

S 3938

Export-Import Bank Reauthorization Act of 2006

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Foreign Trade and International Finance

Introduced: Sep 26, 2006

Current Status: Became Public Law No: 109-438.

Latest Action: Became Public Law No: 109-438. (Dec 20, 2006)

Law: 109-438 (Enacted Dec 20, 2006)

Official Text: <https://www.congress.gov/bill/109th-congress/senate-bill/3938>

Sponsor

Name: Sen. Crapo, Mike [R-ID]

Party: Republican • **State:** ID • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Banking, Housing, and Urban Affairs Committee	Senate	Reported Original Measure	Sep 26, 2006

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

Bill	Relationship	Last Action
109 HR 5068	Related bill	Jul 26, 2006: Received in the Senate and Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.

Export-Import Bank Reauthorization Act of 2006 - (Sec. 2) Amends the Export-Import Bank Act of 1945 to reauthorize the Export-Import Bank of the United States and extend the Sub-Saharan Africa Advisory Committee through FY2011.

Requires a contract between each approved African lender and the Bank which sets forth the Bank's loan, guarantee, insurance, and credit programs obligations between it and the lender.

Requires the Bank to include in its annual report of its operations to Congress a separate section that describes the Bank's efforts to: (1) improve its working relationships with the African Development Bank, the African Export-Import Bank, and other institutions in the region to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the Bank's loan, guarantee, and insurance programs; and (2) coordinate closely with the United States Foreign Service and Foreign Commercial Service, and with the the overall U.S. strategy for economic engagement with Africa pursuant to the African Growth and Opportunity Act. Requires the Bank to increase the number of qualified African financial entities for participation in the Bank's programs.

(Sec. 4) Extends through FY2011 the authority of the Bank to provide financing for the export of nonlethal articles or services meant primarily for civilian purposes.

(Sec. 5) Requires the Bank to submit a list to Congress of sensitive commercial sectors and products for which financing by the Bank is deemed unlikely due to a potentially adverse effect on the U.S. economy.

(Sec. 6) Establishes a Small Business Division in the Bank to: (1) carry out functions related to outreach, feedback, product improvement, and transaction advocacy for small business concerns; (2) advise and seek feedback from small business concerns on financing products offered by the Bank; (3) maintain liaison with the Small Business Administration; and (4) provide oversight of technology improvements to strengthen small business outreach. Requires the President of the Bank to appoint an executive officer to manage the Division and to ensure that each operating division in the Bank has staff that specializes in transactions benefiting small business concerns. Expresses the sense of Congress that Bank procedures and policies should not prohibit small business specialists from approving applications for working capital loans and guarantees, and for insurance, in support of exports having a value of less than \$10 million.

Establishes within the Bank a management committee to be known as the Small Business Committee to coordinate the Bank's initiatives and policies, and develop and coordinate new or enhanced Bank products and services, for small business concerns.

Requires the Bank to: (1) seek to expand credit and loan guarantees with respect to medium term transactions for small business concerns; and (2) make available lines of credit and guarantees to carry out such transactions.

(Sec. 7) Requires the Bank, in making a loan or guarantee, to: (1) determine whether a loan applicant will produce products in addition to products specified in the loan application and whether such additional products may cause substantial injury to competing U.S. producers; and (2) prohibit a loan or guarantee if it will facilitate circumvention of a trade law order or determination.

(Sec. 8) Requires the Bank to: (1) publish a notice in the Federal Register of its intent to conduct a detailed economic impact analysis of a proposed loan or guarantee that may have an adverse effect on industries and employment in the United States; (2) seek comments from specified federal agencies and Congress on the economic effects of such loan or guarantee; and (3) provide its Board of Directors with a written statement of the views of any adversely-affected person

who submitted comments on the proposed loan or guarantee.

Requires a revised notice of intent if a material change is made to the amounts in an application for a loan or guarantee (i.e., a change of at least 25% of the loan or guarantee amount or a change in the principal product produced).

(Sec. 9) Extends through FY2011 the aggregate loan, guarantee, and insurance authority of the Bank.

(Sec. 10) Revises the process for handling individual applications involving the use or potential use of the Tied Aid Credit Fund, including requiring case-by-case decisions by the Bank's Board of Directors on whether to approve the use of the Tied Aid Credit Fund and allowing for a veto of decisions by the President of the United States.

Urges: (1) the establishment in the Bank of a tied aid program to target the export markets of countries, including countries, and foreign export credit agencies, that are not a party to the Arrangement on Guidelines for Officially Supported Export Credits, which make extensive use of tied aid or partially untied aid credits, or untied aid used to promote exports as if it were tied aid, for commercial advantage in order to enforce compliance with the Arrangement and new international arrangements restricting the use of tied aid and partially untied aid credits for commercial purposes; and (2) in accordance with certain Bank principles and standards, that the Tied Aid Credit Fund be used to seek compliance by countries that are not a party to the Arrangement.

Authorizes the use of the Tied Aid Credit Fund to match an offer of foreign tied aid even where information about such offer (or untied aid used to promote exports as if it were tied aid) is unavailable provided there is credible evidence of a history of such offers under similar circumstances or other forms of credible evidence.

(Sec. 11) Prohibits the Bank from granting credit in connection with the export of any good or service relating to the development or promotion of any railway connection that does not traverse or connect with Armenia and does not traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey.

(Sec. 12) Sets forth a Bank process for notifying applicants for loans and guarantees of the status of their applications. Requires the Bank, not later than September 1, 2007, to establish and maintain a website where Bank products and information may be obtained.

(Sec. 13) Requires an annual competitiveness report by the Bank to Congress on: (1) providing financing on a competitiveness basis and minimizing competition in government-supported export financing; (2) implementing the strategic plan prepared by the Trade Promotion Coordinating Committee; (3) the Tied Aid Credit Program and Tied Aid Credit Fund; (4) a description of all transactions; (5) efforts to promote export of goods and services related to renewable energy sources; (6) the size of its program account; (7) its co-financing programs and those of other export credit agencies; (8) services supported by the Bank and by other export credit agencies; (9) export finance cases not in compliance with the Arrangement; and (10) foreign export credit agency activities not consistent with the World Trade Organization (WTO) Agreement on Subsidies and Countervailing Measures (Agreement).

Expands the Bank's goal of providing loans, guarantees, insurance, and credits to countries to finance exports that compete with U.S. exports to include countries which are not members of the Arrangement.

Expresses the sense of Congress that the goals of the United States in negotiating the Arrangement include: (1) compliance with the Arrangement by countries with significant export credit programs that are not members of the Arrangement; (2) identifying countries within WTO that are not a party to the Arrangement that are not in compliance with the Agreement referred to in the Uruguay Round Agreements Act with respect to export finance, and seeking appropriate

action within the WTO for each country that is not in compliance; and (3) implementation of new disciplines on the use of untied aid, market windows, and other forms of export finance that seek to exploit loopholes in the Arrangement in order to obtain a commercial competitive advantage.

(Sec. 14) Requires the President of the Bank to establish within the Small Business Division an office to support financing exports by socially and economically disadvantaged small business concerns and small business concerns owned by women.

Makes it a goal of the Bank to increase the amount of certain funds available to finance exports directly by small businesses owned by minorities or women.

(Sec. 15) Requires the Chairman of the Board of Directors of the Bank to place an item pertaining to the Bank's policies or procedures on the agenda for discussion by the Board upon the request of any two Board members.

(Sec. 16) Expresses the sense of Congress that the Bank should seek to expand the number and size of its regional multi-buyer insurance programs and working capital guarantee programs.

(Sec. 17) Expresses the sense of Congress that the Bank should establish an Office of Renewable Energy Promotion to identify new opportunities for renewable energy financing and promote the export of goods and services related to renewable energy sources. Requires the Bank to include in its annual report to Congress a description of activities carried out by the Office, including the amounts of credit extended by the Bank for renewable energy technologies during the year and a comparison between such amount and the amount of credit extended by the Bank in previous years.

(Sec. 18) Revises the composition of the Advisory Committee to the Bank to require that not less than two appointed members of the Committee be representative of the environmental nongovernmental organization community (except no two members shall be from the same environmental organization). Requires certain Bank procedures to provide for the public disclosure of environmental assessments and certain supplemental environmental reports, including remediation or mitigation plans and procedures, and related monitoring reports.

(Sec. 19) Directs the Bank to develop performance standards to determine the extent to which the Bank has successfully provided assistance to small businesses, especially small businesses owned by socially and economically disadvantaged individuals and small businesses owned by women. Directs the Comptroller General to submit to Congress an assessment of such standards, including the Bank's efforts to assist such small business concerns.

(Sec. 20) Directs the Bank to make certain annual reports to Congress, including reports concerning: (1) the extent to which the Bank has assisted small business in international commerce; (2) progress made in supporting exports by small businesses owned by socially and economically disadvantaged individuals and small businesses owned by women; and (3) the effect of fees on the Bank's ability to achieve its objectives.

(Sec. 21) Directs the Bank to conduct, and report the results to Congress on, a study to assess the needs of new or impoverished democracies, such as Liberia and Haiti, for U.S. imports, and what role the Bank can play in helping U.S. exporters seize the opportunities presented by the need for such imports.

Actions Timeline

- **Dec 20, 2006:** Signed by President.
- **Dec 20, 2006:** Signed by President.
- **Dec 20, 2006:** Became Public Law No: 109-438.
- **Dec 20, 2006:** Became Public Law No: 109-438.
- **Dec 11, 2006:** Presented to President.
- **Dec 11, 2006:** Presented to President.
- **Dec 7, 2006:** Message on Senate action sent to the House.
- **Dec 6, 2006:** Mrs. Biggert moved to suspend the rules and pass the bill, as amended.
- **Dec 6, 2006:** Considered under suspension of the rules. (consideration: CR H8750-8758)
- **Dec 6, 2006:** DEBATE - The House proceeded with forty minutes of debate on S. 3938.
- **Dec 6, 2006:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text as passed House: CR H8750-8755)
- **Dec 6, 2006:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text as passed House: CR H8750-8755)
- **Dec 6, 2006:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 6, 2006:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Dec 6, 2006:** Resolving differences -- Senate actions: Senate agreed to House amendment by Unanimous Consent.(consideration: CR 12/7/2006 S11391-11395; text as Senate agreed to House amendment: CR 12/7/2006 S11391-11395)
- **Dec 6, 2006:** Senate agreed to House amendment by Unanimous Consent. (consideration: CR 12/7/2006 S11391-11395; text as Senate agreed to House amendment: CR 12/7/2006 S11391-11395)
- **Nov 9, 2006:** Received in the House.
- **Nov 9, 2006:** Held at the desk.
- **Oct 2, 2006:** Message on Senate action sent to the House.
- **Sep 30, 2006:** Measure laid before Senate by unanimous consent. (consideration: CR 9/29/2006 S10796-10798; text of measure as reported in Senate: CR 9/29/2006 S10796-10798)
- **Sep 30, 2006:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Sep 30, 2006:** Passed Senate with an amendment by Unanimous Consent.
- **Sep 26, 2006:** Introduced in Senate
- **Sep 26, 2006:** Sponsor introductory remarks on measure. (CR S10187)
- **Sep 26, 2006:** Committee on Banking, Housing, and Urban Affairs. Original measure reported to Senate by Senator Crapo. Without written report.
- **Sep 26, 2006:** Committee on Banking, Housing, and Urban Affairs. Original measure reported to Senate by Senator Crapo. Without written report.
- **Sep 26, 2006:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 639. (text of measure as introduced: CR S10188-10189)
- **Sep 21, 2006:** Committee on Banking, Housing, and Urban Affairs ordered to be reported an original measure.