

January 4, 2019

Via Electronic Mail

Ms. Mia Johnson
Export-Import Bank of the United States
811 Vermont Ave. NW
Washington, DC 20571

Attn: OMB 3048-14-01

Dear Ms. Johnson,

Thank you for the opportunity to comment on the Export-Import Bank of the United States' (EXIM) Annual Competitiveness Report Survey of Exporters and Bankers (EIB 00-02). As civil society organizations and practitioners who advocate for accountability in international finance and support those who have been harmed by internationally financed projects, we have a deep interest in ensuring that EXIM is a leader in addressing risks to communities affected by EXIM-supported activities, which can undermine the sustainability of EXIM's investments.

According to the U.S. Federal Register notice from November 7, 2018,¹ EXIM plans to invite approximately 150 U.S. exporters and commercial lending institutions that have used EXIM's short-, medium-, and long-term programs over the previous calendar year to participate in this survey. The proposed survey will ask participants to evaluate the competitiveness of EXIM's programs and how the programs compare to those of foreign credit agencies, namely the major OECD official export credit agencies (ECAs). EXIM will use the responses to develop an analysis of EXIM's competitiveness.

Export transactions that fulfill EXIM's mission of supporting American jobs are only achievable when risk mitigation properly accounts for environmental, social, and human rights risks. As documented in the 2015 EXIM Office of Inspector General report on the Sasan Power Limited project in India,² inattention to these risks can result in harms to local communities and undermine EXIM's goals. The sustainability of EXIM-supported activities, and ultimately the avoidance of harm to the U.S. economy and employment, depends on proper planning, monitoring, and implementation to avoid and mitigate these impacts, and remedial actions to communities that have been harmed by activities. These processes should be developed and conducted in consultation with affected communities, and impacts (both positive and negative) should be revisited and updated by the customer in consultation with these communities. This should occur at each stage of implementation and upon any changes in the design or context of

¹ Export-Import Bank, Agency Information Collection Activities: Comment Request, 83 Fed. Reg. 216 (Nov. 7, 2018). *Federal Register: The Daily Journal of the United States*. Web. 7 Nov. 2018, <https://www.federalregister.gov/documents/2018/11/07/2018-24317/agency-information-collection-activities-comment-request>.

² Office of Inspector General, Export-Import Bank of the United States, *Report on the Project Financing of Sasan Power Limited*, 28 Sept. 2015, [http://www.exim.gov/sites/default/files/oig/reports/Final Sasan Report - Redacted.pdf](http://www.exim.gov/sites/default/files/oig/reports/Final%20Sasan%20Report%20-%20Redacted.pdf).

the activity. Importantly, communities must be able to access remedy and seek accountability in the event of any negative impacts.

Any analysis of EXIM’s competitiveness against the major OECD ECAs must include information on EXIM’s environmental and social practices. This is particularly important as EXIM has adopted the OECD Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence.³ Although the survey currently includes questions on EXIM’s environmental review, it does not contain questions explicitly asking about EXIM’s practices concerning social impacts. Moreover, Question 42 on EXIM’s environmental review currently asks respondents to rate the competitiveness of EXIM’s review as compared to other ECAs, with suggested answers ranging from “EXIM is far less competitive” to “EXIM is much more competitive.” This formulation does not gather information on the robustness of the environmental review. Accordingly, we recommend the following changes to the survey (additions underlined):

Environmental and Social Review

41. Did your company have experience with EXIM's environmental and social review?

Yes

No

Don't know

42. How did EXIM's environmental and social review compare with that required by other ECAs?

EXIM is far less ~~competitive~~ comprehensive

EXIM is slightly less ~~competitive~~ comprehensive

EXIM is equally ~~competitive~~ comprehensive

EXIM is slightly more ~~competitive~~ comprehensive

EXIM is much more ~~competitive~~ comprehensive

Don't know

43. Please provide general comments on your company’s experience with EXIM's environmental and social review.

Thank you for considering our recommendations for strengthening EIB 00-02. EXIM should use the information gathered through the survey and the overall analysis of EXIM’s competitiveness to ensure that it is a leader in environmental and social practices. We look forward to continued engagement with EXIM on these matters.

³ *EXIM Bank and the Environment*, Export-Import Bank of the United States, <https://www.exim.gov/policies/exim-bank-and-the-environment> (last visited Dec. 11, 2018); OECD Working Party on Export Credits and Credit Guarantees, *Recommendation of the Council on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence (The “Common Approaches”)*, 7 Apr. 2016, <http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=TAD/ECG%282016%293&doclanguage=en>.

Sincerely,

Accountability Counsel – United States

Africa Development Interchange Network (ADIN) – Cameroon

African Coalition for Corporate Accountability (ACCA) – South Africa

Both ENDS – The Netherlands

Buliisa Initiative for Rural Development Organisation (BIRUDO) – Uganda

Collectif Camerounais des Organisations des Droits de l'Homme et de la Démocratie (COCODHD) – Cameroon

Crude Accountability – United States

Foundation For Environmental Management and Campaign Against Poverty (FEMAPO) – Tanzania

Friends of the Earth U.S – United States

Friends with Environment in Development (FED) – Uganda

Jamaa Resource Initiatives – Kenya

NGO Mer Bleue – Mauritania

Oyu Tolgoi Watch – Mongolia

Rivers without Boundaries Coalition Mongolia – Mongolia