

## AMENDMENTS

1990—Subsec. (c). Pub. L. 101-513 substituted “1991” for “1990”.

1989—Pub. L. 101-179 inserted “for Central America” after “program” in section catchline.

Subsec. (c). Pub. L. 101-167 substituted “1990” for “1989”.

1985—Subsec. (e). Pub. L. 99-83 substituted “except that the aggregate amount of outstanding commitments under subsection (a) of this section may not exceed \$300,000,000 of contingent liability for loan principal during fiscal year 1986 and may not exceed \$400,000,000 of contingent liability for loan principal during fiscal year 1987” for “not to exceed \$300,000,000 in the fiscal year 1985”.

## EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

**§ 2185. Trade credit insurance program for Poland****(a) General authority****(1) Assurance to Export-Import Bank of repayment**

The President is authorized to provide guarantees to the Bank for liabilities described in paragraph (2) in order to satisfy the requirement of section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) that the Bank have<sup>1</sup> reasonable assurance of repayment.

**(2) Liabilities which may be guaranteed**

The liabilities that may be guaranteed under paragraph (1) are liabilities incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] for financing for transactions involving the export of goods and services for the use of the private sector in Poland.

**(b) Guarantees available only for short-term guarantees and insurance**

Guarantees provided under subsection (a) of this section shall be for short-term guarantees and insurance extended by the Bank which shall be repayable within a period not to exceed one year from the date of arrival at the port of importation of the goods and services covered by such guarantees or insurance.

**(c) Agreement on criteria and procedures**

Guarantees or insurance extended by the Bank and guaranteed pursuant to subsection (a) of this section shall be provided by the Bank in accordance with criteria and procedures agreed to by the Administrator and the Bank.

**(d) Reserve fund**

The agreement referred to in subsection (c) of this section shall also provide for the establishment of a reserve fund by the administering agency, with such funds made available to the reserve as the Administrator deems necessary to discharge liabilities under guarantees provided under subsection (a) of this section.

**(e) Discharge of liabilities****(1) Funds which may be used**

Such amounts of the funds made available to carry out part IV of subchapter II of this chap-

ter (relating to the economic support fund) as the President determines are necessary may be made available to discharge liabilities under guarantees entered into under subsection (a) of this section.

**(2) Crediting of subsequent payments**

To the extent that any of the funds made available pursuant to paragraph (1) are paid out for a claim arising out of liabilities guaranteed under subsection (a) of this section, amounts received after the date of such payment, with respect to such claim, shall be credited to the reserve fund established pursuant to subsection (d) of this section, shall be merged with the funds in such reserve, and shall be available for the purpose of payments by the Administrator to the Bank for guarantees under subsection (a) of this section.

**(f) Appropriations action required**

Commitments to guarantee under subsection (a) of this section are authorized only to the extent and in the amounts provided in advance in appropriations Acts.

**(g) Limitation on outstanding commitments**

The aggregate amount of outstanding commitments under subsection (a) of this section may not exceed \$200,000,000 of contingent liability for loan principal during any fiscal year.

**(h) Omitted****(i) Administrative and technical assistance**

The Bank shall provide, without reimbursement, such administrative and technical assistance to the administering agency as the Bank and the Administrator determine appropriate to assist the administering agency in carrying out this section.

**(j) Fees and premiums**

The Bank is authorized to charge fees and premiums, in connection with guarantees or insurance guaranteed by the administering agency under subsection (a) of this section, that are commensurate (in the judgment of the Bank) with the Bank's administrative costs and the risks covered by the agency's guarantees. Any amounts received by the Bank in excess of the estimated costs incurred by the Bank in administering such guarantees or insurance—

(1) shall be credited to the reserve fund established pursuant to subsection (d) of this section,

(2) shall be merged with the funds in such reserve, and

(3) shall be available for the purpose of payments by the administering agency to the Bank for guarantees under subsection (a) of this section.

**(k) Restrictions not applicable**

Prohibitions on the use of foreign assistance funds for assistance for Poland shall not apply with respect to the funds made available to carry out this section.

**(l) Expiration of authority**

The President may not enter into any commitments to guarantee under subsection (a) of this section after September 30, 1992.

**(m) Definitions**

For purposes of this section—

<sup>1</sup> So in original. Probably should be “has”.

(1) the term “administering agency” means the Agency for International Development;

(2) the term “Administrator” means the Administrator of the Agency for International Development; and

(3) the term “Bank” means the Export-Import Bank of the United States.

(Pub. L. 87-195, pt. I, § 225, as added Pub. L. 101-179, title III, § 304(a), Nov. 28, 1989, 103 Stat. 1312.)

#### REFERENCES IN TEXT

The Export-Import Bank Act of 1945, referred to in subsec. (a)(2), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to subchapter I (§635 et seq.) of chapter 6A of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

#### CODIFICATION

Subsec. (h) of this section, which required the Administrator and the President of the Bank, every 6 months, to prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the amount and extension of guarantees and insurance provided by the Bank and guaranteed under this section during the preceding 6-month period, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 148 of House Document No. 103-7.

#### DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

#### CONFORMING REFERENCE

Pub. L. 101-179, title III, § 304(c), Nov. 28, 1989, 103 Stat. 1314, provided that: “With respect to Poland, any reference in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 [Pub. L. 101-167, Nov. 21, 1989, 103 Stat. 1195], to section 224 of the Foreign Assistance Act of 1961 [22 U.S.C. 2184] shall be deemed to be a reference to section 225 of that Act [22 U.S.C. 2185] (as enacted by this section).”

### § 2186. Loan guarantees to Israel program

#### (a) In general

Subject to the terms and conditions of this section, during the period beginning October 1, 1992, and ending September 30, 1997, the President is authorized to issue guarantees against losses incurred in connection with loans to Israel made as a result of Israel’s extraordinary humanitarian effort to resettle and absorb immigrants into Israel from the republics of the former Soviet Union, Ethiopia and other countries. In the event that less than the full amount authorized to be issued under subsection (b) of this section is issued in such period, the authority to issue the balance of such guarantees shall be available in the fiscal year ending on September 30, 1998.

#### (b) Fiscal year levels

The President is authorized to issue guarantees in furtherance of the purposes of this section. Subject to subsection (d) of this section, the total principal amount of guarantees which may be issued by the President under this sec-

tion shall be up to \$10,000,000,000 which may be issued as follows:

(1) in fiscal year 1993, up to \$2,000,000,000 may be issued on October 1, 1992 or thereafter;

(2) subject to subsection (d) of this section, in fiscal years 1994 through 1997, up to \$2,000,000,000 in each fiscal year may be issued on October 1 or thereafter.

(3) If less than the full amount of guarantees authorized to be made available in a fiscal year pursuant to paragraphs (1) and (2) of this subsection is issued to Israel during that fiscal year, the authority to issue the balance of such guarantees shall extend to any subsequent fiscal year ending on or before September 30, 1998.

(4)(A) Not later than September 1 of each year during the period in which the President is authorized to issue loan guarantees under subsection (a) of this section, beginning in fiscal year 1993, the President shall notify the appropriate congressional committees in writing of his intentions regarding the exercise of that authority for the fiscal year beginning on October 1 of that year, including a statement of the total principal amount of guarantees, if any, that the President proposes to issue for that fiscal year.

(B) For purposes of this paragraph, the term “appropriate congressional committees” means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

#### (c) Use of guarantees

Guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967.

#### (d) Limitation on guarantee amount

The amount of authorized but unissued guarantees that the President is authorized to issue as specified in subsection (b) of this section shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the previous year for activities which the President determines are inconsistent with the objectives of this section or understandings reached between the United States Government and the Government of Israel regarding the implementation of the loan program. The President shall submit a report to Congress no later than September 30 of each fiscal year during the pendency of the program specifying the amount calculated under this subsection and that will be deducted from the amount of guarantees authorized to be issued in the next fiscal year.

#### (e) Fees

(1) Fees charged for the loan guarantee program under this section each year shall be an aggregate annual origination fee equal to the estimated subsidy cost of the guarantees issued under this section for that year, calculated by the Office of Management and Budget for the Federal Credit Reform Act of 1990 [2 U.S.C. 661 et seq.]. This shall also include an amount for the administrative expenses of the Agency for Inter-