

**AMENDMENT TO H.R. 5068**  
**OFFERED BY MR. DAVIS OF ALABAMA**

Page 36, after line 26, insert the following:

1 **SEC. 13. ANTI-CIRCUMVENTION.**

2 Section 2(e) of the Export-Import Bank Act of 1945  
3 (12 U.S.C. 635(e)) is amended—

4 (1) in paragraph (1), by adding after and below  
5 the end the following:

6 “In making the determination under subparagraph  
7 (B), the Bank shall determine whether the facility  
8 that would benefit from the extension of a credit or  
9 guarantee is reasonably likely to produce products in  
10 addition to or other than the product specified in the  
11 application and whether the production of the prod-  
12 ucts may cause substantial injury to United States  
13 producers of the same, or a similar or competing,  
14 commodity.”;

15 (2) in paragraph (2), by adding at the end the  
16 following:

17 “(E) ANTI-CIRCUMVENTION.—The Bank  
18 shall not provide a loan or guarantee if the  
19 Bank determines that providing the loan or  
20 guarantee will facilitate circumvention of a



1 trade law order or determination referred to in  
2 subparagraph (A).”; and

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

4 “(5) FINANCIAL THRESHOLD DETERMINA-  
5 TIONS.—For purposes of determining whether a pro-  
6 posed transaction exceeds a financial threshold  
7 under this subsection or under the procedures or  
8 rules of the Bank, the Bank shall aggregate the dol-  
9 lar amount of the proposed transaction and the dol-  
10 lar amounts of all loans and guarantees, approved  
11 by the Bank in the preceding 24-month period, that  
12 involved the same foreign entity and substantially  
13 the same product to be produced.”.

Redesignate succeeding sections (and conform the  
table of contents) accordingly.

