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109TH CONGRESS
2^D SESSION

H. R. 5068

[Report No. 109-566]

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

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

JULY 17, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on March 30, 2006]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Export-Import Bank*
 3 *Reauthorization Act of 2006”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *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. Study of how Export-Import Bank could assist United States exporters
 to meet import needs of new or impoverished democracies; re-
 ports.*

Sec. 13. Review of environmental screening requirement.

Sec. 14. Office of Renewable Energy Promotion.

Sec. 15. Transparency.

Sec. 16. Anti-circumvention.

*Sec. 17. Performance standards applicable to Bank assistance for small busi-
 nesses, especially those owned by social and economically dis-
 advantaged individuals and those owned by women.*

*Sec. 18. Prohibition on assistance to develop or promote any rail connections or
 railway-related connections that traverse or connect Baku, Azer-
 baijan, Tbilisi, Georgia, and Kars, Turkey, and that specifically
 exclude cities in Armenia.*

Sec. 19. Technical corrections.

Sec. 20. Effective date.

6 **SEC. 3. REAUTHORIZATION.**

7 *Section 7 of the Export-Import Bank Act of 1945 (12*
 8 *U.S.C. 635f) is amended by striking “2006” and inserting*
 9 *“2011”.*

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

11 *(a) ESTABLISHMENT OF SMALL BUSINESS DIVI-*
 12 *SION.—*

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

4 “(f) *SMALL BUSINESS DIVISION.*—

5 “(1) *ESTABLISHMENT.*—The President of the
6 *Bank shall establish and maintain a division of the*
7 *Bank whose sole functions shall be to—*

8 “(A) carry out subparagraphs (E) and (I)
9 of section 2(b)(1), as such subparagraphs relate
10 to outreach, feedback, product improvement, and
11 transaction advocacy for small business concerns;

12 “(B) advise and seek feedback from small
13 business concerns of the opportunities and bene-
14 fits for small business concerns in the financing
15 products offered by the Bank, with particular
16 emphasis on conducting outreach, better tai-
17 loring products to small business needs and in-
18 creasing loans to small business concerns em-
19 ploying fewer than 100 employees; and

20 “(C) maintain liaison with the *Small Busi-*
21 *ness Administration and other departments and*
22 *agencies in matters affecting small business con-*
23 *cerns.*

1 “(2) *MANAGEMENT.*—*The division shall be man-*
2 *aged by a Bank officer designated by the Board of Di-*
3 *rectors—*

4 “(A) *who shall have substantial recent expe-*
5 *rience in financing exports by small business*
6 *concerns;*

7 “(B) *whose sole executive duty shall be to*
8 *ensure that the division carries out the functions*
9 *of the division;*

10 “(C) *who shall advise the Board, particu-*
11 *larly the Director appointed under section*
12 *3(c)(8)(B) to represent the interests of small*
13 *business, on matters of interest to, and concern*
14 *for, small business;*

15 “(D) *who shall rank not lower than senior*
16 *vice president of the Bank; and*

17 “(E) *who shall report directly to the Presi-*
18 *dent of the Bank.*

19 “(3) *RESOURCES.*—

20 “(A) *IN GENERAL.*—*The President of the*
21 *Bank shall ensure that the division has sufficient*
22 *qualified staff and budgetary resources to carry*
23 *out subparagraphs (E) and (I) of section 2(b)(1),*
24 *as determined annually by the President of the*
25 *Bank, after consultation with—*

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

3 “(ii) the Director appointed under sub-
4 section (c)(8)(B) of this section;

5 “(iii) the Committee on Financial
6 Services of the House of Representatives;
7 and

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

10 “(B) USES.—

11 “(i) *IN GENERAL.*—The President of
12 the Bank shall ensure that the staff and
13 budgetary resources of the division are de-
14 voted solely to carrying out the functions of
15 the division.

16 “(ii) *CERTAIN STAFF DUTIES.*—The di-
17 vision shall include staff dedicated exclu-
18 sively to providing outreach, training, and
19 advice to, seeking feedback from, and advo-
20 cating on behalf of small business concerns
21 regarding Bank financing opportunities,
22 products, and programs.

23 “(C) *RULE OF INTERPRETATION.*—Nothing
24 in this Act shall be construed to prevent the dele-
25 gation to the division of any authority necessary

1 to carry out subparagraphs (E) and (I) of sec-
2 tion 2(b)(1).

3 “(4) *SMALL BUSINESS CONCERN DEFINED.*—In
4 this subsection and subsections (g) and (h), the term
5 ‘small business concern’ shall have the meaning estab-
6 lished under section 3(a) of the Small Business Act.

7 “(g) *HANDLING OF APPLICATIONS OF, AND PROC-*
8 *ESSING OF TRANSACTIONS INVOLVING SMALL BUSINESS*
9 *CONCERNS.*—Consistent with the requirement that the Bank
10 obtain a reasonable assurance of repayment for each trans-
11 action the Bank supports, the Bank shall establish and
12 maintain transaction standards tailored to the special cir-
13 cumstances of small business concerns and shall use the
14 standards in evaluating applications by the concerns for
15 Bank financing. The Bank shall ensure that each appro-
16 priate division of the Bank has staff dedicated to the proc-
17 essing of transactions involving small business concerns.

18 “(h) *SMALL BUSINESS COMMITTEE.*—

19 “(1) *ESTABLISHMENT.*—The Bank shall establish
20 and maintain a committee to be known as the ‘Small
21 Business Committee’.

22 “(2) *PRINCIPAL PURPOSE.*—The principal pur-
23 pose of the Small Business Committee shall be to
24 focus on small business concerns and coordinate the
25 efforts of the Bank with respect to small business con-

1 cerns, including the timely processing of small busi-
2 ness product applications and the evolution of new or
3 improved Bank products to better serve small business
4 needs.

5 “(3) COMPOSITION.—

6 “(A) CHAIRMAN.—The chairman of the
7 Small Business Committee shall be the Senior
8 Vice President of the Bank who is responsible for
9 management of the Small Business Division of
10 the Bank.

11 “(B) OTHER MEMBERS.—The President of
12 the Bank shall ensure that the committee is com-
13 prised of officers and employees throughout the
14 Bank that have responsibility for outreach and
15 processing transactions involving small business
16 concerns.

17 “(4) REPORTS.—The Small Business Committee
18 shall report to the President of the Bank.”.

19 (2) COORDINATION IN FINANCING OF SMALL
20 BUSINESS EXPORTS.—Section 2(b)(1)(E)(vii)(I) of
21 such Act (12 U.S.C. 635(b)(1)(E)(vii)(I)) is amended
22 by adding at the end the following: “The Bank shall
23 work in coordination with the entities described in
24 the preceding sentence to streamline the processing of
25 applications for Bank financing from small business

1 *concerns and to provide training and advice as re-*
2 *quired on the needs and benefits of export financing*
3 *for small business concerns.”*

4 *(b) REPORT ON FEES CHARGED TO, AND TRANS-*
5 *ACTIONS COSTS INCURRED BY, SMALL AND MEDIUM BUSI-*
6 *NESS FOR BANK SERVICES.—Section 8 of such Act (12*
7 *U.S.C. 635g) is amended by adding at the end the following:*

8 *“(f) REPORT ON FEES CHARGED TO, AND TRANS-*
9 *ACTIONS COSTS INCURRED BY, SMALL AND MEDIUM BUSI-*
10 *NESS FOR BANK SERVICES.—The Bank shall submit to the*
11 *Congress annually, and include in a separate section of the*
12 *annual report to the Congress under subsection (a) of this*
13 *section, a report on—*

14 *“(1) with respect to each type of transaction, the*
15 *interest and fees charged by the Bank to exporters*
16 *(including a description of fees and interest, if any,*
17 *charged to small business concerns), buyers, and other*
18 *applicants in connection with each financing pro-*
19 *gram of the Bank, and the highest, lowest, and aver-*
20 *age fees charged by the Bank for short term insurance*
21 *transactions;*

22 *“(2) the effects of the fees on the ability of the*
23 *Bank to achieve the objectives of the Bank relating to*
24 *small business; and*

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

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

7 “(g) *REPORT ON FINANCING DIRECTED TOWARD*
8 *SMALL BUSINESS.—The Bank shall submit annually to the*
9 *Committees on Financial Services and on Small Business*
10 *of the House of Representatives—*

11 “(1) *a report on the extent to which the Bank*
12 *has been able to use the authorities referred to in sec-*
13 *tion 2(b)(1)(E)(iv), and, to the extent the Bank has*
14 *been unable to fully do so, a report on the obstacles*
15 *to doing so and on what the Bank is doing to over-*
16 *come the obstacles;*

17 “(2) *a report on the extent to which financing*
18 *has been made available to small business concerns to*
19 *enable them to participate in exports by major con-*
20 *tractor, including through access to the supply chains*
21 *of the contractors through direct or indirect funding;*
22 *and*

23 “(3) *a strategic plan of action describing how, in*
24 *the upcoming year, the Bank will take specific meas-*
25 *ures to achieve the small business objectives of the*

1 *Bank, including expanded outreach, product improve-*
2 *ments, and related actions.”.*

3 *(d) CONFORMING AMENDMENTS.—*

4 *(1) IN GENERAL.—*

5 *(A) Section 2(b)(1)(E) of such Act (12*
6 *U.S.C. 635(b)(1)(E)), as amended by subsection*
7 *(a)(2) of this section, is amended—*

8 *(i) in clause (i)(II), by striking “gives*
9 *fair consideration to making loans and pro-*
10 *viding” and inserting “make loans and pro-*
11 *vide”;*

12 *(ii) by striking clause (iii);*

13 *(iii) in clause (iv), by striking “clauses*
14 *(ii) and (iii) of this subparagraph” and in-*
15 *serting “clause (ii)”;*

16 *(iv) in clause (vi)—*

17 *(I) by striking “clause (v) of this*
18 *subparagraph” and insert “clause*
19 *(iv)”;* and

20 *(II) by striking “clause (vi)” and*
21 *inserting “clause”;*

22 *(v) in clause (vii)—*

23 *(I) in subclause (I), by striking*
24 *“(v)” and inserting “(iv)”;* and

1 (ii) in each of subclauses (II),
2 (III), and (IV), by striking “clause
3 (vii)” and inserting “clause”; and
4 (vi) by redesignating clauses (iv)
5 through (x) as clauses (iii) through (ix), re-
6 spectively.

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

9 (i) in subsection (b)(2)(B), by striking
10 “2(b)(1)(E)(vii)” and inserting
11 “2(b)(1)(E)(vi)”; and

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

14 (2) *UNIFORM MEANING OF SMALL BUSINESS.*—
15 Section 2(b)(1)(E) of such Act (12 U.S.C.
16 635(b)(1)(E)), as amended by subsection (a)(2) of this
17 section and paragraph (1) of this subsection, is
18 amended—

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

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

23 (C) in each of clauses (v), (vi) and (vii), by
24 striking “small business exports” each place it

1 *appears and inserting “exports by small business*
2 *concerns”;* and

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

4 *“(x) In this subparagraph, the term ‘small business*
5 *concern’ shall have the meaning established under section*
6 *3(a) of the Small Business Act.”.*

7 *(e) ENHANCE DELEGATED LOAN AUTHORITY FOR ME-*
8 *DIUM TERM TRANSACTIONS.—*

9 *(1) IN GENERAL.—The Export-Import Bank of*
10 *the United States shall seek to expand the exercise of*
11 *authority under section 2(b)(1)(E)(vi) of the Export-*
12 *Import Bank Act of 1945 (as so redesignated by sub-*
13 *section (d)(1)(A)(vi) of this section) with respect to*
14 *medium term transactions for small business concerns*
15 *(as defined under section 3(a) of the Small Business*
16 *Act).*

17 *(2) CONFORMING AMENDMENT.—Section*
18 *2(b)(1)(E)(vi)(III) of the Export-Import Bank Act of*
19 *1945 (12 U.S.C. 635(b)(1)(E)(vi)(III)), as so redesign-*
20 *ated by subsection (d)(1)(A)(vi) of this section, is*
21 *amended by striking “To the maximum extent prac-*
22 *ticable, the” and inserting “The”.*

23 *(3) DEADLINE.—Within 180 days after the date*
24 *of the enactment of this Act, the Export-Import Bank*
25 *of the United States shall make available lines of*

1 *credit and guarantees to carry out section*
 2 *2(b)(1)(E)(vi) of the Export-Import Bank Act of 1945*
 3 *(as so redesignated by subsection (d)(1)(A)(vi) of this*
 4 *section), pursuant to policies and procedures estab-*
 5 *lished by the Board of Directors of the Export-Import*
 6 *Bank of the United States.*

7 **SEC. 5. OFFICE OF FINANCING FOR SOCIALLY AND ECO-**
 8 **NOMICALLY DISADVANTAGED SMALL BUSI-**
 9 **NESS CONCERNS AND SMALL BUSINESS CON-**
 10 **CERNS OWNED BY WOMEN.**

11 *(a) IN GENERAL.—Section 3(f) of the Export-Import*
 12 *Bank Act of 1945 (12 U.S.C. 635a(f)), as added by section*
 13 *4(a) of this Act, is amended by redesignating paragraph*
 14 *(4) as paragraph (5) and by inserting after paragraph (3)*
 15 *the following:*

16 “(4) OFFICE OF FINANCING FOR SOCIALLY AND
 17 ECONOMICALLY DISADVANTAGED SMALL BUSINESS
 18 CONCERNS AND SMALL BUSINESS CONCERNS OWNED
 19 BY WOMEN.—

20 “(A) ESTABLISHMENT.—The President of
 21 the Bank shall establish in the division an office
 22 whose sole functions shall be to continue and en-
 23 hance the outreach activities of the Bank with re-
 24 spect to, and increase the total amount of loans,
 25 guarantees, and insurance provided by the Bank

1 to support exports by, socially and economically
2 disadvantaged small business concerns (as de-
3 fined in section 8(a)(4) of the Small Business
4 Act) and small business concerns owned by
5 women.

6 “(B) *MANAGEMENT.*—The office shall be
7 managed by a Bank officer of appropriate rank
8 who shall report to the Bank officer designated
9 under section 3(f)(2).

10 “(C) *STAFFING.*—To the maximum extent
11 practicable, the President of the Bank shall en-
12 sure that qualified minority and women appli-
13 cants are considered when filling any position in
14 the office.”.

15 (b) *FINANCING DIRECTED TOWARD SMALL BUSI-*
16 *NESSES OWNED BY MINORITIES OR WOMEN.*—Section
17 *2(b)(1)(E)(iv) of such Act (12 U.S.C. 635(b)(1)(E)(iv)), as*
18 *so redesignated by section 4(d)(1)(A)(vi) of this Act, is*
19 *amended by adding at the end the following: “From the*
20 *amount made available under the preceding sentence, it*
21 *shall be a goal of the Bank to make available not less than*
22 *15 percent of the amount to finance exports directly by*
23 *small business concerns referred to in section 3(f)(4)(A).”.*

24 (c) *REPORT ON FINANCING DIRECTED TOWARD SMALL*
25 *BUSINESSES OWNED BY MINORITIES OR WOMEN.*—Section

1 8(g)(1) of such Act (12 U.S.C. 635g(g)(1)), as added by sec-
2 tion 4(c) of this Act, is amended by inserting “and to fi-
3 nance exports by small business concerns referred to in sec-
4 tion 3(f)(4)(A),” before “and, to the extent”.

5 (d) *REPORT ON BANK EFFORTS TO SUPPORT EXPORTS*
6 *BY SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL*
7 *BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS*
8 *OWNED BY WOMEN.*—Section 8 of such Act (12 U.S.C.
9 635g), as amended by section 4 of this Act, is amended by
10 adding at the end the following:

11 “(h) *REPORT ON EFFORTS TO SUPPORT EXPORTS BY*
12 *SMALL- AND MEDIUM-SIZED BUSINESSES OWNED BY*
13 *WOMEN OR MINORITIES.*—Not later than March 1 of each
14 year, the Director appointed under section 3(c)(8)(B) of this
15 Act shall prepare and submit to the Committee on Finan-
16 cial Services of the House of Representatives and the Com-
17 mittee on Banking, Housing, and Urban Affairs of the Sen-
18 ate, and the Bank shall include in a separate section of
19 the annual report submitted pursuant to subsection (a) of
20 this section, a written report that describes the progress
21 made by the Bank in supporting exports by socially and
22 economically disadvantaged small business concerns (as de-
23 fined in section 8(a)(4) of the Small Business Act) and
24 small business concerns owned by women.”.

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

2 (a) *EXTENSION OF ADVISORY COMMITTEE.*—Section
3 2(b)(9)(B)(iii) of the *Export-Import Bank Act of 1945* (12
4 *U.S.C. 635(b)(9)(B)(iii)*) is amended by striking “2006”
5 and inserting “2011”.

6 (b) *IMPROVED LIAISON WITH AFRICAN REGIONAL FI-*
7 *NANCIAL INSTITUTIONS.*—

8 (1) *MASTER GUARANTEE AGREEMENTS.*—Within
9 1 year after the date of the enactment of this Act, the
10 *Export-Import Bank of the United States* shall seek
11 to ensure that there is in effect a contract between
12 each approved lender in Africa and the Bank, which
13 sets forth the Bank’s guarantee undertakings and re-
14 lated obligations between the Bank and the lender.

15 (2) *REPORT ON WORKING RELATIONSHIPS WITH*
16 *THE AFRICAN DEVELOPMENT BANK, THE AFRICA EX-*
17 *PORT-IMPORT BANK, AND OTHER INSTITUTIONS.*—Sec-
18 tion 2(b)(9) of such Act (12 *U.S.C. 635(b)(9)*) is
19 amended by adding at the end the following:

20 “(C) The Bank shall include in the annual report to
21 the Congress submitted under section 8(a) a separate section
22 that contains a report on the efforts of the Bank to improve
23 working relationships with the African Development Bank,
24 the Africa Export-Import Bank, and other institutions in
25 the region that are relevant to the purposes of subparagraph
26 (A) of this paragraph.”.

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

5 “(D) *The Bank shall closely coordinate with the*
6 *United States Foreign Commercial Service and with the*
7 *overall strategy of the United States Government, for eco-*
8 *nomie engagement with Africa pursuant to the African*
9 *Growth and Opportunity Act.*

10 “(E) *The Bank shall develop initiatives to train For-*
11 *eign Service and Commercial Service officers serving at*
12 *United State embassies in Africa, in the use of Bank pro-*
13 *grams, so the officers can encourage African buyers to take*
14 *part in transactions supported by the Bank.”.*

15 (d) *ADJUSTMENTS TO PROCEDURES TO PROMOTE*
16 *QUALIFICATION OF AFRICAN ENTITIES.*—Section 2(b)(9) of
17 *such Act (12 U.S.C. 635(b)(9)) is further amended by add-*
18 *ing at the end the following:*

19 “(F) *Consistent with the requirement that the Bank*
20 *obtain a reasonable assurance of repayment in connection*
21 *with each transaction the Bank supports, the Bank shall,*
22 *in consultation with the entities described in subparagraph*
23 *(C), seek greater flexibility in the due-diligence procedures*
24 *of the Bank for the purpose of qualifying a greater number*

1 of appropriate African entities for participation in pro-
2 grams of the Bank.”.

3 (e) *LOCAL CURRENCY FINANCING*.—Section 2(b)(9) of
4 such Act (12 U.S.C. 635(b)(9)) is further amended by add-
5 ing at the end the following:

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

9 **SEC. 7. EXTENSION OF AUTHORITY.**

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

12 **SEC. 8. TRANSPARENCY INITIATIVES.**

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

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

18 “(10) At the request of any 2 members of the Board
19 of Directors, the Chairman shall place an item on the agen-
20 da for consideration by the Board. Within 30 days after
21 the date such a request is made, the Chairman shall hold
22 a meeting of the Board at which the item will be consid-
23 ered.”.

24 (b) *VOTING REQUIRED IN CASES INVOLVING ECO-*
25 *NOMIC IMPACT ANALYSIS*.—Section 2(e) of such Act (12

1 *U.S.C. 635(e)* is amended by adding at the end the fol-
2 *lowing:*

3 “(5) *BOARD VOTE REQUIRED.*—*Within 60 days*
4 *after completing a review, pursuant to this subsection,*
5 *of a proposed loan or guarantee (including any appli-*
6 *cable comment period), the Board of Directors shall*
7 *hold a vote to determine whether or not to proceed*
8 *with the proposed loan or guarantee, unless the appli-*
9 *cant has withdrawn the application for the loan or*
10 *guarantee.”.*

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

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

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

18 “(2) *informing applicants that their applica-*
19 *tions are complete or, if incomplete or containing a*
20 *minor defect, of the additional material or changes*
21 *that, if supplied or made, would make the application*
22 *eligible for consideration; and*

23 “(3) *keeping applicants informed of the status of*
24 *their applications, including a clear and timely noti-*
25 *fication of approval or disapproval, and, in the case*

1 of disapproval, the reason for disapproval, as appro-
2 priate.”.

3 (d) *RESPONSE TO APPLICATION FOR FINANCING; IM-*
4 *PLEMENTATION OF ONLINE LOAN REQUEST AND TRACKING*
5 *PROCESS.*—Section 2 of such Act (12 U.S.C. 635) is further
6 amended by adding at the end the following:

7 “(h) *RESPONSE TO APPLICATION FOR FINANCING; IM-*
8 *PLEMENTATION OF ONLINE LOAN REQUEST AND TRACKING*
9 *PROCESS.*—Within 5 days after receipt of an application
10 for financing from the Bank, the Bank shall notify the ap-
11 plicant that the application has been received, and shall
12 include in the notice a request for such additional informa-
13 tion as may be necessary to make the application complete,
14 the name of a Bank employee who may be contacted with
15 questions relating to the application, and a unique identi-
16 fication number which may be used to review the status
17 of the application at a website established as provided in
18 the next sentence. Not later than September 1, 2006, the
19 Bank shall use the authorities provided by subparagraphs
20 (E)(ix) and (J) of subsection (b)(1) of this section to estab-
21 lish, and thereafter to maintain, a website through which
22 any Bank product may be applied for, information may
23 be obtained about the status of any such application, about
24 the small business division of the Bank, or about incentives,
25 preferences, targets, and goals relating to small business

1 *concerns referred to in section 3(f)(4)(A) or small business*
2 *concerns exporting to Africa.”.*

3 *(e) REPORTS RELATING TO TECHNOLOGY TO ASSIST*
4 *SMALL BUSINESSES.—*

5 *(1) REPORTS BY THE BANK.—*

6 *(A) INITIAL REPORT.—Within 60 days after*
7 *the date of the enactment of this Act, the Presi-*
8 *dent of the Export-Import Bank of the United*
9 *States shall submit to the Committee on Finan-*
10 *cial Services of the House of Representatives and*
11 *the Committee on Banking, Housing, and Urban*
12 *Affairs of the Senate a report on—*

13 *(i) the efforts made by the Bank to*
14 *carry out subparagraphs (E)(ix) and (J) of*
15 *section 2(b)(1) of the Export-Import Bank*
16 *Act of 1945, including the total amount ex-*
17 *pende by the Bank to do so; and*

18 *(ii) if the Bank has been unable to*
19 *comply with such subparagraphs—*

20 *(I) an analysis of the reasons*
21 *therefor;*

22 *(II) what the Bank is doing to*
23 *achieve, and the date by which the*
24 *Banks expects to have achieved, such*
25 *compliance; and*

1 (III) *the name of each Bank offi-*
2 *cer who is responsible for ensuring that*
3 *the Bank achieves, and the name of the*
4 *person to whom the Bank officer re-*
5 *ports on progress in achieving, such*
6 *compliance.*

7 (B) *SUBSEQUENT ANNUAL REPORTS.—Sec-*
8 *tion 8(c) of the Export-Import Bank Act of 1945*
9 *(12 U.S.C. 635g(c)), as amended by section*
10 *4(d)(1)(B)(ii) of this Act, is amended to read as*
11 *follows:*

12 “(c) *TECHNOLOGY TO ASSIST SMALL BUSINESSES.—*
13 *The Bank shall include in its annual report to the Congress*
14 *under subsection (a) of this section for each of fiscal years*
15 *2007 through 2011 a separate section that contains—*

16 “(1) *a report on the efforts made by the Bank to*
17 *carry out subparagraphs (E)(ix) and (J) of section*
18 *2(b)(1) of this Act, the total amount expended in the*
19 *fiscal year to do so, and how the efforts are assisting*
20 *small business concerns (as defined under section 3(a)*
21 *of the Small Business Act); and*

22 “(2) *if the Bank has been unable to comply fully*
23 *with such subparagraphs—*

24 “(A) *an analysis of the reasons therefor;*

1 “(B) a description of what the Bank is
2 doing to achieve, and the date by which the
3 Banks expects to have achieved, such full compli-
4 ance; and

5 “(C) the name of each Bank officer who is
6 responsible for ensuring that the Bank achieves,
7 and the name of the person to whom the Bank
8 officer reports on progress in achieving, such full
9 compliance.”.

10 (2) *REPORT BY THE INSPECTOR GENERAL OF*
11 *THE BANK.*—Within 120 days after the date of the en-
12 actment of this Act or, if later, within 30 days after
13 the date the vacancy in the position of the Inspector
14 General of the Export-Import Bank of the United
15 States is filled, the Inspector General of the Export-
16 Import Bank of the United States shall submit to the
17 Committee on Financial Services of the House of Rep-
18 resentatives and the Committee on Banking, Housing,
19 and Urban Affairs of the Senate—

20 (A) a report on the efforts made by the
21 Bank to carry out subparagraphs (E)(ix) and
22 (J) of section 2(b)(1) of the Export-Import Bank
23 Act of 1945, the total amount expended to do so,
24 and how the efforts are assisting small business

1 concerns (as defined under section 3(a) of the
2 *Small Business Act*); and

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

5 (i) an analysis of the reasons therefor;

6 (ii) a description of what the Bank is
7 doing to achieve, and the date by which the
8 Banks expects to have achieved, such com-
9 pliance; and

10 (iii) the name of each Bank officer who
11 is responsible for ensuring that the Bank
12 achieves, and the name of the person to
13 whom the Bank officer reports on progress
14 in achieving, such compliance.

15 (f) *PUBLIC DISCLOSURE OF CERTAIN DOCUMENTS.*—

16 Section 11(a)(1) of the *Export-Import Bank of 1945* (12
17 U.S.C. 635i–5(a)(1)) is amended by inserting after the first
18 sentence the following: “Such procedures shall provide for
19 the public disclosure of environmental assessments and sup-
20 plemental environmental reports required to be submitted
21 to the Bank, including remediation or mitigation plans and
22 procedures, and related monitoring reports. The preceding
23 sentence shall not be interpreted to require the public disclo-
24 sure of any information described in section 1905 of title
25 18, *United States Code*.”.

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

3 *Within 90 days after the date of the enactment of this*
4 *Act, the Export-Import Bank of the United States shall sub-*
5 *mit to the appropriate committees of the Congress a report*
6 *on the revenues, expenditures, and resulting annual net in-*
7 *come or expense to the United States for each of the 10 years*
8 *most recently completed before the date of the report.*

9 **SEC. 10. COMPETITIVENESS INITIATIVES.**

10 *(a) EXPANSION OF SCOPE OF ANNUAL COMPETITIVE-*
11 *NESS REPORT.—*

12 *(1) CONSOLIDATION AND REORGANIZATION OF*
13 *PROVISIONS.—The Export-Import Bank Act of 1945*
14 *(12 U.S.C. 635—635i-9) is amended by inserting*
15 *after section 8 the following:*

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

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

20 *“(1) ACTIONS OF BANK IN PROVIDING FINANCING*
21 *ON A COMPETITIVE BASIS, AND TO MINIMIZE COM-*
22 *PETITION IN GOVERNMENT-SUPPORTED EXPORT FI-*
23 *NANCING.—A description of the actions of the Bank in*
24 *complying with the 2nd and 3rd sentences of section*
25 *2(b)(1)(A). In this part of the report, the Bank shall*
26 *include a survey of all other major export-financing*

1 *facilities available from other governments and gov-*
2 *ernment-related agencies through which foreign ex-*
3 *porters compete with United States exporters (includ-*
4 *ing through use of market windows (as defined in sec-*
5 *tion 10(h)(7)) and indicate in specific terms the ways*
6 *in which the Bank's rates, terms, and other conditions*
7 *compare with those offered from such other govern-*
8 *ments directly or indirectly. With respect to the pre-*
9 *ceding sentence, the Bank shall use all available infor-*
10 *mation to estimate the annual amount of export fi-*
11 *nancing available from each such government and*
12 *government-related agency. In this part of the report,*
13 *the Bank shall include a survey of a representative*
14 *number of United States exporters and United States*
15 *commercial lending institutions which provide export*
16 *credit to determine the experience of the exporters and*
17 *institutions in meeting financial competition from*
18 *other countries whose exporters compete with United*
19 *States exporters.*

20 *“(2) ROLE OF BANK IN IMPLEMENTING STRA-*
21 *TEGIC PLAN PREPARED BY THE TRADE PROMOTION*
22 *COORDINATING COMMITTEE.—A description of the role*
23 *of the Bank in implementing the strategic plan pre-*
24 *pared by the Trade Promotion Coordinating Com-*

1 *mittee in accordance with section 2312 of the Export*
2 *Enhancement Act of 1988.*

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

5 “(4) *PURPOSE OF ALL BANK TRANSACTIONS.—A*
6 *description of all Bank transactions which shall be*
7 *classified according to their principal purpose, such*
8 *as to correct a market failure or to provide matching*
9 *support.*

10 “(5) *EFFORTS OF BANK TO PROMOTE EXPORT OF*
11 *GOODS AND SERVICES RELATED TO RENEWABLE EN-*
12 *ERGY SOURCES.—A description of the efforts under-*
13 *taken under section 2(b)(1)(K).*

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

16 “(A) *compares the size of the Bank program*
17 *account with the size of the program accounts of*
18 *the other major export-financing facilities re-*
19 *ferred to in paragraph (1); and*

20 “(B) *makes recommendations with respect*
21 *to the relative size of the Bank program account,*
22 *based on factors including whether the size dif-*
23 *ferences are in the best interests of the United*
24 *States taxpayer.*

1 “(7) *CO-FINANCING PROGRAMS OF THE BANK*
2 *AND OF OTHER EXPORT CREDIT AGENCIES.*—*A separate*
3 *section which describes the co-financing programs*
4 *of the Bank and of the other major export-financing*
5 *facilities referred to in paragraph (1), which shall in-*
6 *clude a list of which countries with which the United*
7 *States has in effect a memorandum of understanding*
8 *relating to export credit agency co-financing and an*
9 *explanation of why such a memorandum is not in ef-*
10 *fect with the countries with which such a memo-*
11 *randum is not in effect.*

12 “(8) *AFTER-MARKET SERVICES SUPPORT BY THE*
13 *BANK AND BY OTHER EXPORT CREDIT AGENCIES.*—*A*
14 *separate section which describes the participation of*
15 *the Bank in providing funding, guarantees, or insur-*
16 *ance for after-market services, which shall include ap-*
17 *propriate information on the involvement of the other*
18 *major export-financing facilities referred to in para-*
19 *graph (1) in providing such support for after-market*
20 *services, and an explanation of any differences among*
21 *the facilities in providing the support.*

22 “(9) *EXPORT FINANCE CASES NOT IN COMPLI-*
23 *ANCE WITH THE ARRANGEMENT.*—*Detailed informa-*
24 *tion on cases of export finance that are not in compli-*
25 *ance with the Arrangement (as defined in section*

1 10(h)(3)) or that exploit loopholes in the Arrangement
2 for the purpose of obtaining a commercial competitive
3 advantage.

4 “(10) *FOREIGN EXPORT CREDIT AGENCY ACTIVITIES NOT CONSISTENT WITH THE WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.*—A
5 description of the extent to which the activities of foreign export credit agencies and other entities sponsored by a foreign government, particularly those that
6 are not members of the Arrangement (as defined in section 10(h)(3)), are not in compliance with the Arrangement and may not be consistent with the terms
7 of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)),
8 and a description of the actions taken by the United States Government to address the activities.

9 “(b) *BOARD VOTE ON REPORT REQUIRED.*—The
10 Board of Directors shall vote to approve and shall sign each
11 report required by subsection (a).

12 “(c) *INCLUSION OF DISSENTING VIEWS, ETC.*—Each
13 report required by subsection (a) shall include such dissenting views and additional comments as any member of
14 the Board of Directors may submit to the Board for inclusion in the report.”.

1 (2) *CONFORMING AMENDMENT.—Section*
2 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is
3 amended by striking all that follows the 3rd sentence.

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

10 “(i) *REPORT ON INVOLVEMENT OF THE BANK AND OF*
11 *OTHER EXPORT CREDIT AGENCIES IN REGIONAL MULTI-*
12 *BUYER INSURANCE PROGRAMS AND WORKING-CAPITAL*
13 *GUARANTEE PROGRAMS.—The Bank shall include in its*
14 *annual report to the Congress under subsection (a) of this*
15 *section a separate section that contains a report on—*

16 “(1) *regional multi-buyer insurance programs*
17 *and working capital guarantee programs operated by,*
18 *through, or in conjunction with the Bank, which shall*
19 *include an analysis of the effectiveness of the pro-*
20 *grams and of how effective the programs would be in*
21 *increasing export-related jobs in the United States if*
22 *the programs were larger;*

23 “(2) *the size of similar programs of all other*
24 *major export-financing facilities available from other*
25 *governments and government-related agencies through*

1 *which foreign exporters compete with United States*
2 *exporters (including through use of market windows*
3 *(as defined in section 10(h)(7)); and*

4 *“(3) as a detailed explanation, with respect to*
5 *the programs, of the working relationship between the*
6 *Bank and the Small Business Administration, the*
7 *Department of Commerce, and other United States*
8 *Government agencies concerned with increasing the*
9 *number of export-related jobs in the United States.”.*

10 *(c) CLARIFICATION OF USE OF TIED AID CREDIT*

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

13 *(1) in subsection (a)—*

14 *(A) in paragraph (5)—*

15 *(i) in the matter preceding subpara-*
16 *graph (A), by striking “two” and inserting*
17 *“3”;*

18 *(ii) in subparagraph (A)(iv), by strik-*
19 *ing “and”; and*

20 *(iii) by adding at the end the fol-*
21 *lowing:*

22 *“(C) third, the Bank should support United*
23 *States exporters when the exporters face foreign*
24 *competition that is supported by foreign export*
25 *credit agencies or other entities sponsored by a*

1 *foreign government that are not party to the Ar-*
2 *rangement; and”;* and

3 *(B) in paragraph (6)—*

4 *(i) in the matter preceding subpara-*
5 *graph (A), by inserting “including those*
6 *that are not a party to the Arrangement”*
7 *after “countries”;*

8 *(ii) in subparagraph (B), by adding*
9 *“and” at the end; and*

10 *(iii) by inserting after subparagraph*
11 *(B) the following:*

12 *“(C) promoting compliance with Arrange-*
13 *ment rules among foreign export credit agencies*
14 *that are not a party to the Arrangement,”; and*
15 *(2) in subsection (b)—*

16 *(A) in paragraph (2)(A), by striking “in*
17 *consultation with the Secretary and”;* and

18 *(B) in paragraph (5)—*

19 *(i) in subparagraph (A), by striking*
20 *“Secretary and the Bank jointly” and in-*
21 *serting “Bank”;*

22 *(ii) in subparagraph (B)—*

23 *(I) in clause (i)—*

1 (aa) *in the matter preceding*
2 *subclause (I), by striking “Sec-*
3 *retary and the”;*

4 (bb) *in subclause (I), by in-*
5 *serting “, and to bring into the*
6 *Arrangement those countries that*
7 *are not a party to the Arrange-*
8 *ment” before the period; and*

9 (cc) *in subclause (III), by*
10 *adding at the end the following*
11 *“In cases where information about*
12 *a specific offer of foreign tied aid*
13 *(or untied aid used to promote ex-*
14 *ports as if it were tied aid) is not*
15 *available in a timely manner, or*
16 *is unavailable because the foreign*
17 *export credit agency involved is*
18 *not subject to the reporting re-*
19 *quirements under the Arrange-*
20 *ment, then the Bank may decide*
21 *to use the Tied Aid Credit Fund*
22 *based on credible evidence of a*
23 *history of such offers under simi-*
24 *lar circumstances or other forms*
25 *of credible evidence.”; and*

1 (II) in clause (ii), by adding at
2 the end the following: “The President
3 of the United States shall notify the
4 Congress of such a determination with-
5 in 30 days, including an explanation
6 for the determination.”;

7 (iii) in subparagraph (C), by striking
8 “the Secretary and”; and

9 (iv) in subparagraph (E), by striking
10 “Secretary and the Bank jointly” and in-
11 serting “Bank”.

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

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

23 “(i) *AUTHORITY TO SEEK USE OF MIXED FORMS OF*
24 *CONCESSIONAL FINANCING.*—*For purposes of improving the*
25 *effects of Bank financing on development in tied aid eligible*

1 *markets (as defined under the Arrangement) and of improv-*
2 *ing the competitiveness of the Bank in the markets, the*
3 *Bank shall, in consultation with United States government*
4 *aid agencies and, as appropriate, multilateral aid institu-*
5 *tions, seek to establish, consistent with the Arrangement, a*
6 *mixed credit program consisting of longer term financing*
7 *and other forms of more flexible repayment terms, financing*
8 *of transactions in local currencies, and other forms of*
9 *concessional financing that meets the needs of the product*
10 *sector and foreign market involved.”.*

11 *(f) INSTRUCTIONS REGARDING NEGOTIATION OF THE*
12 *OECD ARRANGEMENT.—The Secretary of the Treasury*
13 *shall instruct the designee of the Secretary to the negotia-*
14 *tion of the Arrangement (as defined in section 10(h)(3) of*
15 *the Export-Import Bank Act of 1945) to inform the other*
16 *participants in the negotiation that the goals of the United*
17 *States include the following:*

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

21 *(2) Seeking to identify within the World Trade*
22 *Organization the extent to which countries that are*
23 *not a party to the Arrangement are not in compli-*
24 *ance with the terms of the Agreement on Subsidies*
25 *and Countervailing Measures referred to in section*

1 *101(d)(12) of the Uruguay Round Agreements Act (19*
2 *U.S.C. 3511(d)(12)) in regards to export finance, and*
3 *seeking appropriate action within the World Trade*
4 *Organization if such a country is not in such compli-*
5 *ance.*

6 *(3) Implementing new disciplines on the use of*
7 *untied aid, market windows, and other forms of ex-*
8 *port finance that seek to exploit loopholes in the Ar-*
9 *rangement for purposes of obtaining a commercial*
10 *competitive advantage.*

11 **SEC. 11. CONSIDERATION OF ENVIRONMENTAL MATTERS**

12 **BY THE ADVISORY COMMITTEE.**

13 *Section 3(d) of the Export-Import Bank Act of 1945*
14 *(12 U.S.C. 635a(d)) is amended—*

15 *(1) in paragraph (1)—*

16 *(A) in subparagraph (A), by striking “15”*
17 *and inserting “17”; and*

18 *(B) in subparagraph (B), by inserting “en-*
19 *vironment,” before “production,”; and*

20 *(2) in paragraph (2), by adding at the end the*
21 *following:*

22 *“(C) Not less than 2 members appointed to the Advi-*
23 *sory Committee shall be representative of the environmental*
24 *nongovernmental organization community, except that no*
25 *2 of the members shall be from the same environmental or-*

1 *ganization. Environmental organizations represented shall*
 2 *have demonstrated experience with environmental issues as-*
 3 *sociated with the Bank, the Export Credit Group of the Or-*
 4 *ganization for Economic Cooperation and Development, or*
 5 *both.”.*

6 **SEC. 12. STUDY OF HOW EXPORT-IMPORT BANK COULD AS-**
 7 **SIST UNITED STATES EXPORTERS TO MEET**
 8 **IMPORT NEEDS OF NEW OR IMPOVERISHED**
 9 **DEMOCRACIES; REPORTS.**

10 (a) *STUDY.*—*The Export-Import Bank of the United*
 11 *States shall conduct a study designed to assess the needs*
 12 *of new or impoverished democracies such as Liberia and*
 13 *Haiti, for imports from the United States, and shall deter-*
 14 *mine what role the Bank can play a role in helping United*
 15 *States exporters seize the opportunities presented by the*
 16 *need for such imports.*

17 (b) *REPORTS TO THE CONGRESS.*—

18 (1) *INTERIM REPORT.*—*Within 6 months after*
 19 *the date of the enactment of this Act, the Bank shall*
 20 *submit to the Committee on Financial Services of the*
 21 *House of Representatives and the Committee on*
 22 *Banking, Housing, and Urban Affairs of the Senate,*
 23 *in writing, an interim report that contains the results*
 24 *of the study required by subsection (a).*

1 (2) *FINAL REPORT.*—*Within 12 months after the*
2 *date of the enactment of this Act, the Bank shall sub-*
3 *mit to the Committee on Financial Services of the*
4 *House of Representatives and the Committee on*
5 *Banking, Housing, and Urban Affairs of the Senate,*
6 *in writing a final report that contains the results of*
7 *the study required by subsection (a).*

8 **SEC. 13. REVIEW OF ENVIRONMENTAL SCREENING RE-**
9 **QUIREMENT.**

10 (a) *IN GENERAL.*—*Within 6 months after the position*
11 *of Inspector General of the Export-Import Bank of the*
12 *United States is filled, the Inspector General of the Export-*
13 *Import Bank of the United States shall submit to the Com-*
14 *mittee on Resources and the Committee on Financial Serv-*
15 *ices of the House of Representatives, and to the Committee*
16 *on Banking, Housing, and Urban Affairs of the Senate a*
17 *report on the implications of limiting the requirement to*
18 *conduct environmental screenings of projects proposed to be*
19 *financed by the Bank to only those involving at least*
20 *\$10,000,000.*

21 (b) *CONTENTS OF REPORT.*—*The report shall—*

22 (1) *determine whether the \$10,000,000 limitation*
23 *prevents the identification of any project that may*
24 *have an adverse effect on the environment; and*

1 (2) propose guidelines for how project applica-
2 tions may be screened more effectively to determine
3 whether a project may have such an effect.

4 **SEC. 14. OFFICE OF RENEWABLE ENERGY PROMOTION.**

5 Section 3 of the Export-Import Bank Act of 1945 (12
6 U.S.C. 635a), as amended by section 4(a)(1) of this Act,
7 is amended by adding at the end the following:

8 “(i) OFFICE OF RENEWABLE ENERGY PROMOTION.—

9 “(1) ESTABLISHMENT.—Within 1 year after the
10 date of the enactment of this subsection, the President
11 of the Bank shall establish and maintain in the Bank
12 an office which shall be known as the ‘Office of Re-
13 newable Energy Promotion’ (in this subsection re-
14 ferred to as the ‘Office’).

15 “(2) FUNCTIONS.—The Office shall be responsible
16 for proactively identifying new opportunities for re-
17 newable energy financing and carrying out section
18 2(b)(1)(K). In carrying out its function of promoting
19 renewable energy technologies, the Office should,
20 among other things, consider the recommendations
21 made by the Renewable Energy Export Advisory
22 Committee.

23 “(3) STAFF.—The President of the Bank shall
24 ensure that the Office has staff with appropriate ex-
25 pertise in renewable energy technologies.

1 “(4) *ANNUAL REPORTS.*—*The Bank shall submit*
2 *annually to the Committee on Resources and the*
3 *Committee on Financial Services of the House of Rep-*
4 *resentatives, and to the Committee on Banking, Hous-*
5 *ing, and Urban Affairs of the Senate, a report that*
6 *contains, for the fiscal year covered by the report—*

7 “(A) *a detailed description of the activities*
8 *of the Office; and*

9 “(B) *an analysis comparing the level of*
10 *credit extended by the Bank for renewable energy*
11 *projects with the level of credit so extended for*
12 *the preceding fiscal year.*

13 “(5) *RENEWABLE ENERGY TECHNOLOGIES DE-*
14 *FINED.*—*In this subsection, the term ‘renewable en-*
15 *ergy technologies’ means technologies for producing*
16 *power through the use of solar energy, wind energy,*
17 *and energy from biomass, fuel cells, or geothermal*
18 *sources, and technologies for producing less than 10*
19 *megawatts in hydropower.’.*

20 **SEC. 15. TRANSPARENCY.**

21 (a) *IN GENERAL.*—*Section 2(e) of the Export-Import*
22 *Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section*
23 *8(b) of this Act, is amended by adding at the end the fol-*
24 *lowing:*

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

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

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

13 “(ii) *the views of the public and inter-*
14 *ested parties.*

15 “(B) *NOTICE AND COMMENT REQUIRE-*
16 *MENTS.—*

17 “(i) *IN GENERAL.—If, in making a de-*
18 *termination under this subsection with re-*
19 *spect to a loan or guarantee, the Bank in-*
20 *tends to conduct a detailed economic impact*
21 *analysis or similar study, the Bank shall*
22 *cause to be published in the Federal Reg-*
23 *ister a notice of the intent, and provide a*
24 *period of not less than 14 days (which, on*
25 *request by any affected party, shall be ex-*

1 *tended to a period of not more than 30*
2 *days) for the submission to the Bank of*
3 *comments on the economic effects of the pro-*
4 *vision of the loan or guarantee. In addition,*
5 *the Bank shall seek comments on the effects*
6 *from the Department of Commerce, the*
7 *International Trade Commission, the Office*
8 *of Management and Budget, the Committee*
9 *on Banking, Housing, and Urban Affairs of*
10 *the Senate, and the Committee on Financial*
11 *Services of the House of Representatives.*

12 “(ii) *CONTENT OF NOTICE.—The notice*
13 *shall include appropriate, nonproprietary*
14 *information about—*

15 “(I) *the name of the applicant;*

16 “(II) *the country to which the*
17 *goods involved in the transaction will*
18 *be shipped;*

19 “(III) *the type of goods being ex-*
20 *ported;*

21 “(IV) *the amount of the loan or*
22 *guarantee involved;*

23 “(V) *the goods that would be pro-*
24 *duced as a result of the provision of the*
25 *loan or guarantee;*

1 “(VI) the amount of increased
2 production that will result from the
3 transaction;

4 “(VII) the potential sales market
5 for the resulting goods;

6 “(VIII) the value of the trans-
7 action; and

8 “(IX) any other relevant informa-
9 tion.

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

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

23 “(II) *MATERIAL CHANGE DE-*
24 *FINED.—*In subclause (I), the term

1 ‘material change’, with respect to an
2 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 CONSIDER AND AD-
13 DRESS VIEWS OF ADVERSELY AFFECTED PER-
14 SONS.—Before taking final action on an applica-
15 tion for a loan or guarantee from the Bank to
16 which this subsection applies, the Bank shall
17 consider and address in writing the views of any
18 person who may be substantially adversely af-
19 fected by the provision of the loan or guarantee.

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. 16. ANTI-CIRCUMVENTION.**

19 Section 2(e) of the *Export-Import Bank Act of 1945*
20 *(12 U.S.C. 635(e)), as amended by sections 8(b) and 15(a)*
21 *of this Act, is amended—*

22 (1) *in paragraph (1), by adding after and below*
23 *the end the following:*

24 *“In making the determination under subparagraph*
25 *(B), the Bank shall determine whether the facility*

1 *that would benefit from the extension of a credit or*
2 *guarantee is reasonably likely to produce products in*
3 *addition to or other than the product specified in the*
4 *application and whether the production of the prod-*
5 *ucts may cause substantial injury to United States*
6 *producers of the same, or a similar or competing,*
7 *commodity.”;*

8 *(2) in paragraph (2), by adding at the end the*
9 *following:*

10 “(E) *ANTI-CIRCUMVENTION.—The Bank*
11 *shall not provide a loan or guarantee if the Bank*
12 *determines that providing the loan or guarantee*
13 *will facilitate circumvention of a trade law order*
14 *or determination referred to in subparagraph*
15 *(A).”;* and

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

17 “(7) *FINANCIAL THRESHOLD DETERMINA-*
18 *TIONS.—For purposes of determining whether a pro-*
19 *posed transaction exceeds a financial threshold under*
20 *this subsection or under the procedures or rules of the*
21 *Bank, the Bank shall aggregate the dollar amount of*
22 *the proposed transaction and the dollar amounts of*
23 *all loans and guarantees, approved by the Bank in*
24 *the preceding 24-month period, that involved the same*

1 *foreign entity and substantially the same product to*
2 *be produced.”.*

3 **SEC. 17. PERFORMANCE STANDARDS APPLICABLE TO BANK**
4 **ASSISTANCE FOR SMALL BUSINESSES, ESPE-**
5 **CIALLY THOSE OWNED BY SOCIAL AND ECO-**
6 **NOMICALLY DISADVANTAGED INDIVIDUALS**
7 **AND THOSE OWNED BY WOMEN.**

8 *(a) DEVELOPMENT OF PERFORMANCE STANDARDS.—*
9 *Within 120 days after the date of the enactment of this Act,*
10 *the Comptroller General of the United States shall develop*
11 *and transmit to the Board of Directors of the Export-Im-*
12 *port Bank of the United States—*

13 *(1) a set of standards which may be used to de-*
14 *termine the extent to which the Bank has carried out*
15 *successfully subparagraphs (E) and (I) of section*
16 *2(b)(1) of the Export-Import Bank Act of 1945, and*
17 *the functions described in subsections (f)(1)(A),*
18 *(f)(4)(A), and (h)(2) of section 3 of such Act; and*

19 *(2) a set of rules for measuring the performance*
20 *of the Bank against the standards.*

21 *(b) REPORT ON PERFORMANCE.—Section 8 of the Ex-*
22 *port-Import Bank Act of 1945 (12 U.S.C. 635g), as amend-*
23 *ed by sections 4, 5, and 10(b) of this Act, is amended by*
24 *adding at the end the following:*

1 “(j) *REPORT ON ACHIEVEMENT OF PERFORMANCE*
2 *STANDARDS APPLICABLE TO SMALL BUSINESS CONCERNS,*
3 *SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL*
4 *BUSINESS CONCERNS, AND SMALL BUSINESS CONCERNS*
5 *OWNED BY WOMEN.*—*The Bank shall submit annually to*
6 *the Congress, and include in a separate section of the an-*
7 *nual report to the Congress under subsection (a) of this sec-*
8 *tion, a report on the extent to which the Bank has carried*
9 *out successfully subparagraphs (E) and (I) of section*
10 *2(b)(1), and the functions described in subsections (f)(1)(A),*
11 *(f)(4)(A), and (h)(2) of section 3, of this Act, using the per-*
12 *formance standards and measuring rules developed pursu-*
13 *ant to section 12(a) of the Export-Import Bank Reauthor-*
14 *ization Act of 2006.*”.

15 **SEC. 18. PROHIBITION ON ASSISTANCE TO DEVELOP OR**
16 **PROMOTE ANY RAIL CONNECTIONS OR RAIL-**
17 **WAY-RELATED CONNECTIONS THAT TRA-**
18 **VERSE OR CONNECT BAKU, AZERBAIJAN,**
19 **TBILISI, GEORGIA, AND KARS, TURKEY, AND**
20 **THAT SPECIFICALLY EXCLUDE CITIES IN AR-**
21 **MENIA.**

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

1 “(13) *The Bank shall not guarantee, insure, extend*
2 *credit, or participate in an extension of credit in connection*
3 *with the development or promotion of any rail connections*
4 *or railway-related connections that do not traverse or con-*
5 *nect with Armenia, and do traverse or connect Baku, Azer-*
6 *baijan, Tbilisi, Georgia, and Kars, Turkey.”.*

7 **SEC. 19. TECHNICAL CORRECTIONS.**

8 *Section 2(b)(2)(B)(ii) of the Export-Import Bank Act*
9 *of 1945 (12 U.S.C. 635(b)(2)(B)(ii)) is amended by striking*
10 *subclauses (I), (III), (VII), (VIII), and (IX), and redesign-*
11 *ating subclauses (II), (IV), (V), and (VI) as subclauses (I)*
12 *through (IV), respectively.*

13 **SEC. 20. EFFECTIVE DATE.**

14 *The amendments made by this Act shall take effect on*
15 *October 1, 2006.*

Union Calendar No. 322

109TH CONGRESS
2^D SESSION

H. R. 5068

[Report No. 109-566]

A BILL

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

JULY 17, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed