

118TH CONGRESS
1ST SESSION

S. 1021

To prohibit the Export-Import Bank of the United States from providing financing to persons with seriously delinquent tax debt.

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2023

Mr. BRAUN introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To prohibit the Export-Import Bank of the United States from providing financing to persons with seriously delinquent tax debt.

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. PROHIBITION ON FINANCING BY EXPORT-IM-**
4 **PORT BANK OF THE UNITED STATES FOR**
5 **PERSONS WITH SERIOUSLY DELINQUENT TAX**
6 **DEBT.**

7 Section 2 of the Export-Import Bank Act of 1945
8 (12 U.S.C. 635) is amended by adding at the end the fol-
9 lowing:

1 “(m) PROHIBITION ON FINANCING FOR PERSONS
2 WITH SERIOUSLY DELINQUENT TAX DEBT.—

3 “(1) IN GENERAL.—The Bank may not provide
4 financing to any person with seriously delinquent tax
5 debt or for any project if any person participating
6 in the project has seriously delinquent tax debt.

7 “(2) DETERMINATIONS OF DEBT.—For pur-
8 poses of paragraph (1), the Bank shall determine if
9 a person has seriously delinquent tax debt—

10 “(A) using information available through
11 the System for Award Management website and
12 data-analytical approaches; and

13 “(B) in consultation with the Commis-
14 sioner of Internal Revenue.

15 “(3) WAIVER.—The President of the United
16 States may waive the prohibition under paragraph
17 (1) with respect to a person if the President—

18 “(A) determines that there are urgent and
19 compelling circumstances significantly affecting
20 the interests of the United States that require
21 the financing to be provided; and

22 “(B) not later than 30 days after making
23 that determination, submits to the Committee
24 on Banking, Housing, and Urban Affairs of the
25 Senate and the Committee on Financial Serv-

1 ices of the House of Representatives a report
2 that includes the rationale for the determina-
3 tion and relevant information supporting the
4 determination.

5 “(4) SERIOUSLY DELINQUENT TAX DEBT DE-
6 FINED.—In this subsection, the term ‘seriously de-
7 linquent tax debt’—

8 “(A) means a Federal tax liability that has
9 been assessed by the Secretary of the Treasury
10 under the Internal Revenue Code of 1986 and
11 may be collected by the Secretary by levy or by
12 a proceeding in court; and

13 “(B) does not include—

14 “(i) a debt that is being paid in a
15 timely manner pursuant to an agreement
16 under section 6159 or section 7122 of such
17 Code;

18 “(ii) a debt with respect to which a
19 collection due process hearing under sec-
20 tion 6330 of such Code, or relief under
21 subsection (a), (b), or (f) of section 6015
22 of such Code, is requested or pending;

23 “(iii) a debt with respect to which a
24 continuous levy has been issued under sec-
25 tion 6331 of such Code (or, in the case of

1 an applicant for employment, a debt with
2 respect to which the applicant agrees to be
3 subject to such a levy); and

4 “(iv) a debt with respect to which
5 such a levy is released under section
6 6343(a)(1)(D) of such Code.”.

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