

**AMENDMENT TO THE SENATE AMENDMENTS TO
H.R. 22
OFFERED BY MR. WESTMORELAND OF GEORGIA**

Page 1032, after line 4, insert the following:

1 **SEC. ____ . STRENGTHENING OF ECONOMIC IMPACT ANAL-**
2 **YSIS.**

3 (a) CONSIDERATION BY BOARD OF DIRECTORS.—
4 Section 2(e) of the Export-Import Bank Act of 1945 (12
5 U.S.C. 635(e)) is amended—

6 (1) in paragraph (3), by inserting “unanimous”
7 before “judgment”; and

8 (2) in paragraph (4), by inserting “, or will
9 hinder employment growth of a United States pro-
10 ducer of the same, or a similar or competing, com-
11 modity” before the period.

12 (b) REQUIREMENT THAT ANALYSIS BE DONE FOR
13 ALL TRANSACTIONS OF \$50,000,000 OR MORE.—Section
14 2(e) of such Act (12 U.S.C. 635(e)) is amended—

15 (1) in paragraph (7), by striking subparagraph
16 (A) and inserting the following:

17 “(A) CONSIDERATION OF ECONOMIC EF-
18 FECTS OF PROPOSED TRANSACTIONS.—

1 “(i) IN GENERAL.—If, in making a
2 determination under this paragraph with
3 respect to a loan or guarantee, the Bank
4 conducts a detailed economic impact anal-
5 ysis or similar study, the analysis or study,
6 as the case may be, shall include consider-
7 ation of—

8 “(I) the factors set forth in sub-
9 paragraphs (A) and (B) of paragraph
10 (1); and

11 “(II) the views of the public and
12 interested parties.

13 “(ii) ANALYSIS REQUIRED FOR
14 TRANSACTIONS OF \$50,000,000 OR
15 MORE.—The Bank shall perform an eco-
16 nomic impact analysis of any Bank trans-
17 action involving at least \$50,000,000,
18 which shall include an assessment of—

19 “(I) the economic effects of the
20 transaction on United States firms,
21 including the direct or indirect effects
22 of the transaction on—

23 “(aa) employment;

1 “(bb) production and prices,
2 including the potential for over-
3 supply, and

4 “(cc) the revenue of the
5 United States firms affected; and

6 “(dd) the availability of pri-
7 vate sector credit or insurance to
8 the United States exporter in-
9 volved in the transaction or simi-
10 lar transactions, and whether the
11 Bank is the lender of last resort
12 for the transaction.

13 “(iii) PROHIBITION.—The Bank shall
14 not enter into a transaction in which the
15 Bank is not the lender of last resort.”; and

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

17 “(8) CAUSE OF ACTION.—A person adversely
18 affected, directly or indirectly, by the provision by
19 the Bank of financial assistance for a transaction
20 may bring an action against the Bank in a United
21 States district court for damages, including con-
22 sequential damages, and such other relief as the
23 court deems appropriate.”.

