

107TH CONGRESS
1ST SESSION

H. R. 2517

To reauthorize the Export-Import Bank of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2001

Mr. BEREUTER (for himself and Mr. SANDERS) introduced the following bill;
which was referred to the Committee on Financial Services

A BILL

To reauthorize the Export-Import Bank of the United States,
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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Export-Import Bank Reauthorization Act of 2001”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Extension of authority.
- Sec. 3. Administrative expenses.
- Sec. 4. Increase in aggregate loan, guarantee, and insurance authority.
- Sec. 5. Activities relating to Africa.
- Sec. 6. Small business.
- Sec. 7. Technology.

- Sec. 8. Tied Aid Credit Fund.
- Sec. 9. Expansion of authority to use Tied Aid Credit Fund.
- Sec. 10. Renaming of Tied Aid Credit Program and Fund as Export Competitiveness Program and Fund.
- Sec. 11. Annual competitiveness report.
- Sec. 12. Renewable energy sources.
- Sec. 13. GAO reports.
- Sec. 14. Information and certifications required from companies seeking or receiving new assistance.
- Sec. 15. Human rights.
- Sec. 16. Steel.
- Sec. 17. Correction of references.

1 SEC. 2. EXTENSION OF AUTHORITY.

2 Section 7 of the Export-Import Bank Act of 1945
 3 (12 U.S.C. 635f) and section 1(c) of Public Law 103–428
 4 (12 U.S.C. 635 note; 108 Stat. 4376) are each amended
 5 by striking “2001” and inserting “2005”.

6 SEC. 3. ADMINISTRATIVE EXPENSES.

7 (a) LIMITATIONS ON AUTHORIZATION OF APPRO-
 8 PRIATIONS.—Section 3 of the Export-Import Bank Act of
 9 1945 (12 U.S.C. 635a) is amended by adding at the end
 10 the following:

11 “(f) LIMITATIONS ON AUTHORIZATION OF APPRO-
 12 PRIATIONS FOR ADMINISTRATIVE EXPENSES.—

13 “(1) IN GENERAL.—For administrative ex-
 14 penses incurred by the Bank, including technology-
 15 related expenses to carry out section 2(b)(1)(E)(x),
 16 there are authorized to be appropriated to the Bank
 17 not more than—

18 “(A) for fiscal year 2002, \$70,000,000;
 19 and

1 “(B) for each of fiscal years 2003 through
 2 2005, the amount authorized by this paragraph
 3 to be appropriated for the then preceding fiscal
 4 year, increased by the inflation percentage (as
 5 defined in section 6(a)(2)(B)) applicable to the
 6 then current fiscal year.

7 “(2) OUTREACH TO SMALL BUSINESSES WITH
 8 FEWER THAN 100 EMPLOYEES.—Of the amount ap-
 9 propriated pursuant to paragraph (1), there shall be
 10 available for outreach to small business concerns (as
 11 defined under section 3 of the Small Business Act)
 12 employing fewer than 100 employees, not more
 13 than—

14 “(A) \$2,000,000 for fiscal year 2002; and

15 “(B) for each of fiscal years 2003 through
 16 2005, the amount required by this paragraph to
 17 be made available for the then preceding fiscal
 18 year, increased by the inflation percentage (as
 19 defined in section 6(a)(2)(B)) applicable to the
 20 then current fiscal year.”.

21 (b) REQUIRED BUDGET SUBCATEGORIES.—Section
 22 1105 of title 31, United States Code, is amended by add-
 23 ing at the end the following:

24 “(34) with respect to the amount of appropria-
 25 tions requested for use by the Export-Import Bank

1 of the United States, a separate statement of the
2 amount requested for its program budget, the
3 amount requested for its administrative expenses,
4 and of the amount requested for its administrative
5 expenses, the amount requested for technology ex-
6 penses and the amount requested for expenses for
7 outreach to small business concerns (as defined
8 under section 3 of the Small Business Act) employ-
9 ing fewer than 100 employees.”.

10 (c) SENSE OF THE CONGRESS ON THE IMPORTANCE
11 OF TECHNOLOGY IMPROVEMENTS.—

12 (1) FINDINGS.—The Congress finds that—

13 (A) the Export-Import Bank of the United
14 States is in great need of technology improve-
15 ments;

16 (B) part of the amount budgeted for ad-
17 ministrative expenses of the Export-Import
18 Bank is used for technology initiatives and sys-
19 tems upgrades for computer hardware and soft-
20 ware purchases;

21 (C) the Export-Import Bank is falling be-
22 hind its foreign competitor export credit agen-
23 cies’ proactive technology improvements;

24 (D) small businesses disproportionately
25 benefit from improvements in technology;

1 (E) small businesses need Export-Import
2 Bank technology improvements in order to ex-
3 port transactions quickly, with as great paper
4 ease as possible, and with a quick Bank turn-
5 around time that does not overstrain the tight
6 resources of such businesses;

7 (F) the Export-Import Bank intends to de-
8 velop a number of e-commerce initiatives aimed
9 at improving customer service, including web-
10 based application and claim filing procedures
11 which would reduce processing time, speed pay-
12 ment of claims, and increase staff efficiency;

13 (G) the Export-Import Bank is beginning
14 the process of moving insurance applications
15 from an outdated mainframe system to a mod-
16 ern, web-enabled database, with new
17 functionality including credit scoring, portfolio
18 management, work flow and e-commerce fea-
19 tures to be added; and

20 (H) the Export-Import Bank wants to con-
21 tinue its e-commerce strategy, including web
22 site development, expanding online applications
23 and establishing a public/private sector tech-
24 nology partnership.

1 (2) SENSE OF THE CONGRESS.—The Congress
 2 emphasizes the importance of technology improve-
 3 ments for the Export-Import Bank of the United
 4 States, which are of particular importance for small
 5 businesses.

6 **SEC. 4. INCREASE IN AGGREGATE LOAN, GUARANTEE, AND**
 7 **INSURANCE AUTHORITY.**

8 Section 6(a) of the Export-Import Bank Act of 1945
 9 (12 U.S.C. 635e(a)) is amended to read as follows:

10 “(a) LIMITATION ON OUTSTANDING AMOUNTS.—

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

16 “(2) APPLICABLE AMOUNT.—

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

19 “(i) during fiscal year 2002,
 20 \$100,000,000,000, increased by the infla-
 21 tion percentage applicable to fiscal year
 22 2002;

23 “(ii) during fiscal year 2003,
 24 \$110,000,000,000, increased by the infla-

tion percentage applicable to fiscal year
2003;

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

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

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

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

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

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

6 **SEC. 5. ACTIVITIES RELATING TO AFRICA.**

7 (a) EXTENSION OF ADVISORY COMMITTEE FOR SUB-
 8 SAHARAN AFRICA.—Section 2(b)(9)(B)(iii) of the Export-
 9 Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii))
 10 is amended by striking “4 years after the date of enact-
 11 ment of this subparagraph” and inserting “on September
 12 30, 2005”.

13 (b) COORDINATION OF AFRICA ACTIVITIES.—Section
 14 2(b)(9)(A) of the Export-Import Bank Act of 1945 (12
 15 U.S.C. 635(b)(9)(A)) is amended by inserting “, in con-
 16 sultation with the Department of Commerce and the
 17 Trade Promotion Coordinating Council,” after “shall”.

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

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

1 “(g)(1) There is established in the Bank an Office
2 on Africa.

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

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

9 **SEC. 6. SMALL BUSINESS.**

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

12 (1) by striking “10” and inserting “25”; and

13 (2) by inserting “, and from such amount, not
14 less than 10 percent of such authority shall be made
15 available for small business concerns employing
16 fewer than 100 employees” before the period.

17 **SEC. 7. TECHNOLOGY.**

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

21 “(x) The Bank shall implement technology improve-
22 ments which are designed to improve small business out-
23 reach, including allowing customers to use the Internet to
24 apply for all Bank programs.”.

1 (b) ELECTRONIC TRACKING OF PENDING TRANS-
2 ACTIONS.—Section 2(b)(1) of such Act (12 U.S.C.
3 635(b)(1)) is amended by adding at the end the following:

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

6 (c) REPORTS.—

7 (1) IN GENERAL.—During each of fiscal years
8 2002 through 2005, the Export-Import Bank of the
9 United States shall submit to the Committees on Fi-
10 nancial Services and on Appropriations of the House
11 of Representatives and the Committees on Banking,
12 Housing, and Urban Affairs and on Appropriations
13 of the Senate an interim report and a final report
14 on the efforts made by the Bank to carry out sub-
15 sections (E)(x) and (J) of section 2(b)(1) of the Ex-
16 port-Import Bank Act of 1945, and on how the ef-
17 forts are assisting small businesses.

18 (2) TIMING.—The interim report required by
19 paragraph (1) for a fiscal year shall be submitted
20 April 30 of the fiscal year, and the final report so
21 required for a fiscal year shall be submitted on No-
22 vember 1 of the succeeding fiscal year.

1 **SEC. 8. TIED AID CREDIT FUND.**

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

5 (1) in paragraph (2)(A), by striking “Sec-
6 retary’s recommendations” and all that follows and
7 inserting “process and standards developed pursuant
8 to paragraph (5)”; and

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

10 “(5) PROCESS AND STANDARDS GOVERNING
11 USE OF THE FUND.—

12 “(A) IN GENERAL.—The Secretary shall
13 develop a process for, and the standards to be
14 used in, determining how the amounts in the
15 Tied Aid Credit Fund could be used most effec-
16 tively and efficiently to carry out the purposes
17 of subsection (a)(6).

18 “(B) CONTENT OF PROCESS AND STAND-
19 ARDS.—

20 “(i) CONSIDERATION OF CERTAIN
21 STANDARDS.—In developing the standards
22 referred to in subparagraph (A), the Sec-
23 retary shall consider administering the
24 Tied Aid Credit Fund in accordance with
25 the following standards:

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

6 “(II) Credible information about
7 an offer of foreign tied aid will be re-
8 quired before the Tied Aid Credit
9 Fund is used to offer specific terms to
10 match such an offer.

11 “(III) The Tied Aid Credit Fund
12 will be used to enable a competitive
13 United States exporter to pursue fur-
14 ther market opportunities made pos-
15 sible by the use of the Fund.

16 “(IV) Each use of the Tied Aid
17 Credit Fund will be in accordance
18 with the Arrangement unless a breach
19 of the Arrangement has been com-
20 mitted by a foreign export credit
21 agency.

22 “(V) The Tied Aid Credit Fund
23 will be used to defend potential sales
24 by United States companies to a
25 project that is environmentally sound.

1 “(VI) The Tied Aid Credit Fund
2 will be used to preemptively counter
3 potential foreign tied aid offers with-
4 out triggering foreign tied aid use.

5 “(ii) LIMITATION.—The process and
6 standards referred to in subparagraph (A)
7 shall not result in the Secretary having the
8 authority to veto a specific deal.

9 “(C) INITIAL REPORT.—As soon as is
10 practicable but not later than 6 months after
11 the date of the enactment of this paragraph,
12 the Secretary shall submit to the Committee on
13 Financial Services of the House of Representa-
14 tives and the Committee on Banking, Housing,
15 and Urban Affairs of the Senate a report on
16 the process and standards developed pursuant
17 to subparagraph (A).

18 “(D) TRANSITIONAL STANDARDS.—The
19 standards set forth in subparagraph (B)(i) shall
20 govern the use of the Tied Aid Credit Fund
21 until the report required by subparagraph (C)
22 is submitted.

23 “(E) UPDATE AND REVISION; REPORTS.—
24 The Secretary should update and revise, as
25 needed, the process and standards developed

1 pursuant to subparagraph (A), and, on doing
2 so, shall submit to the Committee on Financial
3 Services of the House of Representatives and
4 the Committee on Banking, Housing, and
5 Urban Affairs of the Senate a report on the
6 process and standards so updated and re-
7 vised.”.

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

12 “(6) RECONSIDERATION OF DECISIONS.—

13 “(A) IN GENERAL.—Taking into consider-
14 ation the time sensitivity of transactions, the
15 Board of Directors of the Bank shall expedi-
16 tiously reconsider a decision of the Board to
17 deny an application of the use of the Tied Aid
18 Credit Fund if the applicant submits the re-
19 quest for reconsideration within 3 months of
20 the denial.

21 “(B) PROCEDURAL RULES.—In any such
22 reconsideration, the applicant may, but shall
23 not be required to, provide new information on
24 the application.”.

1 **SEC. 9. EXPANSION OF AUTHORITY TO USE TIED AID CRED-**
2 **IT FUND.**

3 (a) UNTIED AID.—

4 (1) NEGOTIATIONS.—The Secretary of the
5 Treasury shall seek to negotiate an OECD Arrange-
6 ment on Untied Aid. In the negotiations, the Sec-
7 retary shall seek agreement on subjecting untied aid
8 to the rules governing the Arrangement, including
9 the rules governing disclosure.

10 (2) REPORT TO THE CONGRESS.—Within 1 year
11 after the date of the enactment of this Act, the Sec-
12 retary of the Treasury shall submit to the Com-
13 mittee on Financial Services of the House of Rep-
14 resentatives and the Committee on Banking, Hous-
15 ing, and Urban Affairs of the Senate a report on the
16 successes, failures, and obstacles in reaching the
17 agreement described in paragraph (1).

18 (b) MARKET WINDOWS.—

19 (1) NEGOTIATIONS.—The Secretary of the
20 Treasury shall seek to negotiate an OECD Arrange-
21 ment on Market Windows. In the negotiations, the
22 Secretary shall seek agreement on subjecting market
23 windows to the rules governing the Arrangement, in-
24 cluding the rules governing disclosure.

25 (2) REPORT TO THE CONGRESS.—Within 2
26 years after the date of the enactment of this Act, the

1 Secretary of the Treasury shall submit to the Com-
2 mittee on Financial Services of the House of Rep-
3 resentatives and the Committee on Banking, Hous-
4 ing, and Urban Affairs of the Senate a report on
5 the successes, failures, and obstacles in reaching the
6 agreement described in paragraph (1).

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

11 (1) in subsection (a)—

12 (A) in paragraph (1), by inserting “, and
13 market windows used by” before “other coun-
14 tries”;

15 (B) in paragraph (4), by striking “and” at
16 the end;

17 (C) in paragraph (5), by inserting “, or
18 market windows,” before “for commercial” the
19 1st and 3rd places it appears; and

20 (D) by redesignating paragraph (5) as
21 paragraph (6) as inserting after paragraph (4)
22 the following:

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

1 “(A)(i) First, the Bank should match, and
2 even overmatch, foreign export credit agencies
3 when they engage in tied aid outside the con-
4 fines of the Arrangement and when they exploit
5 loopholes, such as market windows and untied
6 aid;

7 “(ii) such matching and overmatching is
8 needed to provide the United States with lever-
9 age in efforts at the OECD to reduce the over-
10 all level of export subsidies;

11 “(iii) only through matching or bettering
12 foreign export credit offers can the Bank but-
13 tress United States negotiators in their efforts
14 to bring these loopholes within the disciplines of
15 the Arrangement; and

16 “(iv) in order to bring market windows
17 within the discipline of the Arrangement, the
18 Bank should sometimes initiate highly competi-
19 tive financial support when the Bank learns
20 that foreign market window support may be
21 part of a transaction; and

22 “(B) Second, the Bank should support
23 United States exporters when the exporters face
24 foreign competition that is consistent with the
25 letter and spirit of the Arrangement and the

1 Subsidies Code of the World Trade Organiza-
 2 tion, but which nonetheless is more generous
 3 than the terms available from the private finan-
 4 cial market; and”.

5 (2) in subsection (b)(1)—

6 (A) in subparagraph (A), by inserting
 7 “and market windows used” after “extended”;
 8 and

9 (B) in subparagraph (B)(i), by inserting
 10 “or market windows” after “untied aid cred-
 11 its”.

12 (d) DEFINITION OF MARKET WINDOW.—Section
 13 10(h) of such Act (12 U.S.C. 635i–3(h)) is amended by
 14 adding at the end the following:

15 “(7) MARKET WINDOW.—The term ‘market window’
 16 means the provision of export financing through an insti-
 17 tution (or a part of an institution) that claims to operate
 18 on a commercial basis while benefiting directly or indi-
 19 rectly from some level of government support.”.

20 **SEC. 10. RENAMING OF TIED AID CREDIT PROGRAM AND**
 21 **FUND AS EXPORT COMPETITIVENESS PRO-**
 22 **GRAM AND FUND.**

23 Section 10 of the Export-Import Bank Act of 1945
 24 (12 U.S.C. 635i–3) is further amended—

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

3 **“SEC. 10. EXPORT COMPETITIVENESS FUND.**

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

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

9 (3) in the heading of subsection (b), by striking
10 “TIED AID CREDIT” and inserting “EXPORT COM-
11 PETITIVENESS”;

12 (4) in subsection (b)(1)—

13 (A) by striking “tied aid credit program”
14 and inserting “export competitiveness pro-
15 gram”; and

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

18 (5) in subsection (b)(2), by striking “tied aid
19 credit program” and inserting “export competitive-
20 ness program”;

21 (6) in subsection (b)(3)—

22 (A) by striking “tied aid credit program”
23 and inserting “export competitiveness pro-
24 gram”; and

1 (B) by striking “Tied Aid Credit Fund”
 2 and inserting “Export Competitiveness Fund”;
 3 (7) in subsection (b)(5) (as added by section
 4 8(a)(2) of this Act), by striking “Tied Aid Credit
 5 Fund” each place it appears and inserting “Export
 6 Competitiveness Fund”;

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

11 (9) in subsection (c)—

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

15 (B) in paragraph (1), by striking “Tied
 16 Aid Credit” and inserting “Export Competitive-
 17 ness”;

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

20 (11) in subsection (g)(2)(C), by striking “Tied
 21 Aid Credit” and inserting “Export Competitive-
 22 ness”.

23 **SEC. 11. ANNUAL COMPETITIVENESS REPORT.**

24 (a) **TIMING.**—

1 (1) IN GENERAL.—Section 2(b)(1)(A) of the
2 Export-Import Bank Act of 1945 (12 U.S.C.
3 635(b)(1)(A)) is amended in the 4th sentence by
4 striking “on an annual basis” and inserting “on
5 March 1 of each year”.

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

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

18 **SEC. 12. RENEWABLE ENERGY SOURCES.**

19 (a) PROMOTION.—Section 2(b)(1) of the Export-Im-
20 port Bank Act of 1945 (12 U.S.C. 635(b)(1)), as amended
21 by section 7(b) of this Act, is amended by adding at the
22 end the following:

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

1 (b) DESCRIPTION OF EFFORTS TO BE INCLUDED IN
 2 ANNUAL COMPETITIVENESS REPORT.—Section
 3 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is fur-
 4 ther amended by adding at the end the following: “The
 5 Bank shall include in the annual report a description of
 6 the efforts undertaken under subparagraph (K).”.

7 **SEC. 13. GAO REPORTS.**

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

15 (1) whether a case could be brought by the
 16 United States in the World Trade Organization
 17 seeking relief against untied aid and market win-
 18 dows, and if so, the kinds of relief that would be
 19 available if the United States were to prevail in such
 20 a case; and

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

24 (b) COMPARATIVE RESERVE PRACTICES OF EXPORT
 25 CREDIT AGENCIES AND PRIVATE BANKS.—Within 1 year

1 after the date of the enactment of this Act, the Comp-
2 troller General of the United States shall submit to the
3 Committee on Financial Services of the House of Rep-
4 resentatives and the Committee on Banking, Housing, and
5 Urban Affairs of the Senate a report that examines the
6 reserve ratios of the Export-Import Bank of the United
7 States as compared with the reserve practices of private
8 banks and foreign export credit agencies.

9 **SEC. 14. INFORMATION AND CERTIFICATIONS REQUIRED**
10 **FROM COMPANIES SEEKING OR RECEIVING**
11 **NEW ASSISTANCE.**

12 Section 2 of the Export-Import Bank Act of 1945
13 (12 U.S.C. 635) is amended by adding at the end the fol-
14 lowing:

15 “(f)(1) As a condition of providing assistance to a
16 company in connection with a transaction entered into on
17 or after the date of the enactment of this subsection, the
18 Bank shall require the company to submit to the Bank
19 following information, and on an annual basis to resubmit
20 updated information as follows:

21 “(A) The number of individuals employed by
22 the company in the United States and its territories.

23 “(B) The number of individuals employed by
24 the company outside the United States and its terri-
25 tories.

1 “(C) A description of the wages and benefits
2 being provided to the employees of the company in
3 the United States and its territories.

4 “(2)(A) If the Bank approves assistance to a com-
5 pany on or after the date of the enactment of this sub-
6 section, the company shall, on an annual basis beginning
7 on the date of the approval, provide the Bank with a writ-
8 ten certification of the average workforce of the company
9 employed in the United States or its territories during the
10 preceding year as a percentage of the average total world-
11 wide workforce of the company during the preceding year.

12 “(B) If the company fails to provide a certification
13 required by subparagraph (A), provides a false certifi-
14 cation under subparagraph (A), or certifies under sub-
15 paragraph (A) a percentage that is less than the percent-
16 age (if any) so certified for the preceding year, then the
17 company shall be ineligible for further assistance from the
18 Bank until the company provides to the Bank a new writ-
19 ten certification in which, the percentage so certified is
20 not less than the percentage so certified for the year pre-
21 ceding the year in which the company became so ineligible
22 by reason of this subparagraph. The authority provided
23 by this subparagraph shall be in addition to any other au-
24 thority provided by law.”.

1 **SEC. 15. HUMAN RIGHTS.**

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

7 **SEC. 16. STEEL.**

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

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

1 **SEC. 17. CORRECTION OF REFERENCES.**

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

5 (b) Each of the following provisions of the Export-
6 Import Bank Act of 1945 is amended by striking “Bank-
7 ing, Finance and Urban Affairs” and inserting “Financial
8 Services”:

9 (1) Section 2(b)(6)(D)(i)(III) (12 U.S.C.
10 635(b)(6)(D)(i)(III)).

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

13 (3) Section 2(b)(6)(I)(i)(II) (12 U.S.C.
14 635(b)(6)(I)(i)(II)).

15 (4) Section 2(b)(6)(I)(iii) (12 U.S.C.
16 635(b)(6)(I)(iii)).

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

○