

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

# H. R. 5068

To reauthorize the operations of the Export-Import Bank, and to reform certain operations of the Bank, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2006

Ms. PRYCE of Ohio (for herself, Mr. OXLEY, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. MANZULLO, Mrs. BIGGERT, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To reauthorize the operations of the Export-Import Bank, and to reform certain operations of the Bank, 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 “Export-Import Bank  
5 Reauthorization Act of 2006”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Reauthorization.

- Sec. 4. Increasing exports by small businesses.  
 Sec. 5. Office of financing for socially and economically disadvantaged small business concerns and small business concerns owned by women.  
 Sec. 6. Sub-Saharan Africa.  
 Sec. 7. Extension of authority.  
 Sec. 8. Transparency initiatives.  
 Sec. 9. Effect of the Bank on the budget of the United States.  
 Sec. 10. Competitiveness initiatives.  
 Sec. 11. Consideration of environmental matters by the Advisory Committee.  
 Sec. 12. Technical corrections.  
 Sec. 13. Effective date.

**1 SEC. 3. REAUTHORIZATION.**

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

**5 SEC. 4. INCREASING EXPORTS BY SMALL BUSINESSES.**

6 (a) ESTABLISHMENT OF SMALL BUSINESS DIVI-  
 7 SION.—

8 (1) IN GENERAL.—Section 3 of the Export-Im-  
 9 port Bank Act of 1945 (12 U.S.C. 635a) is amended  
 10 by adding at the end the following:

11 “(f) SMALL BUSINESS DIVISION.—

12 “(1) ESTABLISHMENT.—The President of the  
 13 Bank shall establish and maintain a division of the  
 14 Bank whose sole functions shall be to—

15 “(A) carry out subparagraphs (E) and (I)  
 16 of section 2(b)(1), as such subparagraphs relate  
 17 to outreach, feedback, product improvement,  
 18 and transaction advocacy for small business  
 19 concerns;

1           “(B) advise and seek feedback from small  
2 business concerns of the opportunities and ben-  
3 efits for small business concerns in the financ-  
4 ing products offered by the Bank, with par-  
5 ticular emphasis on conducting outreach, better  
6 tailoring products to small business needs and  
7 increasing loans to small business concerns em-  
8 ploying fewer than 100 employees; and

9           “(C) maintain liaison with the Small Busi-  
10 ness Administration and other departments and  
11 agencies in matters affecting small business  
12 concerns.

13           “(2) MANAGEMENT.—The division shall be  
14 managed by a Bank officer designated by the Board  
15 of Directors—

16           “(A) who shall have substantial recent ex-  
17 perience in financing exports by small business  
18 concerns;

19           “(B) whose sole executive duty shall be to  
20 ensure that the division carries out the func-  
21 tions of the division;

22           “(C) who shall advise the Board, particu-  
23 larly the Director appointed under section  
24 3(e)(8)(B) to represent the interests of small

1 business, on matters of interest to, and concern  
2 for, small business;

3 “(D) who shall rank not lower than senior  
4 vice president of the Bank; and

5 “(E) who shall report directly to the Presi-  
6 dent of the Bank.

7 “(3) RESOURCES.—

8 “(A) IN GENERAL.—The President of the  
9 Bank shall ensure that the division has suffi-  
10 cient qualified staff and budgetary resources to  
11 carry out subparagraphs (E) and (I) of section  
12 2(b)(1), as determined annually by the Presi-  
13 dent of the Bank, after consultation with—

14 “(i) the officer referred to in para-  
15 graph (2) of this subsection;

16 “(ii) the Director appointed under  
17 subsection (c)(8)(B) of this section;

18 “(iii) the Committee on Financial  
19 Services of the House of Representatives;  
20 and

21 “(iv) the Committee on Banking,  
22 Housing, and Urban Affairs of the Senate.

23 “(B) USES.—

24 “(i) IN GENERAL.—The President of  
25 the Bank shall ensure that the staff and

1           budgetary resources of the division are de-  
2           voted solely to carrying out the functions  
3           of the division.

4           “(ii) CERTAIN STAFF DUTIES.—The  
5           division shall include staff dedicated exclu-  
6           sively to providing outreach, training, and  
7           advice to, seeking feedback from, and ad-  
8           vocating on behalf of small business con-  
9           cerns regarding Bank financing opportuni-  
10          ties, products, and programs.

11          “(C) RULE OF INTERPRETATION.—Noth-  
12          ing in this Act shall be construed to prevent the  
13          delegation to the division of any authority nec-  
14          essary to carry out subparagraphs (E) and (I)  
15          of section 2(b)(1).

16          “(4) SMALL BUSINESS CONCERN DEFINED.—In  
17          this subsection and subsections (g) and (h), the term  
18          ‘small business concern’ shall have the meaning es-  
19          tablished under section 3(a) of the Small Business  
20          Act.

21          “(g) HANDLING OF APPLICATIONS OF, AND PROC-  
22          ESSING OF TRANSACTIONS INVOLVING SMALL BUSINESS  
23          CONCERNS.—Consistent with the requirement that the  
24          Bank obtain a reasonable assurance of repayment for each  
25          transaction the Bank supports, the Bank shall establish

1 and maintain transaction standards tailored to the special  
2 circumstances of small business concerns and shall use the  
3 standards in evaluating applications by the concerns for  
4 Bank financing. The Bank shall ensure that each appro-  
5 priate division of the Bank has staff dedicated to the proc-  
6 essing of transactions involving small business concerns.

7 “(h) SMALL BUSINESS COMMITTEE.—

8 “(1) ESTABLISHMENT.—The Bank shall estab-  
9 lish and maintain a committee to be known as the  
10 ‘Small Business Committee’.

11 “(2) PRINCIPAL PURPOSE.—The principal pur-  
12 pose of the Small Business Committee shall be to  
13 focus on small business concerns and coordinate the  
14 efforts of the Bank with respect to small business  
15 concerns, including the timely processing of small  
16 business product applications and the evolution of  
17 new or improved Bank products to better serve small  
18 business needs.

19 “(3) COMPOSITION.—

20 “(A) CHAIRMAN.—The chairman of the  
21 Small Business Committee shall be the Senior  
22 Vice President of the Bank who is responsible  
23 for management of the Small Business Division  
24 of the Bank.

1           “(B) OTHER MEMBERS.—The President of  
2           the Bank shall ensure that the committee is  
3           comprised of officers and employees throughout  
4           the Bank that have responsibility for outreach  
5           and processing transactions involving small  
6           business concerns.

7           “(4) REPORTS.—The Small Business Com-  
8           mittee shall report to the President of the Bank.”.

9           (2) COORDINATION IN FINANCING OF SMALL  
10          BUSINESS EXPORTS.—Section 2(b)(1)(E)(vii)(I) of  
11          such Act (12 U.S.C. 635(b)(1)(E)(vii)(I)) is amend-  
12          ed by adding at the end the following: “The Bank  
13          shall work in coordination with the entities described  
14          in the preceding sentence to streamline the proc-  
15          essing of applications for Bank financing from small  
16          business concerns and to provide training and advice  
17          as required on the needs and benefits of export fi-  
18          nancing for small business concerns.”

19          (b) REPORT ON FEES CHARGED TO, AND TRANS-  
20          ACTIONS COSTS INCURRED BY, SMALL AND MEDIUM  
21          BUSINESS FOR BANK SERVICES.—Section 8 of such Act  
22          (12 U.S.C. 635g) is amended by adding at the end the  
23          following:

24          “(f) REPORT ON FEES CHARGED TO, AND TRANS-  
25          ACTIONS COSTS INCURRED BY, SMALL AND MEDIUM

1 BUSINESS FOR BANK SERVICES.—The Bank shall submit  
2 to the Congress annually, and include in a separate section  
3 of the annual report to the Congress under subsection (a)  
4 of this section, a report on—

5           “(1) with respect to each type of transaction,  
6           the interest and fees charged by the Bank to export-  
7           ers (including a description of fees and interest, if  
8           any, charged to small business concerns), buyers,  
9           and other applicants in connection with each financ-  
10          ing program of the Bank, and the highest, lowest,  
11          and average fees charged by the Bank for short  
12          term insurance transactions;

13           “(2) the effects of the fees on the ability of the  
14          Bank to achieve the objectives of the Bank relating  
15          to small business; and

16           “(3) the fee structure of the Bank as compared  
17          with that of other foreign export credit agencies.”.

18          (c) REPORT ON FINANCING DIRECTED TOWARD  
19 SMALL BUSINESS.—Section 8 of such Act (12 U.S.C.  
20 635g), as amended by subsection (b) of this section, is  
21 amended by adding at the end the following:

22           “(g) REPORT ON FINANCING DIRECTED TOWARD  
23 SMALL BUSINESS.—The Bank shall submit annually to  
24 the Committees on Financial Services and on Small Busi-  
25 ness of the House of Representatives—

1           “(1) a report on the extent to which the Bank  
2           has been able to use the authorities referred to in  
3           section 2(b)(1)(E)(iv), and, to the extent the Bank  
4           has been unable to fully do so, a report on the obsta-  
5           cles to doing so and on what the Bank is doing to  
6           overcome the obstacles;

7           “(2) a report on the extent to which financing  
8           has been made available to small business concerns  
9           to enable them to participate in exports by major  
10          contractor, including through access to the supply  
11          chains of the contractors through direct or indirect  
12          funding; and

13          “(3) a strategic plan of action describing how,  
14          in the upcoming year, the Bank will take specific  
15          measures to achieve the small business objectives of  
16          the Bank, including expanded outreach, product im-  
17          provements, and related actions.”.

18          (d) CONFORMING AMENDMENTS.—

19                 (1) IN GENERAL.—

20                         (A) Section 2(b)(1)(E) of such Act (12  
21                         U.S.C. 635(b)(1)(E)), as amended by sub-  
22                         section (a)(2) of this section, is amended—

23                                 (i) in clause (i)(II), by striking “gives  
24                                 fair consideration to making loans and pro-

1           viding” and inserting “make loans and  
2           provide”;

3                   (ii) by striking clause (iii);

4                   (iii) in clause (iv), by striking “clauses  
5           (ii) and (iii) of this subparagraph” and in-  
6           serting “clause (ii)”;

7                   (iv) in clause (vi)—

8                           (I) by striking “clause (v) of this  
9           subparagraph” and insert “clause  
10          (iv)”;

11                           (II) by striking “clause (vi)” and  
12          inserting “clause”;

13                   (v) in clause (vii)—

14                           (I) in subclause (I), by striking  
15          “(v)” and inserting “(iv)”;

16                           (II) in each of subclauses (II),  
17          (III), and (IV), by striking “clause  
18          (vii)” and inserting “clause”;

19                           (vi) by redesignating clauses (iv)  
20          through (x) as clauses (iii) through (ix),  
21          respectively.

22                   (B) Section 8 of such Act (12 U.S.C.  
23          635g) is amended—

1 (i) in subsection (b)(2)(B), by striking  
2 “2(b)(1)(E)(vii)” and inserting  
3 “2(b)(1)(E)(vi)”; and

4 (ii) in subsection (c), by striking  
5 “(E)(x)” and inserting “(E)(ix)”.

6 (2) UNIFORM MEANING OF SMALL BUSINESS.—  
7 Section 2(b)(1)(E) of such Act (12 U.S.C.  
8 635(b)(1)(E)), as amended by subsection (a)(2) of  
9 this section and paragraph (1) of this subsection, is  
10 amended—

11 (A) in clause (i)(II), by striking “busi-  
12 nesses” and inserting “business concerns”;

13 (B) in clause (iv), by striking “(as defined  
14 under section 3 of the Small Business Act)”;

15 (C) in each of clauses (v), (vi) and (vii), by  
16 striking “small business exports” each place it  
17 appears and inserting “exports by small busi-  
18 ness concerns”; and

19 (D) by adding at the end the following:

20 “(x) In this subparagraph, the term ‘small business  
21 concern’ shall have the meaning established under section  
22 3(a) of the Small Business Act.”.

23 (e) ENHANCE DELEGATED LOAN AUTHORITY FOR  
24 MEDIUM TERM TRANSACTIONS.—

1           (1) IN GENERAL.—The Export-Import Bank of  
2 the United States shall seek to expand the exercise  
3 of authority under section 2(b)(1)(E)(vi) of the Ex-  
4 port-Import Bank Act of 1945 (as so redesignated  
5 by subsection (d)(1)(A)(vi) of this section) with re-  
6 spect to medium term transactions for small busi-  
7 ness concerns (as defined under section 3(a) of the  
8 Small Business Act).

9           (2) CONFORMING AMENDMENT.—Section  
10 2(b)(1)(E)(vi)(III) of the Export-Import Bank Act  
11 of 1945 (12 U.S.C. 635(b)(1)(E)(vi)(III)), as so re-  
12 designated by subsection (d)(1)(A)(vi) of this sec-  
13 tion, is amended by striking “To the maximum ex-  
14 tent practicable, the” and inserting “The”.

15           (3) DEADLINE.—Within 180 days after the  
16 date of the enactment of this Act, the Export-Import  
17 Bank of the United States shall make available lines  
18 of credit and guarantees to carry out section  
19 2(b)(1)(E)(vi) of the Export-Import Bank Act of  
20 1945 (as so redesignated by subsection (d)(1)(A)(vi)  
21 of this section), pursuant to policies and procedures  
22 established by the Board of Directors of the Export-  
23 Import Bank of the United States.

1 **SEC. 5. OFFICE OF FINANCING FOR SOCIALLY AND ECO-**  
2 **NOMICALLY DISADVANTAGED SMALL BUSI-**  
3 **NESS CONCERNS AND SMALL BUSINESS CON-**  
4 **CERNS OWNED BY WOMEN.**

5 (a) IN GENERAL.—Section 3(f) of the Export-Import  
6 Bank Act of 1945 (12 U.S.C. 635a(f)), as added by sec-  
7 tion 4(a) of this Act, is amended by redesignating para-  
8 graph (4) as paragraph (5) and by inserting after para-  
9 graph (3) the following:

10 “(4) OFFICE OF FINANCING FOR SOCIALLY AND  
11 ECONOMICALLY DISADVANTAGED SMALL BUSINESS  
12 CONCERNS AND SMALL BUSINESS CONCERNS OWNED  
13 BY WOMEN.—

14 “(A) ESTABLISHMENT.—The President of  
15 the Bank shall establish in the division an office  
16 whose sole functions shall be to continue and  
17 enhance the outreach activities of the Bank  
18 with respect to, and increase the total amount  
19 of loans, guarantees, and insurance provided by  
20 the Bank to support exports by, socially and  
21 economically disadvantaged small business con-  
22 cerns (as defined in section 8(a)(4) of the Small  
23 Business Act) and small business concerns  
24 owned by women.

25 “(B) MANAGEMENT.—The office shall be  
26 managed by a Bank officer of appropriate rank

1           who shall report to the Bank officer designated  
2           under section 3(f)(2).”.

3           (b) FINANCING DIRECTED TOWARD SMALL BUSI-  
4 NESSES OWNED BY MINORITIES OR WOMEN.—Section  
5 2(b)(1)(E)(iv) of such Act (12 U.S.C. 635(b)(1)(E)(iv)),  
6 as so redesignated by section 4(d)(1)(A)(vi) of this Act,  
7 is amended by adding at the end the following: “From  
8 the amount made available under the preceding sentence,  
9 it shall be a goal of the Bank to make available not less  
10 than 10 percent of the amount to finance exports directly  
11 by small business concerns referred to in section  
12 3(f)(4)(A).”.

13           (c) REPORT ON FINANCING DIRECTED TOWARD  
14 SMALL BUSINESSES OWNED BY MINORITIES OR  
15 WOMEN.—Section 8(g) of such Act (12 U.S.C. 635g(g)),  
16 as added by section 4(c) of this Act, is amended by insert-  
17 ing “and to finance exports by small business concerns  
18 referred to in section 3(f)(4)(A),” before “and to the ex-  
19 tent”.

20           (d) REPORT ON BANK EFFORTS TO SUPPORT EX-  
21 PORTS BY SOCIALLY AND ECONOMICALLY DISADVAN-  
22 TAGED SMALL BUSINESS CONCERNS AND SMALL BUSI-  
23 NESS CONCERNS OWNED BY WOMEN.—Section 8 of such  
24 Act (12 U.S.C. 635g), as amended by section 4 of this  
25 Act, is amended by adding at the end the following:

1       “(h) REPORT ON EFFORTS TO SUPPORT EXPORTS BY  
2 SMALL- AND MEDIUM-SIZED BUSINESSES OWNED BY  
3 WOMEN OR MINORITIES.—Not later than March 1 of each  
4 year, the Director appointed under section 3(c)(8)(B) of  
5 this Act shall prepare and submit to the Committee on  
6 Financial Services of the House of Representatives and  
7 the Committee on Banking, Housing, and Urban Affairs  
8 of the Senate, and the Bank shall include in a separate  
9 section of the annual report submitted pursuant to sub-  
10 section (a) of this section, a written report that describes  
11 the progress made by the Bank in supporting exports by  
12 socially and economically disadvantaged small business  
13 concerns (as defined in section 8(a)(4) of the Small Busi-  
14 ness Act) and small business concerns owned by women.”.

15 **SEC. 6. SUB-SAHARAN AFRICA.**

16       (a) EXTENSION OF ADVISORY COMMITTEE.—Section  
17 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945  
18 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking  
19 “2006” and inserting “2011”.

20       (b) IMPROVED LIAISON WITH AFRICAN REGIONAL  
21 FINANCIAL INSTITUTIONS.—

22               (1) MASTER GUARANTEE AGREEMENTS.—With-  
23 in 1 year after the date of the enactment of this Act,  
24 the Export-Import Bank of the United States shall  
25 seek to ensure that there is in effect a contract be-

1       tween each approved lender in Africa and the Bank,  
2       which sets forth the Bank’s guarantee undertakings  
3       and related obligations between the Bank and the  
4       lender.

5               (2) REPORT ON WORKING RELATIONSHIPS  
6       WITH THE AFRICAN DEVELOPMENT BANK, THE AF-  
7       RICA EXPORT-IMPORT BANK, AND OTHER INSTITU-  
8       TIONS.—Section 2(b)(9) of such Act (12 U.S.C.  
9       635(b)(9)) is amended by adding at the end the fol-  
10      lowing:

11      “(C) The Bank shall include in the annual report to  
12      the Congress submitted under section 8(a) a separate sec-  
13      tion that contains a report on the efforts of the Bank to  
14      improve working relationships with the African Develop-  
15      ment Bank, the Africa Export-Import Bank, and other in-  
16      stitutions in the region that are relevant to the purposes  
17      of subparagraph (A) of this paragraph.”.

18               (c) CLOSER COOPERATION WITH OTHER UNITED  
19      STATES AGENCIES WORKING IN AFRICA.—Section  
20      2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is further  
21      amended by adding at the end the following:

22      “(D) The Bank shall closely coordinate with the  
23      United States Foreign Commercial Service and with the  
24      overall strategy of the United States Government, for eco-

1 nomic engagement with Africa pursuant to the African  
2 Growth and Opportunity Act.

3 “(E) The Bank shall develop initiatives to train For-  
4 eign Service and Commercial Service officers serving at  
5 United State embassies in Africa, in the use of Bank pro-  
6 grams, so the officers can encourage African buyers to  
7 take part in transactions supported by the Bank.”.

8 (d) ADJUSTMENTS TO PROCEDURES TO PROMOTE  
9 QUALIFICATION OF AFRICAN ENTITIES.—Section 2(b)(9)  
10 of such Act (12 U.S.C. 635(b)(9)) is further amended by  
11 adding at the end the following:

12 “(F) Consistent with the requirement that the Bank  
13 obtain a reasonable assurance of repayment in connection  
14 with each transaction the Bank supports, the Bank shall,  
15 in consultation with the entities described in subparagraph  
16 (C), seek greater flexibility in the due-diligence procedures  
17 of the Bank for the purpose of qualifying a greater num-  
18 ber of appropriate African entities for participation in pro-  
19 grams of the Bank.”.

20 (e) LOCAL CURRENCY FINANCING.—Section 2(b)(9)  
21 of such Act (12 U.S.C. 635(b)(9)) is further amended by  
22 adding at the end the following:

23 “(G) The Bank shall develop procedures under which  
24 the Bank is capable of financing certain African programs  
25 in local currencies.”.

1 **SEC. 7. EXTENSION OF AUTHORITY.**

2 Section 1(c) of Public Law 103–428 (12 U.S.C. 635  
3 note) is amended by striking “2001” and inserting  
4 “2011”.

5 **SEC. 8. TRANSPARENCY INITIATIVES.**

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

9 “(9) The Board of Directors shall meet not less fre-  
10 quently than biweekly.”

11 (b) VOTING REQUIRED IN CASES INVOLVING ECO-  
12 NOMIC IMPACT ANALYSIS.—Section 2(e) of such Act (12  
13 U.S.C. 635(e)) is amended by adding at the end the fol-  
14 lowing:

15 “(5) BOARD VOTE REQUIRED.—Within 60 days  
16 after completing a review, pursuant to this sub-  
17 section, of a proposed loan or guarantee (including  
18 any applicable comment period), the Board of Direc-  
19 tors shall hold a vote to determine whether or not  
20 to proceed with the proposed loan or guarantee, un-  
21 less the applicant has withdrawn the application for  
22 the loan or guarantee.”

23 (c) PROCESS FOR NOTIFYING APPLICANTS OF APPLI-  
24 CATION STATUS.—Section 2 of such Act (12 U.S.C. 635)  
25 is amended by adding at the end the following:

1       “(g) PROCESS FOR NOTIFYING APPLICANTS OF AP-  
2 PPLICATION STATUS.—The Bank shall establish and ad-  
3 here to 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 applica-  
9 tion eligible for consideration; and

10              “(3) keeping applicants informed of the status  
11 of their applications, including a clear and timely no-  
12 tification of approval or disapproval, and, in the case  
13 of disapproval, the reason for disapproval, as appro-  
14 priate.”.

15       (d) RESPONSE TO APPLICATION FOR FINANCING; IM-  
16 PLEMENTATION OF ON-LINE LOAN REQUEST AND TRACK-  
17 ING PROCESS.—Section 2 of such Act (12 U.S.C. 635)  
18 is further amended by adding at the end the following:

19              “(h) Within 45 days after receipt of an application  
20 for financing from the Bank, the Bank shall notify the  
21 applicant that the application has been received, and shall  
22 include in the notice a request for such additional informa-  
23 tion as may be necessary to make the application com-  
24 plete, the name of a Bank employee who may be contacted  
25 with questions relating to the application, and a unique

1 identification number which may be used to review the sta-  
2 tus of the application at a website established as provided  
3 in the next sentence. Not later than September 1, 2006,  
4 the Bank shall use the authorities provided by subpara-  
5 graphs (E)(ix) and (J) of subsection (b)(1) of this section  
6 to establish, and thereafter to maintain, a website through  
7 which any Bank product may be applied for, information  
8 may be obtained about the status of any such application,  
9 about the small business division of the Bank, or about  
10 incentives, preferences, targets, and goals relating to small  
11 business concerns referred to in section 3(f)(4)(A) or small  
12 business concerns exporting to Africa.”.

13 (e) REPORTS RELATING TO TECHNOLOGY TO ASSIST  
14 SMALL BUSINESSES.—

15 (1) REPORTS BY THE BANK.—

16 (A) INITIAL REPORT.—Within 60 days  
17 after the date of the enactment of this Act, the  
18 President of the Export-Import Bank of the  
19 United States shall submit to the Committee on  
20 Financial Services of the House of Representa-  
21 tives and the Committee on Banking, Housing,  
22 and Urban Affairs of the Senate a report on—

23 (i) the efforts made by the Bank to  
24 carry out subparagraphs (E)(ix) and (J) of  
25 section 2(b)(1) of the Export-Import Bank

1 Act of 1945, including the total amount  
2 expended by the Bank to do so; and

3 (ii) if the Bank has been unable to  
4 comply with such subparagraphs—

5 (I) an analysis of the reasons  
6 therefor;

7 (II) what the Bank is doing to  
8 achieve, and the date by which the  
9 Bank expects to have achieved, such  
10 compliance; and

11 (III) the name of each Bank offi-  
12 cer who is responsible for ensuring  
13 that the Bank achieves, and the name  
14 of the person to whom the Bank offi-  
15 cer reports on progress in achieving,  
16 such compliance.

17 (B) SUBSEQUENT ANNUAL REPORTS.—  
18 Section 8(c) of the Export-Import Bank Act of  
19 1945 (12 U.S.C. 635g(c)) is amended to read  
20 as follows:

21 “(c) TECHNOLOGY TO ASSIST SMALL BUSINESSES.—  
22 The Bank shall include in its annual report to the Con-  
23 gress under subsection (a) of this section for each of fiscal  
24 years 2007 through 2011 a separate section that con-  
25 tains—

1           “(1) a report on the efforts made by the Bank  
2           to carry out subparagraphs (E)(ix) and (J) of sec-  
3           tion 2(b)(1) of this Act, the total amount expended  
4           in the fiscal year to do so, and how the efforts are  
5           assisting small business concerns (as defined under  
6           section 3(a) of the Small Business Act); and

7           “(2) if the Bank has been unable to comply  
8           fully with such subparagraphs—

9                   “(A) an analysis of the reasons therefor;

10                   “(B) a description of what the Bank is  
11                   doing to achieve, and the date by which the  
12                   Banks expects to have achieved, such full com-  
13                   pliance; and

14                   “(C) the name of each Bank officer who is  
15                   responsible for ensuring that the Bank achieves,  
16                   and the name of the person to whom the Bank  
17                   officer reports on progress in achieving, such  
18                   full compliance.”.

19           (2) REPORT BY THE INSPECTOR GENERAL OF  
20           THE BANK.—Within 120 days after the date of the  
21           enactment of this Act or, if later, within 30 days  
22           after the date the vacancy in the position of the In-  
23           specter General of the Export-Import Bank of the  
24           United States is filled, the Inspector General of the  
25           Export-Import Bank of the United States shall sub-

1 mit to the Committee on Financial Services of the  
2 House of Representatives and the Committee on  
3 Banking, Housing, and Urban Affairs of the Sen-  
4 ate—

5 (A) a report on the efforts made by the  
6 Bank to carry out subparagraphs (E)(ix) and  
7 (J) of section 2(b)(1) of the Export-Import  
8 Bank Act of 1945, the total amount expended  
9 to do so, and how the efforts are assisting small  
10 business concerns (as defined under section  
11 3(a) of the Small Business Act); and

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

14 (i) an analysis of the reasons therefor;

15 (ii) a description of what the Bank is  
16 doing to achieve, and the date by which the  
17 Banks expects to have achieved, such com-  
18 pliance; and

19 (iii) the name of each Bank officer  
20 who is responsible for ensuring that the  
21 Bank achieves, and the name of the person  
22 to whom the Bank officer reports on  
23 progress in achieving, such compliance.

24 (f) PUBLIC DISCLOSURE OF CERTAIN DOCU-  
25 MENTS.—Section 11(a)(1) of the Export-Import Bank Act

1 of 1945 (12 U.S.C. 635i–5(a)(1)) is amended by inserting  
2 after the 1st sentence the following: “Such procedures  
3 shall require the public disclosure of documents in addition  
4 to environmental assessments, including environmental  
5 monitoring documents and supplementary environmental  
6 documents and consultants’ reports that the Bank gen-  
7 erates or requires clients to generate.”.

8 **SEC. 9. EFFECT OF THE BANK ON THE BUDGET OF THE**  
9 **UNITED STATES.**

10 Within 90 days after the date of the enactment of  
11 this Act, the Export-Import Bank of the United States  
12 shall submit to the appropriate committees of the Con-  
13 gress a report on the revenues, expenditures, and resulting  
14 annual net income or expense to the United States for  
15 each of the 10 years most recently completed before the  
16 date of the report.

17 **SEC. 10. COMPETITIVENESS INITIATIVES.**

18 (a) **EXPANSION OF SCOPE OF ANNUAL COMPETI-**  
19 **TIVENESS REPORT.—**

20 (1) **CONSOLIDATION AND REORGANIZATION OF**  
21 **PROVISIONS.—**The Export-Import Bank Act of 1945  
22 (12 U.S.C. 635—635i–9) is amended by inserting  
23 after section 8 the following:

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

2 “(a) IN GENERAL.—Not later than June 30 of each  
3 year, the Bank shall submit to the appropriate committees  
4 of the Congress a report that includes the following:

5 “(1) ACTIONS OF BANK IN PROVIDING FINANC-  
6 ING ON A COMPETITIVE BASIS, AND TO MINIMIZE  
7 COMPETITION IN GOVERNMENT-SUPPORTED EXPORT  
8 FINANCING.—A description of the actions of the  
9 Bank in complying with the 2nd and 3rd sentences  
10 of section 2(b)(1)(A). In this part of the report, the  
11 Bank shall include a survey of all other major ex-  
12 port-financing facilities available from other govern-  
13 ments and government-related agencies through  
14 which foreign exporters compete with United States  
15 exporters (including through use of market windows  
16 (as defined in section 10(h)(7)) and indicate in spe-  
17 cific terms the ways in which the Bank’s rates,  
18 terms, and other conditions compare with those of-  
19 fered from such other governments directly or indi-  
20 rectly. With respect to the preceding sentence, the  
21 Bank shall use all available information to estimate  
22 the annual amount of export financing available  
23 from each government and government-related agen-  
24 cy. In this part of the report, the Bank shall include  
25 a survey of a representative number of United  
26 States exporters and United States commercial lend-

1 ing institutions which provide export credit to deter-  
2 mine the experience of the exporters and institutions  
3 in meeting financial competition from other coun-  
4 tries whose exporters compete with United States ex-  
5 porters.

6 “(2) ROLE OF BANK IN IMPLEMENTING STRA-  
7 TEGIC PLAN PREPARED BY THE TRADE PROMOTION  
8 COORDINATING COMMITTEE.—A description of the  
9 role of the Bank in implementing the strategic plan  
10 prepared by the Trade Promotion Coordinating  
11 Committee in accordance with section 2312 of the  
12 Export Enhancement Act of 1988.

13 “(3) TIED AID CREDIT PROGRAM AND FUND.—  
14 The report required by section 10(g).

15 “(4) PURPOSE OF ALL BANK TRANSACTIONS.—  
16 A description of all Bank transactions which shall be  
17 classified according to their principal purpose, such  
18 as to correct a market failure or to provide matching  
19 support.

20 “(5) EFFORTS OF BANK TO PROMOTE EXPORT  
21 OF GOODS AND SERVICES RELATED TO RENEWABLE  
22 ENERGY SOURCES.—A description of the efforts un-  
23 dertaken under section 2(b)(1)(K).

24 “(6) SIZE OF BANK PROGRAM ACCOUNT.—A  
25 separate section which—

1           “(A) compares the size of the Bank pro-  
2           gram account with the size of the program ac-  
3           counts of the other major export-financing fa-  
4           cilities referred to in paragraph (1); and

5           “(B) makes recommendations with respect  
6           to the relative size of the Bank program ac-  
7           count, based on factors including whether the  
8           size differences are in the best interests of the  
9           United States taxpayer.

10          “(7) CO-FINANCING PROGRAMS OF THE BANK  
11          AND OF OTHER EXPORT CREDIT AGENCIES.—A sep-  
12          arate section which describes the co-financing pro-  
13          grams of the Bank and of the other major export-  
14          financing facilities referred to in paragraph (1),  
15          which shall include a list of which countries with  
16          which the United States has in effect a memo-  
17          randum of understanding relating to export credit  
18          agency co-financing and an explanation of why such  
19          a memorandum is not in effect with the countries  
20          with which such a memorandum is not in effect.

21          “(8) AFTER-MARKET SERVICES SUPPORT BY  
22          THE BANK AND BY OTHER EXPORT CREDIT AGEN-  
23          CIES.—A separate section which describes the par-  
24          ticipation of the Bank in providing funding, guaran-  
25          tees, or insurance for after-market services, which

1 shall include appropriate information on the involve-  
2 ment of the other major export-financing facilities  
3 referred to in paragraph (1) in providing such sup-  
4 port for after-market services, and an explanation of  
5 any differences among the facilities in providing the  
6 support.

7 “(9) EXPORT FINANCE CASES NOT IN COMPLI-  
8 ANCE WITH THE ARRANGEMENT.—Detailed informa-  
9 tion on cases of export finance that are not in com-  
10 pliance with the Arrangement (as defined in section  
11 10(h)(3)) or that exploit loopholes in the Arrange-  
12 ment for the purpose of obtaining a commercial  
13 competitive advantage.

14 “(10) FOREIGN EXPORT CREDIT AGENCY AC-  
15 TIVITIES NOT CONSISTENT WITH THE WTO AGREE-  
16 MENT ON SUBSIDIES AND COUNTERVAILING MEAS-  
17 URES.—A description of the extent to which the ac-  
18 tivities of foreign export credit agencies, particularly  
19 those that are not members of the Arrangement (as  
20 defined in section 10(h)(3)), are not in compliance  
21 with the Arrangement and may not be consistent  
22 with the terms of the Agreement on Subsidies and  
23 Countervailing Measures referred to in section  
24 101(d)(12) of the Uruguay Round Agreements Act  
25 (19 U.S.C. 3511(d)(12)), and a description of the

1 actions taken by the United States Government to  
2 address the activities.

3 “(b) BOARD VOTE ON REPORT REQUIRED.—The  
4 Board of Directors shall vote to approve and shall sign  
5 each report required by subsection (a).

6 “(c) INCLUSION OF DISSENTING VIEWS, ETC.—Each  
7 report required by subsection (a) shall include such dis-  
8 senting views and additional comments as any member of  
9 the Board of Directors may submit to the Board for inclu-  
10 sion in the report.”.

11 (2) CONFORMING AMENDMENT.—Section  
12 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is  
13 amended by striking all that follows the 3rd sen-  
14 tence.

15 (b) REPORT ON INVOLVEMENT OF THE BANK AND  
16 OF OTHER EXPORT CREDIT AGENCIES IN REGIONAL  
17 MULTI-BUYER INSURANCE PROGRAMS AND WORKING-  
18 CAPITAL GUARANTEE PROGRAMS.—Section 8 of such Act  
19 (12 U.S.C. 635g), as amended by sections 4 and 5 of this  
20 Act, is amended by adding at the end the following:

21 “(i) REPORT ON INVOLVEMENT OF THE BANK AND  
22 OF OTHER EXPORT CREDIT AGENCIES IN REGIONAL  
23 MULTI-BUYER INSURANCE PROGRAMS AND WORKING-  
24 CAPITAL GUARANTEE PROGRAMS.—The Bank shall in-  
25 clude in its annual report to the Congress under sub-

1 section (a) of this section a separate section that contains  
2 a report on—

3 “(1) regional multi-buyer insurance programs  
4 and working capital guarantee programs operated  
5 by, through, or in conjunction with the Bank, which  
6 shall include an analysis of the effectiveness of the  
7 programs and of how effective the programs would  
8 be in increasing export-related jobs in the United  
9 States if the programs were larger;

10 “(2) the size of similar programs of all other  
11 major export-financing facilities available from other  
12 governments and government-related agencies  
13 through which foreign exporters compete with  
14 United States exporters (including through use of  
15 market windows (as defined in section 10(h)(7));  
16 and

17 “(3) as a detailed explanation, with respect to  
18 the programs, of the working relationship between  
19 the Bank and the Small Business Administration,  
20 the Department of Commerce, and other United  
21 States Government agencies concerned with increas-  
22 ing the number of export-related jobs in the United  
23 States.”.

1 (c) CLARIFICATION OF USE OF TIED AID CREDIT  
2 FUND TO MATCH.—Section 10 of the Export-Import  
3 Bank Act of 1945 (12 U.S.C. 635i-3) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (5)—

6 (i) in the matter preceding subpara-  
7 graph (A), by striking “two” and inserting  
8 “3”;

9 (ii) in subparagraph (A)(iv), by strik-  
10 ing “and”; and

11 (iii) by adding at the end the fol-  
12 lowing:

13 “(C) third, the Bank should support  
14 United States exporters when the exporters face  
15 foreign competition that is supported by foreign  
16 export credit agencies that are not party to the  
17 Arrangement; and”; and

18 (B) in paragraph (6)—

19 (i) in the matter preceding subpara-  
20 graph (A), by inserting “including those  
21 that are not a party to the Arrangement”  
22 after “countries”;

23 (ii) in subparagraph (B), by striking  
24 the period and inserting “; and”; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(C) promoting compliance with Arrange-  
4 ment rules among foreign export credit agencies  
5 that are not a party to the Arrangement.”; and  
6 (2) in subsection (b)—

7 (A) in paragraph (2)(A), by striking “in  
8 consultation with the Secretary and”; and

9 (B) in paragraph (5)—

10 (i) in subparagraph (A), by striking  
11 “Secretary and the Bank jointly” and in-  
12 serting “Bank”;

13 (ii) in subparagraph (B)—

14 (I) in clause (i)—

15 (aa) in the matter preceding  
16 subclause (I), by striking “Sec-  
17 retary and the”;

18 (bb) in subclause (I), by in-  
19 serting “, and to bring into the  
20 Arrangement those countries that  
21 are not a party to the Arrange-  
22 ment”; and

23 (cc) in subclause (III), by  
24 adding at the end the following  
25 “In cases where information

1 about a specific offer of foreign  
2 tied aid (or untied aid used to  
3 promote exports as if it were tied  
4 aid) is not available in a timely  
5 manner, or is unavailable because  
6 the foreign export credit agency  
7 involved is not subject to the re-  
8 porting requirements under the  
9 Arrangement, then the Bank may  
10 decide to use the Tied Aid Credit  
11 Fund based on credible evidence  
12 of a history of such offers under  
13 similar circumstances or other  
14 forms of credible evidence.”; and  
15 (II) in clause (ii), by adding at  
16 the end the following: “The President  
17 of the United States shall notify the  
18 Congress of such a determination  
19 within 30 days, including an expla-  
20 nation for the determination.”;  
21 (iii) in subparagraph (C), by striking  
22 “the Secretary and”; and  
23 (iv) in subparagraph (E), by striking  
24 “Secretary and the Bank jointly” and in-  
25 serting “Bank”.

1 (d) EXPANSION OF COUNTRIES IN COMPETITION  
2 WITH WHOM THE BANK IS TO PROVIDE EXPORT FI-  
3 NANCING.—Section 2(b)(1)(A) of such Act (12 U.S.C.  
4 635(b)(1)(A)) is amended in the 2nd sentence by inserting  
5 “, including countries the governments of which are not  
6 members of the Arrangement (as defined in section  
7 10(h)(3))” before the period.

8 (e) AUTHORITY TO SEEK USE OF MIXED FORMS OF  
9 CONCESSIONAL FINANCING.—Section 10 of such Act (12  
10 U.S.C. 635i-3) is amended by adding at the end the fol-  
11 lowing:

12 “(i) AUTHORITY TO SEEK USE OF MIXED FORMS OF  
13 CONCESSIONAL FINANCING.—For purposes of improving  
14 the effects of Bank financing on development in tied aid  
15 eligible markets (as defined under the Arrangement) and  
16 of improving the competitiveness of the Bank in the mar-  
17 kets, the Bank shall, in consultation with United States  
18 government aid agencies and, as appropriate, multilateral  
19 aid institutions, seek to establish, consistent with the Ar-  
20 rangement, a mixed credit program consisting of longer  
21 term financing and other forms of more flexible repayment  
22 terms, financing of transactions in local currencies, and  
23 other forms of concessional financing that meets the needs  
24 of the product sector and foreign market involved.”.

1 (f) INSTRUCTIONS REGARDING NEGOTIATION OF  
2 THE OECD ARRANGEMENT.—The Secretary of the Treas-  
3 ury shall instruct the designee of the Secretary to the ne-  
4 gotiation of the Arrangement (as defined in section  
5 10(h)(3) of the Export-Import Bank Act of 1945) to in-  
6 form the other participants in the negotiation that the  
7 goals of the United States include the following:

8 (1) Seeking compliance with the Arrangement  
9 among countries with significant export credit pro-  
10 grams who are not members of the Arrangement.

11 (2) Seeking to identify within the World Trade  
12 Organization the extent to which countries that are  
13 not a party to the Arrangement are not in compli-  
14 ance with the terms of the Agreement on Subsidies  
15 and Countervailing Measures referred to in section  
16 101(d)(12) of the Uruguay Round Agreements Act  
17 (19 U.S.C. 3511(d)(12)) in regards to export fi-  
18 nance, and seeking appropriate action within the  
19 World Trade Organization if such a country is not  
20 in such compliance.

21 (3) Implementing new disciplines on the use of  
22 untied aid, market windows, and other forms of ex-  
23 port finance that seek to exploit loopholes in the Ar-  
24 rangement for purposes of obtaining a commercial  
25 competitive advantage.

1 **SEC. 11. CONSIDERATION OF ENVIRONMENTAL MATTERS**  
2 **BY THE ADVISORY COMMITTEE.**

3 Section 3(d) of the Export-Import Bank Act of 1945  
4 (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 Advi-  
13 sory Committee shall be representative of the environ-  
14 mental nongovernmental organization community, except  
15 that no 2 of the members shall be from the same environ-  
16 mental organization. Environmental organizations rep-  
17 resented shall have demonstrated experience with environ-  
18 mental issues associated with the Bank, the Export Credit  
19 Group of the Organization for Economic Cooperation and  
20 Development, or both.”.

21 **SEC. 12. TECHNICAL CORRECTIONS.**

22 Section 2(b)(2)(B)(ii) of the Export-Import Bank Act  
23 of 1945 (12 U.S.C. 635(b)(2)(B)(ii)) is amended by strik-  
24 ing subclauses (I), (III), (VII), (VIII), and (IX), and re-  
25 designating subclauses (II), (IV), (V), and (VI) as sub-  
26 clauses (I) through (IV), respectively.

1 **SEC. 13. EFFECTIVE DATE.**

2       The amendments made by this Act shall take effect  
3 on October 1, 2006.

○