

HR 2871

Export-Import Bank Reauthorization Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Foreign Trade and International Finance

Introduced: Sep 10, 2001

Current Status: Laid on the table. See S. 1372 for further action.

Latest Action: Laid on the table. See S. 1372 for further action. (May 1, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/house-bill/2871>

Sponsor

Name: Rep. Bereuter, Doug [R-NE-1]

Party: Republican • State: NE • Chamber: House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Financial Services Committee	House	Reported by	Sep 21, 2001

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

Bill	Relationship	Last Action
107 S 1372	Procedurally related	Jun 14, 2002: Became Public Law No: 107-189.
107 HRES 402	Procedurally related	May 1, 2002: Motion to reconsider laid on the table Agreed to without objection.

Export-Import Bank Reauthorization Act of 2002 - Amends the Export-Import Bank Act of 1945 to require the Export-Import Bank of the United States, in providing loans, guarantees, insurance, and credits for the export of goods and services, imports, and the exchange of commodities and services between the United States (including its territories or possessions) and other foreign countries, to ensure that such financing is contributing to maintaining or increasing employment of U.S. workers.

(Sec. 3) Extends the authority of the Bank through FY 2005.

(Sec. 4) Authorizes appropriations for FY 2002 through 2005 for Bank administrative expenses (including certain technology-related expenses), with specified limits. Earmarks amounts for FY 2002 through 2005 for outreach to small business concerns employing fewer than 100 employees.

Emphasizes the importance of technology improvements for the Bank, which are of particular importance for small businesses.

(Sec. 5) Increases the aggregate amount of Bank loans, guarantees, and insurance that may be outstanding at any one time to aid in financing exports and imports and the exchange of commodities and services between the United States and other foreign countries.

(Sec. 6) Extends the authority of a Bank advisory committee related to its activities in sub-Saharan Africa through September 30, 2005.

Amends the Export-Import Bank Reauthorization Act of 1997 to continue for four more years the requirement that the Board of Directors of the Bank report annually to Congress on Board efforts to develop and implement policies and programs for expanding the Bank's financial commitments in sub-Saharan Africa.

Establishes in the Bank an Office on Africa which shall focus on increasing Bank activities in Africa and visibility among U.S. companies of African markets for exports.

(Sec. 7) Increases from ten percent to 20 percent of its aggregate loan, guarantee, and insurance authority the amount the Bank must make available to finance exports directly by small business concerns, including not less than eight percent for small business concerns employing fewer than 100 employees.

Requires the Board of Directors of the Bank, in the furtherance of U.S. policy to encourage the participation of small business in international commerce, to designate an officer of the Bank who shall be responsible for advising small business concerns of the opportunities for them in the functions of the Bank, with particular emphasis on outreach and increased loans to businesses at least 51 percent of which are directly and unconditionally owned by one or more socially disadvantaged individuals or women.

Establishes in the Bank an Office for Small Business Exporters to focus on increasing Bank activities to enhance small business exports and meet the unique trade finance needs of small business exporters.

(Sec. 8) Directs the Bank to implement: (1) certain technology improvements designed to improve small business outreach, including allowing customers to use the Internet to apply for all Bank programs; and (2) an electronic system designed to track all pending Bank transactions. Requires the Bank to report to specified congressional committees on Bank efforts to implement such measures, and on how they are assisting small business.

(Sec. 9) Revises requirements for the tied aid credit program to require the Secretary of the Treasury (Secretary) and the Bank to jointly develop a process for, and the principles and standards to be used in, determining how the Tied Aid Credit Fund could be used most effectively and efficiently to target the export markets of countries which make extensive use of tied aid or partially untied aid credits for commercial advantage.

(Sec. 10) Directs the Secretary to negotiate: (1) an Organization for Economic Cooperation and Development (OECD) Arrangement on Untied Aid that seeks agreement on subjecting untied aid to the rules governing the Arrangement on Guidelines for Officially Supported Export Credits (including the rules governing disclosure); and (2) an OECD Arrangement on Market Windows that seeks agreement on subjecting market windows to the rules governing the Arrangement (including the rules governing disclosure). Requires the Secretary to report to specified congressional committees on the successes, failures, and obstacles in reaching such agreements.

Sets forth certain requirements with respect to the use of the Tied Aid Credit Fund to combat untied aid. Defines "market window" as the provision of export financing through an institution that claims to operate on a commercial basis while benefitting directly or indirectly from some level of government support.

(Sec. 11) Renames the Tied Aid Credit Fund the Export Competitiveness Fund and the tied aid credit program the export competitiveness program.

(Sec. 12) Requires a certain annual competitiveness report by the Bank to Congress to include: (1) a description of the volume of financing provided by each foreign export credit agency, including a description of all Bank transactions classified according to their principal purpose, such as to correct a market failure or to provide matching support; (2) an estimate on the basis of an annual survey or tabulation of the number of entities that are suppliers of users of the Bank and that are small business concerns located in the United States; (3) a description of outreach efforts (including results) made by the Bank to any business at least 51 percent of which is directly and unconditionally owned by one or more socially disadvantaged individuals or women; and (4) a description of Bank efforts to promote the export of goods and services related to renewable energy sources.

(Sec. 13) Requires the Bank to promote the export of goods and services related to renewable energy sources.

(Sec. 14) Directs the Comptroller General to report to specified congressional committees on: (1) whether the United States could bring a case in the World Trade Organization (WTO) for relief against untied aid and market windows; and (2) the comparative reserve practices of export credit agencies and private banks.

(Sec. 16) Directs the Bank to re-assess the effects of its approval of an \$18 million 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 interest of U.S. industries. Requires the Bank to report to specified congressional committees on such re-assessment.

(Sec. 18) Grants the Bank the authority to deny an application for assistance with respect to a transaction if it 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 such application.

(Sec. 19) Declares it is 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 take into account the extent to which the nation has been helpful or unhelpful

in efforts to eradicate terrorism.

(Sec. 20) Prohibits the Bank from providing any loan or guarantee to an entity for the resulting production of substantially the same product that is the subject of: (1) a countervailing duty or antidumping order under title VII of the Tariff Act of 1930; or (2) a preliminary material injury determination under title II of the Trade Act of 1974. Requires the Bank to establish procedures to ensure that loans or guarantees provided to an entity that is subject to a preliminary material injury determination are likely to not result in a significant increase in imports of substantially the same product covered by such determination and are likely to not have a significant adverse impact on the domestic industry.

(Sec. 21) Expresses the sense of Congress that, with respect to the total amount available to the Bank for the extension of credit for transactions related to energy projects, the Bank should use not more than 95 percent for transactions related to fossil fuel projects, and not less than five percent for transactions related to renewable energy and energy efficiency projects. Defines "renewable energy" to mean projects related to solar, wind, biomass, fuel cell, landfill gas, or geothermal energy sources.

(Sec. 22) Directs the Bank to: (1) require an assistance applicant to disclose whether such applicant has been found by a U.S. court to have violated the Foreign Corrupt Practices Act of 1977; and (2) maintain a list of persons to have violated such Act.

(Sec. 23) Expresses the sense of Congress that, when considering a proposal for assistance for a project of \$10 million or more, the management of the Bank should have available for review a detailed assessment of the potential human rights impact of such project.

## Actions Timeline

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- **May 1, 2002:** Rule H. Res. 402 passed House.
- **May 1, 2002:** Considered under the provisions of rule H. Res. 402. (consideration: CR H1776-1795, H1978-1984; text of measure as reported in House: CR H1787-1790)
- **May 1, 2002:** Rule provides for consideration of H.R. 2871 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. All points of order against consideration of the bill are waived. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. Measure will be considered read. Specified amendments are in order. After passage of H.R. 2871, it shall be in order to take from the Speaker's table S. 1372 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisi...
- **May 1, 2002:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 402 and Rule XXIII.
- **May 1, 2002:** The Speaker designated the Honorable Gil Gutknecht to act as Chairman of the Committee.
- **May 1, 2002:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2871.
- **May 1, 2002:** DEBATE - Pursuant to the provisions of H.Res 402 the Committee of the Whole proceeded with 10 minutes of debate on the Bereuter amendment.
- **May 1, 2002:** DEBATE - Pursuant to the provisions of H.Res 402 the Committee of the Whole proceeded with 30 minutes of debate on the DeFazio amendment.
- **May 1, 2002:** DEBATE - Pursuant to the provisions of H.Res 402 the Committee of the Whole proceeded with 30 minutes of debate on the Kucinich amendment.
- **May 1, 2002:** DEBATE - Pursuant to the provisions of H.Res 402 the Committee of the Whole proceeded with 30 minutes of debate on the Sanders amendment.
- **May 1, 2002:** DEBATE - The Committee of the Whole resumed debate on the Sanders amendment.
- **May 1, 2002:** POSTPONED VOTE - At the conclusion of debate on the Sanders amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the Noes had prevailed. Mr. Sanders demanded a recorded vote and pursuant to the provisions of H. Res. 402, the Chair postponed further proceedings on adoption of the amendment until later in the legislative day.
- **May 1, 2002:** DEBATE - Pursuant to the provisions of H. Res. 402, the Committee of the Whole proceeded with 30 minutes of debate on the Schakowsky amendment.
- **May 1, 2002:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of the Sanders amendment which had been debated earlier and on which further proceedings had been postponed.
- **May 1, 2002:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2871.
- **May 1, 2002:** The previous question was ordered pursuant to the rule.
- **May 1, 2002:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.
- **May 1, 2002:** Passed/agreed to in House: On passage Passed by voice vote.
- **May 1, 2002:** On passage Passed by voice vote.
- **May 1, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **May 1, 2002:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2871.
- **May 1, 2002:** Laid on the table. See S. 1372 for further action.
- **Apr 30, 2002:** Rules Committee Resolution H. Res. 402 Reported to House. Rule provides for consideration of H.R. 2871 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. All points of order against consideration of the bill are waived. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. Measure will be considered read. Specified amendments are in order. After passage of H.R. 2871, it shall be in order to take from the Speaker's table S. 1372 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisi...

- Nov 15, 2001:** Reported (Amended) by the Committee on Financial Services. H. Rept. 107-292.
- **Nov 15, 2001:** Reported (Amended) by the Committee on Financial Services. H. Rept. 107-292.
  - **Nov 15, 2001:** Placed on the Union Calendar, Calendar No. 178.
  - **Oct 31, 2001:** Committee Consideration and Mark-up Session Held.
  - **Oct 31, 2001:** Ordered to be Reported (Amended) by Voice Vote.
  - **Sep 21, 2001:** Subcommittee Consideration and Mark-up Session Held.
  - **Sep 21, 2001:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote.
  - **Sep 14, 2001:** Referred to the Subcommittee on International Monetary Policy and Trade.
  - **Sep 10, 2001:** Introduced in House
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