Multilateral Development Banks: How the United States Makes and Implements Policy

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March 14, 2011

Congressional Research Service
7-5700
www.crs.gov
R41537

CRS Report for Congress
Prepared for Members and Committees of Congress

Summary

This report analyzes how the United States makes policy towards the multilateral development banks (MDBs) and identifies ways by which Congress can shape U.S. policy and influence the activities of the banks themselves.

In 2011, Congress has been asked to consider proposed legislation that would authorize U.S. participation in capital increases for the MDBs. If Congress agrees that the United States should participate in these new capital increases, the United States will be asked to subscribe to capital stock worth about $56.9 billion over the next several years, of which about $2.2 billion would be "paid-in" by the United States over the next eight years. The capital increases would substantially expand the size of the MDBs—in several instances doubling or tripling their resources. The MDBs are planning to double or more their annual volume of lending and to substantially expand the scope of their operations. If the United States participates in the proposed capital increases, its financial commitment to the MDBs will grow. If it does not participate, its level of influence in these institutions will decline. The United States does not have enough voting power to block such increases from taking effect.

In 2009, the MDBs agreed to provide over $114 billion in assistance to developing countries. The United States is the largest or one of the largest members in each MDB and its financial commitments are substantial. However, because the MDBs finance most of their operations with money borrowed in world capital markets, the actual payments the United States and other member countries make to them are relatively small. In FY2009 and FY2010, payments to MDBs averaged about 5% (about $1.5 to $2 billion annually) of all U.S. foreign aid.

The executive branch and Congress share responsibility for U.S. policy towards the MDBs and each has primary control over a different part of the policy process. The Administration is responsible for negotiating with other countries and for managing day-to-day U.S. participation in the MDBs. Congress has ultimate authority over the level of U.S. financial commitments and the criteria that govern U.S. participation in these institutions. Congress has authorized the President to direct U.S. participation in the MDBs, and the President has delegated that authority to the Secretary of the Treasury. Other agencies also have reasons for being concerned about U.S. policy and the MDBs. The Administration created a new process, starting in 2009, to help coordinate interagency views on MDB issues.

Authorizing legislation is managed by the House Financial Services Committee and Senate Foreign Relations Committee. The House and Senate Appropriations Subcommittees on State, Foreign Operations, and Related Programs handle the appropriations. Since 1981, MDB legislation has become law through the regular legislative process only once. Usually it is enacted as a rider to other legislation. Congress exercises its influence over MDB policy through its control over authorizations and appropriations and through oversight. The authorizing committees have included in MDB authorizing legislation many directives which affect the goal and direction of U.S. policy. Congress has also used its control over the funding process—its "power of the purse"—to set priorities and encourage the Administration and MDBs to consider changes in their policies or procedures. Congress has used hearings and required reports to get information about U.S. policy and the MDBs onto the public record and to draw the Treasury Department's attention to issues of pressing concern. Since the Administration knows it must come to Congress for future authorizations and MDB funding, the views expressed by Congress through hearings have often had an impact on the focus and direction of U.S. policy regarding particular concerns.

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Introduction

This report describes and analyzes how U.S. policy towards the multilateral development banks (MDBs) is made and implemented by the executive branch and Congress.[1] In 2011, the 112th Congress will consider a number of important issues relating to funding for the MDBs. Prominent among them will be proposals for large increases in their capital resources. This will be the first time since 1977 that funding plans for most of the MDBs will be on Congress's agenda at the same time. Important questions about the purposes and functions of these institutions and the relationship or division of labor among them are likely to arise.[2]

The MDBs are major players in the field of international development finance. In FY2010, the World Bank made loan commitments and commitments for other types of financial assistance totaling more than $58 billion, while the four regional development banks made commitments totaling more than $53 billion in 2009. According to MDB officials, the volume of MDB market-based lending will likely double in the next few years. In order to support this increased volume of lending, the MDBs are now seeking major increases in their capital resources, and Congress will likely be asked to approve legislation authorizing and funding U.S. participation in those proposals.

The United States is the largest or one of the largest stockholders in each of the MDBs. It has a great deal of influence in their deliberations, but most MDB decisions are made by a majority vote and, hence, no country has a veto over loan or policy decisions. In recent years, U.S. payments to the MDBs comprised about 5% (about $1.5 billion to $2 billion annually) of the U.S. foreign aid budget. This is because most of the funds the MDBs use for their operations are raised in world capital markets. Member country governments need to pay in only a small fraction of their total commitment ("paid-in capital") to support the MDBs' market-rate loan programs. Most of the money contributed annually by the United States and other donor countries goes to support the MDBs' concessional rate loan programs, which mainly benefit low income countries. Most U.S. bilateral assistance is provided on a grant basis using funds appropriated annually by Congress.[3]

Making and implementing U.S. policy towards the international financial institutions (IFIs)—the MDBs and the IMF—is a complex process in which both the executive branch and Congress play major roles. Both share the responsibility for U.S. participation in the MDBs, but each branch has

[1] The MDBs include the World Bank and International Finance Corporation (IFC), African Development Bank (AfDB), Asian Development Bank (AsDB), European Bank for Reconstruction and Development (EBRD), and Inter-American Development Bank (IDB). Also normally included in group are the Global Environment Facility (GEF)—whose assistance operations are managed by the World Bank—and the International Fund for Agricultural Development (IFAD).

[2] For further information on the MDBs, see CRS Report R41170, *Multilateral Development Banks: Overview and Issues for Congress*, by Rebecca M. Nelson, CRS Report RS20792, *Multilateral Development Banks: U.S. Contributions FY2000-FY2011*, by Rebecca M. Nelson, CRS Report R41672, *Multilateral Development Banks: General Capital Increases*, by Martin A. Weiss, and CRS Report R41165, *Global Environment Facility (GEF): An Overview*, by Richard K. Lattanzio. Other related reports include CRS Report R40578, *The Global Financial Crisis: Increasing IMF Resources and the Role of Congress*, by Jonathan E. Sanford and Martin A. Weiss and CRS Report R40977, *The G-20 and International Economic Cooperation: Background and Implications for Congress*, by Rebecca M. Nelson. A new quota increase for the IMF is also currently being negotiated but is not discussed here. Concerning the IMF, see CRS Report R40578, *The Global Financial Crisis: Increasing IMF Resources and the Role of Congress*, by Jonathan E. Sanford and Martin A. Weiss.

[3] For additional information on U.S. foreign aid programs, see CRS Report R40213, *Foreign Aid: An Introduction to U.S. Programs and Policy*, by Curt Tarnoff and Marian Leonardo Lawson.

primary control over different parts of the decision-making process. On behalf of the President, the Secretary of the Treasury is responsible for negotiating with other countries about MDB policies and prospective funding agreements and for managing the day-to-day conduct of U.S. participation in the banks. Congress, for its part, has the ultimate authority over the level of U.S. financial commitments to the multilateral agencies, the general framework for U.S. policy, and the criteria that govern U.S. participation in these institutions.

U.S. policy towards the MDBs is driven by several concerns. Humanitarian and development goals are a central focus of U.S. policy in these institutions. However, security, foreign policy, and economic self-interest are also major factors that shape U.S. policy and U.S. priorities regarding the MDBs. For example, President George W. Bush indicated in 2004 and 2006 that support for development was a key element of U.S. national security policy.[4] Likewise, President Barack Obama told the United Nations in September 2010 that "my national security strategy recognizes development not only as a moral imperative, but a strategic and economic imperative,"[5] and he signed a Presidential Policy Directive on Global Development which emphasized those concerns.

This report discusses how U.S. policy towards the MDBs is developed and implemented in the executive branch and the agencies that are involved. It also analyzes the three main sources of congressional influence—legislative authority, the power of the purse, and oversight activities—on U.S. policy towards the development banks. Finally, it examines the levels of funding Congress has approved for MDBs, budgetary issues, and the policy directives that Congress has initiated over the years.

The Executive Branch and the MDBs

Treasury Department Leadership

The activities of the MDBs affect the core responsibilities of many U.S. government agencies. Congress took this into account in 1945, when it passed the Bretton Woods Agreements Act (BWAA), the law authorizing U.S. participation in the World Bank and IMF. It added language to the bill establishing an interagency committee that would "coordinate the policies and operations of the representatives of the United States on the [World] Bank and Fund and of all agencies of the Government which make or participate in making foreign loans or which engage in foreign financial, exchange, or monetary transactions."[6] This body, the National Advisory Council on International Monetary and Financial Policies (NAC), was to coordinate the policies and activities of the agencies whose activities fell within its purview and to recommend policy initiatives to the President. In effect, unless the President overrode their recommendations, policy was determined by a majority vote of agencies involved.

The initial interagency procedure did not work well, and in 1965, Congress approved a reorganization act which abolished the NAC as a statutory committee and transferred all of its

[4] *The National Security Strategy of the United States of America*, September 17, 2002, introductory statement by President George W. Bush, at http://www.informationclearinghouse.info/article2320.htm. *National Security Strategy of the United States of America*, March 2006, p. 33, at http://georgewbush-whitehouse.archives.gov/nsc/nss/2006/.

[5] The White House, Office of the Press, *Remarks by the President at the Millennium Development Goals Summit* in New York, New York, September 22, 2010. Available at http://www.whitehouse.gov/the-press-office/2010/09/22/remarks-president-millennium-development-goals-summit-new-york-new-york.

[6] Bretton Woods Agreements Act, P.L. 79-171, sec. 4(a). Later laws gave it jurisdiction for other the MDBs as well.

responsibilities and authority to the President.[7] In turn, the President delegated these responsibilities and authorities to the Secretary of the Treasury. The President reconstituted the NAC by executive order and added several additional agencies, but it became solely a forum where other agencies could advise the Treasury Department about policy concerns. Over time, the NAC gradually fell into disuse and became moribund. The only regular interagency process in this area was a staff-level group which met weekly to examine pending MDB loans. As discussed below, the NAC was revived in 2009 and now seems to play a significant role facilitating interagency policy consultation and the formulation of policy on IFI and other issues.

The Treasury Department is the lead agency for IFI concerns and the Secretary of the Treasury serves as U.S. Governor on the Governing Boards of each IFI.[8] Reflecting the interest that their agencies have in IFI matters, the Under Secretary of State for Economic Affairs serves as Alternate Governor for the MDBs and the Chairman of the Federal Reserve Bank Board serves as Alternate for the IMF.

The Treasury Department's responsibilities for MDB policy are managed by the Deputy Assistant Secretary (DAS) for Development Policy and Debt, under the general direction of the Under Secretary for International Affairs and the Assistant Secretary for International Finance. In recent years, the Under Secretary has played a larger direct role in the policy process. Two functional offices are involved. The Office of Multilateral Development Banks houses the desk officers who monitor the activities of the MDBs, plus staff who focus on corruption, environmental issues, development effectiveness, private sector development, labor issues, and congressional appropriation and budget issues. The Office of Debt and Development Policy also looks at issues such as aid effectiveness, policy coordination, governance and anti-corruption, debt issues, social sector and millennium development concerns, and budget and legislative issues.

According to the Treasury Department, approximately 15 people address MDB issues at Treasury, although they may be assisted occasionally on particular issues by people on the country desks and functional offices. There are also approximately 25 U.S. staff at the U.S. offices in the MDBs, including the executive director and alternate and personnel from the Treasury and Commerce Departments and sometimes other agencies. Altogether, these Treasury employees oversee and monitor the operations of five multilateral agencies and two other specialized bodies that employ more than 25,000 people, approve some 700 projects and lend more than $80 billion each year, and produce thousands of reports, studies, and analyses annually.

The United States is represented at the MDBs by executive directors, who are appointed by the President with the advice and consent of the Senate. Though they are paid by the institutions to which they are appointed, the U.S. executive directors (USEDs) function as the "eyes, ears, and voice" of the United States within those organizations. Each USED has a small staff funded by the bank, while the personnel seconded from the U.S. government are paid by their agencies.[9]

[7] For a further discussion of these events and the broader scope of the U.S. policy process regarding the MDBs, see Jonathan E. Sanford, *U.S. Foreign Policy and the Multilateral Development Banks*, Westview Press, Boulder, Colorado, 1982. See also Barbara Upton, *The Multilateral Development Banks: Improving U.S. Leadership*, Center for Strategic and International Studies Washington Paper 178, Praeger, Westport, Connecticut, 2000. Also relevant is Catherine Gwin, *U.S. Relations with the World Bank, 1945-92*, The Brookings Institution, Washington, DC, 1994.

[8] The Treasury Department provides information to the public about U.S. policy and U.S. activities relative to the MDBs and other international programs at http://www.treasury.gov/resource-center/international/Pages/default.aspx.

[9] By law, an official from the Commerce Department is stationed in the office of each USED, to address procurement issues and assist U.S. firms with the complexities of bank procedures. USAID used to post someone at the USED office in the World Bank, to facilitate policy coordination, but it has abandoned this practice in recent years. Under the MDBs' Articles of Agreement, MDB executive directors have fixed terms of service, generally three to five years. As a (continued...)

The Treasury Department has the lead role in the formulation of U.S. international economic policy. Because the work of the IFIs affects so many aspects of its core responsibilities, managing U.S. participation in those institutions provides opportunities for the department to also address some of its larger concerns. Developing countries are important trading and investment partners for the United States and the United States wants to promote growth, stability, economic reform, and better living conditions in these countries. International debt and international investment issues are significant concerns. The impact that world economic trends might have on international trade, banking, or security markets can also affect Treasury's core responsibilities. These issues are often on the agenda, in many guises, at the MDBs.

Other U.S. Agencies

Among other U.S. agencies, the State Department devotes the most time and resources to MDB concerns.[10] The Under Secretary of State for Economic Affairs serves as alternate U.S. governor at each MDB. The State Department sometimes has difficulty, though, coordinating its various viewpoints on MDB issues. The Economic and Business Bureau, which manages its involvement, is interested in the ways MDB activities and policies affect U.S. relations with developing countries and with other international organizations. The department's regional bureaus, by contrast, are mainly concerned about the ways U.S. policy and votes on specific loans may affect U.S. relations with individual countries, and they may seek ways of minimizing the potential negative impact that U.S. votes might have on those relationships.

U.S. Executive Directors at MDBs

World Bank Group	Ian H. Solomon
African Development Bank	Walter C. Jones
Asian Development Bank	Robert M. Orr
European Bank for Reconstruction and Development	James Hudson
Inter-American Development Bank	Gustavo Arnavat

Source: MDB websites.

The U.S. Agency for International Development (USAID), a semi-independent agency that is now largely integrated with the State Department policy process, also participates in interagency discussions about IFI concerns. It has some statutory responsibilities for monitoring the way MDB operations impact environmental conditions in developing countries, though scarce resources often limit its capacity to exercise that function. Together with the Bank Information Center (BIC), a non-governmental organization (NGO), it co-chairs the monthly meetings of the Tuesday Group, a gathering of representatives from NGOs where concerns about the environmental and humanitarian aspects of pending MDB loans can be raised. It takes its name from the day of the week on which meetings occur. USAID's impact on U.S. policy is limited, however, and NGOs generally address their concerns directly to the Treasury Department and the MDBs.

(...continued)

practical matter, though, they serve at the pleasure of the President of the United States.

[10] For a further discussion of the State Department's role and concerns, see Sanford, note 8, pp. 89-90.

Other U.S. agencies also play a role in the policy process regarding the MDBs. The Department of Commerce participates in policy discussions and is attuned to the U.S. commercial and trade implications of MDB operations. It has staff in the office of USED at the World Bank to identify procurement opportunities for U.S. firms and to monitor procurement issues. The U.S. Department of Agriculture (USDA) is also involved. It can offer insights into agricultural policy issues, but its main concern is the impact of MDB agriculture programs on U.S. agriculture and bilateral food aid programs.

Additional agencies, such as the Office of Management and Budget (OMB), the Transportation and Energy Departments, Environmental Protection Agency (EPA), the U.S. Labor Department, U.S. Trade Representative (USTR), Export-Import Bank, Overseas Private Investment Corporation (OPIC), and the Federal Reserve Bank Board, also have functions that are affected, to varying degrees, by the MDBs. Treasury officials report that, for the most part, their representatives rarely attend interagency discussions.

Policy Coordination

In 2009, the Treasury Department took steps to revitalize the NAC as an interagency forum for consultation and policy formulation on IFI-related issues.[11] The authority and responsibility for managing U.S. participation in the international financial agencies remains at Treasury, but most of the agencies that have a stake in the process and several other related issues have been brought within the ambit of NAC deliberations.

The new NAC meets both at the Cabinet level and as a staff-level working group. It is formally chaired by the Treasury Secretary, with the Assistant to the President for Economic Affairs as deputy chair, but the panel generally meets at the Under Secretary level under the leadership of the Treasury Under Secretary for International Affairs. The Cabinet-level committee has met at least five times to discuss issues relating to possible MDB capital increases and replenishment, major policy questions involving the IMF and MDBs, and other major concerns. Meetings at the staff level have assessed IMF and international monetary issues, the European monetary situation, MDB reform and policy issues, and other matters such as pending Export-Import Bank (Ex-Im Bank) and U.S. Department of Agriculture (USDA) food export loans and country eligibility for debt-for-nature and tropical deforestation loan forgiveness. If other international debt forgiveness proposals were under consideration, this is likely the forum where they would be discussed.

According to Treasury Department sources, the NAC was resurrected because a wide range of important international finance issues were rapidly appearing on Treasury's agenda and officials thought the policy process and policy outcomes would be improved if it got regular advice from other agencies which saw these issues from other perspectives. Participants include the Secretaries of State and Commerce, U.S. Trade Representative (USTR), the Chair of the Federal Reserve Bank Board, President of the Ex-Im Bank, and the Director of USAID. Other agencies with relevant skills and knowledge, such as the Department of Labor, EPA, the Energy Department, and OMB, are also invited to participate on occasion.

It has been difficult in the past to sustain an effective interagency process to help formulate and coordinate U.S. policy towards the IFIs. Whether the current NAC process will continue much beyond the incumbency of its current leaders and participants remains to be seen. Congress has made three prior efforts to create formal interagency procedures to coordinate U.S. policy on

[11] This section is based on information obtained during CRS interviews with Treasury Department officials, January 24, 2011.

bilateral and multilateral aid. Understanding the reasons why these efforts failed might help current policy makers avoid some of the difficulties that undercut them.

The creation of the NAC in 1945 was the first attempt. It failed because the participating agencies were more concerned about maintaining control over their activities than they were about finding a more unified approach. Vesting authority over a host of programs in the hands of a five-member Cabinet-level committee also proved impractical.[12] When the NAC was recreated by executive order in 1965, the Treasury Secretary was given final authority and the NAC had advisory functions. Some Secretaries decided later that they did not need the NAC's advice and other participants seem to have decided that high-level involvement in NAC deliberations was not a good use of time.

In 1973, Congress created a Development Coordination Committee (DCC), chaired by the head of USAID, as a vehicle for the "coordination of United States policies and programs which affect United States interests in the development of low-income countries."[13] The President was supposed to coordinate U.S. foreign aid policy through the DCC. In 1979, the President signed an executive order making the DCC the central forum for policy coordination regarding bilateral and multilateral aid. The Treasury Department chose not to cooperate or participate in the process, however, citing the authority it held from the President to manage U.S participation in the IFIs. The only permanent result was the creation of a staff-level interagency panel, the Working Group on Multilateral Assistance (WGMA), to advise Treasury officials about prospective MDB loans.[14] In 2009, the WGMA was subsumed into the NAC as its MDB loan review panel.

In 1980, Congress created the International Development Cooperation Agency (IDCA), giving it authority to coordinate multilateral and bilateral aid. The Secretary of the Treasury was required to comply with IDCA policy determinations, unless he found compelling financial or other non-developmental issues that required him to do otherwise. The Treasury Department used this loophole, however, to exempt all IFI issues from the IDCA process. IDCA never became a functioning agency. Congress abolished it in 1998, transferring to the Secretary of State any residual authorities the law had previously allocated to its Director.[15] Neither the chair of the DCC (the head of USAID) nor the IDCA director had the political weight necessary to secure presidential support or to overrule decisions made by the Secretary of the Treasury.

It appears, from this review, that an effective IFI interagency review process must be led by a person with substantial political weight, the President's delegation of full authority to the Treasury Secretary must either be overturned or accommodated, and the panel needs to be cautious about any efforts to block Cabinet officers the full authority they have under law to manage and direct their agency operations.

[12] Sanford, note 8, pp. 94-95. Reports by the Budget Bureau (predecessor to the present Office of Management and Budget) in 1951 and 1961 reached these conclusions, as did a study describing the process that was published by the National Academy of Public Administration in 1971.

[13] The Foreign Assistance Act (FAA) of 1961, P.L. 87-195, Sec. 640B, as amended by the FAA of 1973, P.L. 83-189.

[14] The principal focus of interagency scrutiny seems to be a determination whether or not the United States is required to oppose specific MDB loans because they conflict with standards or mandates that Congress has enacted. The Treasury Department posts on its web page information as to how the U.S. representatives voted on particular MDB loans and the reasons why they did so. Only votes in opposition to loans are explained. See Office of International Affairs, *Loan Review Notes* at http://www.treasury.gov/resource-center/international/development-banks/Pages/data.aspx. Currently, information about all votes since January 2004 is available at this site.

[15] Foreign Affairs Reform and Restructuring Act of 1998, Sec. 1411-1412, enacted as Division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, FY1999, P.L. 105-277, October 21, 1998.

Today, 24 U.S. agencies have some type of foreign assistance function. Other than the current NAC, there are no existing procedures to coordinate the foreign aid policies and programs that these agencies control.[16] A case could be made that the Secretary of State has some authority to coordinate U.S. foreign assistance activities by virtue of the residual authorities (assigned to the Secretary by law) that were embodied in the DCC and IDCA legislation. The Secretary has some authority to advise the Treasury Secretary about development policy issues relating to the MDBs.[17] However, this authority does not eclipse the authority for IFI issues that the Treasury Secretary holds by presidential delegation.[18]

Experience suggests that efforts to assign full power over U.S. foreign aid policy to a single individual are not likely to be successful. A more collegial process, such as that evinced by the newly revitalized NAC, may have more prospects for success if Treasury continues to value the advice it receives from other agencies and participants from other agencies believe that their input and advice are respected.

Congress and the MDBs

Congress has authority to set the terms for U.S. participation at the MDBs —including how U.S. executive directors shall vote on specific types of loans—and to determine whether the United States will participate in and contribute money towards new MDB funding plans and whether it will support amendments to the MDBs' Articles of Agreement or other basic changes in their organization. These authorities give Congress a major role in the policy process concerning U.S. participation in the MDBs. The authority of Congress in this area is less extensive than is its authority over U.S. government programs, since it cannot earmark funds or direct the MDBs to approve or disapprove loans for certain countries or purposes. Nevertheless, because it has an authoritative and independent role in the U.S. policy process, the influence of Congress in this area is significant.

Relevant Committees

Several committees have responsibility for legislative functions affecting U.S. participation in the MDBs. The Senate Committee on Foreign Relations (SFRC) and House Committee on Financial Services (HFSC) have jurisdiction over MDB authorizing legislation. On the Senate panel, the Subcommittee on International Development and Foreign Assistance, Economic Affairs, and

[16] For a discussion of this issue, see CRS Report R40756, *Foreign Aid Reform: Agency Coordination*, by Marian Leonardo Lawson and Susan B. Epstein, and CRS Report R41173, *Foreign Aid Reform, National Strategy, and the Quadrennial Review*, by Susan B. Epstein.

[17] In the executive order that delegated authority for IFI matters to the Secretary of the Treasury, E.O. 11269, February 14, 1966, the President specified in Sec.3(c), that "Nothing in this order shall be deemed to derogate from the responsibilities of the Secretary of State with respect to the foreign policy of the United States." To the extent that U.S. policy in the MDBs is part of U.S. foreign policy, this would seem to give the Secretary of State a meaningful role. In 1979, added Sec. 7 to E.O. 11269, specifying that the Secretary of State "shall advise both the Secretary of the Treasury and the appropriate United States representatives [at the MDBs] on the development aspects of matters relating to those institutions and their activities." In 1999, E.O. 13118 replaced the words "Director of the International Development Cooperation Agency" with "Secretary of State."

[18] The recently completed Presidential Study Directive on Global Development Policy was intended to address the issue of policy coordination and a cross-agency review of U.S. development assistance programs. However, it does not seem to address the authority issues that have undermined previous efforts to coordinate. U.S. policy on bilateral and multilateral aid. The new policy did establish, however, an International Policy Committee on Global Development, to establish priorities and coordinate policy across the executive branch. For reference, see note 7.

International Environmental Protection has responsibility for MDB legislation. On the HFSC, the Subcommittee on International Monetary Policy and Trade has similar jurisdiction for MDB concerns. However, in both the Senate and House, the leadership of the full committees has maintained an active interest in MDB and IMF issues and they often now also receive a good deal of attention at the full committee level. The House and Senate Appropriations Committees deal with MDB issues primarily through their respective Subcommittees on State, Foreign Operations, and Related Programs. In sum, Congress has about a dozen staff on the various committees, plus some staff in the personal offices of a few Members, who monitor the MDBs and facilitate the legislative process for related legislation. Issues involving the MDBs and IMF are generally only one of many subjects within their areas of responsibility.

In recent decades, Congress has had difficulty enacting legislative proposals relating to foreign affairs through freestanding legislation, and the Administration and the leadership on both sides in both chambers have preferred that such measures be included as riders on "must pass" legislation. MDB legislation was also the subject of partisan controversy during the 1970s and 1980s. Only once since 1980 has Congress enacted legislation to authorize U.S. participation in an MDB funding plan through regular order as a separate bill.[19] This means, among other things, that public debate in Congress about MDB issues is often limited and policy initiatives are sometimes inserted into MDB legislation at the subcommittee or committee level with limited broader congressional review.

On a few occasions, authorizations for some regional MDBs have been approved in one or the other chamber as part of a compromise package of legislation approved by unanimous consent. More often, though, MDB and IMF authorizations have been enacted as amendments to larger and more comprehensive bills—in many instances, omnibus or year-end supplemental appropriations legislation—that are likely to pass because they contain funding for important or popular programs. On at least three occasions, MDB authorization bills were enacted by reference, without the actual text of their legislation appearing in the bill that was debated and passed by the House and Senate.[20]

In 1981, Congress started inserting its policy directives on the MDBs and IMF in one statute, the International Financial Institutions Act (IFI Act), rather than including them separately (as had been the prior practice) to the original enabling legislation for each bank. The IFI Act has over 25 titles that specify policy goals or requirements for U.S. participation in the IFIs. Some provisions are still included in the original MDB membership acts, however, or in other freestanding legislation.

[19] The exception was an IDB capital increase in 1989 in which the regional countries agreed to the adoption of significant reforms in IDB procedure that the United States and other donors had sought for many years.

[20] In 1985, sec. 101(1) of the Further Continuing Appropriations Act, 1986, P.L. 99-190, stated that the bill H.R. 2253, as reported by the Senate Foreign Relations Committee on April 19, 1985, was enacted into law. That bill (which called itself the Multilateral Development Bank Act of 1985) included authorizations for IDA, the AfDF, IBRD and the Special IDA Facility for Africa, as well as several policy initiatives. In 1987, Title II of the Foreign Operations, Export Financing and Related Operations Appropriations Act, 1988, enacted by reference the bill H.R. 3750, as introduced on December 11, 1987. It contained authorizations for IDA, the AsDF, AfDB and membership in MIGA, as well as many policy initiatives. In 1988, Sec. 555 of the Foreign Operations, Export Financing and Related Operations Appropriations Act, 1989, enacted the bill H.R. 4645, as reported by the House Financial Services Committee on September 22, 1988. It contained authorizations for the IBRD and AfDF, plus several policy initiatives.

Sources of Congressional Authority

Authorizing Actions

Unless Congress passes legislation to authorize such actions, the United States cannot join or agree to participate in any MDB funding programs or vote for any changes in fundamental MDB rules and procedures. The Bretton Woods Agreements Act (BWAA), which authorized the United States to join the IMF and World Bank, set the model for U.S. participation in all MDBs. It states that "[u]nless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States" propose any changes in the U.S. quota in the IMF, subscribe any additional shares of stock (i.e., make a financial commitment) in the World Bank, agree to any amendments to the Articles of Agreement of the Bank or Fund, make any loans to the Fund or Bank, or approve any distribution of gold by the IMF.[21] The BWAA also states that no U.S. Governor or Alternate Governor at the Bank may vote for an increase in the capital stock of the Bank, if this would require additional subscriptions by the United States, unless Congress authorizes such action by law. This requirement is not included in the legislation enabling U.S. participation in the other MDBs and the Administration has not complied with this requirement for some time.

Congress is the only legislature, among all the countries that are major participants in the MDBs, that has both the independence and the power to press its own views about the MDBs and U.S. policy towards them. In most other countries, the legislature generally tends to adopt whatever MDB legislation is proposed by their governing authorities. In countries with parliamentary systems, the legislature is controlled by the prime minister and his cabinet and committees often have relatively little authority. In most presidential systems, the executive has the predominant voice in the policy process. In the United States, by contrast, Members of Congress and congressional committees have other sources of information besides those provided by executive branch agencies, and Congress has often adopted legislation the Administration has not requested (usually as amendments to pending MDB bills) specifying ways the United States shall use its voice and vote in the MDBs or directing the Secretary of the Treasury to advocate specific changes in MDB policies or operations.[22]

Over the years, Congress has enacted into law at least 95 directives (many of them overlapping) requiring the Secretary of the Treasury to instruct U.S. executive directors to take specific actions within the MDBs. It has required the Secretary to consult with other countries about possible coordinated action within the MDBs on specific policy proposals or issues. It has also directed the

[21] Bretton Woods Agreements Act, P.L. 79-171, approved July 31, 1945, Sec. 5. Before 1965, the requirement that Congress must give its assent before the U.S. Governor may vote for any increase in Bank capital stock, including new funding plans that did not include participation by the United States. At the time, the U.S. share in the Bank was sufficient to block all capital increases unless the United States voted in the affirmative. In all the other development banks, U.S. law requires that the U.S. Governor obtain congressional assent before he can commit the United States to subscribe additional shares of capital stock but it does not prohibit him from voting for resolutions at the MDBs that would approve capital increases in general. If the capital stock of an institution is increased but the United States does not participate in that increase, the U.S. voting share declines. In recent decades, the U.S. share in all MDBs except the IDB has declined to the point where capital increases can go into effect without U.S. participation, so approval of the Board resolution rather than subscription of new shares may be the key step determining the U.S. ownership share and the level of U.S. influence.

[22] U.S. Treasury Department, *Department of the Treasury Compilation of Legislative Mandates Applying to U.S. Participation in the IFIs,* 10th Edition, June 2010. An internal document, 248 pages in length, this compilation organizes and presents all the legislated requirements in order to help staff comply with the laws as they examine pending or prospective MDB loans.

Secretary to consult with the relevant committees before U.S. executive directors may vote to support certain kinds of initiatives.

Many of these directives require that the U.S. representatives at the MDBs oppose many kinds of loans. These include, for example, loans to countries whose governments violate internationally recognized human rights, expropriate property owned by American investors without adequate compensation, support international terrorism, or fail to cooperate in the suppression of illegal drug trafficking or trafficking in persons. They also include directives that the U.S. representatives oppose loans for the production of certain agricultural or mineral products that are in oversupply in world markets and compete with U.S. output, and loans for education or healthcare projects where poor people would be charged a user fee for basic services. Directives have also been enacted requiring the U.S. representatives at the MDBs to oppose, subject to various requirements, MDB loans to Serbia, Burma, Zimbabwe, Sudan, Belarus, and Sri Lanka, and to oppose participation by Cuba or the Palestinian Liberation Organization in the MDBs. Generally, the United States abstains in order to show opposition, though it may cast a negative vote for emphasis in particular situations.

Others also require the Administration to pursue certain goals or to advocate particular policies in the MDBs. These can include efforts to include measures relating to workers rights, greater emphasis on the needs of the poor in various situations, more efforts to restructure debts of impoverished countries, increased emphasis on integration of women in the development process, or more attention or increased MDB assistance to countries such as Haiti, East Timor, Tibet, Cambodia, Mongolia and Ukraine.

Several initiatives by Congress, which were originally opposed by the Administration and resisted by the MDBs themselves, have elicited broader international support and led to significant reforms or changes in MDB operations. In 1964, for instance, the HFSC proposed in IDA replenishment legislation that the IBRD should transfer some of its excess net income to IDA each year. The Administration persuaded the House to delete that proposal from the bill.[23] In 1968, the SFRC included the same recommendation in another IDA bill. It dropped the proposal, though, after the Bank agreed to make “voluntary” transfers of this sort. These transfers have become a regular practice and the IBRD is one of IDA’s largest donors. In 1967, the House adopted legislation requiring the U.S. representatives at the Inter-American Bank (IDB) to propose the establishment of an independent and comprehensive audit mechanism that would report to the executive board.[24] The IDB and Administration originally opposed the amendment. In 1973, Congress adopted similar legislation directing the U.S. representatives at the World Bank and Asian Development Bank (AsDB) to propose the establishment of autonomous audit and evaluation units.[25] All the MDBs now have such units that report directly to their executive board and these are generally considered to be important elements of their operations. In 1989,

[23] This is called the Reuss-Fulbright plan. See House Committee on Banking and Currency, H. Rept. 88-1093 (1964), pp. 5-7, and *Congressional Record* February 25-26, 1964, pp. 3537-3539 and 3638-3656. Senate Foreign Relations Committee, S. Rept. 91-166 (1969) pp. 13-15.

[24] This is called the Selden Amendment; P.L. 90-88, adding sec. 14 to the Inter-American Development Bank Act, P.L.86-147. Congress had previously included a similar requirement for an independent audit mechanism in the Social Progress Trust Fund Act, which created an IDB-administered trust fund to address social needs. The Group of Comptrollers of the IDB (now Office of Evaluation and Oversight) was created soon after the Selden Amendment was enacted.

[25] This is another Selden Amendment; FAA of 1973, adding sec. 301(e) to the FAA of 1961. The U.S. General Accounting (now Accountability) Office (GAO) had been encouraging the MDBs to establish independent audit and evaluation units for some time. The World Bank had created such a unit, but it was given more independence in 1975, partly as a consequence of the U.S. legislation.

Congress adopted legislation specifying that, in two years, the U.S. representatives at the MDBs would oppose all loans that might have a negative effect on the physical environment unless the MDBs created mechanisms to evaluate the potential environmental impact of their projects and to report such information to the public well in advance of board consideration of each loan.[26] The Administration opposed the amendment, but it was enacted anyway. After difficult negotiation with other countries and with MDB management, the MDBs created procedures to accomplish these objectives and they subsequently expanded and enhanced their attention to environmental concerns.

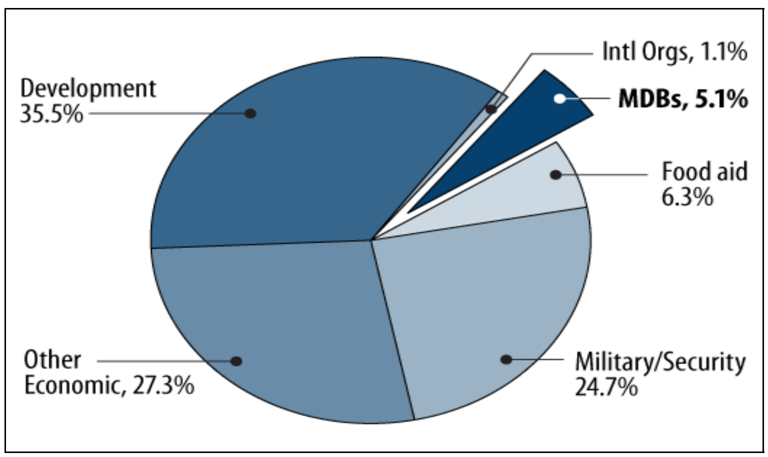
Power of the Purse

Control over Funding Levels

Congress also uses its control over the funding process—its "power of the purse"—to set priorities and to encourage the Administration and the MDBs to consider changes in their policies or procedures. The appropriations subcommittees examine the annual funding requests submitted by the Administration and determine, subject to final decisions by the full committee and Congress as a whole, how much money should be spent each year for every program or activity in their areas of responsibility. They also decide whether conditions or restrictions need to be placed on the availability or use of appropriated money in order, from their point of view, to make programs more effective or to achieve some desired policy goals.

Appropriation Legislation. Overall, the MDBs account for a relatively small portion of the total foreign assistance budget. As **Figure 1** shows, contributions to the MDBs amounted to about 5% of the total appropriated for foreign assistance activities in FY2009 and FY2010. The total amount appropriated for foreign assistance programs averaged about $34.49 billion annually during those years, while appropriations for MDB programs averaged about $1.77 billion. Previously, the share allocated for MDBs was higher, but the increased funding for bilateral development and economic aid in recent decades has decreased the share going to the MDBs. The amount appropriated for food aid in FY2009 and FY2010 was slightly larger than that for MDBs. U.S. bilateral development aid accounted for more than one-third of the total for the recent period. Economic aid programs allocated for foreign policy objectives accounted for about one-quarter of all U.S. foreign aid for those years, as did military or security (anti-drug, anti-terrorism, and peacekeeping) aid. Foreign assistance channeled

Figure 1. Appropriations for Foreign Aid Activities, FY2009-FY2010



Source: Computed by CRS from data in Committee reports.

[26] This is called the Pelosi Amendment; Sec. 521 of the International Development and Finance Act of 1989, P.L. 101-240, adding sec. 307 to the IFI Act of 1977.

through U.N. agencies and other non-MDB international organizations accounted for about 1% of the total. Food aid is included here for comparative purposes.

On the whole, MDB programs have faired less well than many other foreign assistance programs in the share of their budget requests that were included in final funding legislation. Between FY2000 and FY2010, appropriations for MDB programs amounted to about 86% of the amount requested.

Appropriations for MDBs, FY2000-2010

(Millions of Dollars)

	Total Requested	Total Appropriated	Share of Requests	Percent of Request that was Appropriated
IDA	$10,912	$10,133	64.1%	92.9%
MIGA	$46	$23	0.3%	50.0%
GEF	$1,347	1,402	7.9%	77.4%
CTF	$900	$300	5.3%	33.3%
SCF	$100	$75	0.6%	75.0%
AsDB	$153	$14	0.9%	9.0%
AsDF	$1,296	$1,096	7.6%	82.5%
AfDB	$44	$40	0.3%	90.0%
AfDF	$1,409	$1,360	8.3%	96.5%
IDB	$26	$26	0.2%	100.0%
IIC	$159	$84	0.9%	52.5%
MIF	$248	$148	1.5%	60.0%
EBRD	$215	$214	1.3%	99.7%
IFAD	$164	$165	1.0%	100.7%
total	$17,019	$14,693	100.0%	86.3%

Source: Calculated from data in CRS Report RS20792, *Multilateral Development Banks: U.S. Contributions FY2000-FY2011*.

IDA, the World Bank's concessional aid program, accounts for about 64% of the money requested and nearly 70% of the money appropriated during the past decade for MDB programs. Congress appropriated about 92% of the funds the Administration sought for IDA. The appropriation rates for the AfDF and IFAD—both much smaller programs—were higher, respectively about 97% and 101% of the Administration's budget request. Appropriations for the paid-in portion of capital subscriptions for the African Development Bank (AfDB), AsDB, IDB, and European Bank for Reconstruction and Development (EBRD) were also close to the amounts requested. Other programs, however, were funded more slowly. The GEF received appropriations during the past decade which amounted to about 77% of the Administration's total budget request. The IDB's Multilateral Investment Fund (MIF) had appropriations amounting to 60% and the Inter-American Investment Corporation (IIC) had appropriations amounting to 53% of their budget requests.

The lower appropriation rate for some MDB programs is due to the fact that, when Congress does not fund a particular MDB funding request, the Administration will come back in a future year to request appropriation of the remaining money. Repeat budget requests for the same activities are less common for bilateral aid programs. MDB programs that are deemed to be of lower priority (perhaps because of the region being helped or controversy about their program) are more likely to need repeated budget requests than are programs with a broader base of congressional support.

The amount the Administration requests for each MDB program each year is determined by the amount the United States has agreed to contribute through its participation in an MDB funding agreement. If Congress does not appropriate funds according to the schedule specified in a funding agreement, the United States falls behind in its payments. Payments not made on time are called arrearages. Payments not appropriated in one year will be requested by the Administration in a future year, as the U.S. commitment to an MDB funding agreement remains the same whether or not Congress has yet appropriated the funds. The higher the appropriation rate for an MDB program, the more likely it is that Congress appropriated funds the first time those funds were sought. The lower the rate, the more likely it is that Congress deferred budget requests for several years before it finally appropriated the money needed to complete the U.S. pledge to a particular MDB funding plan.

In addition to their valuation of each program's relative priority in the annual funding process, the appropriation committees may also withhold or condition funding for a particular program based on their judgment as to whether funds are being appropriately and efficiently used. These restrictions have sometimes been procedural in nature. In 1976, for instance, the appropriations committees added to the law a requirement that none of the money appropriated for MDBs could be contributed to any MDB that denied the U.S. representatives on its executive board access to information about the amounts and borrowers for all loans, including staff loans.[27] In 1980, they approved legislation specifying that none of the money appropriated for MDBs could be paid to a bank that denied U.S. representatives access to documents its management had created.[28]

Congress has frequently used the appropriation process to send the MDBs messages about its views on their lending practices. For example, in 1990, following the Tiananmen Square incident of 1989, Congress attached a rider to the FY1991 appropriation for IDA reducing the U.S. payment to IDA by an amount equivalent to the U.S. proportional share of any loans the World Bank approved for China after the beginning of 1990.[29] In the same act, Congress also stipulated that 25% of the funds appropriated for the IBRD would not be available until the Secretary of the Treasury submitted a detailed report to the appropriations committees explaining what steps the World Bank was taking to support energy and forestry conservation and family planning activities.[30] In 2001, Congress said that the appropriation for IDA would be available for commitment only if the Secretary directed the U.S. executive director to oppose any IBRD loan to India for water and sewerage projects if the loans did not prohibit the use of scavenger labor.[31]

On a few occasions, Congress has appropriated more for MDB programs than the Administration has requested. One example, noted above, has been the increased funding provided for IFAD during the past decade. In 1976, Congress increased from $15 million to $25 million the initial U.S. contribution to the AfDF, on grounds that it believed the United States should play a larger role in that agency than the Administration did at the time. In 1984, after the Administration said that the United States would not participate in a special IDA facility for Africa, Congress authorized and appropriated almost $140 million for it.

Congress has also used the appropriation process to address MDB organizational issues. In 2007, the World Bank began considering proposals to change the administrative procedures it used to prevent corruption in its operations. In late 2007, Congress adopted language in FY2008

[27] Foreign Operations, Export Financing and Related Agencies Appropriations Act, 1997, sec. 506, P.L. 94-441. This provision was later enacted in all subsequent foreign operations appropriation acts.

[28] Continuing Appropriations Act, 1981, P.L. 97-96, 369, sec 520. This provision was included in all subsequent foreign operations appropriations acts.

[29] Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, Title III, P.L. 101-513.

[30] Ibid.

[31] Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, P.L. 107-115, Title IV. The IDA appropriation was also made available only if the Treasury Secretary pressed the World Bank to give heavily indebted poor countries greater access to IDA grant assistance.

appropriations legislation withholding 10% of the money appropriated for IDA until the Secretary of the Treasury reported to the appropriations committees that specific steps had been taken to enhance the transparency of those procedures and to implement proposed reforms.[32] The World Bank is now considering whether to make changes in its procurement procedures, replacing its centralized system of procurement controls with new systems adopted by each borrower country ("country systems") that employ anti-corruption standards that were less rigorous than those the Bank currently uses. In 2007, in the same appropriations legislation, Congress specified that another 10% of the money appropriated for IDA must be withheld until the Secretary certifies that the Bank continues to have strong centralized procurement procedures and that any pilot projects for country systems would use the same anti-fraud and anti-corruption requirements the Bank currently has in place.[33]

Authorization Legislation. Congress has also sometimes used financial leverage, if less frequently, during the authorization stage of the congressional funding process in order to pursue policy goals. In 1970, for instance, the Senate adopted a floor amendment cutting almost $1 billion from IDB authorizing legislation. The cuts were reconsidered and restored 14 months later, after the IDB made some administrative changes. In 1993, the majority leadership of the HFSC decided not to authorize part of the proposed U.S. contribution to the 10th replenishment of IDA, pending a decision by the World Bank that it would create a facility to investigate complaints that it may have hurt people by not complying with its own rules. After the Inspection Panel had been created on acceptable terms, the HFSC included language in the next authorization bill, which was enacted, to authorize the remaining portion of the U.S. contribution to IDA. Likewise, in 2009, the HFSC chairman declined to act on pending legislation that would authorize U.S. participation in the 15th IDA replenishment unless the Bank changed what he believed were some anti-labor provisions of its *Doing Business* report. After some delay, the Bank agreed to make those changes and Congress adopted the IDA-15 legislation.

Congressional Oversight

Congress has also had an impact on U.S. policy towards the MDBs through exercise of its oversight authority. As noted, congressional committees routinely hold hearings to elicit information about topics affecting the MDBs and to cast light on issues which they believe need more attention or where they desire to promote change.

Hearings

The authorization and appropriations committees generally hold hearings on the Administration's funding requests for the MDBs. This enables Administration witnesses to explain why they believe Congress should provide the resources necessary to fund U.S. participation in MDB funding plans. Hearings also provide committee members with opportunities to raise issues of concern where legislation or changes in U.S. policy might be needed. Public witnesses are frequently invited, particularly for authorization hearings, to present additional views. These hearings provide public information about U.S. policy and the MDBs, which might not otherwise be readily available. In many instances, because Congress now rarely discuss MDB issues in floor debates, these hearings

[32] Consolidated Appropriations Act, 2008, P.L. 110-161, sec. 668. Specifically, the law said that the funds shall be withheld until the Bank has made publicly available the financial disclosure forms of senior staff, it had established a plan for regular internal audits of its internal management and operational controls and made the reports from that process available publicly, it had made public any reports by its internal investigatory office regarding corruption in specific projects, it had sufficiently augmented that office's operational staff, and it had implemented the recommendations of a commission headed by Paul Volcker that had examined the Bank's investigatory procedures.

[33] Ibid.

serve de facto as the major forum for congressional discussions about MDB issues and U.S. policy towards the multilateral banks.

Committees sometimes use hearings to obtain further information about events or issues of particular concern. In 1990, for example, the HFSC held hearings about MDB lending to China in order to evaluate relevant issues and discuss U.S. policy in the wake of the Tiananmen Square incident of 1989.[34] In 1998, the HFSC held a hearing to explore the implications of the Asian and Russian economic crises for the world financial system and U.S. interests.[35] In 2000, five committees held hearings to review the findings and recommendations of a congressionally established advisory committee about steps the IMF and MDBs might take to improve their effectiveness and accountability.[36]

Broader oversight hearings have also been held. For example, in 1985, during a period of debate within Congress and the Administration about the future of U.S. policy towards the MDBs, the HFSC held eight separate hearings addressing key issues and the MDBs' role U.S. foreign and economic policy. As the international debt crisis of the 1980s gathered momentum, the Reagan and George H. W. Bush Administrations gradually took a more positive view of the multilateral agencies. In 1992, the Bush Administration agreed to a new funding plan for IDA that was larger, in real terms, than any replenishment approved before or since that date.

Committees also sometimes hold hearings in order to put issues on the public policy agenda and to build support for new policy initiatives. Between 1985 and 1994, as the international debt crisis gathered force, the HFSC held 13 separate hearings and other committees held another 10 hearings to assess its likely impact on the world financial system and on developing countries. Between 1983 and 1990, congressional committees held 12 separate hearings on the MDBs and environmental concerns, a topic that previously had not been addressed significantly by the MDBs or included in U.S. policy. Congress enacted several initiatives affecting U.S. policy on MDB debt and environmental concerns as a result of these hearings. Between 2004 and 2006, the SFRC held five hearings on issue of possible corruption in the MDBs. These helped stimulate public and press attention to the subject, and Congress adopted legislation requiring the Administration to seek major reforms. The President of the World Bank took steps to address some of these issues in 2005 and the Bank's Executive Board adopted a comprehensive anti-corruption strategy in 2007. To varying degrees, the other MDBs later followed suit.

Required Reports

Congress requires the Administration to submit periodic reports on particular topics relating to the MDBs. The information provided by these reports helps Congress exercise oversight over U.S.

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[34] House Committee on Banking, Finance, and Urban Affairs. Subcommittee on International Development, Finance, Trade, and Monetary Policy, *World Bank Lending to the People's Republic of China*, May 8, 1990.

[35] House Committee on Banking and Financial Services, *International Economic Turmoil*, Sept. 14-16, 1998.

[36] Senate Committee on Banking, Housing, and Urban Affairs, *Final Report of the International Financial Institution Advisory Commission*, March 9, 2000; House Committee on Appropriations, Subcommittee on Foreign Operations, Export Financing, and Related Programs Appropriations, *Foreign Operations, Export Financing, and Related Programs Appropriations for 2001. Part 4: Testimony of Members of Congress and Other Interested Individuals and Organizations,* March 30, 2000; House Committee on Banking and Financial Services, *International Financial Architecture*, March 23, 2000. Joint Economic Committee, *Reform of the IMF and World Bank,* April 12, 2000; Senate Committee on Banking, Housing, and Urban Affairs, Subcommittee on International Trade and Finance, Reform of the International Monetary Fund, April 27, 2000; Senate Committee on Foreign Relations, *Meltzer Commission: The Future of the IMF and World Bank,* May 23, 2000; Senate Committee on Banking, Housing, and Urban Affairs, Subcommittee on International Trade and Finance, Reforms of the World Bank and Other Multilateral Development Banks, June 8, 2000.

policy and the MDB program. Before 1998, information about the activities of the MDBs was often difficult to get. Through reporting requirements, Congress required the Administration to make information about MDB operations and policies available to the public and to pay attention to particular congressional concerns.

In 1945, Congress required in the BWAA that the Administration submit annual reports via the NAC on the operations and policies of the international financial institutions. In subsequent years, Congress added requirements that the Administration explain how the U.S. executive directors voted on several issues, steps taken in pursuit of particular policy goals, and other concerns. Without information provided by executive agencies, Congress has difficulty exercising effective oversight of U.S. policy and the IFIs themselves. However, if the Administration concludes that a reporting requirement is too burdensome, it may cease making the report. There is often little, particularly for the authorizing committees, that Congress can do to force a resumption, short of cutting funding for MDB programs. By 1992, Congress had added many detailed provisions to the annual NAC reporting requirement, and the Administration decided—on grounds that the burden was too heavy compared to available staff resources—to stop doing the NAC report.[37]

In 1998, Congress simplified the NAC reporting requirement, dropping the detailed provisions and requiring instead a general review of the operations of the MDBs and the success and goals of U.S. policy. A report was submitted in 1999 using the new format. In 2010, the Treasury Department published a new NAC report for FY2009, which discussed the current international economic issues, the roles played by the IFIs in meeting those challenges, and the goals of U.S. policy.[38]

With the resumption of the NAC report, it now appears that the Administration is meeting all the major IFI reporting requirements enacted by Congress.[39] The Internet has had an important impact on effectiveness of these reporting requirements. Until recently, most required reports were sent to the relevant committees in typescript form and the committees usually filed them without giving them broader circulation. In recent years, though, Treasury has begun posting most the required reports on MDBs and the IMF on its web site, along with information about the way U.S. representatives have voted on recent loans and policy statements on a variety of issues.[40] This, together with the fact that the IMF and MDBs are much more transparent in their policies and operations, has done much to help Congress and the public to better understand the MDBs and U.S. policy towards them.

Budgetary Issues

Several budgetary questions associated with U.S. subscriptions to MDB capital might be relevant to congressional consideration of MDB legislation in 2011. Until 1982, Congress appropriated, in annual installments consistent with the funding plan, the full amount of money needed to pay the purchase price of the U.S. shares. Since FY1982, Congress has appropriated funds only to cover the paid-in share of new MDB capital subscriptions. The question is how the United States should

[37] The report for FY1992 was submitted in 1996.

[38] The full text of this report is available at http://www.treasury.gov/resource-center/international/development-banks/Documents/NAC%20Report%202010%20Aug%205.pdf.

[39] There are still a dozen or so reporting requirements that are not being met. Most of them are antiquated, dating from the 1980s, though some might still be useful. Once a reporting requirement is enacted, it is difficult to rescind because groups that supported the original legislation often rise to its defense even if it is obsolete and of little value.

[40] See U.S. Treasury, *Reports to Congress,* at http://www.treasury.gov/resource-center/international/development-banks/Pages/congress-index.aspx.

handle through its national budget the contingent liability associated with subscriptions to MDB callable capital.

In 2004, then-Director of the Congressional Budget Office (CBO) Douglas Holtz-Eakin told Congress that the current budgetary treatment for U.S. financial commitments to the various IFIs does not recognize the magnitude of those commitments in a consistent fashion.[41] He noted that the financial backing and budgetary treatment for the IFIs differs for each institution. He said that Congress might want to consider whether all these institutions should be treated alike and whether future efforts to better account for the risks associated with U.S. involvement in these institutions should address past contributions or only those subscribed for future years.

The MDBs fund their market-rate loan operations through the sale of bonds in world capital markets. Those bonds are backed by the subscribed capital of their member countries and this backing enables the MDBs to borrow and relend money at attractive rates. Bond purchasers need to be confident that the banks' member countries will make good their obligations if the need should arise. As a member country, the United States subscribes a certain share of the capital stock of each MDB, and its subscription helps provide backing for the banks' borrowings.

Only a small portion (3% to 5%) of a new subscription to MDB capital is paid to the bank. Most of the cost of the new shares is subscribed as callable capital. The MDBs use it to help back their borrowing in world capital markets but member countries do not normally need to pay this portion of their subscription cost to them. MDBs may call on their members to pay in callable capital only if the bank has become bankrupt and—having exhausted all other assets—it still needs money to pay their creditors. The MDBs have triple-A creditor status and most analysts believe the likelihood that they will go bankrupt is quite small. Nevertheless, U.S. subscription to MDB callable capital are a contingent liability; the question is whether and how the U.S. budget should acknowledge that liability.

Through FY1981, roughly $10 billion was appropriated to cover U.S. callable capital commitments to the World Bank, about $1 billion for the AsDB, and $2.5 billion for the IDB. Appropriating callable capital has sometimes led to awkward situations. On a few occasions, Congress used budgetary authority intended for MDB callable capital to fund other programs. Several times, callable capital was cut from an appropriations bill and someone claimed (wrongly) that he had saved the taxpayer a great deal of money. Callable and paid-in capital must be subscribed on a fixed ratio. The Treasury Department found sometimes that it could not purchase new MDB shares because Congress had appropriated the paid-in portion, but it had provided no authority for subscribing the callable portion as well.

In FY1982, the appropriations committees changed the system. Congress still continues to appropriate the amount needed for the paid-in portion of a new MDB subscription, but, rather than appropriating funds, Congress includes language in the appropriations act authorizing the Secretary of the Treasury to subscribe new callable capital up to a certain dollar value. No money has been appropriated since 1981 to cover the callable portion of U.S. subscriptions to the MDBs and budgetary figures do not take these contingent obligations into account.

Since 1981, the United States has joined the EBRD and the AfDB and it has also become a participant in the World Bank's and IDB's investment guarantee facilities (the MIGA and IIC). The amount appropriated before 1982 is probably sufficient to handle a modest call on callable capital that might emanate from the World Bank, the ADB or the IDB. No action by Congress

[41] Statement of Douglas Holtz-Eakin, CBO Director, *The Costs and Budgetary Treatment of Multilateral Financial Institutions' Activities*, testimony before the Senate Committee on Banking, Housing and Urban Affairs, May 19, 2004.

would be required. In the case of the EBRD, AfDB, MIGA, and IIC, however, any call on callable capital would trigger a request that Congress appropriate money to cover the U.S. share of the callable capital being called. Congress may want to consider whether money needs to be appropriated to cover such possibilities. Congress might also want to consider whether its current budgetary treatment of the contingent risk from MDB callable capital is sufficient or whether it might be changed.

Conclusion

As noted at the beginning of this report, the Administration is likely to recommend in 2011 that Congress enact legislation that would facilitate U.S. participation in a major expansion of the multilateral banks' capital stock. Congress may want to look carefully at this legislation and at the ways in which the MDBs intend to use these major increases in their financial resources in order to determine how they might affect or further U.S. policy concerns. Understanding the ways by which the executive branch makes and implements U.S. policy towards the MDBs may be helpful in this regard. Likewise, a fuller understanding of the ways in which Congress has dealt with MDB legislation in the past and of the sources of congressional influence may be useful as Congress reviews the prospective MDB legislation next year.

Appendix. Acronyms Used in This Report

AfDB	African Development Bank	**IFC**	International Finance Corporation
AfDF	African Development Fund	**IFI**	International Financial Institution
AsDB	Asian Development Bank	**IFI Act**	International Financial Institutions Act
AsDF	Asian Development Fund	**IIC**	Inter-American Investment Corporation (IDB)
BIC	Bank Information Center	**IMF**	International Monetary Fund
BWAA	Bretton Woods Agreements Act	**MDB**	Multilateral Development Bank
DAS	Deputy Assistant Secretary	**MIF**	Multilateral Investment Fund (IDB)
DCC	Development Coordination Committee	**MIGA**	Multilateral Investment Guarantee Agency
EBRD	European Bank for Reconstruction and Development	**NAC**	National Advisory Committee on International Financial and Monetary Policy
EPA	Environmental Protection Agency	**NADBank**	North American Development Bank
FAA	Foreign Assistance Act	**NAFTA**	North American Free Trade Association
FSO	Fund for Special Operations (IDB)	**NATO**	North American Treaty Organization
GEF	Global Environment Fund	**NSC**	National Security Council
G-20	Group of 20 Countries (Major developed countries and emerging markets)	**OESC**	Organization for Economic Cooperation and Security ("Helsinki Accords")
HFAC	House Foreign Affairs Committee	**OMB**	Office of Management and Budget
HFSC	House Financial Services Committee (formerly House Banking Committee	**SFRC**	Senate Foreign Relations Committee
IBRD	International Bank for Reconstruction and Development	**USAID**	U.S. Agency for International Development
IDA	International Development Association	**USDA**	U.S. Department of Agriculture
IDB	Inter-American Development Bank	**USED**	U.S. Executive Director
IDCA	International Development Cooperation Agency	**USTR**	U.S. Trade Representative
IFAD	International Fund for Agricultural Development	**WGMA**	Working Group on Multilateral Assistance

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Acknowledgments

A previous version of this report was written by Jonathan E. Sanford, former CRS Specialist in International Trade and Finance.