribute to John E. Robson.
Sec. 24. Correction of references and other technical corrections.

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 second 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. The Bank's objective in authorizing loans, guarantees, insurance, and credits shall be to contribute to maintaining or increasing employment of United States workers.".

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SEC. 3. EXTENSION OF AUTHORITY.

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

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) 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.".

(b) 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 Bank is used for technology initiatives and systems upgrades for computer hardware and software purchases;

(C) the 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 improvements in Bank technology in order to export transactions quickly, with as little paperwork as possible, and with a quick Bank turnaround time that does not over strain the tight resources of such businesses;

(F) the 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 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 Bank wants to continue its e-commerce strategy, including developing a website, expanding online applications, and establishing a technology partnership between the public and private sectors.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that emphasis should be placed on 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.—In paragraph (1), the term 'applicable amount' means—

"(A) during fiscal year 2002, $80,000,000,000;
"(B) during fiscal year 2003, $85,000,000,000;
"(C) during fiscal year 2004, $90,000,000,000;
"(D) during fiscal year 2005, $95,000,000,000; and
"(E) during fiscal year 2006, $100,000,000,000.

"(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 to read as follows:

Termination date.

"(iii) The advisory committee shall terminate on September 30, 2006.".

(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 Secretary of Commerce and the Trade Promotion Coordinating Committee," 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".

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 by striking "10" and inserting "20".

(b) OUTREACH TO CERTAIN SMALL BUSINESSES.—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 socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act), small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, and small business concerns (as defined in section 3(a) of the Small Business Act) employing fewer than 100 employees,".

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:

Internet.

"(x) The Bank shall implement technology improvements that are designed to improve small business outreach, including allowing customers to use the Internet to apply for the Bank's small business 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.—The Export-Import Bank of the United States shall include in the annual report required by section 8(a) of the Export-Import Bank Act of 1945 for each of fiscal years 2002 through 2006 a report on the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of such Act, and on how the efforts are assisting small businesses.

12 USC 635g note.

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);"; and

(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) CONCLUSION.—Once the principles, process and standards referred to in subparagraph (A) are followed, the final case-by-case decisions on the use of the Tied Aid Credit Fund shall be made by the Bank: *Provided however,* That the Bank shall not approve the extension of a proposed tied aid credit if the President of the United States determines, after consulting with the President of the Bank and the Secretary of the Treasury, that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6).

Deadline.
Records.

"(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.

Records.

"(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 for 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.

12 USC 635a note.

(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). Deadline.

(b) MARKET WINDOWS.—

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

"SEC. 15. MARKET WINDOWS. 12 USC 635i–9.

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

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

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

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

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

"(2) when the foreign government-supported institution refuses to provide sufficient transparency to permit the Bank to make a determination under paragraph (1).

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

(2) REPORT.—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 rationale for seeking or not seeking negotiations for multilateral disciplines and transparency, the successes, failures, and obstacles in initiating negotiations, and if negotiations were initiated, in reaching an agreement. Deadline. 12 USC 635i–9 note.

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

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by inserting ", or untied aid used to promote exports as if it were tied aid," before "for commercial" the first and third places it appears; and

(3) 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 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 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 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 consider initiating 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 Arrangement and the Subsidies Code of the World Trade Organization, but which places United States exporters at a competitive disadvantage; 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 Bank, in consultation with the Secretary of the Treasury, shall define 'market window' for purposes of this section.".

SEC. 11. ANNUAL COMPETITIVENESS REPORT.

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

Deadline.

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

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

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

Classified information.

(4) by adding at the end the following new sentence: "The Bank shall include in the annual report 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.".

SEC. 12. ANNUAL REPORT.

(a) TECHNOLOGY TO ASSIST SMALL BUSINESSES.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

"(c) TECHNOLOGY TO ASSIST SMALL BUSINESSES.—The Bank shall include in its annual report to the Congress under subsection (a) of this section for each of fiscal years 2002 through 2006 a report on the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of this Act, and on how the efforts

are assisting small business concerns (as defined in section 3(a) of the Small Business Act).".

(b) NUMBER OF SMALL BUSINESS SUPPLIERS OF BANK USERS.—Section 8 of such Act (12 U.S.C. 635g) is further amended by adding at the end the following:

"(d) NUMBER OF SMALL BUSINESS SUPPLIERS OF BANK USERS.—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 in section 3(a) of the Small Business Act) located in the United States, and shall include the estimate in its annual report to the Congress under subsection (a) of this section.".

(c) OUTREACH TO CERTAIN SMALL BUSINESSES.—Section 8 of such Act (12 U.S.C. 635g) is further amended by adding at the end the following:

"(e) OUTREACH TO CERTAIN SMALL BUSINESSES.—The Bank shall include in its annual report to the Congress under subsection (a) of this section a description of outreach efforts made by the Bank to any socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act), small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, and small business concerns (as defined in section 3(a) of the Small Business Act) employing fewer than 100 employees.".

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)) is further 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 REPORT ON COMPARATIVE RESERVE PRACTICES OF EXPORT CREDIT AGENCIES AND PRIVATE BANKS.

Deadline.
12 USC 635 note.

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.

SEC. 15. 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 "(such as are provided in the Universal Declaration of Human Rights adopted by the United Nations General Assembly on December 10, 1948)" after "human rights".

SEC. 16. AUTHORITY TO DENY APPLICATION FOR ASSISTANCE BASED ON FRAUD OR CORRUPTION BY ANY PARTY INVOLVED IN THE TRANSACTION.

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 INVOLVED IN 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 or any party involved in the transaction has committed an act of fraud or corruption in connection with the transaction.".

SEC. 17. CONSIDERATION OF FOREIGN COUNTRY HELPFULNESS IN EFFORTS TO ERADICATE TERRORISM.

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 penultimate sentence by inserting "(including, when relevant, a foreign nation's lack of cooperation in efforts to eradicate terrorism)" after "international terrorism".

Loans.

SEC. 18. 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.

Deadline.
Procedures.

"(B) AFFIRMATIVE DETERMINATION.—Within 60 days after the date of the enactment of this paragraph, 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 result 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.

Reports.

Procedures.
Notification.

"(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) or (D).

"(D) CONSIDERATION OF INVESTIGATIONS UNDER TITLE II OF THE TRADE ACT OF 1974.—In making any determination under paragraph (1) for a transaction involving more than $10,000,000, the Bank shall consider investigations under title II of the Trade Act of 1974 that have been initiated at the request of the President of the United States, the United States Trade Representative, the Committee on Finance of the Senate, or the Committee on Ways and Means of the House of Representatives, or by the International Trade Commission on its own motion.".

SEC. 19. REQUIREMENT THAT APPLICANTS FOR ASSISTANCE DISCLOSE WHETHER THEY HAVE VIOLATED CERTAIN ACTS; MAINTENANCE OF LIST OF VIOLATORS.

Records.

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) 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 of 1977, the Arms Export Control Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979 within the preceding 12 months, and shall maintain, in cooperation with the Department of Justice, for not less than 3 years a record of such applicants so found to have violated any such Act.".

SEC. 20. SENSE OF THE CONGRESS.

It is the sense of the Congress that, when considering a proposal for assistance for a project the cost of which is $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.

SEC. 21. CONSIDERATION OF ENFORCEMENT OF CERTAIN LAWS.

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 penultimate sentence by inserting "the enforcement of the Foreign Corrupt Practices Act of 1977, the Arms Export Control Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979," after "nuclear proliferation,".

SEC. 22. INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK.

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

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

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

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

"Inspector General, Export-Import Bank.".

(c) INITIAL IMPLEMENTATION.—Section 9(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "to the Office of the Inspector General," after "(2)".

(d) TECHNICAL CORRECTIONS.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1)—

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

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

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

(2) in paragraph (2), by striking "or" after "Community Service,"; and

(3) in paragraph (5), by striking "section 552(e)" and inserting "section 552(f)".

5 USC 5315 note.

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

SEC. 23. SENSE OF THE CONGRESS IN TRIBUTE TO JOHN E. ROBSON.

(a) FINDINGS.—The Congress finds that—

(1) from his appointment in 2001 as President and Chairman of the Export-Import Bank of the United States until his death on March 20, 2002, John E. Robson provided powerful leadership for that institution, instilling his spirit of excellence within the Bank and ensuring the Bank's role as a prominent player in the trade and economic policy of the United States; and

(2) during his time at the Export-Import Bank of the United States, John E. Robson served as a role model for all of his colleagues with his dedication to the institution, commitment to excellence, resolute sense of integrity, and desire to leave the Bank a better place than how he found it.

(b) SENSE OF THE CONGRESS.—The Congress is deeply saddened by the death of John E. Robson, President and Chairman of the Board of Directors of the Export-Import Bank of the United States, and expresses to the family of John E. Robson its deep appreciation for the contributions he made and the legacy he leaves behind, and its heartfelt sorrow at his passing.

SEC. 24. CORRECTION OF REFERENCES AND OTHER TECHNICAL CORRECTIONS.

(a) CORRECTION OF REFERENCES.—(1) 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".

(2) Each of the following provisions of such Act is amended by striking "Banking, Finance and Urban Affairs" and inserting "Financial Services":

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

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

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

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

(E) Section 10(g)(1) (12 U.S.C. 635i–3(g)(1)).

(b) TECHNICAL CORRECTIONS.—(1) Clauses (ii) and (iii) of section 2(b)(1)(H) of such Act (12 U.S.C. 635(b)(1)(H)) are each amended by striking "4" and inserting "3".

(2) Section 2(b) of such Act (12 U.S.C. 635(b)) is amended by aligning the margins of paragraph (12) with the margins of paragraph (11).

(3) Section 2(b)(6)(E) of such Act (12 U.S.C. 635(b)(6)(E)) is amended by striking "international" and inserting "internationally".

(4) Section 3(d)(2) of such Act (12 U.S.C. 635a(d)(2)) is amended by aligning the margins of subparagraph (B) with the margins of subparagraph (A).

(5) Section 12(a)(1) of such Act (12 U.S.C. 635i–6(a)(1)) is amended by striking "section" and inserting "subsection".

(6) Section 14(a) of such Act (12 U.S.C. 635i–8(a)) is amended by striking "principle" and inserting "principal".

Approved June 14, 2002.

LEGISLATIVE HISTORY—S. 1372 (H.R. 2871):

HOUSE REPORTS: Nos. 107–292 accompanying H.R. 2871 (Comm. on Financial Services) and 107–487 (Comm. of Conference).

SENATE REPORTS: No. 107–52 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Mar. 14, considered and passed Senate.

May 1, considered and passed House, amended, in lieu of H.R. 2871.

June 5, House agreed to conference report.

June 6, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

June 14, Presidential statement.