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Reauthorization of the Export-Import Bank: Issues and Policy Options for Congress

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Summary

The Export-Import Bank of the United States (Ex-Im Bank, EXIM Bank, or the Bank), a self-sustaining agency, is the official U.S. export credit agency (ECA). It operates under a renewable charter, the Export-Import Bank Act of 1945 (P.L. 79-173), as amended.

Potential issues for Congress in examining the Ex-Im Bank's authority include the following:

- **The economic rationale for the Bank**, including the role of the federal government in export promotion and finance;
- **Specific Bank policies**, such as those relating to content, shipping, economic and environmental impact analysis, and tied aid, including how these policies balance U.S. export and other policy interests;
- **Statutory requirements directing the Ex-Im Bank to support certain types of exports**, such as exports of small businesses and "green" technology, including the tension that such requirements can create between desiring to support specific economic sectors and allowing the Ex-Im Bank flexibility to fulfill its mission to support U.S. exports and jobs; and
- **International developments that may affect the Bank's work**, such as the growing role of emerging economies' ECAs and the sufficiency of the Organization for Economic Cooperation and Development (OECD) Arrangement on Officially Supported Export Credits to "level the playing field" for U.S. exporters.

Potential options for Congress include, but are not limited to, the following areas:

- **Structure of the Bank.** Congress could maintain the Ex-Im Bank as an independent agency, reorganize or privatize the functions of the Bank, or terminate the Bank.
- **Length of reauthorization.** Congress could extend the Bank's authority for a few years at a time (as in previous reauthorizations), for a longer period of time, or permanently reauthorize the Bank.
- **Bank's policies.** Congress could maintain the status quo, or revise the Bank's policies, such as those related to the requirements and limitations on the Ex-Im Bank's credit and insurance activities.
- **International ECA context.** Congress could seek to enhance international regulation of official export credit activity through the OECD or other mechanisms, or enhance the Ex-Im Bank's understanding of international export credit activity and trends.

Most recently, Congress passed H.R. 2072 to extend the Bank's authority through FY2014; previously, the Bank's authority was extended to May 31, 2012. H.R. 2072 also raises the Bank's lending authority incrementally from the previous $100 billion limit to $140 billion in FY2014, contingent on certain other requirements. In addition, H.R. 2072, among other things, includes provisions related to the Bank's domestic content policy and requirements to conduct international negotiations to reduce and eliminate official export credit activity. Prior to final action, the 112th Congress considered several other bills related to the Ex-Im Bank's authority.

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Introduction

The Export-Import Bank of the United States (Ex-Im Bank, EXIM Bank, or the Bank) operates under a renewable charter, the Export-Import Bank Act of 1945 (P.L. 79-173), as amended. As part of its legislative responsibilities concerning the Ex-Im Bank, a central issue for Congress is whether to reauthorize the Bank's charter, and if so, for how long and under what terms. Congress's decisions on this issue could affect U.S. export promotion activities and U.S. industries whose exports are facilitated by the Bank's operations.

Ex-Im Bank reauthorization emerged as a topic of debate in the 112th Congress, as the authority of the Bank would have expired unless extended by Congress. In 2006, Congress had extended the Bank's authority through September 30, 2011 (P.L. 109-438). Since then, Congress had extended the Bank's authority through appropriations vehicles, the latest of which had extended the Bank's authority through May 31, 2012 (P.L. 112-74). The 112th Congress considered several pieces of legislation related to Ex-Im Bank's authority, and ultimately passed a bill to extend the Ex-Im Bank's authority through FY2014 (H.R. 2072).

The scope of this report is limited to Ex-Im Bank reauthorization issues. For a general overview of the Ex-Im Bank's programs, budgets, and overall issues see CRS Report R42472, *Export-Import Bank: Background and Legislative Issues*, by Shayerah Ilias.

Background

Overview of the Ex-Im Bank

The Ex-Im Bank is the official export credit agency (ECA) of the United States. The Bank was established in 1934 and became an independent agency in the executive branch in 1945. Its mandate is to support U.S. exports and the employment of U.S. workers. With respect to the Ex-Im Bank, Congress has an important role in reauthorization, appropriation, and oversight functions.

The Ex-Im Bank uses its authority and resources to finance U.S. exports primarily in circumstances when alternative, private sector export financing may not be available or is prohibitively expensive or risky. It also may provide financing to support the competitiveness of U.S. exporters in circumstances when foreign governments extend export financing to their firms. The Ex-Im Bank's transactions are backed by the full faith and credit of the U.S. government.

The Bank's charter requires that its financing have a reasonable assurance of repayment; directs the Bank to supplement, and not compete with, private capital; requires the Bank to notify Congress of proposed transactions above $100 million; and includes other limitations on the Bank's activities. Previously, the Bank's authority to lend, guarantee, and insure was statutorily limited to a total of $100 billion (P.L. 107-189). The recent Ex-Im Bank reauthorization bill passed by Congress (H.R. 2072) raises the authority incrementally to $140 billion in FY2014.

Since its inception, the Bank estimates that it has supported more than $400 billion in U.S. exports. Its main programs to finance U.S. exports are direct loans, export credit guarantees, working capital guarantees, and export credit insurance. The Bank operates on a self-sustaining basis, using offsetting collections to fund administrative and program expenses.

Key Facts About Ex-Im Bank Programs

Products

- **Direct loans:** The Ex-Im Bank provides direct loans to foreign buyers of U.S. exports, generally for the purchase of capital-intensive goods such as commercial aircraft and mining equipment.
- **Loan guarantees:** The Ex-Im Bank guarantees a lender that, in the event of a payment default by the buyer, it will pay to the lender the outstanding principal and interest on the loan.
- **Working capital guarantees:** The Bank provides repayment guarantees to lenders (primarily commercial banks) on secured, short-term working capital loans made to qualified exporters with the objective of facilitating finance for businesses (generally, small businesses) that have exporting potential but need working capital funds.
- **Insurance:** The Ex-Im Bank provides insurance to U.S. exporters to protect them against losses should a foreign buyer or other foreign debtor default on the export contract for commercial or political reasons.
- **Special financing programs:** The Ex-Im Bank offers special financing programs that focus on a particular industry or financing technique, including aircraft finance, project finance, and supply chain finance.

Focus Areas

- **Program-specific:** The Ex-Im Bank focuses on increasing the number of small- and medium-sized enterprises (SMEs) using its products, supporting environmentally beneficial exports, and targeting business development to countries and in industries with high potential for U.S. export growth.
- **Country-specific:** The Ex-Im Bank operates in more than 160 countries around the world. Its current country priorities are Brazil, Colombia, India, Indonesia, Mexico, Nigeria, South Africa, Turkey, and Vietnam.
- **Sector-specific:** The Ex-Im Bank has identified industries with high potential for U.S. export growth: medical technology, construction, agricultural and mining equipment, and power generation (including renewable energy). In addition, transportation—particularly large commercial aircraft—continues to be an important focal point.

Appropriations

The Ex-Im Bank has been "self-sustaining" for appropriations purposes since FY2008. It uses offsetting collections to cover its operations. Congress provides funding for the Ex-Im Bank's Office of Inspector General (OIG), and sets an upper limit on the level of the Bank's financial activities. The Ex-Im Bank receives a net appropriation of zero.

- **FY2010:** Congress appropriated $2.5 million for the OIG, and it authorized a limit of $58 million for the Bank's credit and insurance programs and a limit of $83.88 million for its administrative expenses (P.L. 111-117).
- **FY2011:** Congress authorized the Ex-Im Bank at FY2010 levels. It also included a rescission of $275 million of the unobligated balances available for funds appropriated under FY2009 Ex-Im Bank subsidy appropriations (P.L. 112-10).
- **FY2012:** Congress appropriated $4 million for the OIG, and it authorized a limit of $58 million for the Bank's credit and insurance programs and a limit of $89.9 million for its administrative expenses (P.L. 112-74).

Activity

- **Large and small firms supported:** By *dollar value* of transactions, large companies have received the majority of the Bank's support, whereas by *number of transactions*, small businesses have received the majority of its support.
- **Level of activity:** In FY2011, the Ex-Im Bank approved $33 billion in export financing (3,751 credit and insurance transactions), up from FY2010, when the Bank approved $24 billion in export financing (3,532 transactions).
- **Exports supported:** The Ex-Im Bank estimated that its activities supported about $41 billion in U.S. exports of goods and services in FY2011, up from $34 billion worth of exports in FY2010.
- **Exposure:** In FY2011, the Bank's total exposure stood at approximately $89 billion, up from approximately $75 billion FY2010.

Note: Summary of the Ex-Im Bank prepared by CRS, based on Ex-Im Bank annual reports from various years.

The Ex-Im Bank's Role in Promoting U.S. Exports

U.S. economic growth has traditionally been driven by consumption and borrowing, and historically there has been an undertow of belief that the U.S. economy does not need to rely on exports for economic growth. However, domestic consumption has been weak since the international financial crisis and global economic downturn in 2008. It also is a reflection of the fact that the United States is a relatively mature economy. Increasingly, the United States has turned to trade, in particular exports, as a means of growing the U.S. economy.

The Ex-Im Bank, which is charged with supporting U.S. exports and jobs through export financing, is among the federal government agencies involved in promoting U.S. exports.[1] As such, the Ex-Im Bank is a key participant in President Obama's National Export Initiative (NEI), a strategy to double U.S. exports by 2015 to support U.S. employment. In September 2010, the Export Promotion Cabinet, a high-level cabinet created by Executive Order 13534, released a report containing recommendations for implementing the NEI. The Ex-Im Bank figures prominently in the report's recommendation to increase U.S. export financing.

The Export Promotion Cabinet's report recommended the following actions in this priority area: (1) making more credit available, such as existing credit lines and new products; (2) expanding the eligibility criteria for providing credit and insurance to small- and medium-sized enterprises (SMEs); (3) focusing lending activities and outreach on priority international markets; (4) expanding and focusing outreach efforts on U.S. industries that are globally competitive and those that constitute underserved sectors of the economy; (5) increasing the number and scope of public-private partnerships that build awareness of export finance assistance and help to originate and underwrite transactions on behalf of the federal government; and (6) streamlining the application and review process of U.S. exporters applying for federal export credit and insurance.[2]

Although the Ex-Im Bank is the official U.S. export credit agency, other agencies—the U.S. Department of Agriculture, Small Business Administration, and the Overseas Private Investment Corporation—also conduct export financing (see **Table 1**).

Table 1. U.S. Government Agencies that Conduct Export Financing

Federal Agency	Activities
Ex-Im Bank	Provides credit and insurance to support manufacturing and services exports, including for exports by small businesses
U.S. Department of Agriculture (USDA)	Conducts agricultural export financing
Small Business Administration (SBA)	Provides export financing for U.S. small businesses
Overseas Private Insurance Corporation (OPIC)	Provides credit and political risk insurance to support U.S. investments for projects in developing countries and emerging markets that may generate demand for U.S. exports

Source: CRS analysis.

[1] For a general background on Ex-Im Bank, see CRS Report R42472, *Export-Import Bank: Background and Legislative Issues*, by Shayerah Ilias. For a general background on federal export promotion agencies, see CRS Report R41495, *U.S. Government Agencies Involved in Export Promotion: Overview and Issues for Congress*, coordinated by Shayerah Ilias.

[2] *Report to the President on the National Export Initiative: The Export Promotion Cabinet's Plan for Doubling U.S. Exports in Five Years*, Washington, DC, September 2010, http://www.whitehouse.gov/sites/default/files/nei_report_9-16-10_full.pdf.

Ex-Im Bank Stakeholders

The Ex-Im Bank has a range of private and public stakeholders that have varying viewpoints and interests related to the Bank. They include the following:

- **U.S. businesses and their workers that receive Ex-Im Bank support**, which are arguably the most direct stakeholders of the Ex-Im Bank;
- **Indirect suppliers**, which are U.S. businesses (primarily SMEs) that supply goods and services to U.S. exporters and are considered by some groups to be "invisible exporters;"
- **Service exporters**, which have used Ex-Im Bank support less extensively than exporters of manufactured goods;
- **Import-sensitive U.S. industries**, such as steel, which may be adversely affected if Ex-Im Bank support for a particular export contract, such as for products used to build a steel mill in a foreign country, results in the foreign production of an exportable good that competes with U.S. products;
- **International buyers** of Ex-Im Bank-financed U.S. exports of goods and services, who are from developing countries and emerging markets. Ex-Im Bank products, such as direct loans, loan guarantees, and export insurance, may help to facilitate their purchases of U.S. exports of goods and services;
- **U.S. and international commercial lenders and insurers** that use Ex-Im Bank credit and insurance programs;[3]
- **State, county, and local nonprofit economic development organizations** with which the Ex-Im Bank collaborates to facilitate export opportunities;[4]
- **U.S. federal government agencies** with which the Ex-Im Bank collaborates on certain export-financing activities and specific programs and initiatives; and
- **Non-governmental organizations**, such as industry and trade associations, civil society advocacy groups, and public policy think tanks that represent an array of commercial, labor, environmental, and other policy interests.

International Export Credit Environment

The Ex-Im Bank was established at a time when private sector trade finance was limited. As international trade has grown, exporting financing has expanded. It is now a trillion-dollar market that supports approximately 10% of global trade.[5] It consists of private lenders and insurers, who operate commercially, and official export credit agencies (ECAs), which are backed by their governments. Private lenders and insurers conduct the majority of short-term export financing, whereas ECAs are more heavily involved in medium- and long-term export financing, including financing for complex, multi-billion dollar sales such as aircraft and infrastructure projects. The role of ECAs has become more prominent in recent years due to the international financial crisis

[3] Ex-Im Bank, Lender Referral List, updated November 2010, http://www.exim.gov/pub/pdf/ebd-g-01.pdf. Ex-Im Bank, Active Insurance Brokers Registered with Ex-Im Bank, http://www.exim.gov/news/brokers_list.cfm. Ex-Im Bank, Working Capital Guarantee Delegated Authority Lenders, updated November 30, 2011, http://www.exim.gov/pub/pdf/ebd-w-13.pdf.

[4] Ex-Im Bank, *City/State Partners List*, last updated March 29, 2011, http://www.exim.gov/about/partners/citystate/citystate_partnerslist_updated.cfm.

[5] U.S. Congress, House Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, *Statement for the Record from the Coalition for Employment through Exports*, 112th Cong., 1st sess., March 10, 2011.

and global economic downturn in 2008. With businesses facing difficulty accessing credit in the private sector, there has been a surge in demand for export credit and insurance from ECAs.

Changing Composition of ECAs and Increasing Export Credit Competition

Since the Ex-Im Bank's inception in 1934, the process of globalization has introduced fundamental changes to the global economy and to the international export credit environment. Traditionally, the United States and other developed countries have been the primary sources of world trade flows and ECA financing. For example, historically the G-7 countries have accounted for about 80% of global medium- to long-term export finance.[6] As members of the Organization for Economic Cooperation and Development (OECD), these countries are party to the OECD Arrangement on Official Supported Export Credits (the "OECD Arrangement"), which is intended to ensure that exporting takes place on a level playing field (see text box, "International Disciplines on Export Credit Activity").

[6] The G-7 consists of Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States. Data from Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States, For the Period January 1, 2010 through December 31, 2010*, Washington, DC, June 2011, p. 5.

International Disciplines on Export Credit Activity[7]

Growing export credit competition has led to a strengthening of standards on official export credit activity. The international disciplines under which ECAs conduct their activities vary based on which organizations the country of the ECA is a member.

- **Organization for Economic Cooperation and Development (OECD):** The primary organization guiding and monitoring ECA activity is the OECD, which is composed of about 30 advanced industrialized economies, including the United States. The OECD Arrangement on Officially Supported Export Credits (the "OECD Arrangement"), created in 1978, established limitations on the terms and conditions for official export credit activity. It includes financial terms and conditions, such as down payments, repayment terms, interest rates, and country risk classifications; provisions on tied aid; notification procedures; and sector-specific terms and conditions, covering the export credits for ships, nuclear power plants, civil aircraft, renewable energies, and water projects. Military equipment, agricultural goods, and untied development aid are not covered by the agreement. The OECD lacks the authority to enforce compliance with its agreements, though members generally monitor compliance and raise concerns when members' policies and actions are viewed as violating the OECD Arrangement. The United States has been working through the OECD for decades to help level the playing field for U.S. exporters.
- **World Trade Organization (WTO):** The WTO, a multilateral organization for negotiating, governing, and enforcing international trade rules, plays a role in guiding export credit activity, but traditionally has deferred to the OECD. The WTO Agreement on Subsidies and Countervailing Measures (SCM) disciplines the use of subsidies, and it regulates the actions countries can take to counter the effects of these subsidies. The SCM Agreement language is interpreted to indicate that, for non-agricultural products, an export credit practice in conformity with the OECD Arrangement shall not be considered as an export subsidy prohibited by the SCM Agreement.[8]
- **Berne Union:** The Berne Union, an association for export credit and insurance globally, collects statistical data on the export credit activity of its members. It has 49 members that are major private creditors and insurers and ECAs. Berne Union members span both advanced industrialized countries and emerging market countries. Berne Union members abide by a number of "guiding principles," which include supporting the stability and expansion of global trade, managing risks, practicing sound business practices, taking into account environmental and other considerations in activities, combating corruption, enhancing transparency, and fostering cooperation with other export trade and investment businesses. The Berne Union principles are not legally binding.[9]

[7] For more information on the various international disciplines, see http://www.oecd.org/department/0,3355,en_2649_34171_1_1_1_1_1,00.html for the OECD, http://www.berneunion.org.uk/ for the Berne Union, and http://www.wto.org/english/tratop_e/scm_e/scm_e.htm for the WTO.

[8] See footnote 5 to SCM Article 3.1(a) and paragraph (k) of the Illustrative List of Export Subsidies, Annex I to the SCM Agreement. Paragraph (k) states: "Provided, however, that if a Member is a party to an international undertaking on official export credits to which at least twelve original Members to this Agreement are parties as of 1 January 1979 (or a successor undertaking which has been adopted by those original Members), or if in practice a Member applies the interest rates provisions of the relevant undertaking, an export credit practice which is in conformity with those provisions shall not be considered an export subsidy prohibited by this Agreement."

[9] Berne Union, *Guiding Principles*, http://www.berneunion.org.uk/guiding-principles.html.

Over the past couple of decades, economic changes associated with globalization have led to the rising wealth of emerging economies and their growing role in the global economy. Currently, a number of emerging market countries operate ECAs.[10] Rising economic powers, such as China, India, and Brazil, are not members of the OECD (though they may have observer status during some OECD meetings and the OECD has offered them "enhanced engagement" with a view toward possible accession). As non-member economies, China, India, and Brazil are not party to the OECD Arrangement, and their export credit financing activities may not comply with international standards.[11] For example, they may offer below-market and concessionary financing alternatives with which it is difficult for ECAs of OECD members to compete.

The growing number of players and volumes of export credit activity in the international export finance market has resulted in greater and varied competition for U.S. exporters, both from developed countries and from rising economic powers as they move up the value chain.[12] In terms of developed countries, although certain types of competition between developed country ECAs that were prevalent in the 1970s and 1980s have been reduced, new forms of competition have emerged. For example, for about 30 years, the ECAs of developed countries generally have not offered officially supported financing for exports to other developed countries. With respect to the aircraft sector, the Ex-Im Bank and the ECAs of the United Kingdom, France, Spain, and Germany (which provide financing to Airbus) have agreed to an informal "home market rule," which limits access to officially supported export financing for the purchase of aircraft in their own domestic market and in each other's "home markets." The competitive landscape appears to be changing, however. Canada currently does not recognize the home market rule, and the Canadian aircraft manufacturer Bombardier, which is supported by Canada's official ECA, has recently entered the large civil aircraft market. This trend is also emerging in other sectors, such as in green energy projects. For instance, the Japanese ECA reportedly recently announced that it was prepared to support its companies on projects in the United States, including the Florida high speed rail project.[13]

In terms of emerging economies, the increasing volumes of their official export credit activity that fall outside of the OECD Arrangement have raised concerns among OECD members about how level the playing field is for their exporters. According to the Ex-Im Bank, non-OECD countries are expected to continue "expanding their market share by using exceptional financing methods, that comport with WTO provisions, but that are outside of the purview of the OECD rules, further expanding the scope of unregulated financing vis-à-vis constant volumes of OECD Arrangement-

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[10] Paul Brewer, "Australia's Export Promotion Program: Is it Effective?," *Australian Journal of Management*, vol. 34, no. 1 (June 2009), pp. 125-142.

[11] Brazil, while not party to the OECD Arrangement, is party to the OECD Aircraft Sector Understanding.

[12] For instance, The Boeing Company, a significant beneficiary of Ex-Im Bank services, notes that the European aircraft manufacturer Airbus, its main competitor in the aerospace sector, has three European ECAs supporting its sales. Boeing further states,

> the competitive landscape for our industry is about to get a lot more crowded. Companies in Canada, Russia, Brazil, and China are developing large commercial airplanes to compete with Boeing, and all of them have government export credit agencies to support them. In today's competitive global market, financing often is a key discriminator, and foreign governments are offering export credit to the advantage of their domestic industries.

U.S. Congress, House Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, Testimony of Scott Scherer, Boeing Capital Corporation, on the Role of the U.S. Export-Import Bank in Ensuring U.S. Competitiveness and Job Creation, 112th Cong., 1st sess., March 10, 2011.

[13] U.S. Congress, House Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, *Statement for the Record from the Coalition for Employment through Exports*, 112th Cong., 1st sess., March 10, 2011.

compliant activity."[14] Officially subsidized export credit activity by emerging economies may increase in strategic markets, such as oil and gas, renewable energy, and natural resources extraction.[15] For instance, Chinese ECAs "have shown strong signs of growing usage of export credits for export promotion purposes, especially in Africa, where they were offering preferential loans either in exchange for much needed resources (e.g., oil) or low cost loans on very extended repayment terms on projects in order to gain market share."[16] The rise of emerging economies as financing competitors has renewed concerns about a new "race to the bottom."

Growth in Publicly Backed Export Credit Support

Comprehensive data on the export finance activities of ECAs are limited and sometimes not publicly available. It also can be difficult to compare activity across ECAs, because the characteristics of the ECAs and the types of transactions may vary. The OECD and Berne Union are engaged in efforts to enhance international export credit data.[17] What follows are some data that may provide an indication of the levels of international export credit activity.

- In 2010, Berne Union members (both public and private) provided $1.4 trillion in credit and investment insurance support, covering more than 10% of the value of international trade transactions with their export credit support.[18] Berne Union members generally cover the more risky transactions in which exporters and lenders decide to take insurance to mitigate the risks of trading.
- The Ex-Im Bank's annual competitiveness report provides estimates of new medium- and long-term (MLT) official export credit financing by the Ex-Im Bank, the ECAs of the other G-7 countries, and selected emerging economies In 2010, new MLT official export credit financing by the G-7 ECAs totaled $65.4 billion. The United States represented 20% of total new MLT financing by the G-7 countries. In comparison to the G-7, the emerging economies of Brazil, China, and India conducted a total of $72.7 billion in new MLT financing in 2010, surpassing that of the G-7 (see **Table 2**).

[14] Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States, For the Period January 1, 2010 through December 31, 2010*, Washington, DC, June 2011, p. 13.

[15] U.S. Congress, House Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, *Statement for the Record from the Coalition for Employment through Exports*, 112th Cong., 1st sess., March 10, 2011.

[16] Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States, For the Period January 1, 2009 through December 31, 2009*, Washington, DC, June 2010, p. 99.

[17] Meeting with Ex-Im Bank officials, May 5, 2011.

[18] Berne Union, press release, July 12, 2010, http://www.berneunion.org.uk/pdf/Press%20Release%20July%202010.pdf.

Table 2. Selected ECAs: New Medium- to Long-Term Official Export Credit Volumes

(Billions of U.S. dollars)

Country	ECAs	Year			
		2007	2008	2009	2010
G-7 ECAs (OECD Members)					
Canada	Export Development Canada (EDC)	0.5	1.5	2.0	2.5
France	Compagnie Française d'Assurance pour le Commerce Extérieur (COFACE)	10.1	8.6	17.8	17.4
Germany	Euler Hermes	8.9	10.8	12.9	22.5
Italy	S.p.A. Servizi Assicurativi del Commercio Estero (SACE)	3.5	7.6	8.2	5.3
Japan	Japan Bank for International Cooperation (JBIC), Nippon Export and Investment Insurance (NEXI)	1.8	1.5	2.7	2.9
United Kingdom	Export Credits Guarantee Department (ECGD)	0.4	0.8	1.4	1.9
United States	Export-Import Bank of the United States (Ex-Im Bank)	8.2	11.0	17.0	13.0
Total G-7 Volumes		33.4	41.8	62.0	65.4
Selected Emerging Market Countries					
Brazil	Brazilian Development Bank (BNDES), Seguradora Brasileira Crédito à Exportação (SBCE)	7.0	7.6	10.5	18.2
China	Export-Import Bank of China, Sinosure, China Development Bank (CDB)	33.0	52.0	51.1	45.0
India	Export-Import Bank of India, Export Credit Guarantee Corporation of India (ECGC)	8.5	8.7	7.3	9.5
Total Brazil, China, and India Volumes		48.5	68.3	68.9	72.7

Source: Data on export credit volumes from the Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States, For the Period January 1, 2010 through December 31, 2010*, Washington, DC, June 2011.

Notes: The Ex-Im Bank Competitiveness Report states that, for the G-7 countries, the Bank attempted to differentiate the standard, officially supported export credits that are regulated by the OECD Arrangement and export credits that are not subject to the OECD Arrangement. The Competitiveness Report also states that data on export credit volumes for Brazil, China, and India are approximations of activity based on available information and may be overstated due to the analytic assumptions used by the Bank.

Characteristics of ECAs

ECAs vary widely in a number of characteristics, including

- **Mandates:** Some ECAs focus primarily on advancing commercial objectives, such as facilitating exports, business-to-business trade, and filling in the gaps in the private sector export credit activity. A number of the G-7 ECAs have "lender of last resort" approaches (i.e., to provide finance where private sector finance is not available and to charge fees for their services), including those of the United States, the United Kingdom, France, Germany, and Japan. Canada's ECA takes a more expansive view of commercial interests than some other ECAs, and focuses on supporting Canadian exports and developing Canada's trade capacity both directly and indirectly. Other ECAs, generally in emerging markets, focus primarily on advancing economic development objectives, such as increasing living standards, and boosting the competitiveness of their firms.[19]
- **Products:** ECAs offer a range of products that may include direct loans, guarantees, working capital loans, and tied aid. These products can vary by short, medium, and long terms. Some ECAs offer credit and insurance products directed toward supporting exports, whereas others focus on supporting both exports and overseas investment. In the United States, the Ex-Im Bank provides credit and insurance to support exports, whereas the Overseas Private Investment Corporation (OPIC), another U.S. agency, provides political risk insurance to support overseas investment. In several other countries, such as Japan and Canada, the same entity (i.e., JBIC and EDC, respectively) conducts both export and investment support and others forms of export assistance.
- **Policies:** Some ECAs determine whether or not to support export contracts based on an array of criteria, such as the economic and environmental impact of the proposed transactions or the strategic implications of the financing. Compared with other ECAs (both OECD member and non-member), the Ex-Im Bank's policies for extending support tend to be more stringent.

Issues for Congress

Congressional examination of the Ex-Im Bank for reauthorization generally has included examining the Bank's effectiveness and efficiency of the Bank in supporting exports broadly and in particular sectors, specific Bank policies, and its competitiveness in comparison to foreign ECAs. Many of the issues discussed below arise from congressional statutes and mandates incorporated into the Ex-Im Bank's charter.

The Bank's Mission

Over time, Congress has debated the acceptability of federal support of private firms to export, with some viewing federal export financing as a form of targeted favoritism, or "corporate welfare," and others considering it to be acceptable for certain large-scale or high-cost capital-intensive projects where private financing is unavailable. Advocates of the Ex-Im Bank's credit and insurance programs argue that such efforts are critical in addressing market failures (such as imperfect information and barriers to entry) and countering foreign governments' export

[19] U.S. Government Accountability Office, *U.S. Export-Import Bank: Actions Needed to Promote Competitiveness and International Cooperation*, GAO-12-294, February 2012.

financing efforts. Others, including some economists, hold that such programs merely shift production among sectors within the economy and do not permanently add to the overall level of a nation's exports, which they argue is influenced by a combination of domestic macroeconomic factors and global economic developments in the long run. Some also may question whether this form of government intervention has crowded out private sector financing.

A long-standing concern about the Ex-Im Bank centers on the composition of firms benefiting from Ex-Im Bank services. Large firms account for about 80% of the *dollar value* of the Ex-Im Bank's credit and insurance authorizations and small firms account for about 20%. In contrast, small firms account for about 80% of the *number* of the Ex-Im Bank's credit and insurance transactions, whereas large firms account for about 20%. Supporters note that the Ex-Im Bank's mission is to support U.S. businesses of all sizes and that the Bank places special emphasis on supporting the exports of small businesses. Some supporters argue that focusing on the dollar value of Ex-Im Bank support to small businesses may be misleading because the larger size of corporations naturally results in a scale of business that requires larger volumes of support.

Some supporters also contend that Ex-Im Bank data do not reflect all of the small businesses that benefit from Ex-Im Bank services, such as "invisible" exporters who provide goods and services used by other companies that directly export. For example, one study identified more than 33,000 SMEs that supplied manufactured parts or services to five larger companies (General Electric, Boeing, Case New Holland, Siemens Power Corporation, and Bechtel) that use Ex-Im Bank financing. According to the study, the SMEs identified constitute a representative sample of those SMEs that serve as primary exporters for the larger "exporters of record."[20]

Limit on Outstanding Aggregate Credit and Insurance Authority

Congress sets limitations on the aggregate amounts of loan, guarantees, and insurance that the Ex-Im Bank can have outstanding at any one time (oftentimes referred to as the Ex-Im Bank's exposure cap/ceiling/limit).[21] The outstanding principal amount of all loans made, guaranteed, or insured by the Ex-Im Bank is charged at the full value against the limitation.

The Ex-Im Bank initially was capitalized with a stock of $1 billion in 1934. When Congress established the Ex-Im Bank as an independent agency in 1945, it authorized a limit on the Ex-Im Bank's outstanding aggregate credit and insurance authority that was no greater than three and one-half times the Bank's authorized stock of $1 billion. In 1951, Congress changed the statutory formula to four and one-half times the authorized stock. In 1954, Congress changed the outstanding limit from a formula calculation to $5 billion, and since then, has periodically enacted legislation that has increased the Bank's outstanding limitation (see **Table 3**).

H.R. 2072, the most recent Ex-Im Bank reauthorization bill passed by Congress, increases the Bank's exposure cap incrementally from the previous limitation of $100 billion (authorized under P.L. 107-189). H.R. 2072 increases the Bank's exposure cap to $120 billion in FY2012, $130 billion in FY2013, and $140 billion in FY2014, with the increase in the exposure cap for FY2013 and FY2014 contingent on the Bank maintaining a default rate of less than 2% and on meeting various reporting requirements.

[20] Coalition for Employment through Exports (CEE), *2011 Supplier Study*.

[21] 12 U.S.C §635e.

Table 3. Legislative Changes to the Export-Import Bank's Limit on Outstanding Aggregate Credit and Insurance Authority

Year	Legislation	New Limit Resulting from Legislation
1945	P.L. 79-173	Three and one-half times the authorized stock of $1 billion
1951	P.L. 82-158	Four and one-half times the authorized stock of $1 billion
1954	P.L. 83-570	$5 billion
1958	P.L. 85-424	$7 billion
1963	P.L. 88-101	$9 billion
1968	P.L. 90-267	$13.5 billion
1971	P.L. 92-126	$20 billion
1975	P.L. 93-646	$25 billion
1978	P.L. 95-630	$40 billion
1992	P.L. 102-429	$75 billion
2002	P.L. 107-189	Incremental increases in limit to $100 billion[a]
2012	H.R. 2072	Incremental increases in limit to $140 billion, contingent on certain requirements[a]

Source: U.S. Code notes; Lexis Nexis; and Jordan Jay Hillman, *The Export-Import Bank at Work* (Westport 1982).

a. The Export-Import Bank Reauthorization Act of 2002 (P.L. 107-189) increased the Bank's exposure cap to $80 billion in FY2002, $85 billion in FY2003, $90 billion in FY2004, $95 billion in FY2005, and $100 billion in FY2006.

b. The Export-Import Bank Reauthorization Act of 2012 (H.R. 2072) increases the Bank's exposure cap to $120 billion in FY2012, $130 billion in FY2013, and $140 billion in FY2014—with the increase in lending authority for FY2013 and FY2014 contingent on the Bank maintaining a "default rate" of less than 2% and on submitting various reports.

At the end of FY2011, the Ex-Im Bank's exposure level was about $89 billion. Some U.S. businesses are concerned that the Ex-Im Bank may reach its exposure ceiling soon if it is not raised, which may adversely affect the Bank's ability finance large export transactions.[22]

Given that the Ex-Im Bank's credit and insurance transactions are backed by the full faith and credit of the U.S. government, the Ex-Im Bank's exposure cap can be viewed as the maximum amount for which U.S. taxpayers may be liable if the Bank's portfolio experiences severe losses. To date, the Ex-Im Bank's loan loss rate has been low historically, at approximately 1.5%.[23] Some opponents express concern about the potential burden to taxpayers imposed by the Bank's activities. Some argue that risks to the Bank's portfolio have increased with the global financial crisis and the Eurozone debt crisis. Supporters counter that the Ex-Im Bank is a self-sustaining agency; its charter requires a reasonable assurance of repayment for all credit authorizations; and that the Bank monitors credit and other risks in its portfolio.[24]

[22] Rossella Brevetti, "CEE Urges Congress to Pass Ex-Im Reauthorization This Year," *International Trade Daily*, December 13, 2011.

[23] U.S. Congress, Senate Committee on Banking, Housing, and Urban Affairs, *Oversight and Reauthorization of the Export-Import Bank of the United States*, Testimony of Fred P. Hochberg - President and Chairman, Export-Import Bank of the United States, 112th Cong., 1st sess., May 17, 2011.

[24] Ibid., pp. 26, 37.

National Content

The OECD Arrangement does not contain specific guidelines regarding content requirements, which relate to the amount of domestic and foreign content (e.g., labor, materials, and overhead costs) associated with the production of an export. Each ECA generally establishes its own guidelines in this area, and these guidelines tend to vary among ECAs (see **Table 4**).

The Ex-Im Bank's content policy limits its support, for all medium- and long-term transactions, to the lesser of (1) 85% of the value of all goods and services contained within a U.S. supply contract or (2) 100% of the U.S. content of an export contract. In effect, the Ex-Im Bank has a foreign content allowance of 15%; if the foreign content exceeds 15%, the Bank's support would be reduced.[25]

The Ex-Im Bank's content policy seeks to ensure that its export financing targets the U.S. content directly associated with goods and services produced in the United States. The Ex-Im Bank considers U.S. content to be "a proxy to evidence support for U.S. jobs." The policy is intended to encourage U.S. companies to maximize their sourcing of U.S. content. However, the Ex-Im Bank recognizes that U.S. export contracts may contain goods and services that are foreign-originated, and it allows financing support for such contracts, subject to certain restrictions and limitations. According to the Ex-Im Bank, its policy "reflects a concerted attempt to balance the interests of multiple stakeholders."[26]

Table 4. Foreign Content Requirements of Selected Country ECAs

Country	Maximum Allowable Foreign Content to Receive Full Medium- and Long-Term Financing
Australia	15%
Canada	Support will be given if the transaction benefits national interest
France	40%; however, may allow more foreign content in transactions that advance strategic/national interests.
Germany	30% combined local and foreign (non-domestic) content; however may allow more non-domestic content in transactions that advance strategic/national interests
Italy	Support will be given if the transaction benefits national interest
Japan	70%; however, foreign content may be higher on a case-by-case basis
United States	15%
United Kingdom	80%; however, may allow more foreign content in transactions that advance strategic/national interests.

Sources: Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States, For the Period January 1, 2009 through December 31, 2009*, Washington, DC, June 2010; meeting with Ex-Im Bank officials, May 5, 2011; House Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, *The Role of the Ex-Im Bank in U.S. Competitiveness and Job Creation*, opening statement by Chairman Gary Miller, 112th Cong., 1st sess., March 10, 2011; OECD, *Export Credit Financing Systems in OECD Member Countries and Non-Member Economies*, May 1, 2008.

[25] See Ex-Im Bank's content policies for more details: http://www.exim.gov/products/policies/foreign_medium-long.cfm.

[26] Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States, For the Period January 1, 2010 through December 31, 2011*, Washington, DC, June 2011, p. 81.

Notes: These reported data on foreign content requirements should not be considered definitive; rather, these data are intended to give an idea of the different types of content requirements that foreign ECAs may employ. ECAs may not apply their content requirements on an absolute basis, and may consider requests for export financing on a case-by-case basis. They may apply flexibility to their content rules, for example, flexibility in terms of definition, percentage of foreign content, or interpretation of national benefit.

Changing International Perspectives on National Content

Traditionally, ECAs have linked their support for exports with national content. For some countries, exports of manufactured goods have typically accounted for a significant portion of their gross domestic product and economic growth. However, a number of ECAs have been re-evaluating their national content models in light of changes in the global economy. Over the past several decades, the process of globalization has led to the rise of global supply chains. Communication, transportation, and other technology advances enable firms to break up the production process into discrete steps and to manufacture goods and inputs in different locations to be globally competitive. Consequently, manufacturing and production have become transnational.

Given the changing nature of the global business environment, many ECAs have been reducing national content requirements. In the early 2000s, the majority of ECAs had requirements for 70%-100% national content, with a few ECAs permitting national content of 50%. In comparison, fewer ECAs currently have national content requirements of higher than 80%. Some, like Canada's official ECA, have no fixed requirement, whereas the U.S. Ex-Im Bank has an 85% requirement. Most ECAs now have fixed maximum allowances of foreign content of between 30% and 50%.

Some ECAs have eliminated national content rules in favor of assessing export contracts on the basis of their contribution to the "national interests" of the country. ECAs may evaluate transactions on a case-by-case basis, allowing them flexibility in supporting export contracts, possibly choosing to support deals with especially high foreign content in excess of their typical limit if they deem such transactions to be in the national interest. In some cases, ECAs may require higher national content if a particular transaction is considered to be especially risky. Some ECAs have been changing their definitions of what constitutes national content. In addition to accounting for direct exports of goods and services, they may also consider trade and investment that both directly and indirectly enhance the national interest. For instance, some ECAs may support exports by foreign subsidiaries of their national exporters. Such re-interpretations may be geared toward increasing the competitiveness of national companies in the global economy.

Canada's content rules are among the most flexible of ECAs. The mandate of Export Development Canada (EDC), Canada's ECA, is "to support and develop, directly or indirectly, Canada's export trade and Canadian capacity to engage in that trade as well as respond to international business opportunities." When determining whether to participate in a transaction, EDC considers the transaction's "potential benefit to Canada." It takes into account factors such as the transactions' effect on Canadian gross domestic product; research and development spending in Canada; possibility of increased access to global markets or integration in a key supply chain; employment impact; benefit to SMEs; the destination market for transaction (developed or developing); support of new technology or new product; positive environmental impact; and dividends, royalties, and licensing fees.

Sources: Berne Union, *Berne Union 2008*, pp. 29-31, http://www.berneunion.org.uk/pdf/Berne%20Union%20Yearbook%202008.pdf. Export Development Canada (EDC), "Canadian Benefits," http://www.edc.ca/english/corporate_canadian_benefits.htm.

Given the proliferation of global supply chains, many U.S. businesses have been supportive of introducing additional flexibility in the Ex-Im Bank's content requirements. For example, the Coalition for Employment for Exports, an advocacy group composed of exporters, banks, and trade associations, has recommended that the Ex-Im Bank lower its domestic content requirement to 70% (i.e., the foreign content limit would be 30%); expand the definition of content to include "R&D, project and global supply chain management, and other elements" that reflect the value of the U.S. innovation economy; and to establish a "pilot program" whereby the Bank could support exports on a national interest benefit, which would allow the Bank to support exports that generate benefits to the U.S. economy "that are not otherwise captured by exclusive focus on the domestic manufactured content requirement."[27] Other industry proposals include recommending

[27] Coalition for Employment through Exports (CEE), "Ex-Im Bank 2011 Reauthorization: CEE Position Paper."

that the Ex-Im Bank lower U.S. content requirements for full financing to match the average among OECD countries or that the Ex-Im Bank adopt a policy similar to the European Union ECAs and "automatically cover non-U.S. content for U.S. FTA [free trade agreement] partners who offer reciprocity for U.S. content under their export credit agencies."[28]

However, labor groups tend to be concerned about the impact that lowering national content requirements may have on employment in the home country. There is concern that reducing these requirements may result in an outsourcing of labor to other countries. Others argue that such requirements may induce firms to use other ECAs for alternative sources of financing, which may cause them to shift production overseas.

Support for Services Exports

The Ex-Im Bank offers limited export credit and insurance to support exports of U.S. services. During the 2008-2010 period, the Ex-Im Bank reported that it provided financing for over $8 billion of U.S. services exports, comprising about one-tenth of the total export value estimated to be supported by the Ex-Im Bank during this time period.[29] The Ex-Im Bank's level of support for services exports is partly a function of the Bank's content rules, according to U.S. businesses. Some argue that the Bank's definition of national content does not take into account "the high value U.S. jobs in R&D [research and development], supply chain management, software design engineering, business development, and marketing, IP [intellectual property] support, branding, and profit."[30] Business groups contend that the Ex-Im Bank should target the services industries more given that services constitute the fastest growing sector of the U.S. economy.

There has been a broader recognition in the federal government that "traditional advocacy and trade promotion program efforts may overlook services." As part of implementing the NEI, the Export Promotion Cabinet recommends building on the activities and initiatives outlined in the other priority areas with an enhanced focus on services; ensuring better data and measurement of the services economy to help inform policy decisions more adequately; continuing to assess and focus on supporting services exports in key sectors and markets; and conducting better coordination of services export promotion efforts.[31]

Co-Financing

The Ex-Im Bank introduced the co-financing program in 2001. Co-financing arrangements enable export credit financing from multiple ECAs. They allow goods and services from two or more countries to be marketed to a buyer under a single ECA financing package. According to U.S. exporters and lenders, co-financing arrangements allow the Ex-Im Bank to participate with other ECAs on the non-U.S. content portion of an export contract. Otherwise, the Ex-Im Bank would be limited to supporting the U.S. portion of the export contract and face the risk of the U.S.

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[28] U.S. Congress, House Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, *Statement of Karan Bhatia, Vice President & Senior Counsel, International Law & Policy, General Electric*, 112th Cong., 1st sess., March 10, 2011.

[29] Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States, For the Period January 1, 2010 through December 31, 2010*, Washington, DC, June 2011, p. 57.

[30] U.S. Congress, House Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, *Statement for the Record from the Coalition for Employment through Exports*, 112th Cong., 1st sess., March 10, 2011.

[31] *Report to the President on the National Export Initiative: The Export Promotion Cabinet's Plan for Doubling U.S. Exports in Five Years*, Washington, DC, September 2010, http://www.whitehouse.gov/sites/default/files/nei_report_9-16-10_full.pdf.

exporter not winning the sale because the ECA supported portion was insufficient or the terms and conditions were disadvantageous. In 2010, the Ex-Im Bank conducted 34 co-financing transactions totaling $6.5 billion. About 98% of the volume of Ex-Im Bank co-financing transactions involved aircraft. The Bank states that, in most aircraft transactions, without co-financing, the exporter would not have been able to offer the maximum 85% support to its customers in one financing package.[32]

Shipping

The Ex-Im Bank's shipping policy is based on Public Resolution 17 (PR-17, approved March 26, 1934, by the 73rd Congress), whose purpose is to "support the U.S. strategic objective of maintaining a merchant marine sufficient to carry a substantial portion of its waterborne export and import foreign commerce."[33] Under the Ex-Im Bank's shipping policy, certain products supported by the Ex-Im Bank must be transported exclusively on U.S. vessels. Transactions subject to the Ex-Im Bank shipping requirement include direct loans of any amount, guarantees above $20 million, and products with repayment periods of more than seven years. Under limited conditions, a waiver on this requirement may be granted on a case-by-case basis by the U.S. Maritime Administration (MARAD).

Supporters contend that maintaining U.S. flag vessels is "critical to U.S. national security" and "essential to maintaining a commercial U.S.-flag merchant marine."[34] They argue that, from a budgetary standpoint, cargo preference is a "highly cost efficient way" to support a privately owned U.S.-flag commercial fleet. Because the goods will be shipped regardless of which ship carries them, and therefore the cost will be incurred regardless, "requiring that some of the cargoes be shipped on U.S.-flag vessels leverages that basic transportation expense to provide other benefits to the nation at a fraction of direct cost purchase." The concern under this view is that otherwise, the U.S. government would have to "duplicate sealift capacity at enormous expense with government-owned vessels."[35] These merchant U.S.-flag vessels are then available to transport U.S. troops and military equipment. Proponents also argue that the cargo preference requirements help to support the U.S. shipping industry and the employment of shipboard crew.

Critics of the shipping policy argue that "both U.S. strategic requirements and the global shipping market have changed dramatically."[36] U.S. business groups contend that the Ex-Im Bank's shipping requirements can make U.S. goods less competitive relative to foreign goods for a host of reasons. Most other ECAs do not have such cargo preference requirements. Of the other G-7 ECAs, only the ECAs of France and Italy have cargo preference requirements similar to those of the Ex-Im Bank. In addition, U.S.-flagged shippers generally charge higher rates. There may also be capacity constraints because there are a limited number of U.S. bulk cargo carriers. According to lenders and exporters, the higher rates and the route scheduling challenges associated with shipping with U.S.-flagged vessels can make it difficult for them to use Ex-Im Bank support. For

[32] Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States, For the Period January 1, 2010 through December 31, 2010*, Washington, DC, June 2011, p. 42.

[33] Ex-Im Bank, *Ex-Im Bank Policies: Shipping Requirements (MARAD)*, http://www.exim.gov/products/policies/shipping.cfm. Maritime Administration, *U.S.-Flag Waterborne Domestic Trade and Related Programs*, http://www.marad.dot.gov/ships_shipping_landing_page/domestic_shipping/Domestic_Shipping.htm.

[34] U.S. Congress, House Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, *Statement of USA Maritime*, Hearing on the Role of the Export-Import Bank in U.S. Competitiveness and Job Creation, 112th Cong., 1st sess., March 11, 2011.

[35] Ibid.

[36] Coalition for Employment through Exports, *Ex-Im Bank 2011 Reauthorization: CEE Position Paper*.

example, in one transaction with the Ex-Im Bank, the cost of U.S. shipping reportedly was five times the cost of non-U.S. shipping.[37] Some critics further argue that, in some instances, the increased cost of an export contract associated with the shipping requirement may be the only reason why the U.S. exporter loses business to a foreign competitor. In addition, some businesses argue that obtaining a waiver from MARAD can be time-consuming, burdensome, and complex.

Economic and Environmental Impact Analysis

Congress requires the Bank to take into account the possible economic and environmental implications of proposed Ex-Im Bank support for certain export transactions.

- **Economic considerations:** Congress requires that Ex-Im Bank-financed exports have no adverse effects on U.S. industry and employment. The Bank must conduct an economic impact assessment on all transactions of more than $10 million of Ex-Im Bank financing or transactions that are subject to specific trade measures (such as anti-dumping and countervailing duties). Chiefly, the Ex-Im Bank may not support projects that enable foreign production of an exportable good that would compete with U.S. production of the same, or a similar, good and that would cause "substantial injury" to U.S. producers. The Ex-Im Bank also may not support projects that result in the foreign production of a good that is substantially the same as a good subject to specified U.S. trade measures such as anti-dumping or countervailing duty investigations.
- **Environmental considerations:** The Ex-Im Bank's charter authorizes the Bank to grant or withhold financing support after taking into account the potential beneficial and adverse environmental effects of goods and services for which Ex-Im Bank direct lending and guarantee support is requested. The Bank must conduct an environmental review on all transactions greater than $10 million.

Some U.S. exporters are concerned that the Ex-Im Bank's economic and environmental impact policies may be too overly burdensome and detract from the Ex-Im Bank's core mission to support U.S. exports and jobs. For example, some might argue that situations in which the Ex-Im Bank denies financing for projects that do not meet environmental requirements are contrary to the Ex-Im Bank's mission because denial of such financing may result in lost export and employment opportunities. According to the Ex-Im Bank's 2011 Competitiveness Report, these policies can lower its competitiveness. Among the G-7 ECAs, the Ex-Im Bank is the only ECA that is required to use an economic impact analysis to weigh the costs and benefits of supporting an export. Foreign ECAs do not tend to take environmental standards into consideration to the extent that the United States does when determining whether to support a transaction. Currently, the Ex-Im Bank is the only ECA in the G-7 to commit systematically to publishing environmental monitoring reports, which includes carbon accounting of projects. In addition, the Ex-Im Bank faces competition from ECAs outside of the OECD, such as those from China, that tend to be less rigorous in their environmental requirements for financing than OECD countries. However, import-sensitive U.S. businesses, labor groups, environmental groups, and other stakeholders contend that the Bank must balance U.S. exporting interests with other policy considerations.

In recent months, debate about the economic impact of Ex-Im Bank activities has been driven in part by a charge by Delta Airlines and other U.S. airlines, led by the Air Transport Association of America (ATAA), that Ex-Im Bank financing for Boeing aircraft exports to India and other

[37] U.S. Congress, House Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, *Statement for the Record from the Coalition for Employment through Exports*, 112th Cong., 1st sess., March 10, 2011.

countries has led to an oversupply of airline seats that has had an adverse effect on their businesses. The group also has charged that the Ex-Im Bank's economic impact analysis procedures are inconsistent with the Bank's charter. Delta and these other airlines have filed a legal challenge against the Ex-Im Bank seeking an injunction on Ex-Im Bank loan guarantees to Air India. Following a federal judge's denial for a preliminary injunction that would stop Ex-Im Bank financing of Boeing exports to India, the airlines filed a motion on February 1, 2012, for a judgment on the merits of the case, which is pending in the U.S. District Court for the District of Columbia.[38]

Tied Aid

As part of its direct lending program, the Bank has a Tied Aid Capital Projects Fund (TACPF), often referred to as the tied aid "war chest," that it uses to counter specific projects that are receiving foreign officially subsidized export financing, or "concessional" below-market financing. Tied aid may be used to counter attempts by foreign governments to sway purchases in favor of their exporters solely on the basis of subsidized financing rather than on market conditions (price, quality, etc.). The United States does tie substantial amounts of its agricultural and military aid to U.S. goods, but it has generally avoided using such financing to promote U.S. capital goods exports. The tied aid war chest stands at about $171 million.[39] Funds for the tied aid war chest are available to the Bank from the Treasury Department and are subtracted from the Bank's direct credit resources. Applications for the tied aid fund are subject to review by the Treasury Department.

According to the 2011 Ex-Im Bank Competitiveness Report, some U.S. exporters and lenders believe that the Ex-Im Bank's tied aid policies may place them at a competitive disadvantage. U.S. exporters have expressed concern that increased tied aid activity by other countries, coupled with the more flexible tied aid rules of other ECAs, has threatened certain U.S. exporter sales prospects. Some groups argue that the tied aid war chest funds should be increased and that the Ex-Im Bank should have more flexibility and authority in initiating tied aid to compete with foreign ECAs for export contracts.

[38] "Airlines Press Ahead With Ex-Im Bank Lawsuit After Judge Denies Injunction," *Inside U.S. Trade's World Trade Online*, February 9, 2012. Josh Mitchell and Corey Boles, "Boeing, Delta Class on Exports," *The Wall Street Journal*, March 16, 2012.

[39] Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States, For the Period January 1, 2010 through December 31, 2010*, Washington, DC, June 2011, p. 67.

International Tied Aid Activity and Trends

The United States has worked through the OECD for many years to reduce tied aid competition. In 2010, tied aid activity (as reported to the OECD) stood at $5.8 billion, up from $4.6 billion in 2009. Japan accounted for nearly half of the tied aid activity by value. Other significant sources of tied aid were Spain, Korea, and France. The East Asia and Pacific region was the primary recipient of tied aid. Tied aid was generally used for transport and storage, education, health and water supply, and sanitation projects, which primarily tend to be non-commercially viable projects. However, the use of concessional financing by some foreign countries has been increasing in recent years. Countries have used tied aid to establish a market presence in countries for strategic industries such as renewable energy. A growing number of emerging economies that are outside of the OECD, such as China, have been conducting tied aid transactions.

In 2011, the Ex-Im Bank agreed to a $477 million financing deal to match China's financing terms in order to entice the Pakistani government to buy 150 General Electric Company locomotives. China, which is not a member of the OECD, offered financing terms for the export of Chinese railcars to Pakistan that were cheaper than those allowed by the OECD Arrangement on Export Credits. The matching deal required the Ex-Im Bank to work with the OECD. The deal has not been finalized.

Sources: Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States, For the Period January 1, 2010 through December 31, 2010*, Washington, DC, June 2011. Sudeep Reddy, "U.S. Export Financing Challenges China," *The Wall Street Journal*, January 12, 2011.

Congressional Mandates on Targeting Ex-Im Bank Activity to Specific Sectors

Certain congressional directives in the Ex-Im Bank's charter and appropriations language require the Ex-Im Bank to support exports in specific sectors, namely the exports of small businesses and exports of "green" technologies. The Bank's charter requires it to make available not less than 20% of its aggregate loan, guarantee, and insurance authority to directly finance exports by small businesses. The charter also requires the Bank to promote the export of goods and services related to renewable energy sources; in recent years, appropriations language has further specified that the Bank should make available not less than 10% of its aggregate credit and insurance authority for the financing of exports of renewable energy technologies or energy efficient end-use technologies.

Supporters of such congressional mandates contend that they enable the Ex-Im Bank to support strategic, high-growth sectors in the U.S. economy and, as in the case of SMEs, to support U.S. exporters that need the financing assistance the most. Critics contend that such policies essentially are a mechanism whereby the federal government determines "winners and losers" in the market, maintaining that such action can lead to economic distortions and harm other productive U.S. firms. Although such requirements give Congress a greater role in guiding the Ex-Im Bank's activities, some stakeholders contend that they may constrain the activities of the Bank and obscure its mission to support U.S. exports and employment broadly speaking. They also argue that the Ex-Im Bank's budget is inadequate to support multiple missions.

Some stakeholders express concern that such mandates may not be feasible to achieve. Although the Ex-Im Bank has met the small business target in recent years, its authorizations of "green" exports, while increasing, has been less than 2% of its total annual authorizations. In congressional testimony, Ex-Im Bank President and Chairman Hochberg stated,

> While Ex-Im understands and appreciates the legislative goal that 10% of its authorizations should support environmentally-beneficial exports, this may be a challenging target to achieve. Given that Ex-Im's expected FY2010 authorizations of about $25 billion and that

> the total value of renewable energy exports from the United States is about $2 billion, Ex-Im could support virtually all renewable exports and still not reach the 10% goal. That said, the Bank remains committed to expanding its support of environmental exports.[40]

International Context

Stakeholders have debated whether the OECD Arrangement on Officially Supported Export Credits is effective in leveling the playing field for exporters in the current trading environment. By some estimates, the OECD Arrangement has saved U.S. taxpayers $800 million annually. According to the Office of the U.S. Trade Representative, the minimum interest rate rules set by the OECD Arrangement limit subsidized export financing and reduce competition based on below-cost interest rates and long repayment terms by ECAs. The minimum exposure fees for country risks also reduce costs. In addition, the further leveling of the playing field created by the OECD tied aid disciplines is estimated to have boosted U.S. exports by $1 billion a year.[41]

Some critics argue that the OECD Arrangement is ineffective in disciplining the activities of OECD members that are not compliant with the agreement. For example, there is an OECD aircraft understanding that developed-country ECAs will not support export financing in other developed countries. However, a number of countries, such as Canada and Japan, may be doing so now. The Ex-Im Bank abides by this rule, but businesses are concerned that this practice places them at a competitive disadvantage. There are also questions about the relevance of the OECD Arrangement in light of the growing official export credit activity of non-OECD members such as China, Brazil, and India, who are not obligated to comply with the OECD limitations on the terms and conditions of export credit activity.

Potential Options for Congress

A range of potential options are available to the 112th Congress as it considers reauthorization of the Ex-Im Bank. Some stakeholders may support or oppose the Bank generally, while others may be broadly supportive of the Bank but take issue with some of its specific policies and programs.

Structure of the Ex-Im Bank

Congress may examine the organizational structure of the Ex-Im Bank. Policy options include maintaining the Ex-Im Bank as an independent agency, reorganizing or privatizing the functions of the Bank, or terminating the Bank.

Maintain Status Quo

Congress could choose to maintain the status quo, keeping the Ex-Im Bank as an independent federal government agency that serves as the official ECA of the United States. Supporters of this option may argue that it would provide the Bank continuity in its current activities, maintain the Bank's current role in the federal government's export promotion efforts, allow the Bank's transactions the benefits of being backed by the full faith and credit of the U.S. government, and avoid potential drawbacks of alternative policy options (described below). Critics may contend

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[40] U.S. Congress, House Committee on Financial Services, *Ex-Im Bank Oversight: The Role of Trade Finance in Doubling Exports over Five Years*, Fred P. Hochberg, President and Chairman of the Export-Import Bank, 111th Cong., September 29, 2010.

[41] Office of the U.S. Trade Representative, *The Organization for Economic Cooperation and Development (OECD)*, http://www.ustr.gov/trade-agreements/wto-multilateral-affairs/oecd.

that maintaining the status quo neglects to address issues such as the effectiveness, efficiency, and relevance of the Bank in promoting exports through its credit and insurance programs.

Reorganize the Functions of the Bank

In recent years, there has been increased focus on possible reorganization of the U.S. government agencies involved in export promotion. On January 13, 2012, President Obama asked Congress for authority to reorganize and consolidate the business- and trade-related functions of six federal entities into one department in an effort to streamline the federal government. In addition to the Ex-Im Bank, the agencies included in the proposal were the Department of Commerce, Overseas Private Investment Corporation (OPIC), Small Business Administration (SBA), Trade and Development Agency (TDA), and the Office of the United States Trade Representative (USTR).[42]

Congress could conduct oversight, engage in consultations with the Administration, hold hearings, grant reorganizational authority to the President, work with the President on his proposal, and/or introduce and enact trade reorganization legislation separate from the President's plan. In terms of reorganization, there are a number of different approaches Congress could take. For example, Congress could consolidate all federal government trade functions—such as providing information, counseling, and export assistance services; funding feasibility studies; financing and insuring U.S. trade; conducting government-to-government advocacy; and negotiating new trade agreements and enforcing existing ones—into a new "Department of Trade." Alternatively, Congress could transfer all of the export financing functions of the Ex-Im Bank, USDA, and SBA into one centralized U.S. export credit agency.

Proponents of trade reorganization argue that consolidation may increase the effectiveness of federal export promotion efforts and reduce government costs, among other objectives. Supporters maintain that consolidation would also provide a more streamlined rationale for U.S. export promotion services based on more clearly defined goals. Critics contend that such proposals could result in the creation of a large federal bureaucracy, with little effect on the ability of the U.S. government to expand exports. Some stakeholders are concerned that consolidation of trade functions may result in federal export assistance that is not responsive to the specific needs of certain exporters, such as small- and medium-sized businesses or agricultural businesses. Terminating certain agencies may result in cost savings, but there may also be costs associated with transferring their functions, if deemed necessary, to other agencies.

Privatize the Functions of the Bank

Congress may consider privatizing the functions of the Ex-Im Bank. Central premises behind this option may include the fact that the Bank is self-sustaining, which is seen as proof that there is no market failure; concerns that the Bank may compete with or crowd out private sector export financing activity; and the notion that the private sector is more efficient and better suited than the federal government to conduct export financing activity. Such a proposal may also be rationalized by the view that it would shift the potential costs and risks of exporting away from the public sector, including U.S. taxpayers, and toward the private sector.

Others may oppose this option on the grounds that the federal government plays a unique role in its capacity to address market failures, which dampen the level of U.S. exports. Critics of privatizing Ex-Im Bank functions assert that the Bank's credit and insurance activities backed by

[42] The White House, "Government Reorganization Fact Sheet," press release, January 13, 2012, http://www.whitehouse.gov/the-press-office/2012/01/13/government-reorganization-fact-sheet. For additional information on the reorganization process, see CRS Report R41841, *Executive Branch Reorganization Initiatives During the 112th Congress: A Brief Overview*, by Henry B. Hogue.

the full faith and credit of the U.S. government may make certain export transactions, such as those for major infrastructure projects, more commercially attractive or may give the Bank leverage to guarantee repayment in a way that is not available to the private sector. In addition, critics of privatization may also contend that federal financing of exports is critical in times of financial crisis, which can lead to a shortfall in the private sector financing, and because of growing official export credit support by other countries. Furthermore, privatizing the Bank may raise logistical issues, such as how would the newly privatized entity issue securities and what would happen to existing export credit and insurance support obligations.

Terminate the Bank's Authority

Congress may consider terminating the Ex-Im Bank on the basis of a number of concerns, including the size and scope of the federal government, the economic rationale of the Bank, corporate welfare arguments, the impact of the Bank on taxpayers (because Ex-Im Bank financing is backed by the full faith and credit of the U.S. government), and the effectiveness of the Bank in promoting exports.

The Ex-Im Bank receives significant support from the business community that is largely rooted in the belief that Ex-Im Bank programs equip U.S. firms with tools to compete with foreign firms that have access to similar support through their countries' ECAs. Business stakeholders generally contend that there are aspects of the Ex-Im Bank's programs and policies that could be improved to enhance the Bank's support for exports and would likely strongly oppose proposals to terminate the Bank. Thus, terminating the Bank may raise questions about the extent to which implementing the National Export Initiative could be successful without federal government export financing through the Ex-Im Bank.

Length of Reauthorization

If Congress chooses to reauthorize the Ex-Im Bank, it may debate the length of time to extend the Bank's authority. In recent years, Congress has extended the Ex-Im Bank's authority for a few years at a time. For example, the Export-Import Bank Reauthorization Act of 2002 (P.L. 107-189) extended the Ex-Im Bank's authority for four years through FY2006, and the Export-Import Bank Reauthorization Act of 2006 (P.L. 109-438) extended the Ex-Im Bank's authority for five years through FY2011. Policy options related to reauthorization time length include

- maintaining status quo, extending the Ex-Im Bank's authority for a few years at a time;
- extending the Bank's authority for a longer period of time; or
- providing the Bank with a "permanent" reauthorization.

In considering the length of the reauthorization terms, some policymakers may argue that frequent reauthorizations allow for more opportunity for congressional oversight of Ex-Im Bank activities, while others may argue that longer-term or permanent reauthorizations would benefit the Ex-Im Bank's long-term strategic planning.

To date, Ex-Im Bank's authority has never lapsed. If the Bank's authority were to lapse, it would not have the ability to approve any new authorizations of loans, guarantees, or insurance, but could continue to fulfill existing obligations.[43]

[43] The restrictions on Ex-Im Bank's activities in the event of an authorization lapse are set forth in Section 7 of the Export-Import Bank of 1945, as amended (codified at 12 U.S.C. §635f).

The Ex-Im Bank's Policies

Legislation to reauthorize the Ex-Im Bank has generally included not only extensions of the Ex-Im Bank's authority but, in some cases, congressional directives related to Ex-Im Bank programs and policies. Congress may examine the Ex-Im Bank's policies and consider some policy options.

Maintain Status Quo

Congress may choose to pass a "clean reauthorization" of the Ex-Im Bank that does not introduce any major changes to the Bank's policies. Some may argue that the Bank has proven to be an effective facilitator of U.S. exports and jobs in its nearly 70-year history and has demonstrated the important role that it plays in supporting exports during the international financial crisis. Proponents of this policy option may argue that Congress has struck a fair balance among the various stakeholder interests—such as business and labor interests—in its present requirements of the Ex-Im Bank and that adjustments to this balance are unwarranted. However, there have been a number of long-standing issues concerning the Bank raised by various stakeholder groups during previous congressional reauthorization debates that may continue to demand attention.

Revise the Ex-Im Bank's Policies

Congress could revise the Bank's policies related to the requirements and limitations on the Ex-Im Bank's credit and insurance activities. Congress could consider, as part of legislation to reauthorize the Bank, potential changes to some of the Ex-Im Bank's policies that stakeholders believe are detracting from the Ex-Im Bank's core mission of boosting U.S. exports and jobs. Congress could also consider revising the Bank's policies that relate to other policy interests, including supporting U.S. labor interests, protecting the environment, and promoting U.S. foreign policy and development objectives.

- Congress could examine and revise the Bank's policies related to domestic and foreign content, cargo preference requirements, the economic and environmental impact assessments, the tied aid war chest, and congressional mandates directing the Ex-Im Bank to target its support to specific types of exports. For example, Congress could direct the Bank to broaden what constitutes "national content" or direct the Bank to transform the economic and environmental considerations into "positive" requirements—that is, the Bank could support projects that benefit the domestic industry and employment and the environment, rather than be required to deny applications for financing for export contracts that have adverse effects.
- Congress could examine and revise other limitations on the Bank, such as the ceiling on the Ex-Im Bank's total credit and insurance exposure or the threshold amount at which the Bank is required to notify Congress about a proposed transaction before the Board of Directors grant final approval for the transaction.

In addressing such policy changes, Congress may attempt to strike a balance between export promotion and other public policy goals that might be in tension with export promotion. Congress also may seek to balance its interest in targeting Ex-Im Bank support for specific types of exports against the Bank's desire for flexibility in fulfilling its general mandate to support U.S. exports.

Global Competitiveness Issues

The increasingly competitive nature of international ECA activity raises new challenges for the Ex-Im Bank, both in terms of the international disciplines guiding ECA activity and the Ex-Im

Bank's understanding of international export credit activity and trends. These challenges give rise to additional potential options for Congress.

Strengthen International Disciplines Guiding Official Export Credit Activity

Congress could examine and seek to strengthen the international disciplines guiding ECA activity, working to "update" these disciplines to reflect current trends in ECA activity by both developed and developing countries. For example, Congress could direct the United States to

- encourage greater engagement by the OECD with non-OECD emerging market economies, such as Brazil, China, and India, on official export credit activity;
- negotiate rules in the OECD that limit ECA financing in other developed countries; and
- pursue a greater role for the WTO in disciplining international ECA activity.

Supporters argue that such directives may help to level the playing field for U.S. exporters by reducing trade-distorting export credit competition and associated economic losses. Skeptics might argue that changes, if achieved, may be slow to materialize given the complex nature of multilateral and plurilateral negotiations. They could also argue that it may be difficult to include comprehensive rules on publicly backed export credit activity that cover both developed and developing countries.

Enhance Analysis and Understanding of Global Competitiveness Context

Congress may wish to explore how best to enhance the United States's understanding of the global competitiveness context in which the Bank and U.S. exporters operate. One possible avenue of focus would be to revise the Ex-Im Bank's annual competitiveness report, which is required by Congress and discusses the competitiveness of the Bank's financing services.[44] Congress could direct changes to the competiveness report, such as to enhance the comparative analysis, for example, to include more comprehensive data on the Ex-Im Bank's performance vis-à-vis other ECAs on the basis of volumes of transactions, types of products, industry sectors, and exporters supported.[45]

The introduction of additional requirements may allow more informed, updated analysis of the Ex-Im Bank's competitive position vis-à-vis foreign ECAs. Skeptics could argue that it may be difficult to access some of the additional comparative data about foreign ECAs. They could also argue that such requirements may pose increased demands on Ex-Im Bank resources.

[44] 12 U.S.C. §635 g-1. The Ex-Im Bank's Charter requires that the competitiveness report discusses actions by the Bank in providing financing on a competitive basis, and to minimize government-supported export financing; the role of the Bank in implementing the strategic plan prepared by the Trade Promotion Coordinating Committee; the Bank's tied aid credit program and fund; the purpose of Bank transactions (such as to address market failure, matching support); the efforts of the Bank to promote exports of goods and services related to renewable energy sources; the size of the Bank account; co-financing programs of the Bank and other foreign ECAs; services supported by the Bank and other ECAs; export finance cases not in compliance with the OECD Arrangement; and foreign ECA activities not consistent with the WTO SCM Agreement.

[45] Ex-Im Bank, *Report to the U.S. Congress on Export Credit Competition and the Export-Import Bank of the United States*, For the Period January 1, 2009 through December 31, 2009, Washington, DC, June 2010, p. 1.

Legislative Action in the 112th Congress

Reauthorization of the Ex-Im Bank historically has been a fairly routine process in Congress. However, it became a more controversial debate in the 112th Congress, with the often divergent interests of various Members and stakeholders coming to the forefront—including business groups that support the Ex-Im Bank, seek a longer-term increase in the Bank's authority and a higher exposure cap, and contend that the Bank's support is critical in offsetting official international export credit competition; companies, including a U.S. airline company, that contend that the Bank's activities place them at a commercial disadvantage by benefiting foreign competitors; and other critics that consider the Bank to be a form of corporate welfare and question the role of government in export promotion and financing.[46]

The 112th Congress considered several pieces of legislation related to the Ex-Im Bank's reauthorization, ultimately passing an amended version of H.R. 2072 (Miller), the Export-Import Bank Reauthorization Act of 2012. As passed, H.R. 2072 extends the Ex-Im Bank's authority through FY2014. The bill includes other provisions, including to:

- increase the Bank's lending authority to $120 billion in FY2012, $130 billion in FY2013, and $140 billion in FY2014—with the increase in lending authority for FY2013 and FY2014 contingent on the Bank maintaining a "default rate" of less than 2% and on submitting various reports;
- require the Bank to monitor and report to Congress on the "default rate" of its financing, and, in the event that the rate exceeds 2%, to submit a report to Congress on a plan to reduce it to less than 2%;
- require the Bank to provide a notice and comment period for Bank transactions exceeding $100 million;
- require the Secretary of the Treasury to initiate and pursue negotiations with other major exporting countries, including members of the OECD and non-OECD members, to substantially reduce—with the ultimate goal of eliminating—subsidized export financing and other forms of export subsidies; to negotiate with all countries to eliminate all aircraft export credit financing by state-sponsored entities covered by the OECD Aircraft Sector Understanding; and to provide annual reports to Congress on the progress of such negotiations;
- require the Bank to develop and make publicly available methodological guidelines to be used by the Bank in conducting economic impact analyses of its transactions;
- require the Bank to review its national content policy, taking into consideration factors such as whether the policy captures both the direct and indirect costs of U.S. production of goods and services, the competitiveness of Ex-Im Bank's national content policy relative to foreign ECAs, the impact on the U.S. manufacturing and services workforce, any recommendations of the Ex-Im Bank Advisory Committee, and the impact of the policy on incentives to create or maintain operations in the United States and to increase the level of U.S. jobs;
- direct the Government Accountability Office (GAO) to analyze the Ex-Im Bank's methodology for calculating how many U.S. jobs are created or maintained through Ex-Im Bank support;

[46] Joseph J. Schatz, "Cantor, Hoyer Reach Ex-Im Bank Authorization Deal," *Congressional Quarterly Today*, May 7, 2012.

- prohibit Ex-Im Bank from supporting transactions with persons unless they self-certify that they are not engaged in sanctionable activities with respect to Iran, related to the Iran Sanctions Act of 1996; the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010; and part 560 of Title 31 of the Code of Federal Regulations (commonly referred to as the "Iran Transactions Regulations"); require certification in the event that a person has engaged in sanctionable activity with respect to Iran, such that Ex-Im Bank financing would be prohibited unless the President has waived the imposition of sanctions on the person (such as for national interests reasons), pursuant to the Iran Sanctions Act of 1996 (P.L. 104-172), or has taken other specified actions;
- allow up to 1.25% of the surplus of the Bank during FY2012, FY2013, and FY2014 to be used to update the Bank's information technology systems;
- increase textile industry representation on the Ex-Im Bank's Advisory Committee;
- extend the Sub-Saharan Africa Advisory Committee until September 30, 2014; and
- increase other reporting requirements of the Bank, including provisions related to the Bank's exposure limit, risk management, and support for small business.

H.R. 2072 was introduced and referred to the House Financial Services Committee on June 1, 2011. The final version of H.R. 2072 passed by Congress reflects amendments to the bill adopted by the House, following a bipartisan compromise reached by the House majority leader and the House minority whip on May 4, 2012. For example, as originally drafted, H.R. 2072 would have extended the Bank's authority for an additional year (to FY2015), would have incrementally increased the Bank's exposure cap to a higher level (to $160 billion in FY2014 and subsequent years), and did not include any requirements to conduct international negotiations to reduce and eliminate officially backed export credit financing. On May 9, the House passed an amended version of H.R. 2072, considering the bill under suspension of the rules. The House passed the bill by a vote of 330-93.

On May 15, 2012, the Senate passed H.R. 2072, without further amendment by a vote of 78-20. Prior to voting on H.R. 2072, the Senate voted down five amendments concerning Ex-Im Bank activities in various ways:

- S.Amdt. 2100 (Lee) would have phased out the Ex-Im Bank's authority and required the President to initiate negotiations with other major exporting countries to end subsidized export financing.
- S.Amdt. 2101 (Paul) would have prohibited Ex-Im Bank financing for projects in a country in which the government or central bank holds debt instruments of the United States.
- S.Amdt. 2102 (Corker) would have included certification requirements for the Bank, such that the Bank could finance transactions only if foreign ECAs were providing financing for similar transactions, or in cases in which private sector financing was unavailable or prohibitively expensive. In addition, it would have required the Bank to maintain a ratio of capital to the outstanding principal balance of loans and loan guarantees of not less than 10%.
- S.Amdt. 2103 (Vitter), among other things, would have prohibited the Bank from making or guaranteeing a loan that is subordinate to any other loan; restricted financing of certain fossil fuel projects in foreign countries, related to cases in

which the Ex-Im Bank identifies domestic fossil fuel projects that could benefit from Ex-Im Bank financing; and prohibited the extension of Ex-Im Bank credit for projects that involved the manufacture of renewable energy projects in foreign countries.

- S.Amdt. 2104 (Toomey) would have prohibited an increase in the Ex-Im Bank's lending authority to more than $100 billion until the Secretary of the Treasury certified that the Secretary had initiated international negotiations to eliminate export financing programs. It also would have prohibited an increase in the lending authority to $120 billion until a multilateral agreement to eliminate export financing has been completed.

In the Senate, the primary legislative vehicle for Ex-Im Bank reauthorization was S. 1547 (Johnson), the Export-Import Bank Reauthorization Act of 2011, which was introduced on September 13, 2011. It was reported by the Senate Banking, Housing, and Urban Affairs Committee and placed on the Senate Legislative Calendar under General Orders. Among other things, S. 1547 would have extended the Ex-Im Bank's authority through FY2015 and would have increased the Bank's lending authority incrementally to $110 billion in FY2012, $120 billion in FY2013, $130 billion in FY2014, and $140 billion in FY2015. The final version of H.R. 2072 reflects certain provisions from the Senate legislation, including enhanced transparency and accountability requirements for the Bank, stronger restrictions against companies doing business with Iran, and revised domestic content requirements. [47]

Prior to final consideration of H.R. 2072, several other pieces of legislation were considered that also would have extended the Ex-Im Bank's authority. For example, S.Amdt. 1836 (Cantwell) was offered as an amendment to the Jumpstart Our Business Startups Act (H.R. 3606, P.L. 112-106). Like S. 1547, the amendment would have extended the Bank's authority through FY2015 and would have increased its exposure cap incrementally to $140 billion in FY2015. A cloture motion on the amendment did not pass, and it was ruled non-germane. The amendment subsequently was introduced in the House as H.R. 4302 (Larsen). Legislation also was introduced in the Congress to terminate the Ex-Im Bank (H.R. 4268, Amash).

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[47] "Johnson Applauds Passage of Export-Import Bank Reauthorization," press release, May 15, 2012, http://banking.senate.gov/public/index.cfm?FuseAction=Newsroom.PressReleases&ContentRecord_id=55ecb57b-d9f7-2509-e259-00b0d5f33f0a.

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