

114TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Promoting U.S. Jobs Through Exports Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—REAUTHORIZATION OF THE EXPORT-IMPORT BANK

Sec. 101. Limitations on outstanding loans, guarantees, and insurance.

Sec. 102. Extension of authority.

Sec. 103. Reauthorization of the Sub-saharan Africa Advisory Committee.

2

Sec. 104. Reauthorization of dual-use exports.

TITLE II—EXPANDING BANK SUPPORT FOR UNITED STATES
EXPORTS

- Sec. 201. Increase in small business lending requirements.
- Sec. 202. Recommendations to increase small business outreach.
- Sec. 203. Technical assistance for small businesses.
- Sec. 204. Exposure limit estimates.
- Sec. 205. Small business and medium-sized enterprises reports.
- Sec. 206. Medium-sized enterprises.
- Sec. 207. Participation and risk-sharing by private sector lenders.
- Sec. 208. Risk-sharing arrangements.
- Sec. 209. Promoting renewable energy exports.

TITLE III—ETHICS AND FRAUD CONTROLS

- Sec. 301. Codifying the role of the Chief Risk Officer.
- Sec. 302. Reports on ethics requirements of the Bank.
- Sec. 303. Employee financial disclosures.
- Sec. 304. Supplemental ethics regulations.
- Sec. 305. Annual employee certifications.

TITLE IV—ENHANCING EXTERNAL AUDITS AND REVIEWS

- Sec. 401. Enhanced audit controls.
- Sec. 402. Independent evaluation of Bank portfolio.
- Sec. 403. External review of fraud controls.

TITLE V—STRENGTHENING PROJECT MONITORING AND DUE
DILIGENCE

- Sec. 501. Enhanced monitoring and due diligence for structured and project finance transactions.
- Sec. 502. Monitoring plans and post-approval assessments for structured and project finance transactions.
- Sec. 503. Reserving the right of inspection.

TITLE VI—MODERNIZATION OF BANK SYSTEMS

- Sec. 601. Electronic payments and documents.
- Sec. 602. Reauthorization of information technology updating.
- Sec. 603. Information technology modernization.
- Sec. 604. Modernizing the disclosure of environmental reports.

TITLE VII—LEVELING THE PLAYING FIELD FOR UNITED STATES
EXPORTERS

- Sec. 701. Leveling the playing field for United States exporters.
- Sec. 702. Prohibiting illegal support of foreign exports.

1 **TITLE I—REAUTHORIZATION OF**
2 **THE EXPORT-IMPORT BANK**

3 **SEC. 101. LIMITATIONS ON OUTSTANDING LOANS, GUARAN-**
4 **TEES, AND INSURANCE.**

5 Section 6(a)(2) of the Export-Import Bank Act of
6 1945 (12 U.S.C. 635e(a)(2)) is amended to read as fol-
7 lows:

8 “(2) APPLICABLE AMOUNT.—In paragraph (1),
9 the term ‘applicable amount’ means, for fiscal year
10 2015 and each fiscal year thereafter,
11 \$140,000,000,000, except that—

12 “(A) the applicable amount for fiscal years
13 2016 and 2017 shall be \$145,000,000,000 if
14 the rate calculated under section 8(g)(1) of this
15 Act is less than 2 percent for the quarter end-
16 ing with the beginning of the fiscal year, or for
17 any quarter in the fiscal year;

18 “(B) notwithstanding subparagraph (A),
19 the applicable amount for fiscal years 2018 and
20 2019 shall be \$150,000,000,000 if the rate cal-
21 culated under section 8(g)(1) of this Act is less
22 than 2 percent for the quarter ending with the
23 beginning of the fiscal year, or for any quarter
24 in the fiscal year;

1 “(C) notwithstanding subparagraphs (A)
2 and (B), the applicable amount for fiscal years
3 2020 and 2021 shall be \$155,000,000,000 if
4 the rate calculated under section 8(g)(1) of this
5 Act is less than 2 percent for the quarter end-
6 ing with the beginning of the fiscal year, or for
7 any quarter in the fiscal year; and

8 “(D) notwithstanding subparagraphs (A),
9 (B), and (C), the applicable amount for fiscal
10 year 2022 and each fiscal year thereafter shall
11 be \$160,000,000,000 if the rate calculated
12 under section 8(g)(1) of this Act is less than 2
13 percent for the quarter ending with the begin-
14 ning of the fiscal year, or for any quarter in the
15 fiscal year.”.

16 **SEC. 102. EXTENSION OF AUTHORITY.**

17 Section 7 of the Export-Import Bank Act of (12
18 U.S.C. 635f) is amended by striking “2014” and inserting
19 “2022”.

20 **SEC. 103. REAUTHORIZATION OF THE SUB-SAHARAN AFRI-**
21 **CA ADVISORY COMMITTEE.**

22 Section 2(b)(9)(B)(iii) of the Export-Import Bank
23 Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by
24 striking “September 30, 2014” and inserting “the date
25 specified in section 7”.

1 **SEC. 104. REAUTHORIZATION OF DUAL-USE EXPORTS.**

2 Section 1 of Public Law 103–428 (12 U.S.C. 635
3 note) is amended by striking subsection (c).

4 **TITLE II—EXPANDING BANK**
5 **SUPPORT FOR UNITED**
6 **STATES EXPORTS**

7 **SEC. 201. INCREASE IN SMALL BUSINESS LENDING RE-**
8 **QUIREMENTS.**

9 Section 2(b)(1)(E)(v) of the Export-Import Bank Act
10 of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by strik-
11 ing “20 percent” and inserting “25 percent”.

12 **SEC. 202. RECOMMENDATIONS TO INCREASE SMALL BUSI-**
13 **NESS OUTREACH.**

14 Section 3(d) of the Export-Import Bank Act of 1945
15 (12 U.S.C. 635a(d)) is amended by adding at the end the
16 following:

17 “(6)(A) The Advisory Committee shall make
18 recommendations to the Bank on ways to encourage
19 increased participation by private financial institu-
20 tions in providing outreach about the Bank to small
21 business concerns (as defined under section 3(a) of
22 the Small Business Act (15 U.S.C. 632(a)).

23 “(B) The Bank shall—

24 “(i) review all recommendations made by
25 the Advisory Committee under this paragraph
26 and implement a program to expand outreach

1 about the Bank to small business concerns
2 through increased participation by private fi-
3 nancial institutions; and

4 “(ii) encourage commercial banks, commu-
5 nity banks, and insurance brokers to expand
6 their outreach about the Bank to small business
7 concerns.”.

8 **SEC. 203. TECHNICAL ASSISTANCE FOR SMALL BUSI-**
9 **NESSES.**

10 Section 2(b)(1)(E)(i) of the Export-Import Bank Act
11 of 1945 (12 U.S.C. 635(b)(1)(E)(i)) is amended by adding
12 at the end the following:

13 “(III) The Bank shall provide technical assistance to
14 small businesses on how to apply for financial assistance
15 provided by the Bank (such as through training classes
16 and online webinars).”.

17 **SEC. 204. EXPOSURE LIMIT ESTIMATES.**

18 Section 8 of the Export-Import Bank Act of 1945
19 (12 U.S.C. 635g) is amended by adding at the end the
20 following:

21 “(k) EXPOSURE LIMIT ESTIMATES.—The Bank shall
22 include in its annual report to Congress under subsection
23 (a)—

1 “(1) an estimate of the anticipated demand for
2 the loan, guarantee, and insurance programs of the
3 Bank for the 2 succeeding years, disaggregated by—

4 “(A) industry sector;

5 “(B) whether the products involved are
6 short-term loans, medium-term loans, long-term
7 loans, insurance, medium-term loan guarantees,
8 or long-term loan guarantees; and

9 “(C) key market;

10 “(2) a justification for the estimate described in
11 paragraph (1), including a discussion of the factors
12 which could increase or decrease demand for the
13 products of the Bank;

14 “(3) an analysis of the ability of the Bank to
15 meet its mandates with respect to small business,
16 sub-Saharan Africa, and renewable energy under the
17 estimated exposure limit described in paragraph (1);
18 and

19 “(4) an analysis of the adequacy of the admin-
20 istrative and programmatic resources of the Bank to
21 effectively process, approve, and monitor financing
22 provided by the Bank, including the conducting of
23 required economic impact analyses and environ-
24 mental assessments, under the estimated exposure
25 limit described in paragraph (1).”.

1 **SEC. 205. SMALL BUSINESS AND MEDIUM-SIZED ENTER-**
2 **PRISES REPORTS.**

3 (a) IN GENERAL.—The Export-Import Bank Act of
4 1945 (12 U.S.C. 635 et seq.) is amended by inserting
5 after section 8A the following:

6 **“SEC. 8B. SMALL BUSINESS CONCERNS AND MEDIUM-SIZED**
7 **ENTERPRISES REPORTS.**

8 “(a) STUDY.—Not later than 360 days after the date
9 of the enactment of this section, and annually thereafter,
10 the Bank shall—

11 “(1) carry out a study on the financial pro-
12 grams and products of the Bank that support ex-
13 ports from small business concerns and enterprises
14 that use or seek to use the medium-term programs
15 offered by the Bank, including the programs and
16 products with respect to the implementation of the
17 export credit insurance program, delegated lending
18 authority, and direct loans of the Bank; and

19 “(2) determine the extent to which financial
20 programs and products adequately meet the needs of
21 small business concerns and enterprises that use or
22 seek to use the medium-term programs offered by
23 the Bank in obtaining Bank financing to support the
24 maintenance or creation of jobs in the United States
25 through exports, consistent with the policies of the

1 Bank and the requirement that the Bank obtain a
2 reasonable assurance of repayment.

3 “(b) REPORT.—On the completion of the study re-
4 quired under subsection (a), the Bank shall submit to
5 Congress a report containing—

6 “(1) all findings and determinations made by
7 the Bank in carrying out the study;

8 “(2) an analysis of the extent to which small
9 business concerns and enterprises that use or seek
10 to use the medium-term programs offered by the
11 Bank supply exporters with goods and services, the
12 content of which is included in exports supported by
13 a Bank program; and

14 “(3) recommendations to enhance the support
15 the Bank may provide small business concerns and
16 enterprises that use or seek to use the medium-term
17 programs offered by the Bank.

18 “(c) SMALL BUSINESS CONCERN DEFINED.—In this
19 section, the term ‘small business concern’ has the meaning
20 given the term under section 3(a) of the Small Business
21 Act (15 U.S.C. 632(a)).”.

22 (b) REPORT ON BANK SUPPORT FOR SMALL AND
23 MEDIUM-SIZED COMPANIES THROUGH SUPPLY
24 CHAINS.—Section 8 of such Act (12 U.S.C. 635g), as

1 amended by section 204 of this Act, is amended by adding
2 at the end the following:

3 “(I) **BANK SUPPORT FOR SMALL AND MEDIUM-SIZED**
4 **COMPANIES THROUGH SUPPLY CHAINS.**—For each trans-
5 action with respect to which the Bank is required to notify
6 Congress under section 3(b)(3), the Bank shall collect in-
7 formation on the size of each company in the supply chain
8 with respect to the transaction using the thresholds in the
9 Statistics of U.S. Businesses of the Census Bureau. The
10 Bank shall include a summary of the information collected
11 under this subsection in its annual report to Congress
12 under subsection (a).”.

13 **SEC. 206. MEDIUM-SIZED ENTERPRISES.**

14 Section 2(b)(1)(F) of the Export-Import Bank Act
15 of 1945 (12 U.S.C. 635(b)(1)(F)) is amended to read as
16 follows:

17 “(F) **FAIR CONSIDERATION FOR MEDIUM-SIZED EN-**
18 **TERPRISES.**—In addition to the programs of the Bank to
19 encourage the participation of small businesses in inter-
20 national commerce, the policies of the Bank shall give fair
21 consideration to making loans and providing guarantees
22 for the export of goods and services by enterprises that
23 use, or seek to use, the medium-term programs offered
24 by the Bank.”.

1 **SEC. 207. PARTICIPATION AND RISK-SHARING BY PRIVATE**
2 **SECTOR LENDERS.**

3 (a) **ASSESSMENT REQUIRED.**—Not later than 1 year
4 after the date of the enactment of this Act, the Export-
5 Import Bank of the United States shall conduct a com-
6 parative assessment of the practices of export credit agen-
7 cies of other countries that are major providers of official
8 export credit and member countries of the Organisation
9 for Economic Co-operation and Development with respect
10 to risk- or fee-sharing arrangements, to determine the ex-
11 tent to which the Bank could take steps to increase the
12 share of loan-level risk borne by the private sector.

13 (b) **ESTABLISHMENT OF PROGRAMS.**—On the conclu-
14 sion of the assessment required under subsection (a), the
15 Bank shall, if warranted, establish programs under which
16 private financial institutions may share risk in the loans,
17 guarantees, and other products of the Bank in exchange
18 for receiving fees received from the participants in the pro-
19 grams. The fees to a private financial institution shall be
20 commensurate with the level of risk taken by the institu-
21 tion.

22 **SEC. 208. RISK-SHARING ARRANGEMENTS.**

23 (a) **IN GENERAL.**—Section 2(c)(2) of the Export-Im-
24 port Bank Act of 1945 (12 U.S.C. 635(c)(2)) is amend-
25 ed—

1 (1) by striking “(2) The Bank” and inserting
2 the following:

3 “(2) GUARANTEES, INSURANCE, COINSURANCE, AND
4 REINSURANCE.—

5 “(A) IN GENERAL.—The Bank”; and

6 (2) by adding after and below the end the fol-
7 lowing new subparagraph:

8 “(B) EXPANSION OF RISK-SHARING ACTIVITIES.—

9 “(i) IN GENERAL.—In furtherance of subpara-
10 graph (A), in order to expand activities that reduce
11 the share of risk borne by the Bank, the Bank may
12 enter into contracts of reinsurance, co-finance, or
13 other risk-sharing arrangements with respect to the
14 Bank’s portfolio or individual transactions with in-
15 surance companies, financial institutions, or export
16 credit agencies.

17 “(ii) LIMITATION.—The total amount of out-
18 standing risk-sharing arrangements entered into
19 under clause (i) shall not exceed \$25,000,000,000.

20 “(iii) SPECIAL RULE.—

21 “(I) IN GENERAL.—To the extent that a
22 loan, guarantee, or insurance obligation of the
23 Bank is covered by a risk-sharing arrangement
24 entered into under clause (i) with an entity that
25 meets the standards of creditworthiness estab-

1 lished under subclause (II), the obligation shall
2 be discounted by an amount that reflects the
3 extent to which the Bank has reduced its over-
4 all risk exposure as a result of the risk-sharing
5 arrangement for the purposes of section
6 6(a)(1).

7 “(II) CREDITWORTHINESS STANDARDS.—
8 The Bank shall establish the standards of cred-
9 itworthiness referred to in subclause (I) in con-
10 sultation with Federal banking and securities
11 regulators and participants in the Interagency
12 Country Risk Assessment System.”.

13 (b) PROGRESS REPORTS.—Section 8 of such Act (12
14 U.S.C. 635g), as amended by sections 204 and 205(b) of
15 this Act, is further amended by adding at the end the fol-
16 lowing:

17 “(m) PROGRESS REPORT ON EXPANSION OF RISK-
18 SHARING ACTIVITIES.—The Bank shall include in its an-
19 nual report to Congress under subsection (a) a summary
20 of—

21 “(1) the extent to which the Bank has exercised
22 the authority provided in section 2(c)(2)(B)(i); and

23 “(2) the experience of the Bank in exercising
24 such authority, including and any lessons learned
25 from exercising such authority.”.

1 **SEC. 209. PROMOTING RENEWABLE ENERGY EXPORTS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act, the Export-Import
4 Bank of the United States shall develop a clear and com-
5 prehensive strategic plan to identify how to most effec-
6 tively promote the export of goods and services related to
7 renewable energy and end-use energy efficiency tech-
8 nology.

9 (b) ELEMENTS.—The strategic plan required by sub-
10 section (a) shall include—

11 (1) an assessment of the adequacy of resources,
12 including the allocation of human capital and admin-
13 istrative funds, to meet the goal of allocating at least
14 10 percent of the Bank’s aggregate financing to re-
15 newable energy or end-use energy efficiency tech-
16 nology related transactions;

17 (2) benchmarks used to measure progress to-
18 wards meeting the goal described in paragraph (1);

19 (3) outreach to stakeholders, including State-
20 level trade promotion agencies, environmental indus-
21 try associations and experts, delegated lenders, and
22 others as determined by the President of the Bank
23 to be appropriate;

24 (4) an assessment of external and internal fac-
25 tors affecting progress towards meeting the goal de-
26 scribed in paragraph (1); and

1 (5) the specific steps the Bank will take
2 through fiscal year 2022 to achieve the goal de-
3 scribed in paragraph (1).

4 **TITLE III—ETHICS AND FRAUD**
5 **CONTROLS**

6 **SEC. 301. CODIFYING THE ROLE OF THE CHIEF RISK OFFI-**
7 **CER.**

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

11 “(k) CHIEF RISK OFFICER.—

12 “(1) IN GENERAL.—Subject to the approval of
13 the Board of Directors of the Bank, the President
14 of the Bank shall appoint, from among individuals
15 with experience at a senior level in financial risk
16 management, a Chief Risk Officer—

17 “(A) who shall rank not lower than senior
18 vice president;

19 “(B) whose sole function shall be to serve
20 as the Chief Risk Officer of the Bank; and

21 “(C) who shall report directly to the Presi-
22 dent of the Bank.

23 “(2) DUTIES.—The Chief Risk Officer shall de-
24 velop, implement, and manage a comprehensive proc-

1 ess for identifying, assessing, monitoring, and reduc-
2 ing Bank-wide risk.”.

3 **SEC. 302. REPORTS ON ETHICS REQUIREMENTS OF THE**
4 **BANK.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act—

7 (1) the Export-Import Bank of the United
8 States shall submit to the Committee on Financial
9 Services of the House of Representatives and the
10 Committee on Banking, Housing, and Urban Affairs
11 of the Senate a report that provides a detailed de-
12 scription of the ethics programs of the Bank, includ-
13 ing the applicable laws and regulations, ethics train-
14 ing programs, financial disclosure requirements,
15 fraud detection training programs, advice rendered
16 on ethics, conflicts of interest, protocols with the In-
17 spector General, and any other matters relating
18 thereto; and

19 (2) the Director of the Office of Government
20 Ethics shall submit to the Committee on Financial
21 Services of the House of Representatives and the
22 Committee on Banking, Housing, and Urban Affairs
23 of the Senate a report reviewing the ethics program
24 of the Bank that—

1 (A) evaluates compliance by the Bank with
2 ethics requirements set forth in relevant laws,
3 regulations, and policies; and

4 (B) evaluates the systems, processes, and
5 procedures of the Bank for administering the
6 ethics program of the Bank.

7 **SEC. 303. EMPLOYEE FINANCIAL DISCLOSURES.**

8 Section 8 of the Export-Import Bank Act of 1945
9 (12 U.S.C. 635g), as amended by sections 204, 205(b),
10 and 208(b) of this Act, is further amended by adding at
11 the end the following:

12 “(n) EMPLOYEE FINANCIAL DISCLOSURES.—The
13 Bank shall include in its annual report to Congress under
14 subsection (a) the total number of Bank employees who
15 are required to file a financial disclosure statement pursu-
16 ant to the Ethics in Government Act of 1978 (5 U.S.C.
17 App.), a clear and concise summary of the financial disclo-
18 sure requirements that apply to Bank employees, and a
19 summary of the rights of the public to access financial
20 disclosures made by Bank employees.”.

21 **SEC. 304. SUPPLEMENTAL ETHICS REGULATIONS.**

22 Not later than 1 year after the date of the enactment
23 of this Act, the Export-Import Bank of the United States
24 shall conduct a risk assessment of the vulnerability of its
25 programs to employee misconduct based upon a historical

1 review of adverse employment actions taken by the Bank
2 and, if appropriate, shall issue updated supplemental
3 standards of ethical conduct for employees of the Bank
4 pursuant to the Ethics in Government Act of 1978 (5
5 U.S.C. App.).

6 **SEC. 305. ANNUAL EMPLOYEE CERTIFICATIONS.**

7 Section 3 of the Export-Import Bank Act of 1945
8 (12 U.S.C. 635a), as amended by section 301 of this Act,
9 is amended by adding at the end the following:

10 “(1) ANNUAL EMPLOYEE CERTIFICATIONS.—The
11 President of the Bank shall implement a policy that re-
12 quires all directors, officers, and employees of the Bank
13 to certify annually that they have read, understand, and
14 complied with, and will continue to comply with, the
15 Standards of Ethical Conduct for Employees of the Execu-
16 tive Branch under part 2635 of title 5, Code of Federal
17 Regulations. The annual certifications shall contain a
18 statement that notifies the signatory that section 1001 of
19 title 18, United States Code, applies to the certification.”.

20 **TITLE IV—ENHANCING EXTER-**
21 **NAL AUDITS AND REVIEWS**

22 **SEC. 401. ENHANCED AUDIT CONTROLS.**

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

1 “(k) CORPORATE GOVERNANCE AND INTERNAL CON-
2 TROLS.—

3 “(1) AUDIT TRAIL.—The Bank shall ensure
4 complete and accurate records are maintained to
5 provide an audit trail for each transaction subject to
6 approval by the Board from application through
7 close-out, including eligibility and due diligence.

8 “(2) QUALITY CONTROL REVIEW PROGRAM.—
9 The Bank shall establish a quality control review
10 program to ensure compliance with Bank policies
11 and the accuracy of records for all types of trans-
12 actions subject to approval by the Board.”.

13 **SEC. 402. INDEPENDENT EVALUATION OF BANK PORT-**
14 **FOLIO.**

15 (a) AUDIT.—The Inspector General of the Export-
16 Import Bank of the United States shall conduct an audit
17 or evaluation of the portfolio risk management procedures
18 of the Bank, including a review of the implementation by
19 the Bank of the duties assigned to the Chief Risk Officer
20 under section 3(k) of the Export-Import Bank Act of
21 1945, as added by section 301 of this Act.

22 (b) REPORT.—Not later than 18 months after the
23 date the Board of Directors of the Bank approves the ap-
24 pointment of the Chief Risk Officer, the Inspector General
25 shall submit to the Committee on Financial Services of

1 the House of Representatives and the Committee on
2 Banking, Housing, and Urban Affairs of the Senate a
3 written report containing all findings and determinations
4 made in carrying out subsection (a).

5 **SEC. 403. EXTERNAL REVIEW OF FRAUD CONTROLS.**

6 Section 17(b) of the Export-Import Bank Reauthor-
7 ization Act of 2012 (12 U.S.C. 635a-6(b)) is amended to
8 read as follows:

9 “(b) REVIEW OF FRAUD CONTROLS.—Not less fre-
10 quently than every 4 years, the Comptroller General of
11 the United States shall—

12 “(1) review the adequacy of the design and ef-
13 fectiveness of the controls used by the Export-Im-
14 port Bank of the United States to prevent, detect,
15 and investigate fraudulent applications for loans and
16 guarantees and the compliance by the Bank with the
17 controls, including by auditing a sample of Bank
18 transactions; and

19 “(2) submit to the Committees on Financial
20 Services and Appropriations of the House of Rep-
21 resentatives and the Committees on Banking, Hous-
22 ing, and Urban Affairs and Appropriations of the
23 Senate a written report regarding the findings of the
24 review and providing such recommendations with re-

1 spect to the controls described in paragraph (1) as
2 the Comptroller General deems appropriate.”.

3 **TITLE V—STRENGTHENING**
4 **PROJECT MONITORING AND**
5 **DUE DILIGENCE**

6 **SEC. 501. ENHANCED MONITORING AND DUE DILIGENCE**
7 **FOR STRUCTURED AND PROJECT FINANCE**
8 **TRANSACTIONS.**

9 Section 2 of the Export-Import Bank Act of 1945
10 (12 U.S.C. 635), as amended by section 401 of this Act,
11 is further amended by adding at the end the following:

12 “(1) CUSTOMER AND REPUTATIONAL ASSESS-
13 MENTS.—The Bank shall perform or cause to be per-
14 formed ‘risk-based due diligence’, ‘know your customer’,
15 and ‘character, reputational, and transaction integrity’ as-
16 sessments (as those terms are defined by the Bank) of
17 persons who benefit directly from Bank financing in struc-
18 tured finance and project finance transactions, to the ex-
19 tent practicable.”.

20 **SEC. 502. MONITORING PLANS AND POST-APPROVAL AS-**
21 **SESSMENTS FOR STRUCTURED AND PROJECT**
22 **FINANCE TRANSACTIONS.**

23 Section 2 of the Export-Import Bank Act of 1945
24 (12 U.S.C. 635), as amended by sections 401 and 501

1 of this Act, is further amended by adding at the end the
2 following:

3 “(m) INDIVIDUALIZED PLANS.—

4 “(1) IN GENERAL.—The Bank shall develop a
5 specific monitoring plan for each structured finance
6 or project finance transaction prior to final approval
7 by the Board that addresses the specific risks pre-
8 sented by the structure of the deal, including the fi-
9 nancial stability of the sponsor of the project, risks
10 of unproven technology, social and environmental
11 conditions, and interest rate or exchange rate vola-
12 tility.

13 “(2) ELEMENTS.—A plan required by para-
14 graph (1) with respect to a transaction shall include,
15 at a minimum—

16 “(A) a review of financial statements;

17 “(B) a review of engineering reports;

18 “(C) a review of environmental assess-
19 ments; and

20 “(D) site visits for engineers and members
21 of the Asset Management Division of the Bank.

22 “(n) POST-APPROVAL REVIEW.—The Bank shall—

23 “(1) review each structured finance and project
24 finance transaction referred to in subsection (m) not
25 later than 2 years after funds are first disbursed for

1 the transaction, on a regular and ongoing basis as
2 appropriate thereafter, and not later than 1 year
3 after the final disbursement of funds with respect to
4 the transaction; and

5 “(2) submit to the Committee on Financial
6 Services of the House of Representatives and the
7 Committee on Banking, Housing, and Urban Affairs
8 of the Senate a report summarizing all findings and
9 determinations made in each review conducted under
10 paragraph (1), subject to protections for business
11 confidential information.”.

12 **SEC. 503. RESERVING THE RIGHT OF INSPECTION.**

13 Section 2 of the Export-Import Bank Act of 1945
14 (12 U.S.C. 635), as amended by sections 401, 501, and
15 502 of this Act, is further amended by adding at the end
16 the following:

17 “(o) MONITORING OF TRANSACTIONS THAT ARE
18 SUBJECT TO BOARD APPROVAL.—

19 “(1) RIGHT OF INSPECTION.—The Bank, or its
20 agent, shall reserve the right of inspection in any
21 credit agreement for a transaction subject to the ap-
22 proval of the Board of Directors sufficient to vali-
23 date that disbursements pursuant to the agreement
24 comply with the law and the policies and procedures
25 of the Bank. The right of inspection shall include a

1 right to examine the books and records of the obli-
2 gor regarding the transaction.

3 “(2) STAFFING.—The Bank shall ensure that
4 sufficient staff are allocated to monitor and validate
5 compliance by obligors with respect to transactions
6 subject to the approval of the Board of Directors.”.

7 **TITLE VI—MODERNIZATION OF**
8 **BANK SYSTEMS**

9 **SEC. 601. ELECTRONIC PAYMENTS AND DOCUMENTS.**

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

12 (1) by striking “The Bank” and inserting “(i)
13 The Bank”; and

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

15 “(ii) Not later than 30 months after the date of the
16 enactment of the Promoting U.S. Jobs Through Exports
17 Act of 2015, the Bank shall implement policies—

18 “(I) to accept electronic documents whenever
19 possible, including copies of bills of lading, certifi-
20 cations, and compliance documents, in such a man-
21 ner as will not undermine any potential civil or
22 criminal enforcement related to the transaction; and

23 “(II) to accept electronic payments in all of its
24 programs.”.

1 **SEC. 602. REAUTHORIZATION OF INFORMATION TECH-**
2 **NOLOGY UPDATING.**

3 Section 3(j) of the Export-Import Act of 1945 (12
4 U.S.C. 635a(j)) is amended—

5 (1) in the subsection heading, by striking
6 “BANK SURPLUS” and inserting “ADMINISTRATIVE
7 FUNDS”;

8 (2) in paragraph (1), by striking “Subject to
9 paragraphs (3) and (4), the Bank may use an
10 amount equal to 1.25 percent of the surplus of the
11 Bank during fiscal years 2012, 2013, and 2014 to”
12 and inserting “Subject to paragraphs (2) and (3),
13 the Bank may use amounts made available to the
14 Bank for administrative expenses, including fees for
15 systems infrastructure, to”;

16 (3) by striking paragraph (2) and redesignating
17 paragraphs (3) and (4) as paragraphs (2) and (3),
18 respectively; and

19 (4) in paragraph (2) (as so redesignated), by
20 striking “for fiscal years 2012, 2013, and 2014 shall
21 not exceed \$20,000,000” and inserting “, for the pe-
22 riod beginning on the date of the enactment of the
23 Promoting U.S. Jobs Through Exports Act of 2015
24 and ending on the date specified in section 7, shall
25 not exceed \$45,000,000”.

1 **SEC. 603. INFORMATION TECHNOLOGY MODERNIZATION.**

2 Section 3 of the Export-Import Bank Act of 1945
3 (12 U.S.C. 635a), as amended by sections 301 and 305
4 of this Act, is further amended by adding at the end the
5 following:

6 “(m) INFORMATION TECHNOLOGY INFRASTRUCTURE
7 ASSESSMENT AND PLAN.—The Bank shall—

8 “(1) conduct an assessment of its information
9 technology infrastructure and its use of information
10 technology; and

11 “(2) develop a clear and comprehensive infor-
12 mation technology strategic plan that—

13 “(A) meets the requirements of the Office
14 of Management and Budget;

15 “(B) takes into account best practices re-
16 lated to the security and privacy of the informa-
17 tion technology infrastructure and networks of
18 the Bank;

19 “(C) promotes technological innovation in
20 order to enhance the efficiency and quality of
21 services provided to users of the Bank, particu-
22 larly small businesses and their customers;

23 “(D) includes a detailed assessment of the
24 cost associated with implementing the plan, in-
25 cluding whether additional administrative funds
26 are necessary to effectively implement the plan,

1 and, if so, a detailed justification summarizing
2 how the additional funds will be spent.

3 “(n) DATA MANAGEMENT POLICY.—The Bank shall
4 develop formal data management policy and procedures
5 that—

6 “(1) ensure complete and accurate data with re-
7 spect to participants in the Bank’s programs is cap-
8 tured in the database of the Bank in a readily acces-
9 sible medium; and

10 “(2) define which information is required for
11 reporting purposes.”.

12 **SEC. 604. MODERNIZING THE DISCLOSURE OF ENVIRON-**
13 **MENTAL REPORTS.**

14 Section 11 of the Export-Import Bank Act of 1945
15 (12 U.S.C. 635i–5) is amended—

16 (1) in subsection (a)(1), by striking “Such pro-
17 cedures shall provide” and all that follows through
18 “The preceding sentence” and inserting the fol-
19 lowing: “Such procedures shall provide for the public
20 disclosure on the Bank’s website of environmental
21 assessments and supplemental environmental reports
22 required to be submitted to the Bank, including re-
23 mediation or mitigation plans and procedures, and
24 related monitoring reports. Public disclosure of re-
25 ports under the preceding sentence shall be provided

1 for not later than 15 business days after the Bank
2 receives the reports. The preceding sentences”; and

3 (2) in subsection (b)—

4 (A) by striking “(b)” and all that follows
5 through “The Bank” and inserting the fol-
6 lowing:

7 “(b) USE OF BANK PROGRAMS TO ENCOURAGE CER-
8 TAIN EXPORT.—The Bank”; and

9 (B) by striking paragraph (2).

10 **TITLE VII—LEVELING THE PLAY-**
11 **ING FIELD FOR UNITED**
12 **STATES EXPORTERS**

13 **SEC. 701. LEVELING THE PLAYING FIELD FOR UNITED**
14 **STATES EXPORTERS.**

15 Section 11 of the Export-Import Bank Reauthoriza-
16 tion Act of 2012 (12 U.S.C. 635a-5) is amended by strik-
17 ing subsections (a) and (b) and inserting the following:

18 “(a) NEGOTIATIONS TO BRING NON-OECD MEM-
19 BERS INTO THE OECD ARRANGEMENT ON OFFICIALLY
20 SUPPORTED EXPORT CREDITS.—The Secretary of the
21 Treasury shall initiate and pursue negotiations with coun-
22 tries that are not members of the Organisation for Eco-
23 nomic Co-operation and Development to bring those coun-
24 tries into a multilateral agreement establishing rules and
25 limitations on officially supported export credits.

1 “(b) ANNUAL REPORTS ON PROGRESS OF NEGOTIA-
2 TIONS.—Not later than 180 days after the date of the en-
3 actment of the Promoting U.S. Jobs Through Exports Act
4 of 2015, and annually thereafter through calendar year
5 2022, the Secretary shall submit to the Committee on Fi-
6 nancial Services of the House of Representatives and the
7 Committee on Banking, Housing, and Urban Affairs of
8 the Senate a report on the progress of any negotiations
9 described in subsection (a).”.

10 **SEC. 702. PROHIBITING ILLEGAL SUPPORT OF FOREIGN EX-**
11 **PORTS.**

12 The United States Trade Representative shall—

13 (1) seek to identify the extent to which coun-
14 tries that are members of the World Trade Organi-
15 zation and are not parties to the Arrangement on
16 Officially Supported Export Credits of the
17 Organisation for Economic Co-operation and Devel-
18 opment are in compliance with the terms of the
19 Agreement on Subsidies and Countervailing Meas-
20 ures referred to in section 101(d)(12) of the Uru-
21 guay Round Agreements Act (19 U.S.C.
22 3511(d)(12)) with respect to export finance; and

23 (2) seek appropriate action within the World
24 Trade Organization for each country that is not in
25 compliance with the terms of that Agreement.