

# ***In the House of Representatives, U. S.,***

*December 6, 2006.*

*Resolved*, That the bill from the Senate (S. 3938) entitled “An Act to reauthorize the Export-Import Bank of the United States.”, do pass with the following

## **AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the “Ex-*  
3 *port-Import Bank Reauthorization Act of 2006”.*

4       (b) *TABLE OF CONTENTS.*—

*Sec. 1. Short title; table of contents.*

*Sec. 2. Extension of authority.*

*Sec. 3. Sub-Saharan Africa Advisory Committee.*

*Sec. 4. Extension of authority to provide financing for the export of nonlethal de-*  
*fense articles or services the primary end use of which will be*  
*for civilian purposes.*

*Sec. 5. Designation of sensitive commercial sectors and products.*

*Sec. 6. Increasing exports by small business.*

*Sec. 7. Anti-circumvention.*

*Sec. 8. Transparency.*

*Sec. 9. Aggregate loan, guarantee, and insurance authority.*

*Sec. 10. Tied aid credit program.*

*Sec. 11. Prohibition on assistance to develop or promote certain railway connec-*  
*tions and railway-related connections.*

*Sec. 12. Process for notifying applicants of application status; implementation of*  
*Ex-Im Online.*

*Sec. 13. Competitiveness initiatives.*

*Sec. 14. Office of financing for socially and economically disadvantaged small*  
*business concerns and small business concerns owned by women.*

*Sec. 15. Governance.*

*Sec. 16. Sense of Congress regarding multi-buyer insurance and capital guar-*  
*antee programs.*

*Sec. 17. Sense of Congress regarding office of renewable energy promotion.*

*Sec. 18. Environmental matters.*

*Sec. 19. Government Accountability Office study of bank performance standards for assistance to small businesses, especially those owned by social and economically disadvantaged individuals and those owned by women.*

*Sec. 20. Reports.*

*Sec. 21. Study of how Export-Import Bank could assist United States exporters to meet import needs of new or impoverished democracies; report.*

**1 SEC. 2. EXTENSION OF AUTHORITY.**

2       *Section 7 of the Export-Import Bank Act of 1945 (12*  
 3 *U.S.C. 635f) is amended by striking “2006” and inserting*  
 4 *“2011”.*

**5 SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.**

6       *(a) EXTENSION OF AUTHORITY.—Section*  
 7 *2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12*  
 8 *U.S.C. 635(b)(9)(B)(iii)) is amended by striking “2006”*  
 9 *and inserting “2011”.*

10       *(b) IMPROVED LIAISON WITH AFRICAN REGIONAL FI-*  
 11 *NANCIAL INSTITUTIONS.—*

12               *(1) MASTER GUARANTEE AGREEMENTS.—Within*  
 13 *1 year after the date of the enactment of this Act, the*  
 14 *Export-Import Bank of the United States shall seek*  
 15 *to ensure that there is in effect a contract between*  
 16 *each approved lender in Africa and the Bank, which*  
 17 *sets forth the Bank’s guarantee undertakings and re-*  
 18 *lated obligations between the Bank and each lender.*

19               *(2) REPORT ON WORKING RELATIONSHIPS WITH*  
 20 *THE AFRICAN DEVELOPMENT BANK, THE AFRICAN EX-*  
 21 *PORT-IMPORT BANK, AND OTHER INSTITUTIONS.—Sec-*

1        *tion 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is*  
2        *amended by adding at the end the following:*

3        *“(C) The Bank shall include in the annual report to*  
4        *the Congress submitted under section 8(a) a separate section*  
5        *that contains a report on the efforts of the Bank to—*

6                *“(i) improve its working relationships with the*  
7        *African Development Bank, the African Export-Im-*  
8        *port Bank, and other institutions in the region that*  
9        *are relevant to the purposes of subparagraph (A) of*  
10        *this paragraph; and*

11                *“(ii) coordinate closely with the United States*  
12        *Foreign Service and Foreign Commercial Service,*  
13        *and with the overall strategy of the United States*  
14        *Government for economic engagement with Africa*  
15        *pursuant to the African Growth and Opportunity*  
16        *Act.”.*

17        *(c) INCREASING THE NUMBER OF QUALIFIED AFRICAN*  
18        *ENTITIES.—Section 2(b)(9) of such Act (12 U.S.C.*  
19        *635(b)(9)), as amended by subsection (b), is amended by*  
20        *adding at the end the following:*

21        *“(D) Consistent with the requirement that the Bank*  
22        *obtain a reasonable assurance of repayment in connection*  
23        *with each transaction the Bank supports, the Bank shall,*  
24        *in consultation with the entities described in subparagraph*

1 (C), seek to qualify a greater number of appropriate African  
2 entities for participation in programs of the Bank.”.

3 **SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING**  
4 **FOR THE EXPORT OF NONLETHAL DEFENSE**  
5 **ARTICLES OR SERVICES THE PRIMARY END**  
6 **USE OF WHICH WILL BE FOR CIVILIAN PUR-**  
7 **POSES.**

8 Section 1(c) of Public Law 103-428 (12 U.S.C. 635  
9 note; 108 Stat. 4376) is amended by striking “2001” and  
10 inserting “2011”.

11 **SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SEC-**  
12 **TORS AND PRODUCTS.**

13 Section 2(e) of the Export-Import Bank Act of 1945  
14 (12 U.S.C. 635(e)) is amended by adding at the end the  
15 following new paragraph:

16 “(5) *DESIGNATION OF SENSITIVE COMMERCIAL*  
17 *SECTORS AND PRODUCTS.*—Not later than 120 days  
18 after the date of the enactment of this Act, the Bank  
19 shall submit a list to the Committee on Banking,  
20 Housing, and Urban Affairs of the Senate and the  
21 Committee on Financial Services of the House of Rep-  
22 resentatives, which designates sensitive commercial  
23 sectors and products with respect to which the provi-  
24 sion of financing support by the Bank is deemed un-  
25 likely by the President of the Bank due to the signifi-

1        *cant potential for a determination that such financ-*  
 2        *ing support would result in an adverse economic im-*  
 3        *act on the United States. The President of the Bank*  
 4        *shall review on an annual basis thereafter the list of*  
 5        *sensitive commercial sectors and products and the*  
 6        *Bank shall submit an updated list to the Committee*  
 7        *on Banking, Housing, and Urban Affairs of the Sen-*  
 8        *ate and the Committee on Financial Services of the*  
 9        *House of Representatives of such sectors and prod-*  
 10       *ucts.”.*

11    **SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.**

12        *(a) IN GENERAL.—Section 3 of the Export-Import*  
 13        *Bank Act of 1945 (12 U.S.C. 635a) is amended by adding*  
 14        *at the end the following:*

15        *“(f) SMALL BUSINESS DIVISION.—*

16                *“(1) ESTABLISHMENT.—There is established a*  
 17        *Small Business Division (in this subsection referred*  
 18        *to as the ‘Division’) within the Bank in order to—*

19                        *“(A) carry out the provisions of subpara-*  
 20        *graphs (E) and (I) of section 2(b)(1) relating to*  
 21        *outreach, feedback, product improvement, and*  
 22        *transaction advocacy for small business concerns*  
 23        *(as defined in section 3(a) of the Small Business*  
 24        *Act);*

1           “(B) advise and seek feedback from small  
2           business concerns on the opportunities and bene-  
3           fits for small business concerns in the financing  
4           products offered by the Bank, with particular  
5           emphasis on conducting outreach, enhancing the  
6           tailoring of products to small business needs and  
7           increasing loans to small business concerns;

8           “(C) maintain liaison with the Small Busi-  
9           ness Administration and other departments and  
10          agencies in matters affecting small business con-  
11          cerns; and

12          “(D) provide oversight of the development,  
13          implementation, and operation of technology im-  
14          provements to strengthen small business out-  
15          reach, including the technology improvement re-  
16          quired by section 2(b)(1)(E)(x).

17          “(2) MANAGEMENT.—The President of the Bank  
18          shall appoint an officer, who shall rank not lower  
19          than senior vice president and whose sole executive  
20          function shall be to manage the Division. The officer  
21          shall—

22                 “(A) have substantial recent experience in  
23                 financing exports by small business concerns;  
24                 and

1           “(B) advise the Board, particularly the di-  
2           rector appointed under section 3(c)(8)(B) to rep-  
3           resent the interests of small business, on matters  
4           of interest to, and concern for, small business.

5           “(g) *SMALL BUSINESS SPECIALISTS.*—

6           “(1) *DEDICATED PERSONNEL.*—*The President of*  
7           *the Bank shall ensure that each operating division*  
8           *within the Bank has staff that specializes in proc-*  
9           *essing transactions that primarily benefit small busi-*  
10           *ness concerns (as defined in section 3(a) of the Small*  
11           *Business Act).*

12           “(2) *RESPONSIBILITIES.*—*The small business*  
13           *specialists shall be involved in all aspects of proc-*  
14           *essing applications for loans, guarantees, and insur-*  
15           *ance to support exports by small business concerns,*  
16           *including the approval or disapproval, or staff rec-*  
17           *ommendations of approval or disapproval, as appli-*  
18           *cable, of such applications. In carrying out these re-*  
19           *sponsibilities, the small business specialists shall con-*  
20           *sider the unique business requirements of small busi-*  
21           *nesses and shall develop exporter performance criteria*  
22           *tailored to small business exporters.*

23           “(3) *APPROVAL AUTHORITY.*—*In an effort to*  
24           *maximize the speed and efficiency with which the*  
25           *Bank processes transactions primarily benefitting*

1     *small business concerns, the small business specialists*  
2     *shall be authorized to approve applications for work-*  
3     *ing capital loans and guarantees, and insurance in*  
4     *accordance with policies and procedures established*  
5     *by the Board. It is the sense of Congress that the poli-*  
6     *cies and procedures should not prohibit, where appro-*  
7     *priate, small business specialists from approving ap-*  
8     *plications for working capital loans and guarantees,*  
9     *and for insurance, in support of exports which have*  
10    *a value of less than \$10,000,000.*

11           “(4) *IDENTIFICATION.*—*The Bank shall promi-*  
12    *nently identify the small business specialists on its*  
13    *website and in promotional material.*

14           “(5) *EMPLOYEE EVALUATIONS.*—*The evaluation*  
15    *of staff designated by the President of the Bank under*  
16    *paragraph (1), including annual reviews of perform-*  
17    *ance of duties related to transactions in support of ex-*  
18    *ports by small business concerns, and any resulting*  
19    *recommendations for salary adjustments, promotions,*  
20    *and other personnel actions, shall address the criteria*  
21    *established pursuant to subsection (h)(2)(B)(iii) and*  
22    *shall be conducted by the manager of the relevant op-*  
23    *erating division following consultation with the offi-*  
24    *cer appointed to manage the Small Business Division*  
25    *pursuant to subsection (f)(2).*

1           “(6) *STAFF RECOMMENDATIONS.*—*Staff rec-*  
2           *ommendations of denial or withdrawal for medium-*  
3           *term applications, exporter held multi-buyer policies,*  
4           *single buyer policies, and working capital applica-*  
5           *tions processed by the Bank shall be transmitted to*  
6           *the officer appointed to manage the Small Business*  
7           *Division pursuant to subsection (f)(2) not later than*  
8           *2 business days before a final decision.*

9           “(7) *RULE OF INTERPRETATION.*—*Nothing in*  
10           *this Act shall be construed to prevent the delegation*  
11           *to the Division of any authority necessary to carry*  
12           *out subparagraphs (E) and (I) of section 2(b)(1).*

13           “(h) *SMALL BUSINESS COMMITTEE.*—

14           “(1) *ESTABLISHMENT.*—*There is established a*  
15           *management committee to be known as the ‘Small*  
16           *Business Committee’.*

17           “(2) *PURPOSE AND DUTIES.*—

18           “(A) *PURPOSE.*—*The purpose of the Small*  
19           *Business Committee shall be to coordinate the*  
20           *Bank’s initiatives and policies with respect to*  
21           *small business concerns (as defined in section*  
22           *3(a) of the Small Business Act), including the*  
23           *timely processing and underwriting of trans-*  
24           *actions involving direct exports by small busi-*  
25           *ness concerns, and the development and coordi-*

1           *nation of efforts to implement new or enhanced*  
2           *Bank products and services pertaining to small*  
3           *business concerns.*

4           “(B) *DUTIES.—The duties of the Small*  
5           *Business Committee shall be determined by the*  
6           *President of the Bank and shall include the fol-*  
7           *lowing:*

8                   “(i) *Assisting in the development of the*  
9                   *Bank’s small business strategic plans, in-*  
10                  *cluding the Bank’s plans for carrying out*  
11                  *section 2(b)(1)(E) (v) and (x), and meas-*  
12                  *uring and reporting in writing to the Presi-*  
13                  *dent of the Bank, at least once a year, on*  
14                  *the Bank’s progress in achieving the goals*  
15                  *set forth in the plans.*

16                  “(ii) *Evaluating and reporting in*  
17                  *writing to the President of the Bank, at*  
18                  *least once a year, with respect to—*

19                          “(I) *the performance of each oper-*  
20                          *ating division of the Bank in serving*  
21                          *small business concerns;*

22                          “(II) *the impact of processing and*  
23                          *underwriting standards on trans-*  
24                          *actions involving direct exports by*  
25                          *small business concerns; and*

1                   “(III) *the adequacy of the staffing*  
2                   *and resources of the Small Business*  
3                   *Division.*

4                   “(iii) *Establishing criteria for evalu-*  
5                   *ating the performance of staff designated by*  
6                   *the President of the Bank under subsection*  
7                   *(g)(1).*

8                   “(iv) *Coordinating the provision of*  
9                   *services with other United States Govern-*  
10                  *ment departments and agencies to small*  
11                  *business concerns.*

12                  “(3) *COMPOSITION.—*

13                  “(A) *CHAIRPERSON.—The Chairperson of*  
14                  *the Small Business Committee shall be the officer*  
15                  *appointed to manage the Small Business Divi-*  
16                  *sion pursuant to subsection (f)(2). The Chair-*  
17                  *person shall have the authority to call meetings*  
18                  *of the Small Business Committee, set the agenda*  
19                  *for Committee meetings, and request policy rec-*  
20                  *ommendations from the Committee’s members.*

21                  “(B) *OTHER MEMBERS.—Except as other-*  
22                  *wise provided in this subsection, the President of*  
23                  *the Bank shall determine the composition of the*  
24                  *Small Business Committee, and shall appoint or*  
25                  *remove the members of the Small Business Com-*

1           *mittee. In making such appointments, the Presi-*  
2           *dent of the Bank shall ensure that the Small*  
3           *Business Committee is comprised of—*

4                     *“(i) the senior managing officers re-*  
5                     *sponsible for underwriting and processing*  
6                     *transactions; and*

7                     *“(ii) other officers and employees of the*  
8                     *Bank with responsibility for outreach to*  
9                     *small business concerns and underwriting*  
10                    *and processing transactions that involve*  
11                    *small business concerns.*

12                    *“(4) REPORTING.—The Chairperson shall pro-*  
13                    *vide to the President of the Bank minutes of each*  
14                    *meeting of the Small Business Committee, including*  
15                    *any recommendations by the Committee or its indi-*  
16                    *vidual members.”.*

17                    *(b) ENHANCE DELEGATED LOAN AUTHORITY FOR ME-*  
18                    *DIUM TERM TRANSACTIONS.—*

19                    *(1) IN GENERAL.—The Export-Import Bank of*  
20                    *the United States shall seek to expand the exercise of*  
21                    *authority under section 2(b)(1)(E)(vii) of the Export-*  
22                    *Import Bank Act of 1945 (12 U.S.C.*  
23                    *635(b)(1)(E)(vii)) with respect to medium term trans-*  
24                    *actions for small business concerns.*

1           (2)       *CONFORMING        AMENDMENT.—Section*  
2           *2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of*  
3           *1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended*  
4           *by inserting “or other financing institutions or enti-*  
5           *ties” after “consortia”.*

6           (3) *DEADLINE.—Not later than 180 days after*  
7           *the date of the enactment of this Act, the Export-Im-*  
8           *port Bank of the United States shall make available*  
9           *lines of credit and guarantees to carry out section*  
10          *2(b)(1)(E)(vii) of the Export-Import Bank Act of*  
11          *1945 pursuant to policies and procedures established*  
12          *by the Board of Directors of the Export-Import Bank*  
13          *of the United States.*

14 **SEC. 7. ANTI-CIRCUMVENTION.**

15          *Section 2(e) of the Export-Import Bank Act of 1945*  
16          *(12 U.S.C. 635(e)), as amended by section 5 of this Act,*  
17          *is amended—*

18               (1) *by inserting after paragraph (1), the fol-*  
19               *lowing flush paragraph:*

20               *“In making the determination under subparagraph*  
21               *(B), the Bank shall determine whether the facility*  
22               *that would benefit from the extension of a credit or*  
23               *guarantee is reasonably likely to produce a com-*  
24               *modity in addition to, or other than, the commodity*  
25               *specified in the application and whether the produc-*

1 *tion of the additional commodity may cause substan-*  
 2 *tial injury to United States producers of the same, or*  
 3 *a similar or competing, commodity.”;*

4 (2) *in paragraph (2), by adding at the end the*  
 5 *following:*

6 “(E) *ANTI-CIRCUMVENTION.—The Bank*  
 7 *shall not provide a loan or guarantee if the Bank*  
 8 *determines that providing the loan or guarantee*  
 9 *will facilitate circumvention of an order or de-*  
 10 *termination referred to in subparagraph (A).”;*

11 *and*

12 (3) *by adding at the end the following:*

13 “(6) *FINANCIAL THRESHOLD DETERMINA-*  
 14 *TIONS.—For purposes of determining whether a pro-*  
 15 *posed transaction exceeds a financial threshold under*  
 16 *this subsection or under the procedures or rules of the*  
 17 *Bank, the Bank shall aggregate the dollar amount of*  
 18 *the proposed transaction and the dollar amounts of*  
 19 *all loans and guarantees, approved by the Bank in*  
 20 *the preceding 24-month period, that involved the same*  
 21 *foreign entity and substantially the same product to*  
 22 *be produced.”.*

23 **SEC. 8. TRANSPARENCY.**

24 (a) *IN GENERAL.—Section 2(e) of the Export-Import*  
 25 *Bank Act of 1945 (12 U.S.C. 635(e)), as amended by sec-*

1 *tions 5 and 7 of this Act, is amended by adding at the*  
 2 *end the following:*

3           “(7) *PROCEDURES TO REDUCE ADVERSE EF-*  
 4           *FECTS OF LOANS AND GUARANTEES ON INDUSTRIES*  
 5           *AND EMPLOYMENT IN UNITED STATES.—*

6           “(A) *CONSIDERATION OF ECONOMIC EF-*  
 7           *FECTS OF PROPOSED TRANSACTIONS.—If, in*  
 8           *making a determination under this paragraph*  
 9           *with respect to a loan or guarantee, the Bank*  
 10           *conducts a detailed economic impact analysis or*  
 11           *similar study, the analysis or study, as the case*  
 12           *may be, shall include consideration of—*

13                   “(i) *the factors set forth in subpara-*  
 14                   *graphs (A) and (B) of paragraph (1); and*

15                   “(ii) *the views of the public and inter-*  
 16                   *ested parties.*

17           “(B) *NOTICE AND COMMENT REQUIRE-*  
 18           *MENTS.—*

19                   “(i) *IN GENERAL.—If, in making a de-*  
 20                   *termination under this subsection with re-*  
 21                   *spect to a loan or guarantee, the Bank in-*  
 22                   *tends to conduct a detailed economic impact*  
 23                   *analysis or similar study, the Bank shall*  
 24                   *publish in the Federal Register a notice of*  
 25                   *the intent, and provide a period of not less*

1           *than 14 days (which, on request by any af-*  
2           *ected party, shall be extended to a period of*  
3           *not more than 30 days) for the submission*  
4           *to the Bank of comments on the economic ef-*  
5           *fects of the provision of the loan or guar-*  
6           *antee, including comments on the factors set*  
7           *forth in subparagraphs (A) and (B) of*  
8           *paragraph (1). In addition, the Bank shall*  
9           *seek comments on the economic effects from*  
10          *the Department of Commerce, the Office of*  
11          *Management and Budget, the Committee on*  
12          *Banking, Housing, and Urban Affairs of*  
13          *the Senate, and the Committee on Financial*  
14          *Services of the House of Representatives.*

15                 “(ii) *CONTENT OF NOTICE.—The notice*  
16                 *shall include appropriate, nonproprietary*  
17                 *information about—*

18                         “(I) *the country to which the*  
19                         *goods involved in the transaction will*  
20                         *be shipped;*

21                         “(II) *the type of goods being ex-*  
22                         *ported;*

23                         “(III) *the amount of the loan or*  
24                         *guarantee involved;*

1           “(IV) *the goods that would be pro-*  
2           *duced as a result of the provision of the*  
3           *loan or guarantee;*

4           “(V) *the amount of increased pro-*  
5           *duction that will result from the trans-*  
6           *action;*

7           “(VI) *the potential sales market*  
8           *for the resulting goods; and*

9           “(VII) *the value of the trans-*  
10          *action.*

11          “(iii) *PROCEDURE REGARDING MATE-*  
12          *RIALLY CHANGED APPLICATIONS.—*

13                 “(I) *IN GENERAL.—If a material*  
14                 *change is made to an application for a*  
15                 *loan or guarantee from the Bank after*  
16                 *a notice with respect to the intent de-*  
17                 *scribed in clause (i) is published under*  
18                 *this subparagraph, the Bank shall pub-*  
19                 *lish in the Federal Register a revised*  
20                 *notice of the intent, and shall provide*  
21                 *for a comment period, as provided in*  
22                 *clauses (i) and (ii).*

23                 “(II) *MATERIAL CHANGE DE-*  
24                 *FINED.—As used in subclause (I), the*

1                   term ‘material change’, with respect to  
2                   an application, includes—

3                   “(aa) a change of at least 25  
4                   percent in the amount of a loan  
5                   or guarantee requested in the ap-  
6                   plication; and

7                   “(bb) a change in the prin-  
8                   cipal product to be produced as a  
9                   result of any transaction that  
10                  would be facilitated by the provi-  
11                  sion of the loan or guarantee.

12                  “(C) *REQUIREMENT TO ADDRESS VIEWS OF*  
13                  *ADVERSELY AFFECTED PERSONS.*—Before taking  
14                  final action on an application for a loan or  
15                  guarantee to which this section applies, the staff  
16                  of the Bank shall provide in writing to the  
17                  Board of Directors the views of any person who  
18                  submitted comments pursuant to subparagraph  
19                  (B).

20                  “(D) *PUBLICATION OF CONCLUSIONS.*—  
21                  Within 30 days after a party affected by a final  
22                  decision of the Board of Directors with respect to  
23                  a loan or guarantee makes a written request  
24                  therefor, the Bank shall provide to the affected  
25                  party a non-confidential summary of the facts

1       *found and conclusions reached in any detailed*  
 2       *economic impact analysis or similar study con-*  
 3       *ducted pursuant to subparagraph (B) with re-*  
 4       *spect to the loan or guarantee, that were sub-*  
 5       *mitted to the Board of Directors.*

6               “(E) *RULE OF INTERPRETATION.—This*  
 7       *paragraph shall not be construed to make sub-*  
 8       *chapter II of chapter 5 of title 5, United States*  
 9       *Code, applicable to the Bank.*

10              “(F) *REGULATIONS.—The Bank shall im-*  
 11       *plement such regulations and procedures as may*  
 12       *be appropriate to carry out this paragraph.”.*

13       (b) *CONFORMING AMENDMENT.—Section 2(e)(2)(C) of*  
 14       *such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting*  
 15       *“of not less than 14 days (which, on request of any affected*  
 16       *party, shall be extended to a period of not more than 30*  
 17       *days)” after “comment period”.*

18       **SEC. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE**

19                       **AUTHORITY.**

20       *Subparagraph (E) of section 6(a)(2) of the Export-Im-*  
 21       *port Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended*  
 22       *to read as follows:*

23                      “(E) *during fiscal year 2006, and each fis-*  
 24       *cal year thereafter through fiscal year 2011,”.*

1 **SEC. 10. TIED AID CREDIT PROGRAM.**

2       (a) *IN GENERAL.*—Section 10(b)(5)(B)(ii) of the Ex-  
3 *port-Import Bank Act of 1945* (12 U.S.C. 635i-  
4 3(b)(5)(B)(ii)) is amended to read as follows:

5               “(i) *PROCESS.*—In handling indi-  
6 *vidual applications involving the use or po-*  
7 *tential use of the Tied Aid Credit Fund the*  
8 *following process shall exclusively apply*  
9 *pursuant to subparagraph (A):*

10               “(I) *The Bank shall process an*  
11 *application for tied aid in accordance*  
12 *with the principles and standards de-*  
13 *veloped pursuant to subparagraph (A)*  
14 *and clause (i) of this subparagraph.*

15               “(II) *Twenty days prior to the*  
16 *scheduled meeting of the Board of Di-*  
17 *rectors at which an application will be*  
18 *considered (unless the Bank determines*  
19 *that an earlier discussion is appro-*  
20 *priate based on the facts of a par-*  
21 *ticular financing), the Bank shall brief*  
22 *the Secretary on the application and*  
23 *deliver to the Secretary such docu-*  
24 *ments, information, or data as may*  
25 *reasonably be necessary to permit the*  
26 *Secretary to review the application to*

1           *determine if the application complies*  
2           *with the principles and standards de-*  
3           *veloped pursuant to subparagraph (A)*  
4           *and clause (i) of this subparagraph.*

5           “(III) *The Secretary may request*  
6           *a single postponement of the consider-*  
7           *ation by the Board of Directors of the*  
8           *application for up to 14 days to allow*  
9           *the Secretary to submit to the Board of*  
10          *Directors a memorandum objecting to*  
11          *the application.*

12          “(IV) *Case-by-case decisions on*  
13          *whether to approve the use of the Tied*  
14          *Aid Credit Fund shall be made by the*  
15          *Board of Directors, except that the ap-*  
16          *proval of the Board of Directors (or a*  
17          *commitment letter based on that ap-*  
18          *proval) shall not become final (except*  
19          *as provided in subclause (V)), if the*  
20          *Secretary indicates to the President of*  
21          *the Bank in writing the Secretary’s in-*  
22          *tention to appeal the decision of the*  
23          *Board of Directors to the President of*  
24          *the United States and makes the ap-*  
25          *peal in writing not later than 20 days*

1                   *after the meeting at which the Board of*  
2                   *Directors considered the application.*

3                   “(V) *The Bank shall not grant*  
4                   *final approval of an application for*  
5                   *any tied aid credit (or a commitment*  
6                   *letter based on that approval) if the*  
7                   *President of the United States, after*  
8                   *consulting with the President of the*  
9                   *Bank and the Secretary, determines*  
10                  *within 30 days of an appeal by the*  
11                  *Secretary under subclause (IV) that the*  
12                  *extension of the tied aid credit would*  
13                  *materially impede achieving the pur-*  
14                  *poses described in subsection (a)(6). If*  
15                  *no such Presidential determination is*  
16                  *made during the 30-day period, the*  
17                  *approval by the Bank of the applica-*  
18                  *tion (or related commitment letter)*  
19                  *that was the subject of such appeal*  
20                  *shall become final.”.*

21                  (b) *CLARIFICATION OF USE OF TIED AID CREDIT*

22                  *FUND TO MATCH.—Section 10 of the Export-Import Bank*  
23                  *Act of 1945 (12 U.S.C. 635i-3) is amended—*

24                         (1) *in subsection (a), in paragraph (6)—*

1           (A) in the matter preceding subparagraph  
2           (A), by inserting “, including those that are not  
3           a party to the Arrangement,” after “countries”;

4           (B) in subparagraph (B), by adding “and”  
5           at the end; and

6           (C) by inserting after subparagraph (B) the  
7           following:

8           “(C) promoting compliance with Arrange-  
9           ment rules among foreign export credit agencies  
10           that are not a party to the Arrangement;”; and  
11           (2) in subsection (b), in paragraph (5)(B)—

12           (A) in clause (i)—

13           (i) in subclause (I), by striking “and”  
14           and by inserting “, and to seek compliance  
15           by those countries that are not a party to  
16           the Arrangement” before the period; and

17           (ii) in subclause (III), by adding at  
18           the end the following: “In cases where infor-  
19           mation about a specific offer of foreign tied  
20           aid (or untied aid used to promote exports  
21           as if it were tied aid) is not available in a  
22           timely manner, or is unavailable because  
23           the foreign export credit agency involved is  
24           not subject to the reporting requirements  
25           under the Arrangement, then the Bank may

1           *decide to use the Tied Aid Credit Fund*  
 2           *based on credible evidence of a history of*  
 3           *such offers under similar circumstances or*  
 4           *other forms of credible evidence.”.*

5 **SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR**  
 6           **PROMOTE CERTAIN RAILWAY CONNECTIONS**  
 7           **AND RAILWAY-RELATED CONNECTIONS.**

8           *Section 2(b) of the Export-Import Act of 1945 (12*  
 9 *U.S.C. 635(b)) is amended by adding at the end the fol-*  
 10 *lowing new paragraph:*

11           “(13) *PROHIBITION ON ASSISTANCE TO DEVELOP OR*  
 12 *PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-*  
 13 *RELATED CONNECTIONS.—The Bank shall not guarantee,*  
 14 *insure, or extend (or participate in the extension of) credit*  
 15 *in connection with the export of any good or service relating*  
 16 *to the development or promotion of any railway connection*  
 17 *or railway-related connection that does not traverse or con-*  
 18 *nect with Armenia and does traverse or connect Baku, Azer-*  
 19 *baijan, Tbilisi, Georgia, and Kars, Turkey.”.*

20 **SEC. 12. PROCESS FOR NOTIFYING APPLICANTS OF APPLI-**  
 21           **CATION STATUS; IMPLEMENTATION OF EX-IM**  
 22           **ONLINE.**

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

1           “(g) *PROCESS FOR NOTIFYING APPLICANTS OF APPLI-*  
2 *CATION STATUS.—The Bank shall establish and adhere to*  
3 *a clearly defined process for—*

4                   “(1) *acknowledging receipt of applications;*

5                   “(2) *informing applicants that their applica-*  
6 *tions are complete or, if incomplete or containing a*  
7 *minor defect, of the additional material or changes*  
8 *that, if supplied or made, would make the application*  
9 *eligible for consideration; and*

10                   “(3) *keeping applicants informed of the status of*  
11 *their applications, including a clear and timely noti-*  
12 *fication of approval or disapproval, and, in the case*  
13 *of disapproval, the reason for disapproval, as appro-*  
14 *priate.*

15           “(h) *RESPONSE TO APPLICATION FOR FINANCING; IM-*  
16 *PLEMENTATION OF ONLINE LOAN REQUEST AND TRACKING*  
17 *PROCESS.—*

18                   “(1) *RESPONSE TO APPLICATIONS.—Within 5*  
19 *days after the Bank receives an application for fi-*  
20 *nancing, the Bank shall notify the applicant that the*  
21 *application has been received, and shall include in*  
22 *the notice—*

23                           “(A) *a request for such additional informa-*  
24 *tion as may be necessary to make the applica-*  
25 *tion complete;*

1           “(B) the name of a Bank employee who  
2           may be contacted with questions relating to the  
3           application; and

4           “(C) a unique identification number which  
5           may be used to review the status of the applica-  
6           tion at a website established by the Bank.

7           “(2) WEBSITE.—Not later than September 1,  
8           2007, the Bank shall exercise the authority granted by  
9           subparagraphs (E)(x) and (J) of subsection (b)(1) to  
10          establish, and thereafter to maintain, a website  
11          through which—

12           “(A) Bank products may be applied for;  
13          and

14           “(B) information may be obtained with re-  
15          spect to—

16           “(i) the status of any such application;

17           “(ii) the Small Business Division of  
18          the Bank; and

19           “(iii) incentives, preferences, targets,  
20          and goals relating to small business con-  
21          cerns (as defined in Section 3(a) of the  
22          Small Business Act), including small busi-  
23          ness concerns exporting to Africa.”.

1 **SEC. 13. COMPETITIVENESS INITIATIVES.**

2 (a) *EXPANSION OF SCOPE OF ANNUAL COMPETITIVE-*  
 3 *NESS REPORT.*—*The Export-Import Bank Act of 1945 (12*  
 4 *U.S.C. 635 et seq.) is amended by inserting after section*  
 5 *8 the following:*

6 **“SEC. 8A. ANNUAL COMPETITIVENESS REPORT.**

7 “(a) *IN GENERAL.*—*Not later than June 30 of each*  
 8 *year, the Bank shall submit to the appropriate congres-*  
 9 *sional committees a report that includes the following:*

10 “(1) *ACTIONS OF BANK IN PROVIDING FINANCING*  
 11 *ON A COMPETITIVE BASIS, AND TO MINIMIZE COM-*  
 12 *PETITION IN GOVERNMENT-SUPPORTED EXPORT FI-*  
 13 *NANCING.*—*A description of the actions of the Bank in*  
 14 *complying with the second and third sentences of sec-*  
 15 *tion 2(b)(1)(A). In this part of the report, the Bank*  
 16 *shall include a survey of all other major export-fi-*  
 17 *nancing facilities available from other governments*  
 18 *and government-related agencies through which for-*  
 19 *ign exporters compete with United States exporters*  
 20 *(including through use of market windows (as defined*  
 21 *pursuant to section 10(h)(7))) and, to the extent such*  
 22 *information is available to the Bank, indicate in spe-*  
 23 *cific terms the ways in which the Bank’s rates, terms,*  
 24 *and other conditions compare with those offered from*  
 25 *such other governments directly or indirectly. With*  
 26 *respect to the preceding sentence, the Bank shall use*

1     *all available information to estimate the annual*  
2     *amount of export financing available from each such*  
3     *government and government-related agency. In this*  
4     *part of the report, the Bank shall include a survey of*  
5     *a representative number of United States exporters*  
6     *and United States commercial lending institutions*  
7     *which provide export credit on the experience of the*  
8     *exporters and institutions in meeting financial com-*  
9     *petition from other countries whose exporters compete*  
10    *with United States exporters.*

11           “(2) *ROLE OF BANK IN IMPLEMENTING STRA-*  
12    *TEGIC PLAN PREPARED BY THE TRADE PROMOTION*  
13    *COORDINATING COMMITTEE.*—*A description of the role*  
14    *of the Bank in implementing the strategic plan pre-*  
15    *pared by the Trade Promotion Coordinating Com-*  
16    *mittee in accordance with section 2312 of the Export*  
17    *Enhancement Act of 1988.*

18           “(3) *TIED AID CREDIT PROGRAM AND FUND.*—  
19    *The report required by section 10(g).*

20           “(4) *PURPOSE OF ALL BANK TRANSACTIONS.*—*A*  
21    *description of all Bank transactions which shall be*  
22    *classified according to their principal purpose, such*  
23    *as to correct a market failure or to provide matching*  
24    *support.*

1           “(5) *EFFORTS OF BANK TO PROMOTE EXPORT OF*  
2           *GOODS AND SERVICES RELATED TO RENEWABLE EN-*  
3           *ERGY SOURCES.—A description of the activities of the*  
4           *Bank with respect to financing renewable energy*  
5           *projects undertaken under section 2(b)(1)(K), and an*  
6           *analysis comparing the level of credit extended by the*  
7           *Bank for renewable energy projects with the level of*  
8           *credit so extended for the preceding fiscal year.*

9           “(6) *SIZE OF BANK PROGRAM ACCOUNT.—A sep-*  
10          *arate section which—*

11                 “(A) *compares, to the extent practicable, the*  
12                 *size of the Bank program account with the size*  
13                 *of the program accounts of the other major ex-*  
14                 *port-financing facilities referred to in paragraph*  
15                 *(1); and*

16                 “(B) *makes recommendations, if appro-*  
17                 *priate, with respect to the relative size of the*  
18                 *Bank program account, based on factors includ-*  
19                 *ing whether the size differences are in the best*  
20                 *interests of the United States taxpayer.*

21           “(7) *CO-FINANCING PROGRAMS OF THE BANK*  
22           *AND OF OTHER EXPORT CREDIT AGENCIES.—A de-*  
23           *scription of the co-financing programs of the Bank*  
24           *and of the other major export-financing facilities re-*  
25           *ferred to in paragraph (1), which includes a list of*

1 *countries with which the United States has in effect*  
2 *a memorandum of understanding relating to export*  
3 *credit agency co-financing and, if such a memo-*  
4 *randum is not in effect with any country with a*  
5 *major export credit-financing facility, an explanation*  
6 *of why such a memorandum is not in effect.*

7 *“(8) SERVICES SUPPORTED BY THE BANK AND*  
8 *BY OTHER EXPORT CREDIT AGENCIES.—A separate*  
9 *section which describes the participation of the Bank*  
10 *in providing funding, guarantees, or insurance for*  
11 *services, which shall include appropriate information*  
12 *on the involvement of the other major export-financ-*  
13 *ing facilities referred to in paragraph (1) in pro-*  
14 *viding such support for services, and an explanation*  
15 *of any differences among the facilities in providing*  
16 *the support.*

17 *“(9) EXPORT FINANCE CASES NOT IN COMPLI-*  
18 *ANCE WITH THE ARRANGEMENT.—Detailed informa-*  
19 *tion on cases reported to the Bank of export financing*  
20 *that appear not to comply with the Arrangement (as*  
21 *defined in section 10(h)(3)) or that appear to exploit*  
22 *loopholes in the Arrangement for the purpose of ob-*  
23 *taining a commercial competitive advantage. The*  
24 *President of the Bank, in consultation with the Sec-*  
25 *retary of the Treasury, may provide to the appro-*

1     *appropriate congressional committees the information re-*  
2     *quired by this subsection in a separate and confiden-*  
3     *tial report, instead of providing such information in*  
4     *the report required by this subsection.*

5             “(10) *FOREIGN EXPORT CREDIT AGENCY ACTIVI-*  
6     *TIES NOT CONSISTENT WITH THE WTO AGREEMENT*  
7     *ON SUBSIDIES AND COUNTERVAILING MEASURES.—A*  
8     *description of the extent to which the activities of for-*  
9     *foreign export credit agencies and other entities spon-*  
10    *sored by a foreign government, particularly those that*  
11    *are not members of the Arrangement (as defined in*  
12    *section 10(h)(3)), appear not to comply with the Ar-*  
13    *rangement and appear to be inconsistent with the*  
14    *terms of the Agreement on Subsidies and Counter-*  
15    *vailing Measures referred to in section 101(d)(12) of*  
16    *the Uruguay Round Agreements Act (19 U.S.C.*  
17    *3511(d)(12)), and a description of the actions taken*  
18    *by the United States Government to address the ac-*  
19    *tivities. The President of the Bank, in consultation*  
20    *with the Secretary of the Treasury, may provide to*  
21    *the appropriate congressional committees, the infor-*  
22    *mation required by this subsection in a separate and*  
23    *confidential report, instead of providing such infor-*  
24    *mation in the report required by this subsection.*

1       “(b) *INCLUSION OF ADDITIONAL COMMENTS.*—*The re-*  
2 *port required by subsection (a) shall include such addi-*  
3 *tional comments as any member of the Board of Directors*  
4 *may submit to the Board for inclusion in the report.*”

5       “(c) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—  
6 *The term ‘appropriate congressional committees’ means the*  
7 *Committee on Financial Services of the House of Represent-*  
8 *atives and the Committee on Banking, Housing, and Urban*  
9 *Affairs of the Senate.’”.*

10       (b) *CONFORMING AMENDMENT.*—*Section 2(b)(1)(A) of*  
11 *such Act (12 U.S.C. 635(b)(1)(A)) is amended by striking*  
12 *all that follows the third sentence.*

13       (c) *EXPANSION OF COUNTRIES IN COMPETITION WITH*  
14 *WHICH THE BANK IS TO PROVIDE EXPORT FINANCING.*—  
15 *Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is*  
16 *amended in the second sentence by inserting “, including*  
17 *countries the governments of which are not members of the*  
18 *Arrangement (as defined in section 10(h)(3))” before the pe-*  
19 *riod.*

20       (d) *SENSE OF CONGRESS REGARDING NEGOTIATION*  
21 *OF THE OECD ARRANGEMENT.*—*It is the sense of Congress*  
22 *that in the negotiation of the Arrangement (as defined in*  
23 *section 10(h)(3) of the Export-Import Bank Act of 1945)*  
24 *the goals of the United States include the following:*

1           (1) *Seeking compliance with the Arrangement*  
 2           *among countries with significant export credit pro-*  
 3           *grams who are not members of the Arrangement.*

4           (2) *Seeking to identify within the World Trade*  
 5           *Organization the extent to which countries that are*  
 6           *not a party to the Arrangement are not in compli-*  
 7           *ance with the terms of the Agreement on Subsidies*  
 8           *and Countervailing Measures referred to in section*  
 9           *101(d)(12) of the Uruguay Round Agreements Act (19*  
 10           *U.S.C. 3511(d)(12)) with respect to export finance,*  
 11           *and seeking appropriate action within the World*  
 12           *Trade Organization for each country that is not in*  
 13           *such compliance.*

14           (3) *Implementing new disciplines on the use of*  
 15           *untied aid, market windows, and other forms of ex-*  
 16           *port finance that seek to exploit loopholes in the Ar-*  
 17           *rangement for purposes of obtaining a commercial*  
 18           *competitive advantage.*

19 **SEC. 14. OFFICE OF FINANCING FOR SOCIALLY AND ECO-**  
 20           **NOMICALLY DISADVANTAGED SMALL BUSI-**  
 21           **NESS CONCERNS AND SMALL BUSINESS CON-**  
 22           **CERNS OWNED BY WOMEN.**

23           (a) *IN GENERAL.*—*Section 3 of the Export-Import*  
 24           *Bank Act of 1945 (12 U.S.C. 635a), as added by section*  
 25           *6, is amended by adding at the end the following:*

1       “(i) *OFFICE OF FINANCING FOR SOCIALLY AND ECO-*  
2 *NOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS*  
3 *AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.*—

4               “(1) *ESTABLISHMENT.*—*The President of the*  
5 *Bank shall establish in the Small Business Division*  
6 *an office whose sole functions shall be to continue and*  
7 *enhance the outreach activities of the Bank with re-*  
8 *spect to, and increase the total amount of loans, guar-*  
9 *antees, and insurance provided by the Bank to sup-*  
10 *port exports by, socially and economically disadvan-*  
11 *taged small business concerns (as defined in section*  
12 *8(a)(4) of the Small Business Act) and small business*  
13 *concerns owned by women.*

14               “(2) *MANAGEMENT.*—*The office shall be managed*  
15 *by a Bank officer of appropriate rank who shall re-*  
16 *port to the Bank officer designated under subsection*  
17 *(f)(2).*

18               “(3) *STAFFING.*—*To the maximum extent prac-*  
19 *ticable, the President of the Bank shall ensure that*  
20 *qualified minority and women applicants are consid-*  
21 *ered when filling any position in the office.”.*

22       “(b) *FINANCING DIRECTED TOWARD SMALL BUSI-*  
23 *NESSES OWNED BY MINORITIES OR WOMEN.*—*Section*  
24 *2(b)(1)(E)(v) of such Act (12 U.S.C. 635(b)(1)(E)(v)) is*  
25 *amended by adding at the end the following: “From the*

1 amount made available under the preceding sentence, it  
2 shall be a goal of the Bank to increase the amount made  
3 available to finance exports directly by small business con-  
4 cerns referred to in section 3(i)(1).”.

5 **SEC. 15. GOVERNANCE.**

6 Section 3(c) of the Export-Import Bank Act of 1945  
7 (12 U.S.C. 635a(c)) is amended by adding at the end the  
8 following:

9 “(9) At the request of any 2 members of the Board  
10 of Directors, the Chairman of the Board shall place an item  
11 pertaining to the policies or procedures of the Bank on the  
12 agenda for discussion by the Board. Within 30 days after  
13 the date such a request is made, the Chairman shall hold  
14 a meeting of the Board at which the item shall be dis-  
15 cussed.”.

16 **SEC. 16. SENSE OF CONGRESS REGARDING MULTI-BUYER**  
17 **INSURANCE AND WORKING CAPITAL GUAR-**  
18 **ANTEE PROGRAMS.**

19 It is the sense of Congress that the Export-Import  
20 Bank of the United States should seek to expand the number  
21 and size of the regional multi-buyer insurance programs  
22 and working capital guarantee programs operated by,  
23 through, or in conjunction with the Bank.

1 **SEC. 17. SENSE OF CONGRESS REGARDING AN OFFICE OF**  
2 **RENEWABLE ENERGY PROMOTION.**

3 *It is the sense of Congress that—*

4 *(1) the Export-Import Bank of the United States*  
5 *should establish, within 2 years of the date of the en-*  
6 *actment of this Act, an Office of Renewable Energy*  
7 *Promotion staffed by individuals with appropriate*  
8 *expertise in renewable energy technologies to*  
9 *proactively identify new opportunities for renewable*  
10 *energy financing and to carry out section 2(b)(1)(K)*  
11 *of the Export-Import Bank Act of 1945 (12 U.S.C.*  
12 *635(b)(1)(K));*

13 *(2) in carrying out the purposes of such an Of-*  
14 *fice of Renewable Energy Promotion, the head of such*  
15 *Office should consider the recommendations of the Re-*  
16 *newable Energy Exports Advisory Committee of the*  
17 *Bank to promote renewable energy technologies; and*

18 *(3) the Bank should include in its annual report*  
19 *a description of the activities carried out by such an*  
20 *Office of Renewable Energy Promotion, including for*  
21 *each year a description of the amount of credit ex-*  
22 *tended by the Bank for renewable energy technologies*  
23 *during that year and a comparison between that*  
24 *amount and the amount of such credit extended by*  
25 *the Bank in previous years.*

1 **SEC. 18. ENVIRONMENTAL MATTERS.**

2 (a) *ENVIRONMENTAL REPRESENTATIVES ON THE AD-*  
3 *VISORY COMMITTEE.*—Section 3(d) of the *Export-Import*  
4 *Bank Act of 1945* (12 U.S.C. 635a(d)) is amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A), by striking “15”  
7 and inserting “17”; and

8 (B) in subparagraph (B), by inserting “en-  
9 vironment,” before “production,”; and

10 (2) in paragraph (2), by adding at the end the  
11 following:

12 “(C) Not less than 2 members appointed to the  
13 Advisory Committee shall be representative of the en-  
14 vironmental nongovernmental organization commu-  
15 nity, except that no 2 of the members shall be from  
16 the same environmental organization.”.

17 (b) *PUBLIC DISCLOSURE OF CERTAIN DOCUMENTS.*—

18 Section 11(a)(1) of the *Export-Import Bank of 1945* (12  
19 U.S.C. 635i-5(a)(1)) is amended by inserting after the first  
20 sentence the following: “Such procedures shall provide for  
21 the public disclosure of environmental assessments and sup-  
22 plemental environmental reports required to be submitted  
23 to the Bank, including remediation or mitigation plans and  
24 procedures, and related monitoring reports. The preceding  
25 sentence shall not be interpreted to require the public disclo-

1 *sure of any information described in section 1905 of title*  
 2 *18, United States Code.”.*

3 **SEC. 19. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF**  
 4 **BANK PERFORMANCE STANDARDS FOR AS-**  
 5 **SISTANCE TO SMALL BUSINESSES, ESPE-**  
 6 **CIALLY THOSE OWNED BY SOCIALLY AND**  
 7 **ECONOMICALLY DISADVANTAGED INDIVID-**  
 8 **UALS AND THOSE OWNED BY WOMEN.**

9 *(a) PERFORMANCE STANDARDS.—The Bank shall de-*  
 10 *velop a set of performance standards for determining the*  
 11 *extent to which the Bank has carried out successfully sub-*  
 12 *paragraphs (E) and (I) of section 2(b)(1) of the Export-*  
 13 *Import Bank Act of 1945, and the functions described in*  
 14 *subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of*  
 15 *such Act.*

16 *(b) ASSESSMENT OF STANDARDS.—Within 18 months*  
 17 *after the date of the enactment of this Act, the Comptroller*  
 18 *General of the United States shall transmit to the Com-*  
 19 *mittee on Financial Services of the House of Representa-*  
 20 *tives and the Committee on Banking, Housing, and Urban*  
 21 *Affairs of the Senate—*

22 *(1) an assessment of the performance standards*  
 23 *developed by the Bank pursuant to subsection (a);*  
 24 *and*

1           (2) *using the performance standards developed*  
2           *pursuant to subsection (a), an assessment of the*  
3           *Bank's efforts to carry out subparagraphs (E) and (I)*  
4           *of section 2(b)(1) of the Export-Import Bank Act of*  
5           *1945, and the functions described in subsections*  
6           *(f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such*  
7           *Act.*

8   **SEC. 20. REPORTS.**

9           *Section 8 of the Export-Import Bank Act of 1945 (12*  
10          *U.S.C. 635g) is amended by adding at the end the following:*

11          *“(f) ADDITIONAL REPORTS.—Not later than March 31*  
12          *of each year, the Bank shall submit to the Committee on*  
13          *Financial Services of the House of Representatives and the*  
14          *Committee on Banking, Housing, and Urban Affairs of the*  
15          *Senate reports on—*

16                 *“(1) the extent to which the Bank has been able*  
17                 *to use the authority provided, and has complied with*  
18                 *the mandates contained, in section 2(b)(1)(E), and to*  
19                 *the extent the Bank has been unable to fully use such*  
20                 *authority and comply with such mandates, a report*  
21                 *on the reasons for the Bank's inability to do so and*  
22                 *the steps the Bank is taking to remedy such inability;*

23                 *“(2) the extent to which financing has been made*  
24                 *available to small business concerns (described in sub-*  
25                 *section (e)) to enable them to participate in exports*

1 *by major contractors, including through access to the*  
2 *supply chains of the contractors through direct or in-*  
3 *direct funding;*

4 *“(3) the specific measures the Bank will take in*  
5 *the upcoming year to achieve the small business objec-*  
6 *tives of the Bank, including expanded outreach, prod-*  
7 *uct improvements, and related actions;*

8 *“(4) the progress made by the Bank in sup-*  
9 *porting exports by socially and economically dis-*  
10 *advantaged small business concerns (defined in sec-*  
11 *tion 8(a)(4) of the Small Business Act) and small*  
12 *business concerns (as defined in section 3(a) of the*  
13 *Small Business Act) owned by women, including esti-*  
14 *mates of the amounts made available to finance ex-*  
15 *ports directly by such small business concerns, a com-*  
16 *parison of these amounts with the amounts made*  
17 *available to all small business concerns, and a com-*  
18 *parison of such amounts with the amounts so made*  
19 *available during the 2 preceding years;*

20 *“(5) with respect to each type of transaction, the*  
21 *interest and fees charged by the Bank to exporters*  
22 *(including a description of fees and interest, if any,*  
23 *charged to small business concerns), buyers, and other*  
24 *applicants in connection with each financing pro-*  
25 *gram of the Bank, and the highest, lowest, and aver-*

1        *age fees charged by the Bank for short term insurance*  
 2        *transactions;*

3                *“(6) the effects of the fees on the ability of the*  
 4        *Bank to achieve the objectives of the Bank relating to*  
 5        *small business;*

6                *“(7) the fee structure of the Bank as compared*  
 7        *with those of foreign export credit agencies; and*

8                *“(8)(A) the efforts made by the Bank to carry*  
 9        *out subparagraphs (E)(x) and (J) of section 2(b)(1)*  
 10        *of the Export-Import Bank Act of 1945, including the*  
 11        *total amount expended by the Bank to do so; and*

12                *“(B) if the Bank has been unable to comply with*  
 13        *such subparagraphs—*

14                        *“(i) an analysis of the reasons therefor; and*

15                        *“(ii) what the Bank is doing to achieve, and*  
 16        *the date by which the Bank expects to have*  
 17        *achieved, such compliance.”.*

18        **SEC. 21. STUDY OF HOW EXPORT-IMPORT BANK COULD AS-**  
 19                        **SIST UNITED STATES EXPORTERS TO MEET**  
 20                        **IMPORT NEEDS OF NEW OR IMPOVERISHED**  
 21                        **DEMOCRACIES; REPORT.**

22        *(a) STUDY.—The Export-Import Bank of the United*  
 23        *States shall conduct a study designed to assess the needs*  
 24        *of new or impoverished democracies, such as Liberia and*  
 25        *Haiti, for imports from the United States, and shall deter-*

1 *mine what role the Bank can play a role in helping United*  
2 *States exporters seize the opportunities presented by the*  
3 *need for such imports.*

4       **(b) REPORT TO CONGRESS.**—*Within 12 months after*  
5 *the date of the enactment of this Act, the Bank shall submit*  
6 *to the Committee on Financial Services of the House of Rep-*  
7 *resentatives and the Committee on Banking, Housing, and*  
8 *Urban Affairs of the Senate, in writing, a final report that*  
9 *contains the results of the study required by subsection (a).*

Attest:

*Clerk.*

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3938**

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**AMENDMENT**