

110TH CONGRESS  
1ST SESSION

# S. 2349

To reauthorize the programs of the Overseas Private Investment Corporation,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2007

Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To reauthorize the programs of the Overseas Private  
Investment Corporation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Overseas Private In-  
5 vestment Corporation Reauthorization Act of 2007”.

6 **SEC. 2. REAUTHORIZATION OF OPIC PROGRAMS.**

7 Section 235(a)(2) of the Foreign Assistance Act of  
8 1961 (22 U.S.C. 2195(a)(2)) is amended by striking  
9 “September 30, 2007” and inserting “September 30,  
10 2011”.

1 **SEC. 3. REQUIREMENTS REGARDING INTERNATIONAL**  
2 **WORKER RIGHTS.**

3 (a) **COUNTRY REQUIREMENTS.**—Subsection (a) of  
4 section 231A of the Foreign Assistance Act of 1961 (22  
5 U.S.C. 2191a(a)) is amended—

6 (1) by amending the subsection heading to read  
7 as follows: “INTERNATIONAL WORKER RIGHTS”;

8 (2) in paragraph (4), by striking “(4) In” and  
9 inserting “(4) **ADDITIONAL DETERMINATION.**—In”;  
10 and

11 (3) by striking paragraphs (1) through (3) and  
12 inserting the following:

13 “(1) **LIMITATION ON OPIC ACTIVITIES.**—

14 “(A) **IN GENERAL.**—The Corporation may  
15 insure, reinsure, guarantee, or finance a project  
16 only if the country in which the project is to be  
17 undertaken is taking steps to adopt and imple-  
18 ment laws that extend international worker  
19 rights to workers in that country, including in  
20 any designated zone, or special administrative  
21 region or area, in that country.

22 “(B) **CONTRACT LANGUAGE.**—The Cor-  
23 poration shall also include the following lan-  
24 guage, in substantially the following form, in all  
25 contracts which the Corporation enters into  
26 with eligible investors to provide financial sup-

1 port under this title: ‘The investor agrees not to  
2 take any actions to obstruct or prevent employ-  
3 ees of the foreign enterprise from exercising  
4 their international worker rights (as defined in  
5 section 238(h) of the Foreign Assistance Act of  
6 1961), and agrees to adhere to the obligations  
7 regarding those international worker rights.  
8 The investor agrees to the elimination of dis-  
9 crimination with respect to employment and oc-  
10 cupation.’.

11 “(2) PREFERENCE TO CERTAIN COUNTRIES.—  
12 To the extent practicable and consistent with its de-  
13 velopment objectives, the Corporation shall give pref-  
14 erential consideration to projects in countries that  
15 have adopted, maintained, and enforced laws that  
16 substantially provide international worker rights, as  
17 well as the elimination of discrimination with respect  
18 to employment and occupation.

19 “(3) USE OF ANNUAL REPORTS ON INTER-  
20 NATIONAL WORKER RIGHTS.—The Corporation shall,  
21 in carrying out paragraph (1)(A), use, among other  
22 sources, the reports submitted to the Congress pur-  
23 suant to section 504 of the Trade Act of 1974 (19  
24 U.S.C. 2464). The Corporation should also consider  
25 other relevant sources, including the observations,

1 reports, and recommendations of the International  
2 Labour Organization.”.

3 (b) DEFINITIONS.—Section 238 of the Foreign As-  
4 sistance Act of 1961 (22 U.S.C. 2198) is amended—

5 (1) in subsection (f), by striking “and” after  
6 the semicolon;

7 (2) in subsection (g), by striking the period at  
8 the end and inserting “;”; and

9 (3) by adding at the end the following:

10 “(h) the term ‘international worker rights’ means  
11 internationally recognized worker rights, as defined in sec-  
12 tion 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4));  
13 and

14 “(i) the terms ‘Category A project’ and ‘Category A  
15 extractive industry project’ mean any project or other ac-  
16 tivity for which the Corporation proposes to provide insur-  
17 ance, reinsurance, financing, or other support under this  
18 title and which is likely to have a significant adverse envi-  
19 ronmental impact.”.

20 (c) GENERAL PROVISIONS AND POWERS.—Section  
21 239 of the Foreign Assistance Act of 1961 (22 U.S.C.  
22 2199) is amended—

23 (1) in subsection (h), by adding at the end the  
24 following: “The Corporation shall also consult with

1 relevant stakeholders in developing such criteria.”;  
2 and

3 (2) in subsection (i), in the first sentence, by  
4 inserting “(including international worker rights and  
5 the elimination of discrimination with respect to em-  
6 ployment and occupation)” after “fundamental free-  
7 doms” each place it appears.

8 **SEC. 4. ENVIRONMENTAL ASSESSMENTS.**

9 Section 231A(b) of the Foreign Assistance Act of  
10 1961 (22 U.S.C. 2191a(b)) is amended to read as follows:

11 “(b) ENVIRONMENTAL IMPACT.—The Board of Di-  
12 rectors of the Corporation shall not vote in favor of any  
13 action proposed to be taken by the Corporation that is  
14 likely to have significant adverse environmental impacts,  
15 unless for at least 60 days before the date of the vote—

16 “(1) an environmental impact assessment, or  
17 initial environmental audit, analyzing the environ-  
18 mental impacts of the proposed action and of alter-  
19 natives to the proposed action has been completed by  
20 the project applicant and made available to the  
21 Board of Directors; and

22 “(2) such assessment or audit has been made  
23 available to the public of the United States, locally  
24 affected groups in the host country, and nongovern-  
25 mental organizations in the host country.”.

1 **SEC. 5. COMMUNITY SUPPORT.**

2 Section 237 of the Foreign Assistance Act of 1961  
3 (22 U.S.C. 2197) is amended by adding at the end the  
4 following new subsection:

5 “(p) **COMMUNITY SUPPORT.**—To the maximum ex-  
6 tent practicable, the Corporation shall require the appli-  
7 cant for a project that is subject to the requirements of  
8 section 231A(b) to obtain broad community support for  
9 the project.”.

10 **SEC. 6. CLIMATE CHANGE MITIGATION ACTION PLAN.**

11 Title IV of chapter 2 of part I of the Foreign Assist-  
12 ance Act of 1961 (22 U.S.C. 2291 et seq.) is amended  
13 by inserting after section 234A the following new section:

14 **“SEC. 234B. CLIMATE CHANGE MITIGATION.**

15 “(a) **MITIGATION ACTION PLAN.**—The Corporation  
16 shall, not later than 180 days after the date of the enact-  
17 ment of the Overseas Private Investment Corporation Re-  
18 authorization Act of 2007, institute a climate change miti-  
19 gation action plan that includes the following:

20 “(1) **CLEAN TECHNOLOGY.**—

21 “(A) **INCREASING ASSISTANCE.**—The Cor-  
22 poration shall establish a goal of substantially  
23 increasing its support of projects that use, de-  
24 velop, or otherwise promote the use of clean en-  
25 ergy technologies over the 10-year period begin-  
26 ning on the date of the enactment of the Over-

1 seas Private Investment Corporation Reauthor-  
2 ization Act of 2007.

3 “(B) PREFERENTIAL TREATMENT TO  
4 PROJECTS.—The Corporation shall give pref-  
5 erential treatment to the evaluation and award-  
6 ing of assistance for and provide greater flexi-  
7 bility in supporting projects that use, develop,  
8 or otherwise promote the use of clean energy  
9 technologies.

10 “(2) ENVIRONMENTAL IMPACT ASSESS-  
11 MENTS.—

12 “(A) GREENHOUSE GAS EMISSIONS.—The  
13 Corporation shall, in making an environmental  
14 impact assessment for a project under section  
15 231A(b), take into account the degree to which  
16 the project contributes to the emission of green-  
17 house gases.

18 “(B) OTHER DUTIES NOT AFFECTED.—  
19 The requirement under subparagraph (A) is in  
20 addition to any other requirement, obligation,  
21 or duty of the Corporation.

22 “(3) GOALS FOR REDUCING GREENHOUSE GAS  
23 EMISSIONS.—

24 “(A) IN GENERAL.—The Corporation shall  
25 continue to maintain—

1           “(i) a goal for reducing direct green-  
2           house gas emissions associated with  
3           projects in the Corporation’s portfolio on  
4           the date of the enactment of the Overseas  
5           Private Investment Corporation Reauthor-  
6           ization Act of 2007 by 20 percent over a  
7           10-year period; and

8           “(ii) a goal for limiting annual invest-  
9           ments in projects that have significant  
10          greenhouse gas emissions after such date  
11          of enactment in a manner that reduces  
12          greenhouse gas emissions associated with  
13          projects in the Corporation’s total portfolio  
14          by 20 percent over a 10-year period.

15          “(B) SPECIAL RULES.—

16                 “(i) BASELINE.—For purposes of de-  
17                 termining the percentage that greenhouse  
18                 gas emissions are reduced under subpara-  
19                 graph (A), the Corporation shall use the  
20                 aggregate estimated greenhouse gas emis-  
21                 sions for projects in the Corporation’s  
22                 portfolio.

23                 “(ii) SIGNIFICANT GREENHOUSE GAS  
24                 EMISSIONS PROJECTS.—For purposes of  
25                 this paragraph, projects that have signifi-

1           cant greenhouse gas emissions are projects  
2           that result in the emission of more than  
3           100,000 tons of CO<sub>2</sub> equivalent each year.

4           “(C) REPORTING REQUIREMENTS.—The  
5           Corporation shall include, in each annual report  
6           under section 240A, the following information  
7           with respect to the period covered by the report:

8                   “(i) The annual greenhouse gas emis-  
9                   sions attributable to each project in the  
10                  Corporation’s active portfolio that has sig-  
11                  nificant greenhouse gas emissions.

12                   “(ii) The estimated greenhouse gas  
13                   emissions for each new project for which  
14                   the Corporation provided insurance financ-  
15                   ing, or reinsurance that has significant  
16                   greenhouse gas emissions since the last re-  
17                   port.

18                   “(iii) The extent to which the Cor-  
19                   poration is meeting the goals described in  
20                   subparagraph (A) for reducing greenhouse  
21                   gas emissions.

22                   “(iv) Each new project for which the  
23                   Corporation provided insurance, financing,  
24                   or reinsurance that involves renewable en-  
25                   ergy and environmentally beneficial prod-

1           ucts and services, including increased en-  
2           ergy efficiency.

3           “(4) REPORT TO CONGRESSIONAL COMMIT-  
4           TEES.—The Corporation shall, not later than 180  
5           days after the date of the enactment of the Overseas  
6           Private Investment Corporation Reauthorization Act  
7           of 2007, submit to the Committees on Foreign Rela-  
8           tions and Appropriations of the Senate and the  
9           Committees on Foreign Affairs and Appropriations  
10          of the House of Representatives a report on the plan  
11          developed to carry out paragraph (1)(A). Thereafter,  
12          the Corporation shall include in its annual report  
13          under section 240A a discussion of such plan and its  
14          implementation.

15          “(b) EXTRACTION INVESTMENTS.—

16                 “(1) PRIOR NOTIFICATION TO CONGRESSIONAL  
17                 COMMITTEES.—The Corporation shall provide notice  
18                 of consideration to the Committees on Foreign Rela-  
19                 tions and Appropriations of the Senate and the  
20                 Committees on Foreign Affairs and Appropriations  
21                 of the House of Representatives at least 60 days be-  
22                 fore approval of a Category A extractive industry  
23                 project (as defined in section 238(i)) or any extrac-  
24                 tive industry project in which assistance by the Cor-  
25                 poration would be valued at \$10,000,000 or more

1 (including contingent liability). Nothing in this sub-  
2 section shall affect the limitations and prohibitions  
3 with respect to direct investments described in sec-  
4 tion 234(c).

5 “(2) COMMITMENT TO EITI PRINCIPLES.—

6 “(A) IN GENERAL.—Except as provided in  
7 subparagraph (B), the Corporation may ap-  
8 prove a contract of insurance or reinsurance, or  
9 any guaranty, or enter into an agreement to  
10 provide financing to an eligible investor for a  
11 project that significantly involves an extractive  
12 industry only if—

13 “(i) the eligible investor has agreed to  
14 implement the Extractive Industries  
15 Transparency Initiative principles and cri-  
16 teria, or substantially similar principles  
17 and criteria related to the specific project  
18 to be carried out; and

19 “(ii)(I) the host country where the  
20 project is to be carried out has committed  
21 to the Extractive Industries Transparency  
22 Initiative principles and criteria, or sub-  
23 stantially similar principles and criteria; or

24 “(II) the host country where the  
25 project is to be carried out has in place or

1 is taking the necessary steps to establish  
2 functioning systems for—

3 “(aa) accurately accounting for  
4 revenues and expenditures in connec-  
5 tion with the extraction and export of  
6 the type of natural resource to be ex-  
7 tracted or exported;

8 “(bb) the independent audit of  
9 such revenues and expenditures and  
10 the widespread public dissemination of  
11 the audit; and

12 “(cc) verifying government re-  
13 ceipts against company payments, in-  
14 cluding widespread dissemination of  
15 such payment information, and dis-  
16 closing such documents as Host Gov-  
17 ernment Agreements, Concession  
18 Agreements, and bidding documents,  
19 allowing in any such dissemination or  
20 disclosure for the redaction of, or ex-  
21 ceptions for, information that is com-  
22 mercially proprietary or that would  
23 create competitive disadvantage.

24 “(B) EXCEPTION.—If the host country  
25 does not meet the requirements of subpara-

1 graph (A)(ii) (I) or (II), the Corporation may  
2 approve a contract of insurance or reinsurance,  
3 or any guaranty, or enter into an agreement to  
4 provide financing if the Corporation determines  
5 it is in the foreign policy interest of the United  
6 States for the Corporation to support the  
7 project in the host country and the host country  
8 does not prevent an eligible investor from com-  
9 plying with this paragraph.

10 “(3) PREFERENCE FOR CERTAIN PROJECTS.—

11 With respect to all projects that significantly involve  
12 an extractive industry, the Corporation, to the extent  
13 practicable and consistent with the Corporation’s de-  
14 velopment objectives, shall give preference to a  
15 project in which both the eligible investor has agreed  
16 to implement the Extractive Industries Trans-  
17 parency Initiative principles and criteria, or substan-  
18 tially similar principles and criteria, and the host  
19 country where the project is to be carried out has  
20 committed to the Extractive Industries Trans-  
21 parency Initiative principles and criteria, or substan-  
22 tially similar principles and criteria.

23 “(4) REPORTING REQUIREMENT.—The Cor-

24 poration shall include in its annual report required

1 under section 240A a description of its activities to  
2 carry out this subsection.

3 “(c) DEFINITIONS.—In this section:

4 “(1) CLEAN TECHNOLOGY.—The term ‘clean  
5 energy technology’ means an energy supply or end-  
6 use technology—

7 “(A) such as—

8 “(i) solar technology;

9 “(ii) wind technology;

10 “(iii) geothermal technology;

11 “(iv) hydroelectric technology;

12 “(v) biomass technology; and

13 “(vi) carbon capture and storage tech-  
14 nology; and

15 “(B) that, over its life cycle and compared  
16 to a similar technology already in commercial  
17 use—

18 “(i) results in—

19 “(I) reduced emissions of green-  
20 house gases;

21 “(II) increased geological seques-  
22 tration of greenhouse gases;

23 “(III) decreases energy intensity  
24 of operation; or

1                   “(IV) reduces fossil fuel con-  
2                   sumption; and

3                   “(ii) may—

4                   “(I) substantially lower emissions  
5                   of air pollutants; or

6                   “(II) generate substantially  
7                   smaller and less hazardous quantities  
8                   of solid or liquid waste.

9                   “(2) GREENHOUSE GAS.—The term ‘greenhouse  
10                  gas’ means—

11                  “(A) carbon dioxide;

12                  “(B) methane;

13                  “(C) nitrous oxide;

14                  “(D) hydrofluorocarbons;

15                  “(E) perfluorocarbons; or

16                  “(F) sulfur hexafluoride.

17                  “(3) EXTRACTIVE INDUSTRY.—The term ‘ex-  
18                  tractive industry’ refers to an enterprise engaged in  
19                  the exploration, development, or extraction of oil and  
20                  gas reserves, metal ores, gemstones, industrial min-  
21                  erals (except rock used for construction purposes),  
22                  or coal.”.

23 **SEC. 7. INCREASED TRANSPARENCY.**

24                  (a) IN GENERAL.—Section 237 of the Foreign Assist-  
25                  ance Act of 1961 (22 U.S.C. 2197), as amended by section

1 5, is amended by adding at the end the following new sub-  
2 sections:

3 “(q) AVAILABILITY OF PROJECT INFORMATION.—  
4 Beginning 90 days after the date of the enactment of the  
5 Overseas Private Investment Corporation Reauthorization  
6 Act of 2007, the Corporation shall make public, and post  
7 on its Internet website, summaries of all new projects sup-  
8 ported by the Corporation, and other relevant information,  
9 except that the Corporation shall not include any confiden-  
10 tial business information in the summaries and informa-  
11 tion made available under this subsection.

12 “(r) REVIEW OF METHODOLOGY.—Not later than  
13 180 days after the date of the enactment of the Overseas  
14 Private Investment Corporation Reauthorization Act of  
15 2007, the Corporation shall make available to the public  
16 the methodology, including relevant regulations, used to  
17 assess and monitor the impact of projects supported by  
18 the Corporation on—

19 “(1) the development of host countries;

20 “(2) the environment of host countries;

21 “(3) international worker rights (as well as the  
22 elimination of discrimination with respect to employ-  
23 ment and occupation) in host countries; and

24 “(4) United States employment.

1       “(s) PUBLIC NOTICE PRIOR TO PROJECT AP-  
2 PROVAL.—

3               “(1) PUBLIC NOTICE.—The Board of Directors  
4 of the Corporation may not vote in favor of any ac-  
5 tion proposed to be taken by the Corporation on any  
6 Category A project until at least 60 days after the  
7 Corporation—

8               “(A) makes available for public comment a  
9 summary of the project and relevant informa-  
10 tion about the project; and

11              “(B) makes the summary and information  
12 described in subparagraph (A) available to lo-  
13 cally affected groups in the area of impact of  
14 the proposed project, and to host country non-  
15 governmental organizations.

16              “(2) LIMITATIONS ON DISCLOSURE.—The Cor-  
17 poration shall not include any business confidential  
18 information in the summary and information made  
19 available under of paragraph (1).

20              “(3) PUBLISHED RESPONSE.—To the extent  
21 practicable, the Corporation shall publish responses  
22 to the comments received under paragraph (1) and  
23 submit the responses to the Board not later than 7  
24 days before a vote is to be taken on any action pro-  
25 posed by the Corporation on the project.”.

1 (b) OFFICE OF ACCOUNTABILITY.—Section 237 of  
2 the Foreign Assistance Act of 1961 (22 U.S.C. 2197), as  
3 amended by subsection (a), is amended by adding at the  
4 end the following new subsection:

5 “(t) OFFICE OF ACCOUNTABILITY.—The Corporation  
6 shall maintain an Office to provide, upon request, prob-  
7 lem-solving services for projects supported by the Corpora-  
8 tion and, to the maximum extent practicable, review the  
9 Corporation’s compliance with policies relating to the envi-  
10 ronment, extractive industries, transparency, human  
11 rights, social standards, international worker rights, and  
12 the elimination of discrimination with respect to employ-  
13 ment and occupation. The Office shall operate in a manner  
14 that is fair, objective, and transparent.”.

15 **SEC. 8. EXTENSION OF AUTHORITY TO OPERATE IN IRAQ.**

16 Section 239 of the Foreign Assistance Act of 1961  
17 (22 U.S.C. 2199) is amended by adding at the end the  
18 following:

19 “(l) OPERATIONS IN IRAQ.—Notwithstanding sub-  
20 sections (a) and (b) of section 237, the Corporation is au-  
21 thorized to undertake in Iraq any program authorized by  
22 this title.”.

23 **SEC. 9. LOW-INCOME HOUSING.**

24 Not later than 1 year after the date of the enactment  
25 of this Act, the Corporation shall submit a report to the

1 Committee on Foreign Relations of the Senate and the  
 2 Committee on Foreign Affairs of the House of Representa-  
 3 tives, in consultation with appropriate departments, agen-  
 4 cies, and instrumentalities of the United States, as well  
 5 as private entities, on the feasibility of broadening the as-  
 6 sistance the Corporation provides to projects that provide  
 7 assistance to low-income home buyers. If the Corporation  
 8 finds such assistance is feasible, the Corporation shall  
 9 identify and begin to implement steps to proceed to pro-  
 10 vide such assistance.

11 **SEC. 10. ASSISTANCE FOR SMALL BUSINESSES AND ENTI-**  
 12 **TIES.**

13 Section 240 of the Foreign Assistance Act of 1961  
 14 (22 U.S.C. 2200) is amended by adding at the end the  
 15 following:

16 “(c) RESOURCES DEDICATED TO SMALL BUSI-  
 17 NESSES, COOPERATIVES, AND OTHER SMALL UNITED  
 18 STATES INVESTORS.—The Corporation shall ensure that  
 19 adequate personnel and resources, including senior offi-  
 20 cers, are dedicated to assist United States small busi-  
 21 nesses, cooperatives, and other small United States inves-  
 22 tors in obtaining insurance, reinsurance, financing, and  
 23 other support under this title. The Corporation shall in-  
 24 clude, in each annual report under section 240A, the fol-

1 lowing information with respect to the period covered by  
2 the report:

3           “(1) A description of such personnel and re-  
4 sources.

5           “(2) The number of small businesses, coopera-  
6 tives, and other small United States investors that  
7 received such insurance, reinsurance, financing, and  
8 other support, and the dollar value of such insur-  
9 ance, reinsurance, financing, and other support.

10           “(3) A description of the projects for which  
11 such insurance, reinsurance, financing, and other  
12 support was provided.”.

13 **SEC. 11. TECHNICAL CORRECTIONS.**

14           (a) PILOT EQUITY FINANCE PROGRAM.—Section 234  
15 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194)  
16 is amended—

17           (1) by striking subsection (g); and

18           (2) by redesignating subsection (h) as sub-  
19 section (g).

20           (b) TRANSFER AUTHORITY.—Section 235 of the For-  
21 eign Assistance Act of 1961 (22 U.S.C. 2195) is amend-  
22 ed—

23           (1) by striking subsection (e); and

24           (2) by redesignating subsection (f) as sub-  
25 section (e).

1           (c) GUARANTY CONTRACT.—Section 237(j) of the  
2 Foreign Assistance Act of 1961 (22 U.S.C. 2197(j)) is  
3 amended by inserting “insurance, reinsurance, and” after  
4 “Each”.

5           (d) TRANSFER OF PREDECESSOR PROGRAMS AND  
6 AUTHORITIES.—

7           (1) TRANSFER.—Section 239 of the Foreign  
8 Assistance Act of 1961 (22 U.S.C. 2199), as amend-  
9 ed by section 3, is amended—

10                   (A) by striking subsection (b); and

11                   (B) by redesignating subsections (c)  
12 through (l) as subsections (b) through (k), re-  
13 spectively.

14           (2) CONFORMING AMENDMENTS.—

15                   (A) Section 237(m)(1) of the Foreign As-  
16 sistance Act of 1961 (22 U.S.C. 2197(m)(1)) is  
17 amended by striking “239(g)” and inserting  
18 “239(f)”.

19                   (B) Section 240A(a) of the Foreign Assist-  
20 ance Act of 1961 (22 U.S.C. 2200A(a)) is  
21 amended—

22                           (i) in paragraph (1), by striking  
23 “239(h)” and inserting “239(g)”; and

24                           (ii) in paragraph (2)(A), by striking  
25 “239(i)” and inserting “239(h)”.

1           (C) Section 209(e)(16) of the Admiral  
2           James W. Nance and Meg Donovan Foreign  
3           Relations Authorization Act, Fiscal Years 2000  
4           and 2001 (as enacted into law by section  
5           1000(a)(7) of Public Law 106–113; 31 U.S.C.  
6           1113 note) is amended by striking “239(c)”  
7           and “2199(c)” and inserting “239(b)” and  
8           “2199(b)”, respectively.

9           (e) *ADDITIONAL CLERICAL AMENDMENTS.*—Section  
10          234(b) of the Foreign Assistance Act of 1961 (22 U.S.C.  
11          2194(b)) is amended by striking “235(a)(2)” and insert-  
12          ing “235(a)(1)”.

○