

# Union Calendar No. 631

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5105

[Report No. 115–814]

To establish the United States International Development Finance Corporation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2018

Mr. YOHO (for himself and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on Foreign Affairs

JULY 11, 2018

Additional sponsors: Mr. ROYCE of California, Mr. McCAUL, Mr. SHERMAN, Mr. POE of Texas, Mr. FRANCIS ROONEY of Florida, Mr. KEATING, Mr. NORMAN, Mr. MOULTON, Mr. CICILLINE, Mr. BUDD, Mr. KIND, Mr. GALLAGHER, Mrs. BROOKS of Indiana, Mr. BERA, Mr. LONG, Mr. BARR, Mr. MEADOWS, Mr. WILSON of South Carolina, Mr. FITZPATRICK, Mr. POCAN, Mr. CASTRO of Texas, Mr. GARRETT, Mr. GUTHRIE, Mr. LARSEN of Washington, Mrs. BEATTY, Ms. BASS, Mr. BACON, Mr. KHANNA, Mr. NORCROSS, Mr. REICHERT, Mr. GOODLATTE, Ms. MOORE, Mr. COOPER, Mr. KATKO, Mr. BLUMENAUER, Mr. MCGOVERN, Mrs. COMSTOCK, Mrs. MCMORRIS RODGERS, Mr. WEBSTER of Florida, Mr. SCALISE, Mr. KILMER, Mr. COFFMAN, and Mr. HECK

JULY 11, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 27, 2018]

# **A BILL**

To establish the United States International Development  
Finance Corporation, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the “Bet-*  
 5 *ter Utilization of Investments Leading to Development Act*  
 6 *of 2018” or the “BUILD Act of 2018”.*

7        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 8 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

**TITLE I—ESTABLISHMENT**

*Sec. 101. Statement of policy.*

*Sec. 102. United States International Development Finance Corporation.*

*Sec. 103. Management of Corporation.*

*Sec. 104. Inspector General of the Corporation.*

*Sec. 105. Independent accountability mechanism.*

**TITLE II—AUTHORITIES**

*Sec. 201. Authorities relating to provision of support.*

*Sec. 202. Terms and conditions.*

*Sec. 203. Payment of losses.*

*Sec. 204. Termination.*

**TITLE III—ADMINISTRATIVE AND GENERAL PROVISIONS**

*Sec. 301. Operations.*

*Sec. 302. Corporate powers.*

*Sec. 303. Maximum contingent liability.*

*Sec. 304. Corporate funds.*

*Sec. 305. Coordination with other development agencies.*

**TITLE IV—MONITORING, EVALUATION, AND REPORTING**

*Sec. 401. Establishment of risk and audit committees.*

*Sec. 402. Performance measures.*

*Sec. 403. Annual report.*

*Sec. 404. Publicly available project information.*

*Sec. 405. Engagement with investors.*

*Sec. 406. Notification of support to be provided by the Corporation.*

**TITLE V—CONDITIONS, RESTRICTIONS, AND PROHIBITIONS**

*Sec. 501. Limitations and preferences.*

*Sec. 502. Additionality and avoidance of market distortion.*

*Sec. 503. Prohibition on support in sanctioned countries and with sanctioned persons.*

*Sec. 504. Penalties for misrepresentation, fraud, and bribery.*

*TITLE VI—TRANSITIONAL PROVISIONS*

*Sec. 601. Definitions.*

*Sec. 602. Reorganization plan.*

*Sec. 603. Transfer of functions.*

*Sec. 604. Termination of Overseas Private Investment Corporation and other superceded authorities.*

*Sec. 605. Transitional authorities.*

*Sec. 606. Savings provisions.*

*Sec. 607. Other terminations.*

*Sec. 608. Incidental transfers.*

*Sec. 609. Reference.*

*Sec. 610. Conforming amendments.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
 4 *TEES.—The term “appropriate congressional commit-*  
 5 *tees” means—*

6 (A) *the Committee on Foreign Relations*  
 7 *and the Committee on Appropriations of the*  
 8 *Senate; and*

9 (B) *the Committee on Foreign Affairs and*  
 10 *the Committee on Appropriations of the House of*  
 11 *Representatives.*

12 (2) *LESS DEVELOPED COUNTRY.—The term “less*  
 13 *developed country” means a country with a low-in-*  
 14 *come economy, lower-middle-income economy, or*  
 15 *upper-middle-income economy, as defined by the*  
 16 *International Bank for Reconstruction and Develop-*

1 *ment and the International Development Association*  
2 *(collectively referred to as the “World Bank”).*

3 (3) *PREDECESSOR AUTHORITY.*—*The term*  
4 *“predecessor authority” means authorities repealed by*  
5 *title VI.*

6 (4) *QUALIFYING SOVEREIGN ENTITY.*—*The term*  
7 *“qualifying sovereign entity” means—*

8 (A) *any agency or instrumentality of a for-*  
9 *foreign state (as defined in section 1603 of title 28,*  
10 *United States Code) that has a purpose that is*  
11 *similar to the purpose of the Corporation as de-*  
12 *scribed in section 102(b); and*

13 (B) *any international financial institution*  
14 *(as defined in section 1701(c) of the Inter-*  
15 *national Financial Institutions Act (22 U.S.C.*  
16 *262r(c))).*

## 17 **TITLE I—ESTABLISHMENT**

### 18 **SEC. 101. STATEMENT OF POLICY.**

19 *It is the policy of the United States to facilitate mar-*  
20 *ket-based private sector development and economic growth*  
21 *in less developed countries through the provision of credit,*  
22 *capital, and other financial support—*

23 (1) *to mobilize private capital in support of sus-*  
24 *tainable, broad-based economic growth, poverty reduc-*  
25 *tion, and development through demand-driven part-*

1        *nerships with the private sector that further the for-*  
2        *oreign policy interests of the United States;*

3            *(2) to finance development in a way that builds*  
4        *and strengthens civic institutions, promotes competi-*  
5        *tion, provides for public accountability and trans-*  
6        *parency;*

7            *(3) to help private sector actors overcome identi-*  
8        *fiable market gaps and inefficiencies without dis-*  
9        *torting markets;*

10          *(4) to achieve clearly defined economic and so-*  
11        *cial development outcomes;*

12          *(5) to coordinate with institutions with purposes*  
13        *similar to the purposes of the Corporation to leverage*  
14        *resources of those institutions to produce the greatest*  
15        *impact;*

16          *(6) to provide countries a robust alternative to*  
17        *state-directed investments by authoritarian govern-*  
18        *ments and United States strategic competitors using*  
19        *high standards of transparency, environmental and*  
20        *social safeguards, and which take into account the*  
21        *debt sustainability of partner countries;*

22          *(7) to leverage private sector capabilities and in-*  
23        *novative development tools to help countries currently*  
24        *receiving United States assistance to transition from*  
25        *their status as recipients of traditional forms of as-*

1        *sistance in order to decrease their reliance on such as-*  
2        *sistance over time;*

3            (8) *to complement and be guided by overall*  
4        *United States foreign policy, development, and na-*  
5        *tional security objectives, taking into account the pri-*  
6        *orities and needs of countries receiving support.*

7        **SEC. 102. UNITED STATES INTERNATIONAL DEVELOPMENT**  
8            **FINANCE CORPORATION.**

9            (a) *ESTABLISHMENT.*—*There is established in the Ex-*  
10        *ecutive branch the United States International Development*  
11        *Finance Corporation (in this Act referred to as the “Cor-*  
12        *poration”), which shall be a wholly owned Government cor-*  
13        *poration (as defined in section 9101 of title 31, United*  
14        *States Code) under the foreign policy guidance of the Sec-*  
15        *retary of State.*

16            (b) *PURPOSE.*—*The purpose of the Corporation shall*  
17        *be to mobilize and facilitate the participation of private*  
18        *sector capital and skills in the economic development of less*  
19        *developed countries, as described in subsection (c), and*  
20        *countries in transition from nonmarket to market econo-*  
21        *mies, in order to complement the development assistance ob-*  
22        *jectives, and advance the foreign policy interests, of the*  
23        *United States. In carrying out its purpose, the Corporation,*  
24        *utilizing broad criteria, shall take into account in its fi-*

1 nancing operations the economic and financial soundness  
2 of projects for which it provides support under title II.

3 (c) *LESS DEVELOPED COUNTRY FOCUS.*—

4 (1) *IN GENERAL.*—The Corporation shall  
5 prioritize the provision of support under title II in  
6 less developed countries with a low-income economy  
7 or a lower-middle-income economy.

8 (2) *SUPPORT IN UPPER-MIDDLE-INCOME COUN-*  
9 *TRIES.*—The Corporation shall restrict the provision  
10 of support under title II in a less developed country  
11 with an upper-middle-income economy unless—

12 (A) the President certifies to the appro-  
13 priate congressional committees that such sup-  
14 port furthers the national economic or foreign  
15 policy interests of the United States; and

16 (B) such support is likely to be highly devel-  
17 opmental or provide developmental benefits to  
18 the poorest population of that country.

19 **SEC. 103. MANAGEMENT OF CORPORATION.**

20 (a) *STRUCTURE OF CORPORATION.*—There shall be in  
21 the Corporation a Board of Directors (in this Act referred  
22 to as the “Board”), a Chief Executive Officer, a Deputy  
23 Chief Executive Officer, a Chief Risk Officer, Chief Develop-  
24 ment Officer, and such other officers as the Board may de-  
25 termine.



1       **(b) BOARD OF DIRECTORS.—**

2               **(1) DUTIES.—***All powers of the Corporation*  
3 *shall vest in and be exercised by or under the author-*  
4 *ity of the Board. The Board—*

5                       **(A)** *shall perform the functions specified to*  
6 *be carried out by the Board in this Act;*

7                       **(B)** *may prescribe, amend, and repeal by-*  
8 *laws, rules, regulations, policies, and procedures*  
9 *governing the manner in which the business of*  
10 *the Corporation may be conducted and in which*  
11 *the powers granted to the Corporation by law*  
12 *may be exercised; and*

13                      **(C)** *shall develop, in consultation with*  
14 *stakeholders and other interested parties, a pub-*  
15 *licly-available policy with respect to consulta-*  
16 *tions, hearings, and other forms of engagement*  
17 *in order to provide for meaningful public par-*  
18 *ticipation in the Board's activities.*

19       **(2) MEMBERSHIP OF BOARD.—**

20                      **(A) IN GENERAL.—***The Board shall consist*  
21 *of—*

22                               **(i)** *the Chief Executive Officer of the*  
23 *Corporation;*

24                               **(ii)** *the officers specified in subpara-*  
25 *graph (B); and*

1           (iii) *four other individuals who shall*  
2 *be appointed by the President, by and with*  
3 *the advice and consent of the Senate, of*  
4 *which—*

5           (I) *one individual should be ap-*  
6 *pointed from among a list of at least*  
7 *five individuals submitted by the ma-*  
8 *jority leader of the Senate after con-*  
9 *sultation with the chairman of the*  
10 *Committee on Foreign Relations of the*  
11 *Senate;*

12          (II) *one individual should be ap-*  
13 *pointed from among a list of at least*  
14 *five individuals submitted by the mi-*  
15 *nority leader of the Senate after con-*  
16 *sultation with the ranking member of*  
17 *the Committee on Foreign Relations of*  
18 *the Senate;*

19          (III) *one individual should be ap-*  
20 *pointed from among a list of at least*  
21 *five individuals submitted by the*  
22 *Speaker of the House of Representa-*  
23 *tives after consultation with the chair-*  
24 *man of the Committee on Foreign Af-*

1           *fairs of the House of Representatives;*  
2           *and*

3                     *(IV) one individual should be ap-*  
4                     *pointed from among a list of at least*  
5                     *five individuals submitted by the mi-*  
6                     *nority leader of the House of Rep-*  
7                     *resentatives after consultation with the*  
8                     *ranking member of the Committee on*  
9                     *Foreign Affairs of the House of Rep-*  
10                    *resentatives.*

11           *(B) OFFICERS SPECIFIED.—*

12                     *(i) IN GENERAL.—The officers specified*  
13                     *in this subparagraph are the following:*

14                             *(I) The Secretary of State or a*  
15                             *designee of the Secretary.*

16                             *(II) The Administrator of the*  
17                             *United States Agency for International*  
18                             *Development or a designee of the Ad-*  
19                             *ministrator.*

20                             *(III) The Secretary of the Treas-*  
21                             *ury or a designee of the Secretary.*

22                             *(IV) The Secretary of Commerce*  
23                             *or a designee of the Secretary.*

1                   (ii) *REQUIREMENTS FOR DES-*  
2                   *IGNEES.—A designee under clause (i) shall*  
3                   *be selected from among officers—*

4                   (I) *appointed by the President, by*  
5                   *and with the advice and consent of the*  
6                   *Senate;*

7                   (II) *whose duties relate to the pro-*  
8                   *grams of the Corporation; and*

9                   (III) *who is designated by and*  
10                  *serving at the pleasure of the Presi-*  
11                  *dent.*

12                  (C) *REQUIREMENTS FOR NON-GOVERNMENT*  
13                  *MEMBERS.—A member of the Board described in*  
14                  *subparagraph (A)(iii)—*

15                  (i) *may not be an officer or employee*  
16                  *of the United States Government;*

17                  (ii) *shall have relevant experience,*  
18                  *which may include experience relating to*  
19                  *the private sector, international environ-*  
20                  *ment, labor organizations, or international*  
21                  *development, to carry out the purposes of*  
22                  *the Corporation;*

23                  (iii) *shall be appointed for a term of 3*  
24                  *years and may be reappointed for one addi-*  
25                  *tional term;*

1                   (iv) shall serve until the member's suc-  
2                   cessor is appointed and confirmed;

3                   (v) shall be compensated at a rate  
4                   equivalent to that of level IV of the Execu-  
5                   tive Schedule under section 5315 of title 5,  
6                   United States Code, when engaged in the  
7                   business of the Corporation; and

8                   (vi) may be paid per diem in lieu of  
9                   subsistence at the applicable rate under the  
10                  Federal Travel Regulation under subtitle F  
11                  of title 41, Code of Federal Regulations,  
12                  from time to time, while away from the  
13                  home or usual place of business of the mem-  
14                  ber.

15               (3) CHAIRPERSON.—There shall be a Chair-  
16               person of the Board designated by the President from  
17               among the individuals described in paragraph (2)(A).

18               (4) VICE CHAIRPERSON.—The Administrator of  
19               the United States Agency for International Develop-  
20               ment, or the designee of the Administrator under  
21               paragraph (2)(B)(i)(II), shall serve as the Vice Chair-  
22               person of the Board.

23               (5) QUORUM.—Five members of the Board shall  
24               constitute a quorum for the transaction of business by  
25               the Board.

1       (c) *PUBLIC HEARINGS.*—

2             (1) *PUBLIC HEARINGS BY THE BOARD.*—*The*  
3       *Board shall hold at least one public hearing each year*  
4       *in order to afford an opportunity for any person to*  
5       *present views with respect to whether—*

6             (A) *the Corporation is carrying out its ac-*  
7       *tivities in accordance with this Act; and*

8             (B) *any support provided by the Corpora-*  
9       *tion under title II in any country should have*  
10       *been or should be extended.*

11            (2) *ADDITIONAL PUBLIC HEARINGS.*—*In conjunc-*  
12       *tion with each meeting of the Board, the Corporation*  
13       *shall hold a public hearing in order to afford an op-*  
14       *portunity for any person to present views regarding*  
15       *the activities of the Corporation. Such views shall be*  
16       *made part of the record.*

17       (d) *CHIEF EXECUTIVE OFFICER.*—

18            (1) *APPOINTMENT.*—*There shall be in the Cor-*  
19       *poration a Chief Executive Officer, who shall be ap-*  
20       *pointed by the President, by and with the advice and*  
21       *consent of the Senate, and who shall serve at the*  
22       *pleasure of the President.*

23            (2) *AUTHORITIES AND DUTIES.*—*The Chief Exec-*  
24       *utive Officer shall be responsible for the management*  
25       *of the Corporation and shall exercise the powers and*

1       *discharge the duties of the Corporation subject to the*  
2       *bylaws, rules, regulations, and procedures established*  
3       *by the Board.*

4               (3) *RELATIONSHIP TO BOARD.*—*The Chief Exec-*  
5       *utive Officer shall report to and be under the direct*  
6       *authority of the Board.*

7               (4) *COMPENSATION.*—*Section 5313 of title 5,*  
8       *United States Code, is amended by adding at the end*  
9       *the following:*

10              “*Chief Executive Officer, United States Inter-*  
11       *national Development Finance Corporation.*”.

12              (e) *DEPUTY CHIEF EXECUTIVE OFFICER.*—*There shall*  
13       *be in the Corporation a Deputy Chief Executive Officer,*  
14       *who shall be appointed by the President, by and with the*  
15       *advice and consent of the Senate, and who shall serve at*  
16       *the pleasure of the President.*

17              (f) *CHIEF RISK OFFICER.*—

18              (1) *APPOINTMENT.*—*Subject to the approval of*  
19       *the Board, the Chief Executive Officer of the Corpora-*  
20       *tion shall appoint a Chief Risk Officer, from among*  
21       *individuals with experience at a senior level in finan-*  
22       *cial risk management, who—*

23                      (A) *shall report directly to the Board; and*

24                      (B) *shall be removable only by a majority*  
25       *vote of the Board.*

1           (2) *DUTIES.*—*The Chief Risk Officer shall, in co-*  
2 *ordination with the audit committee of the Board es-*  
3 *tablished under section 401, develop, implement, and*  
4 *manage a comprehensive process for identifying, as-*  
5 *sessing, monitoring, and limiting risks to the Cor-*  
6 *poration, including the overall portfolio diversifica-*  
7 *tion of the Corporation.*

8           (g) *CHIEF DEVELOPMENT OFFICER.*—

9           (1) *APPOINTMENT.*—*Subject to the approval of*  
10 *the Board, the Chief Executive Officer, in conjunction*  
11 *with the Administrator of the United States Agency*  
12 *for International Development, shall appoint a Chief*  
13 *Development Officer, from among individuals with*  
14 *experience in development, who—*

15                   (A) *shall report directly to the Board; and*

16                   (B) *shall be removable only by a majority*  
17 *vote of the Board.*

18           (2) *DUTIES.*—*The Chief Development Officer*  
19 *shall—*

20                   (A) *coordinate the Corporation's develop-*  
21 *ment policies and implementation efforts with*  
22 *the United States Agency for International De-*  
23 *velopment, the Millennium Challenge Corpora-*  
24 *tion, and other relevant United State Govern-*  
25 *ment departments and agencies, including di-*



1           rectly liaising with missions of the United States  
2           Agency for International Development, to ensure  
3           that departments, agencies, and missions have  
4           training, awareness, and access to the Corpora-  
5           tion's tools in relation to development policy and  
6           projects in countries;

7           (B) under the guidance of the Chief Execu-  
8           tive Officer, manage employees of the Corpora-  
9           tion that are dedicated to structuring, moni-  
10          toring and evaluating transactions and projects  
11          co-designed with the United States Agency for  
12          International Development and other relevant  
13          United State Government departments and agen-  
14          cies;

15          (C) authorize and coordinate transfers of  
16          funds or other resources to and from such agen-  
17          cies, departments, or missions upon the concur-  
18          rence of those institutions in support of the Cor-  
19          poration's projects or activities; and

20          (D) coordinate and implement the activities  
21          of the Corporation under section 405.

22       (h) OFFICERS AND EMPLOYEES.—

23           (1) IN GENERAL.—Except as otherwise provided  
24           in this section, officers, employees, and agents shall be  
25           selected and appointed by the Corporation, and shall

1 *be vested with such powers and duties as the Corpora-*  
2 *tion may determine.*

3 (2) *ADMINISTRATIVELY DETERMINED EMPLOY-*  
4 *EES.—*

5 (A) *APPOINTMENT; COMPENSATION; RE-*  
6 *MOVAL.—Of officers and employees employed by*  
7 *the Corporation under paragraph (1), not to ex-*  
8 *ceed 50 may be appointed, compensated, or re-*  
9 *moved without regard to title 5, United States*  
10 *Code.*

11 (B) *REINSTATEMENT.—Under such regula-*  
12 *tions as the President may prescribe, officers and*  
13 *employees appointed to a position under sub-*  
14 *paragraph (A) may be entitled, upon removal*  
15 *from such position (unless the removal was for*  
16 *cause), to reinstatement to the position occupied*  
17 *at the time of appointment or to a position of*  
18 *comparable grade and salary.*

19 (C) *ADDITIONAL POSITIONS.—Positions au-*  
20 *thorized by subparagraph (A) shall be in addi-*  
21 *tion to those otherwise authorized by law, includ-*  
22 *ing positions authorized under section 5108 of*  
23 *title 5, United States Code.*

24 (D) *RATES OF PAY FOR OFFICERS AND EM-*  
25 *PLOYEES.—The Corporation may set and adjust*

1 *rates of basic pay for officers and employees ap-*  
2 *pointed under subparagraph (A) without regard*  
3 *to the provisions of chapter 51 or subchapter III*  
4 *of chapter 53 of title 5, United States Code, re-*  
5 *lating to classification of positions and General*  
6 *Schedule pay rates, respectively.*

7 *(3) LIABILITY OF EMPLOYEES.—*

8 *(A) IN GENERAL.—An individual who is a*  
9 *member of the Board or an officer or employee*  
10 *of the Corporation has no liability under this*  
11 *Act with respect to any claim arising out of or*  
12 *resulting from any act or omission by the indi-*  
13 *vidual within the scope of the employment of the*  
14 *individual in connection with any transaction*  
15 *by the Corporation.*

16 *(B) RULE OF CONSTRUCTION.—Subpara-*  
17 *graph (A) shall not be construed to limit per-*  
18 *sonal liability of an individual for criminal acts*  
19 *or omissions, willful or malicious misconduct,*  
20 *acts or omissions for private gain, or any other*  
21 *acts or omissions outside the scope of the individ-*  
22 *ual's employment.*

23 *(C) SAVINGS PROVISION.—This paragraph*  
24 *shall not be construed—*

25 *(i) to affect—*

1           (I) any other immunities and  
2           protections that may be available to an  
3           individual described in subparagraph  
4           (A) under applicable law with respect  
5           to a transaction described in that sub-  
6           paragraph; or

7           (II) any other right or remedy  
8           against the Corporation, against the  
9           United States under applicable law, or  
10          against any person other than an indi-  
11          vidual described in subparagraph (A)  
12          participating in such a transaction; or

13          (ii) to limit or alter in any way the  
14          immunities that are available under appli-  
15          cable law for Federal officers and employees  
16          not described in this paragraph.

17 **SEC. 104. INSPECTOR GENERAL OF THE CORPORATION.**

18          *The President shall appoint and maintain an Inspec-*  
19 *tor General in the Corporation, in accordance with the In-*  
20 *spector General Act of 1978 (5 U.S.C. App.).*

21 **SEC. 105. INDEPENDENT ACCOUNTABILITY MECHANISM.**

22          (a) *IN GENERAL.*—*The Board shall establish a trans-*  
23 *parent and independent accountability mechanism.*

24          (b) *FUNCTIONS.*—*The independent accountability*  
25 *mechanism established pursuant to subsection (a) shall—*

1           (1) *annually evaluate and report to the Board*  
2 *and Congress regarding compliance with environ-*  
3 *mental, social, labor, human rights, and transparency*  
4 *standards, consistent with Corporation statutory*  
5 *mandates;*

6           (2) *provide a forum for resolving concerns re-*  
7 *garding the impacts of specific Corporation-supported*  
8 *projects with respect to such standards; and*

9           (3) *provide advice regarding Corporation*  
10 *projects, policies, and practices.*

## 11           **TITLE II—AUTHORITIES**

### 12 **SEC. 201. AUTHORITIES RELATING TO PROVISION OF SUP-** 13 **PORT.**

14           (a) *IN GENERAL.*—*The authorities in this title should*  
15 *only be exercised to—*

16           (1) *carry out of the policy of the United States*  
17 *in section 101 and the purpose of the Corporation in*  
18 *section 102;*

19           (2) *mitigate risks to United States taxpayers by*  
20 *sharing risks with the private sector and qualifying*  
21 *sovereign entities through co-financing and struc-*  
22 *turing of tools; and*

23           (3) *ensure that support provided under this title*  
24 *is additional to private sector resources by mobilizing*

1     *private capital that would otherwise not be deployed*  
2     *without such support.*

3     **(b) LENDING AND GUARANTIES.—**

4             **(1) IN GENERAL.—***The Corporation may make*  
5     *loans or guaranties upon such terms and conditions*  
6     *as the Corporation may determine.*

7             **(2) DENOMINATION.—***Loans and guaranties*  
8     *issued under paragraph (1) may be denominated and*  
9     *repayable in United States dollars or foreign cur-*  
10    *rencies. Foreign currency denominated loans and*  
11    *guaranties should only be provided if the Board deter-*  
12    *mines there is a substantive policy rationale for such*  
13    *loans and guaranties.*

14            **(3) APPLICABILITY OF FEDERAL CREDIT REFORM**  
15    **ACT OF 1990.—***Loans and guaranties issued under*  
16    *paragraph (1) shall be subject to the requirements of*  
17    *the Federal Credit Reform Act of 1990 (2 U.S.C. 661*  
18    *et seq.).*

19    **(c) EQUITY INVESTMENTS.—**

20            **(1) IN GENERAL.—***The Corporation may, as a*  
21    *minority investor, support projects with funds or use*  
22    *other mechanisms for the purpose of purchasing, and*  
23    *may make and fund commitments to purchase, invest*  
24    *in, make pledges in respect of, or otherwise acquire,*  
25    *equity or quasi-equity securities or shares or financial*

1 *interests of any entity, including as a limited partner*  
2 *or other investor in investment funds, upon such*  
3 *terms and conditions as the Corporation may deter-*  
4 *mine.*

5 (2) *DENOMINATION.*—*Support provided under*  
6 *paragraph (1) may be denominated and repayable in*  
7 *United States dollars or foreign currency. Foreign*  
8 *currency denominated support provided by paragraph*  
9 *(1) should only be provided if the Board determines*  
10 *there is a substantive policy rationale for such sup-*  
11 *port.*

12 (3) *GUIDELINES AND CRITERIA.*—*The Corpora-*  
13 *tion shall develop guidelines and criteria to require*  
14 *that the use of the authority provided by paragraph*  
15 *(1) with respect to a project has a clearly defined de-*  
16 *velopment and foreign policy rationale, taking into*  
17 *account the following objectives:*

18 (A) *The support for the project would be*  
19 *more likely than not to substantially reduce or*  
20 *overcome the effect of an identified market fail-*  
21 *ure in the country in which the project is carried*  
22 *out.*

23 (B) *The project would not have proceeded or*  
24 *would have been substantially delayed without*  
25 *the support.*

1           (C) *The support will meaningfully con-*  
2 *tribute to transforming local conditions to pro-*  
3 *mote the development of markets.*

4           (D) *The support can be shown to be aligned*  
5 *with commercial partner incentives.*

6           (E) *The support can be shown to have sig-*  
7 *nificant developmental impact and will con-*  
8 *tribute to long-term commercial sustainability.*

9           (F) *The support furthers the policy of the*  
10 *United States described in section 101.*

11 (4) *LIMITATIONS ON EQUITY INVESTMENTS.—*

12           (A) *PER PROJECT LIMIT.—The aggregate*  
13 *amount of support provided under this sub-*  
14 *section with respect to any project shall not ex-*  
15 *ceed 30 percent of the aggregate amount of all eq-*  
16 *uity investment made from any source to the*  
17 *project at the time that the Corporation approves*  
18 *support of the project.*

19           (B) *TOTAL LIMIT.—Support provided pur-*  
20 *suant to this subsection shall be limited to not*  
21 *more than 35 percent of the Corporation’s aggre-*  
22 *gate exposure on the date that such support is*  
23 *provided.*

24           (5) *SALES AND LIQUIDATION OF POSITION.—The*  
25 *Corporation shall seek to sell and liquidate any sup-*



1        *port for a project provided under this subsection as*  
2        *soon as commercially feasible, commensurate with*  
3        *other similar investors in the project and taking into*  
4        *consideration the national security interests of the*  
5        *United States.*

6            (6) *TIMETABLE.*—*The Corporation shall create a*  
7        *project-specific timetable for support provided under*  
8        *paragraph (1).*

9            (d) *INSURANCE AND REINSURANCE.*—*The Corporation*  
10       *may issue insurance or reinsurance, upon such terms and*  
11       *conditions as the Corporation may determine, to private*  
12       *sector entities and qualifying sovereign entities assuring*  
13       *protection of their investments in whole or in part against*  
14       *any or all political risks such as currency inconvertibility*  
15       *and transfer restrictions, expropriation, war, terrorism,*  
16       *and civil disturbance, breach of contract, or non-honoring*  
17       *of financial obligations.*

18            (e) *PROMOTION OF AND SUPPORT FOR PRIVATE IN-*  
19       *VESTMENT OPPORTUNITIES.*—

20            (1) *IN GENERAL.*—*In order to carry out the pur-*  
21       *poses of the Corporation described in section 102(b),*  
22       *the Corporation may initiate and support, through fi-*  
23       *nancial participation, incentive grant, or otherwise,*  
24       *and on such terms and conditions as the Corporation*  
25       *may determine, feasibility studies for the planning,*

1        *development, and management of, and procurement*  
2        *for, potential bilateral and multilateral development*  
3        *projects eligible for support under this title, including*  
4        *training activities undertaken in connection with*  
5        *such projects, for the purpose of promoting investment*  
6        *in such projects and the identification, assessment,*  
7        *surveying, and promotion of private investment op-*  
8        *portunities, utilizing wherever feasible and effective,*  
9        *the facilities of private investors.*

10            (2) *CONTRIBUTIONS TO COSTS.—The Corpora-*  
11        *tion shall, to the maximum extent practicable, require*  
12        *any person receiving funds under the authorities of*  
13        *this subsection to—*

14                    (A) *share the costs of feasibility studies and*  
15                    *other project planning services funded under this*  
16                    *subsection; and*

17                    (B) *reimburse the Corporation those funds*  
18                    *provided under this section, if the person suc-*  
19                    *ceeds in project implementation.*

20            (f) *SPECIAL PROJECTS AND PROGRAMS.—The Cor-*  
21        *poration may administer and manage special projects and*  
22        *programs in support of specific transactions undertaken by*  
23        *the Corporation, including programs of financial and advi-*  
24        *sory support that provide private technical, professional, or*  
25        *managerial assistance in the development of human re-*

1 *sources, skills, technology, capital savings, and intermediate*  
2 *financial and investment institutions and cooperatives and*  
3 *including the initiation of incentives, grants, and studies*  
4 *for renewable energy, microenterprise households, women’s*  
5 *economic empowerment, microenterprise households, and*  
6 *other small business activities.*

7 *(g) ENTERPRISE FUNDS.—*

8 *(1) IN GENERAL.—The Corporation may, fol-*  
9 *lowing consultation with the Secretary of State, the*  
10 *Administrator of the United States Agency for Inter-*  
11 *national Development, and the heads of other relevant*  
12 *departments or agencies, establish and operate enter-*  
13 *prise funds in accordance with this subsection.*

14 *(2) PROCEDURES AND REQUIREMENTS.—The*  
15 *provisions of section 201 of the Support for East Eu-*  
16 *ropean Democracy (SEED) Act of 1989 (22 U.S.C.*  
17 *5421) (other than the provisions of subsections (a),*  
18 *(b), (c), (d)(1), (d)(3), (e), (f), and (j) of that section),*  
19 *shall be deemed to apply with respect to any enter-*  
20 *prise fund established by the Corporation under this*  
21 *subsection and to funds made available to any such*  
22 *enterprise fund in the same manner and to the same*  
23 *extent as such provisions apply with respect to enter-*  
24 *prise funds established pursuant to such section 201*

1        *or to funds made available to enterprise funds estab-*  
2        *lished under that section.*

3            (3) *PURPOSES FOR WHICH SUPPORT MAY BE*  
4        *PROVIDED.—The Corporation, subject to the approval*  
5        *of the Board, may designate private, nonprofit orga-*  
6        *nizations as eligible to receive support under this sub-*  
7        *section for the following purposes:*

8            (A) *To promote development of economic*  
9        *freedom and private sectors, including small-*  
10       *and medium-sized enterprises and joint ventures*  
11       *with the United States and host country partici-*  
12       *pants.*

13          (B) *To facilitate access to the credit to*  
14       *small- and medium-sized enterprises with sound*  
15       *business plans in countries where there is limited*  
16       *means of accessing credit on market terms.*

17          (C) *To promote policies and practices con-*  
18       *ducive to economic freedom and private sector*  
19       *development.*

20          (D) *To attract foreign direct investment*  
21       *capital to further promote private sector develop-*  
22       *ment and economic freedom.*

23          (E) *To complement the work of the United*  
24       *States Agency for International Development*  
25       *and other donors to improve the overall business-*

1           *enabling environment, financing the creation*  
2           *and expansion of the private business sector.*

3           *(F) To make financially sustainable invest-*  
4           *ments designed to generate measurable social*  
5           *benefits and build technical capacity in addition*  
6           *to financial returns.*

7           (4) *OPERATION OF FUNDS.—*

8           *(A) EXPENDITURES.—Funds made avail-*  
9           *able to an enterprise fund shall be expended at*  
10           *the minimum rate necessary to make timely*  
11           *payments for projects and activities carried out*  
12           *under this subsection.*

13           *(B) ADMINISTRATIVE EXPENSES.—Not more*  
14           *than 3 percent of the funds made available to an*  
15           *enterprise fund may be obligated or expended for*  
16           *the administrative expenses of the enterprise*  
17           *fund.*

18           (5) *BOARD OF DIRECTORS.—Each enterprise*  
19           *fund established under this subsection should be gov-*  
20           *erned by a Board of Directors comprised of private*  
21           *citizens of the United States or the host country,*  
22           *who—*

23           *(A) shall be appointed by the President*  
24           *after consultation with the chairmen and rank-*

1            *ing members of the appropriate congressional*  
2            *committees; and*

3            *(B) have pursued careers in international*  
4            *business and have demonstrated expertise in*  
5            *international and emerging market investment*  
6            *activities.*

7            *(6) MAJORITY MEMBER REQUIREMENT.—The*  
8            *majority of the members of the Board of Directors*  
9            *shall be United States citizens who shall have relevant*  
10           *experience relating to the purposes described in para-*  
11           *graph (3).*

12           *(7) REPORTS.—Not later than one year after the*  
13           *date of the establishment of an enterprise fund under*  
14           *this subsection, and annually thereafter until the en-*  
15           *terprise fund terminates in accordance with para-*  
16           *graph (10), the Board of Directors of the enterprise*  
17           *fund shall—*

18           *(A) submit to the appropriate congressional*  
19           *committees a report—*

20           *(i) detailing the administrative ex-*  
21           *penses of the enterprise fund during the*  
22           *year preceding the submission of the report;*

23           *(ii) describing the operations, activi-*  
24           *ties, engagement with civil society and rel-*  
25           *evant local private sector entities, develop-*

1 *ment objectives and outcomes, financial con-*  
2 *dition, and accomplishments of the enter-*  
3 *prise fund during that year;*

4 *(iii) describing the results of the audit*  
5 *conducted under paragraph (8) during that*  
6 *year; and*

7 *(iv) describing how audits conducted*  
8 *under paragraph (8) are informing the op-*  
9 *erations and activities of the enterprise*  
10 *fund; and*

11 *(B) publish, on a publicly available internet*  
12 *website of the enterprise fund, each report re-*  
13 *quired by subparagraph (A).*

14 *(8) OVERSIGHT.—*

15 *(A) INSPECTOR GENERAL PERFORMANCE*  
16 *AUDITS.—*

17 *(i) IN GENERAL.—The Inspector Gen-*  
18 *eral of the Corporation shall conduct peri-*  
19 *odic audits of the activities of each enter-*  
20 *prise fund established under this subsection.*

21 *(ii) CONSIDERATION.—In conducting*  
22 *an audit under clause (i), the Inspector*  
23 *General shall assess whether the activities of*  
24 *the enterprise fund—*

1                   (I) support the purposes described  
2                   in paragraph (3);

3                   (II) result in profitable private  
4                   sector investing; and

5                   (III) generate measurable social  
6                   benefits.

7                   (B) *RECORDKEEPING REQUIREMENTS.*—The  
8                   Corporation shall ensure that each enterprise  
9                   fund receiving support under this subsection—

10                   (i) keeps separate accounts with respect  
11                   to such support; and

12                   (ii) maintains such records as may be  
13                   reasonably necessary to facilitate effective  
14                   audits under this paragraph.

15                   (9) *RETURN OF FUNDS TO TREASURY.*—Any  
16                   funds resulting from any liquidation, dissolution, or  
17                   winding up of an enterprise fund, in whole or in  
18                   part, shall be returned to the Treasury of the United  
19                   States.

20                   (10) *TERMINATION.*—The authority of an enter-  
21                   prise fund to provide support under this subsection  
22                   shall terminate on the earlier of—

23                   (A) the date that is 7 years after the date  
24                   of the first expenditure of amounts from the en-  
25                   terprise fund; or



1                   (B) the date on which the enterprise fund is  
2                   liquidated.

3           (h) *SUPERVISION OF SUPPORT.*—Support provided  
4 under this title shall be subject to section 622(c) of the For-  
5 eign Assistance Act of 1961 (22 U.S.C. 2382(c)).

6 **SEC. 202. TERMS AND CONDITIONS.**

7           (a) *IN GENERAL.*—Except as provided in subsection  
8 (b), support provided by the Corporation under this title  
9 shall be on such terms and conditions as the Corporation  
10 may prescribe.

11           (b) *REQUIREMENTS.*—The following requirements  
12 apply to support provided by the Corporation under this  
13 title:

14                   (1) The Corporation shall provide support using  
15 authorities under this title only if it is necessary—

16                           (A) to alleviate a credit market imperfec-  
17                           tion; or

18                           (B) to achieve specified development or for-  
19                           eign policy objectives of the United States Gov-  
20                           ernment by providing support in the most effi-  
21                           cient way to meet those objectives on a case-by-  
22                           case basis.

23                   (2) The final maturity of a loan made or guar-  
24                   anteed by the Corporation shall not exceed the lesser  
25                   of—

1                   (A) 25 years; or

2                   (B) debt servicing capabilities of the project  
3                   to be financed by the loan (as determined by the  
4                   Corporation).

5                   (3) The Corporation shall, with respect to pro-  
6                   viding any loan guaranty to a project, require the  
7                   parties to the project to bear the risk of loss in an  
8                   amount equal to at least 20 percent of the guaranteed  
9                   support by the Corporation in the project.

10                  (4) The Corporation may not make or guarantee  
11                  a loan unless the Corporation determines that the bor-  
12                  rower or lender is responsible and that adequate pro-  
13                  vision is made for servicing the loan on reasonable  
14                  terms and protecting the financial interest of the  
15                  United States.

16                  (5) The interest rate for direct loans and interest  
17                  supplements on guaranteed loans shall be set by ref-  
18                  erence to a benchmark interest rate (yield) on market-  
19                  able Treasury securities or other widely recognized or  
20                  appropriate benchmarks with a similar maturity to  
21                  the loans being made or guaranteed, as determined in  
22                  consultation with the Director of the Office of Man-  
23                  agement and Budget and the Secretary of the Treas-  
24                  ury. The Corporation shall establish appropriate min-

1 *imum interest rates for loans, guaranties, and other*  
2 *instruments as necessary.*

3 *(6) The minimum interest rate for new loans as*  
4 *established by the Corporation shall be adjusted peri-*  
5 *odically to take account of changes in the interest rate*  
6 *of the benchmark financial instrument.*

7 *(7)(A) The Corporation shall set fees or pre-*  
8 *miums for support provided under this title at levels*  
9 *that minimize the cost to the Government while sup-*  
10 *porting achievement of the objectives of support.*

11 *(B) The Corporation shall review fees for loan*  
12 *guaranties periodically to ensure that the fees assessed*  
13 *on new loan guaranties are at a level sufficient to*  
14 *cover the Corporation's most recent estimates of its*  
15 *costs.*

16 *(8) Any loan guaranty provided by the Corpora-*  
17 *tion shall be conclusive evidence that—*

18 *(A) the guaranty has been properly ob-*  
19 *tained;*

20 *(B) the loan qualified for the guaranty; and*

21 *(C) but for fraud or material misrepresenta-*  
22 *tion by the holder of the guaranty, the guaranty*  
23 *is presumed to be valid, legal, and enforceable.*

24 *(9) The Corporation shall prescribe explicit*  
25 *standards for use in periodically assessing the credit*

1     *risk of new and existing direct loans or guaranteed*  
2     *loans.*

3             (10) *The Corporation may not make loans or*  
4     *loan guaranties except to the extent that budget au-*  
5     *thority to cover the costs of the loans or guaranties is*  
6     *provided in advance in an appropriations Act, as re-*  
7     *quired by section 504 of the Federal Credit Reform*  
8     *Act of 1990 (2 U.S.C. 661c).*

9             (11) *The Corporation shall rely upon specific*  
10    *standards to assess the developmental and strategic*  
11    *value of projects for which it provides support and*  
12    *should only provide the minimum level of support*  
13    *necessary in order to support such projects.*

14            (12) *Any loan or loan guaranty made by the*  
15    *Corporation should be provided on a senior basis or*  
16    *pari passu with other senior debt unless there is a*  
17    *substantive policy rationale to provide such support*  
18    *otherwise.*

19    **SEC. 203. PAYMENT OF LOSSES.**

20            (a) *PAYMENTS FOR DEFAULTS ON GUARANTEED*  
21    *LOANS.—*

22            (1) *IN GENERAL.—If the Corporation determines*  
23    *that the holder of a loan guaranteed by the Corpora-*  
24    *tion suffers a loss as a result of a default by a bor-*  
25    *rower on the loan, the Corporation shall pay to the*

1       holder the percent of the loss, as specified in the guar-  
2       anty contract after the holder of the loan has made  
3       such further collection efforts and instituted such en-  
4       forcement proceedings as the Corporation may re-  
5       quire.

6               (2) *SUBROGATION.*—Upon making a payment  
7       described in paragraph (1), the Corporation shall en-  
8       sure the Corporation will be subrogated to all the  
9       rights of the recipient of the payment.

10              (3) *RECOVERY EFFORTS.*—The Corporation shall  
11       pursue recovery from the borrower of the amount of  
12       any payment made under paragraph (1) with respect  
13       to the loan.

14              (b) *LIMITATION ON PAYMENTS.*—

15              (1) *IN GENERAL.*—Except as provided by para-  
16       graph (2), compensation for insurance, reinsurance,  
17       or a guaranty issued under this title shall not exceed  
18       the dollar value of the tangible or intangible contribu-  
19       tions or commitments made in the project, plus inter-  
20       est, earnings, or profits actually accrued on such con-  
21       tributions or commitments, to the extent provided by  
22       such insurance, reinsurance, or guaranty.

23              (2) *EXCEPTION.*—

24              (A) *IN GENERAL.*—The Corporation may  
25       provide that—

1           (i) appropriate adjustments in the in-  
2           sured dollar value be made to reflect the re-  
3           placement cost of project assets; and

4           (ii) compensation for a claim of loss  
5           under insurance of an equity investment  
6           under section 201(b) may be computed on  
7           the basis of the net book value attributable  
8           to the equity investment on the date of loss.

9           (3) *ADDITIONAL LIMITATION.*—

10           (A) *IN GENERAL.*—Notwithstanding para-  
11           graph (2)(A)(ii) and except as provided in sub-  
12           paragraph (B), the Corporation shall limit the  
13           amount of direct insurance and reinsurance  
14           issued under section 201 with respect to a project  
15           so as to require that the insured and its affiliates  
16           bear the risk of loss for at least 10 percent of the  
17           amount of the Corporation’s exposure to that in-  
18           sured and its affiliates in the project.

19           (B) *EXCEPTION.*—The limitation under  
20           subparagraph (A) shall not apply to direct in-  
21           surance or reinsurance of loans provided by  
22           banks or other financial institutions to unrelated  
23           parties.

24           (c) *ACTIONS BY ATTORNEY GENERAL.*—The Attorney  
25           General shall take such action as may be appropriate to

1 *enforce any right accruing to the United States as a result*  
 2 *of the issuance of any loan or guaranty under this title.*

3 (d) *RULE OF CONSTRUCTION.*—*Nothing in this section*  
 4 *shall be construed to preclude any forbearance for the ben-*  
 5 *efit of a borrower that may be agreed upon by the parties*  
 6 *to a loan guaranteed by the Corporation if budget authority*  
 7 *for any resulting costs to the United States Government (as*  
 8 *defined in section 502 of the Federal Credit Reform Act of*  
 9 *1990 (2 U.S.C. 661a)) is available.*

10 **SEC. 204. TERMINATION.**

11 (a) *IN GENERAL.*—*The authorities provided under this*  
 12 *title terminate on the date that is 7 years after the date*  
 13 *of the enactment of this Act.*

14 (b) *TERMINATION OF CORPORATION.*—*The Corpora-*  
 15 *tion shall terminate on the date on which the portfolio of*  
 16 *the Corporation is liquidated.*

17 **TITLE III—ADMINISTRATIVE AND**  
 18 **GENERAL PROVISIONS**

19 **SEC. 301. OPERATIONS.**

20 (a) *BILATERAL AGREEMENTS.*—*The Corporation may*  
 21 *provide support under title II in connection with projects*  
 22 *in any country the government of which has entered into*  
 23 *an agreement with the United States authorizing the Cor-*  
 24 *poration to provide such support in that country.*

25 (b) *CLAIMS SETTLEMENT.*—

1           (1) *IN GENERAL.*—*Claims arising as a result of*  
2           *support provided under title II or under predecessor*  
3           *authority may be settled, and disputes arising as a*  
4           *result thereof may be arbitrated with the consent of*  
5           *the parties, on such terms and conditions as the Cor-*  
6           *poration may determine.*

7           (2) *SETTLEMENTS CONCLUSIVE.*—*Payment made*  
8           *pursuant to any settlement pursuant to paragraph*  
9           *(1), or as a result of an arbitration award, shall be*  
10          *final and conclusive notwithstanding any other provi-*  
11          *sion of law.*

12          (c) *PRESUMPTION OF COMPLIANCE.*—*Each contract*  
13          *executed by such officer or officers as may be designated*  
14          *by the Board shall be conclusively presumed to be issued*  
15          *in compliance with the requirements of this Act.*

16          (d) *ELECTRONIC PAYMENTS AND DOCUMENTS.*—*The*  
17          *Corporation shall implement policies to accept electronic*  
18          *documents and electronic payments in all of its programs.*

19          **SEC. 302. CORPORATE POWERS.**

20          (a) *IN GENERAL.*—*The Corporation—*

21                  (1) *may adopt, alter, and use a seal, to include*  
22                  *an identifiable symbol of the United States;*

23                  (2) *may make and perform such contracts, in-*  
24                  *cluding no-cost contracts (as defined by the Corpora-*  
25                  *tion), grants, and other agreements notwithstanding*



1 *division C of subtitle I of title 41, United States Code,*  
2 *with any person or government however designated*  
3 *and wherever situated, as may be necessary for car-*  
4 *rying out the functions of the Corporation;*

5 *(3) may lease, purchase, or otherwise acquire,*  
6 *improve, and use such real property wherever situ-*  
7 *ated, as may be necessary for carrying out the func-*  
8 *tions of the Corporation;*

9 *(4) may accept cash gifts or donations of services*  
10 *or of property (real, personal, or mixed), tangible or*  
11 *intangible, for the purpose of carrying out the func-*  
12 *tions of the Corporation;*

13 *(5) may use the United States mails in the same*  
14 *manner and on the same conditions as the Executive*  
15 *departments (as defined in section 101 of title 5,*  
16 *United States Code);*

17 *(6) may contract with individuals for personal*  
18 *services, who shall not be considered Federal employ-*  
19 *ees for any provision of law administered by the Di-*  
20 *rector of the Office of Personnel Management;*

21 *(7) may hire or obtain passenger motor vehicles;*

22 *(8) may sue and be sued in its corporate name;*

23 *(9) may acquire, hold, or dispose of, upon such*  
24 *terms and conditions as the Corporation may deter-*

1       *mine, any property, real, personal, or mixed, tangible*  
2       *or intangible, or any interest in such property;*

3               *(10) may lease office space for the Corporation's*  
4       *own use, the obligation of amounts for such lease is*  
5       *limited to the current fiscal year for which payments*  
6       *are due until the expiration of the current lease of the*  
7       *predecessor authority, as of the day before the date of*  
8       *the enactment of this Act;*

9               *(11) may indemnify directors, officers, employ-*  
10       *ees, and agents of the Corporation for liabilities and*  
11       *expenses incurred in connection with their activities*  
12       *on behalf of the Corporation;*

13               *(12) notwithstanding any other provision of law,*  
14       *may represent itself or contract for representation in*  
15       *all legal and arbitral proceedings;*

16               *(13) may exercise any priority of the Govern-*  
17       *ment of the United States in collecting debts from*  
18       *bankrupt, insolvent, or decedents' estates;*

19               *(14) may collect, notwithstanding section*  
20       *3711(g)(1) of title 31, United States Code, or com-*  
21       *promise any obligations assigned to or held by the*  
22       *Corporation, including any legal or equitable rights*  
23       *accruing to the Corporation;*

24               *(15) may make arrangements with foreign gov-*  
25       *ernments (including agencies, instrumentalities, or*

1       *political subdivisions of such governments) or with*  
2       *multilateral organizations or institutions for sharing*  
3       *liabilities;*

4             *(16) may sell direct investments of the Corpora-*  
5       *tion to private investors upon such terms and condi-*  
6       *tions as the Corporation may determine; and*

7             *(17) shall have such other powers as may be nec-*  
8       *essary and incident to carrying out the functions of*  
9       *the Corporation.*

10       *(b) TREATMENT OF PROPERTY.—Notwithstanding any*  
11       *other provision of law relating to the acquisition, handling,*  
12       *or disposal of property by the United States, the Corpora-*  
13       *tion shall have the right in its discretion to complete, recon-*  
14       *dition, reconstruct, renovate, repair, maintain, operate, or*  
15       *sell any property acquired by the Corporation pursuant to*  
16       *the provisions of this Act.*

17       **SEC. 303. MAXIMUM CONTINGENT LIABILITY.**

18             *(a) IN GENERAL.—The maximum contingent liability*  
19       *of the Corporation outstanding at any one time shall not*  
20       *exceed in the aggregate the amount specified in subsection*  
21       *(b).*

22             *(b) AMOUNT SPECIFIED.—*

23                 *(1) INITIAL 5-YEAR PERIOD.—The amount speci-*  
24       *fied in this subsection for the 5-year period beginning*

1       on the date of the enactment of this Act, is  
2       \$60,000,000,000.

3           (2) *SUBSEQUENT 5-YEAR PERIODS.*—Not later  
4       than 5 years after the date of the enactment of this  
5       Act, and not less frequently than every 5 years there-  
6       after, the amount specified in paragraph (1) shall be  
7       adjusted to reflect the percentage of the increase (if  
8       any) in the average of the Consumer Price Index dur-  
9       ing the preceding 5-year period.

10          (3) *CONSUMER PRICE INDEX DEFINED.*—In this  
11       subsection, the term “Consumer Price Index” means  
12       the most recent Consumer Price Index for All Urban  
13       Consumers published by the Bureau of Labor Statis-  
14       tics of the Department of Labor.

15   **SEC. 304. CORPORATE FUNDS.**

16          (a) *CORPORATE CAPITAL ACCOUNT.*—There is estab-  
17       lished in the Treasury of the United States a fund to be  
18       known as the “Corporate Capital Account” to carry out the  
19       purposes of the Corporation.

20          (b) *FUNDING.*—The Corporate Capital Account shall  
21       consist of—

22           (1) *fees charged and collected pursuant to sub-*  
23       *section (c);*

24           (2) *any amounts received pursuant to subsection*  
25       *(e);*

1           (3) *investments and returns on such investments*  
2           *pursuant to subsection (g);*

3           (4) *unexpended balances transferred to the Cor-*  
4           *poration pursuant to subsection (h);*

5           (5) *payments received in connection with settle-*  
6           *ments of all insurance and reinsurance claims of the*  
7           *Corporation; and*

8           (6) *all other collections transferred to or earned*  
9           *by the Corporation, excluding the cost, as defined in*  
10          *section 502 of the Federal Credit Reform Act of 1990,*  
11          *of loans and loan guaranties.*

12          (c) *COLLECTIONS.—Fees may be charged and collected*  
13          *for providing services in amounts to be determined by the*  
14          *Corporation as provided in advance in appropriations*  
15          *Acts.*

16          (d) *USES.—*

17               (1) *IN GENERAL.—Subject to Acts making ap-*  
18               *propriations, the Corporation is authorized to pay—*

19                       (A) *the cost, as defined in section 502 of the*  
20                       *Federal Credit Reform Act of 1990, of loans and*  
21                       *loan guaranties;*

22                       (B) *administrative expenses of the Corpora-*  
23                       *tion; and*

1           (C) for the cost of providing support author-  
2           ized by subsections (c), (e), (f), and (g) of section  
3           201.

4           (2) *INCOME AND REVENUE.*—In order to carry  
5           out the purposes of the Corporation, all collections  
6           transferred to or earned by the Corporation, excluding  
7           the cost, as defined in section 502 of the Federal Cred-  
8           it Reform Act of 1990, of loans and loan guaranties,  
9           shall be deposited into the Corporate Capital Account  
10          and shall be available to carry out its purpose, in-  
11          cluding without limitation—

12                   (A) payment of all insurance and reinsur-  
13                   ance claims of the Corporation;

14                   (B) repayments to the Treasury of amounts  
15                   borrowed under subsection (e);

16                   (C) dividend payments to the Treasury  
17                   under subsection (f); and

18                   (D) project-specific transaction costs.

19          (e) *FULL FAITH AND CREDIT.*—

20                   (1) *IN GENERAL.*—All support provided pursu-  
21                   ant to predecessor authorities or title II shall continue  
22                   to constitute obligations of the United States, and the  
23                   full faith and credit of the United States is hereby  
24                   pledged for the full payment and performance of such  
25                   obligations.

1           (2) *AUTHORITY TO BORROW.*—*The Corporation*  
2           *is authorized to borrow from the Treasury such sums*  
3           *as may be necessary to fulfill such obligations of the*  
4           *United States and any such borrowing shall be at a*  
5           *rate determined by the Secretary of the Treasury, tak-*  
6           *ing into consideration the current average market*  
7           *yields on outstanding marketable obligations of the*  
8           *United States of comparable maturities, for a period*  
9           *jointly determined by the Corporation and the Sec-*  
10          *retary, and subject to such terms and conditions as*  
11          *the Secretary may require.*

12          (f) *DIVIDENDS.*—*The Board, in consultation with the*  
13          *Director of the Office of Management and Budget, shall an-*  
14          *nually assess a dividend payment to the Treasury if the*  
15          *Corporation's insurance portfolio is more than 100 percent*  
16          *reserved.*

17          (g) *INVESTMENT AUTHORITY.*—

18                 (1) *IN GENERAL.*—*The Corporation may request*  
19                 *the Secretary of the Treasury to invest such portion*  
20                 *of the Corporate Capital Account as is not, in the*  
21                 *Corporation's judgement, required to meet the current*  
22                 *needs of the Corporate Capital Account.*

23                 (2) *FORM OF INVESTMENTS.*—*Such investments*  
24                 *shall be made by the Secretary of the Treasury in*  
25                 *public debt obligations, with maturities suitable to the*

1        *needs of the Corporate Capital Account, as deter-*  
2        *mined by the Corporation, and bearing interest at*  
3        *rates determined by the Secretary, taking into consid-*  
4        *eration current market yields on outstanding market-*  
5        *able obligations of the United States of comparable*  
6        *maturities.*

7        *(h) TRANSFER FROM PREDECESSOR AGENCIES AND*  
8        *PROGRAMS.—By the date end of the transition period de-*  
9        *scribed in title VI, the unexpended balances, assets, and re-*  
10       *sponsibilities of any agency specified in the plan required*  
11       *by section 602 shall be transferred to the Corporation.*

12       *(i) TRANSFER OF FUNDS.—In order to carry out this*  
13       *Act, funds authorized to be appropriated to carry out the*  
14       *Foreign Assistance Act of 1961 may be transferred to the*  
15       *Corporation and funds authorized appropriated to the Cor-*  
16       *poration may be transferred to the Department of State and*  
17       *the United States Agency for International Development.*

18       *(j) DEFINITION.—In this section, the term “project-*  
19       *specific transaction costs”—*

20                *(1) means those costs incurred by the Corpora-*  
21        *tion for travel, legal expenses, and direct and indirect*  
22        *costs incurred in claims settlements associated with*  
23        *the provision of support under title II and shall not*  
24        *be considered administrative expenses for the purposes*  
25        *of this section; and*



1           (2) does not include information technology (as  
2       such term is defined in section 11101 of title 40,  
3       United States Code).

4 **SEC. 305. COORDINATION WITH OTHER DEVELOPMENT**  
5                                   **AGENCIES.**

6       *It is the sense of Congress that the Corporation should*  
7 *use relevant data of the Department of State, Millennium*  
8 *Challenge Corporation, United States Agency for Inter-*  
9 *national Development, and other departments and agencies*  
10 *that have development functions to better inform the deci-*  
11 *sions of the Corporation with respect to providing support*  
12 *under title II.*

13                                   **TITLE IV—MONITORING,**  
14 **EVALUATION, AND REPORTING**

15 **SEC. 401. ESTABLISHMENT OF RISK AND AUDIT COMMIT-**  
16                                   **TEES.**

17       (a) *IN GENERAL.*—*To assist the Board to fulfill its du-*  
18 *ties and responsibilities under section 201(a), the Corpora-*  
19 *tion shall establish a risk committee and an audit com-*  
20 *mittee.*

21       (b) *DUTIES AND RESPONSIBILITIES OF RISK COM-*  
22 *MITTEE.*—*Subject to the direction of the Board, the risk*  
23 *committee established under subsection (a) shall have over-*  
24 *sight responsibility of—*

1           (1) *formulating risk management policies of the*  
2           *operations of the Corporation;*

3           (2) *reviewing and providing guidance on oper-*  
4           *ation of the Corporation’s global risk management*  
5           *framework;*

6           (3) *developing policies for enterprise risk man-*  
7           *agement, monitoring, and management of strategic,*  
8           *reputational, regulatory, operational, developmental,*  
9           *environmental, social, and financial risks;*

10          (4) *developing the risk profile of the Corporation,*  
11          *including a risk management and compliance frame-*  
12          *work and governance structure to support such frame-*  
13          *work; and*

14          (5) *developing policies and procedures for assess-*  
15          *ing, prior to providing, and during any period dur-*  
16          *ing which the Corporation provides, support to any*  
17          *foreign entities, whether such entities have in place*  
18          *sufficient enhanced due diligence policies and prac-*  
19          *tices to prevent money laundering and corruption to*  
20          *ensure the Corporation does not provide support to*  
21          *persons that are—*

22                  (A) *knowingly engaging in acts of corrup-*  
23                  *tion;*

1                   (B) knowingly providing material or finan-  
2                   cial support for terrorism, drug trafficking, or  
3                   human trafficking; or

4                   (C) responsible for ordering or otherwise di-  
5                   recting serious or gross violations of human  
6                   rights.

7           (c) *DUTIES AND RESPONSIBILITIES OF AUDIT COM-*  
8 *MITTEE.*—Subject to the direction of the Board, the audit  
9 committee established under subsection (a) shall have the  
10 oversight responsibility of—

11                   (1) the integrity of the Corporation’s financial  
12                   reporting and systems of internal controls regarding  
13                   finance and accounting;

14                   (2) the integrity of the Corporation’s financial  
15                   statements;

16                   (3) the performance of the Corporation’s internal  
17                   audit function; and

18                   (4) compliance with legal and regulatory re-  
19                   quirements related to the finances of the Corporation.

20 **SEC. 402. PERFORMANCE MEASURES.**

21           (a) *IN GENERAL.*—The Corporation shall develop a  
22 performance measurement system to evaluate and monitor  
23 projects supported by the Corporation under title II and  
24 to guide future projects of the Corporation.

1       (b) *CONSIDERATIONS.*—*In developing the performance*  
2 *measurement system required by subsection (a), the Cor-*  
3 *poration shall—*

4           (1) *develop a successor for the development im-*  
5 *port measurement system of the Overseas Private In-*  
6 *vestment Corporation (as such system was in effect on*  
7 *the day before the date of enactment of this Act);*

8           (2) *develop a mechanism for ensuring that sup-*  
9 *port provided by the Corporation under title II is in*  
10 *addition to private investment;*

11          (3) *develop standards for, and a method for en-*  
12 *sureing, appropriate financial performance of the Cor-*  
13 *poration’s portfolio; and*

14          (4) *develop standards for, and a method for en-*  
15 *sureing, appropriate development performance of the*  
16 *Corporation’s portfolio, including—*

17           (A) *measurement of the projected and ex*  
18 *post development impact of a project; and*

19           (B) *the information necessary to comply*  
20 *with section 403.*

21       (c) *PUBLIC AVAILABILITY OF CERTAIN INFORMA-*  
22 *TION.*—*The Corporation shall make available to the public*  
23 *on a regular basis information about support provided by*  
24 *the Corporation under title II and performance metrics*  
25 *about such support on a country-by-country basis.*

1       (d) *COLLABORATION.*—*In developing the performance*  
2 *measurement system required by subsection (a), the Cor-*  
3 *poration shall consult with stakeholders and other interested*  
4 *parties engaged in sustainable economic growth and devel-*  
5 *opment.*

6 **SEC. 403. ANNUAL REPORT.**

7       (a) *IN GENERAL.*—*After the end of each fiscal year,*  
8 *the Corporation shall submit to the appropriate congres-*  
9 *sional committees a complete and detailed report of its oper-*  
10 *ations during that fiscal year, including an assessment of—*

11           (1) *the economic and social development impact,*  
12 *including with respect to matters described in sub-*  
13 *sections (d) and (e) of section 501, of projects sup-*  
14 *ported by the Corporation under title II;*

15           (2) *the extent to which the operations of the Cor-*  
16 *poration complement or are compatible with the de-*  
17 *velopment assistance programs of the United States*  
18 *and qualifying sovereign entities;*

19           (3) *the Corporation’s institutional linkages with*  
20 *other relevant United States Government department*  
21 *and agencies, including efforts to strengthen such*  
22 *linkages; and*

23           (4) *the compliance of projects supported by the*  
24 *Corporation under title II with all relevant human*  
25 *rights, environmental, labor, and social policies, or*

1        *other such related policies that govern the Corpora-*  
2        *tion’s support for projects, promulgated or otherwise*  
3        *administered by the Corporation.*

4        *(b) ELEMENTS.—Each annual report required by sub-*  
5        *section (a) shall include projections of the effects of projects*  
6        *supported by the Corporation under title II, including—*

7                *(1) reviews and analysis of—*

8                        *(A) the desired development and whether or*  
9                        *not the Corporation is meeting the associated*  
10                      *metrics, goals, and development objectives, in-*  
11                      *cluding, to the extent practicable, in the years*  
12                      *after conclusion of projects; and*

13                      *(B) the effect of the Corporation’s support*  
14                      *on access to capital and ways in which the Cor-*  
15                      *poration is addressing identifiable market gaps*  
16                      *or inefficiencies and what impact, if any, such*  
17                      *support has on access to credit for a specific*  
18                      *project, country, or sector;*

19                *(2) an explanation of any partnership arrange-*  
20        *ment or cooperation with a qualifying sovereign enti-*  
21        *ty in support of each project;*

22                *(3) projections of—*

23                      *(A) development outcomes, and whether or*  
24                      *not support for projects are meeting the associ-*  
25                      *ated performance measures, both during the*

1           *start-up phase and over the duration of the sup-*  
2           *port, and to the extent practicable, measures of*  
3           *such development outcomes should be on a gen-*  
4           *der-disaggregated basis, such as changes in em-*  
5           *ployment, access to financial services, enterprise*  
6           *development and growth, and composition of ex-*  
7           *ecutive boards and senior leadership of enter-*  
8           *prises receiving support under title II; and*

9                     *(B) the amount of private sector assets*  
10           *brought to bear relative to the amount of support*  
11           *provided by the Corporation and any other pub-*  
12           *lic sector support; and*

13           *(4) an assessment of the extent to which lessons*  
14           *learned from the monitoring and evaluation activities*  
15           *of the Corporation, and from annual reports from*  
16           *previous years compiled by the Corporation, have*  
17           *been applied to projects.*

18 **SEC. 404. PUBLICLY AVAILABLE PROJECT INFORMATION.**

19           *The Corporation shall—*

20                     *(1) maintain a user-friendly, publicly available,*  
21           *machine-readable database with detailed country-level*  
22           *information, including a description of the support*  
23           *provided by the Corporation under title II; and*

24                     *(2) include a clear link to information about*  
25           *each project supported by the Corporation under title*

1 *II on the internet website of the Department of State,*  
2 *“ForeignAssistance.gov”, or a successor website or*  
3 *other online publication.*

4 **SEC. 405. ENGAGEMENT WITH INVESTORS.**

5 *(a) IN GENERAL.—The Corporation, acting through*  
6 *the Chief Development Officer, shall, in cooperation with*  
7 *the Administrator of the United States Agency for Inter-*  
8 *national Development—*

9 *(1) develop a strategic relationship with private*  
10 *sector entities focused at the nexus of business oppor-*  
11 *tunities and development priorities;*

12 *(2) engage such entities and reduce business risks*  
13 *primarily through direct transaction support and fa-*  
14 *cilitating investment partnerships;*

15 *(3) develop and support tools, approaches, and*  
16 *intermediaries that can mobilize private finance at*  
17 *scale in the developing world;*

18 *(4) pursue projects of all sizes, especially those*  
19 *that are small but designed for work in the most un-*  
20 *derdeveloped areas, including countries with chronic*  
21 *suffering as a result of extreme poverty, fragile insti-*  
22 *tutions, or a history of violence; and*

23 *(5) pursue projects consistent with the policy of*  
24 *the United States described in section 101 and the*  
25 *Joint Strategic Plan and the Mission Country Devel-*



1        *opment Cooperation Strategies of the United States*  
2        *Agency for International Development.*

3        *(b) ASSISTANCE.—To achieve the goals described in*  
4        *subsection (a), the Corporation shall—*

5                *(1) develop risk mitigation tools;*

6                *(2) provide transaction structuring support for*  
7        *blended finance models;*

8                *(3) support intermediaries linking capital sup-*  
9        *ply and demand;*

10               *(4) coordinate with other Federal agencies to*  
11        *support or accelerate transactions;*

12               *(5) convene financial, donor, civil society, and*  
13        *public sector partners around opportunities for pri-*  
14        *vate finance within development priorities;*

15               *(6) offer strategic planning and programming*  
16        *assistance to catalyze investment into priority sectors;*

17               *(7) provide transaction structuring support;*

18               *(8) deliver training and knowledge management*  
19        *tools for engaging private investors;*

20               *(9) partner with private sector entities that pro-*  
21        *vide access to capital and expertise; and*

22               *(10) identify and screen new investment part-*  
23        *ners.*

24        *(c) TECHNICAL ASSISTANCE.—The Corporation shall*  
25        *coordinate with the United States Agency for International*

1 *Development and other agencies and departments, as nec-*  
2 *essary, on projects and programs supported by the Corpora-*  
3 *tion that include technical assistance.*

4 **SEC. 406. NOTIFICATION OF SUPPORT TO BE PROVIDED BY**  
5 **THE CORPORATION.**

6 (a) *IN GENERAL.*—*Not later than 15 days prior to the*  
7 *Corporation making a financial commitment associated*  
8 *with the provision of support under title II in an amount*  
9 *in excess of \$10,000,000, the Chief Executive Officer of the*  
10 *Corporation shall submit to the Committee on Foreign Af-*  
11 *airs and the Committee on Appropriations of the House*  
12 *of Representatives and the Committee on Foreign Relations*  
13 *and the Committee on Appropriations of the Senate a re-*  
14 *port in writing that contains the information required by*  
15 *subsection (b).*

16 (b) *INFORMATION REQUIRED.*—*The information re-*  
17 *quired by this subsection includes—*

18 (1) *the amount of each such financial commit-*  
19 *ment;*

20 (2) *an identification of the recipient or bene-*  
21 *ficiary; and*

22 (3) *a description of the project, activity, or asset*  
23 *and the development goal or purpose to be achieved*  
24 *by providing support by the Corporation.*

1 **TITLE V—CONDITIONS, RESTRIC-**  
2 **TIONS, AND PROHIBITIONS**

3 **SEC. 501. LIMITATIONS AND PREFERENCES.**

4 (a) *LIMITATION ON SUPPORT FOR SINGLE ENTITY.—*

5 *No entity receiving support from the Corporation under*  
6 *title II may receive more than an amount equal to 5 percent*  
7 *of the Corporation’s maximum contingent liability author-*  
8 *ized under section 303.*

9 (b) *PREFERENCE FOR SUPPORT FOR PROJECTS SPON-*  
10 *SORED BY UNITED STATES PERSONS.—*

11 (1) *IN GENERAL.—The Corporation should give*  
12 *preferential consideration to projects sponsored by or*  
13 *involving private sector entities that are United*  
14 *States persons.*

15 (2) *UNITED STATES PERSON DEFINED.—In this*  
16 *subsection, the term “United States person” means—*

17 (A) *a United States citizen; or*

18 (B) *an entity significantly beneficially*  
19 *owned by individuals described in subparagraph*

20 (A).

21 (c) *PREFERENCE FOR SUPPORT IN COUNTRIES IN*  
22 *COMPLIANCE WITH INTERNATIONAL TRADE OBLIGA-*  
23 *TIONS.—*

24 (1) *CONSULTATIONS WITH UNITED STATES*  
25 *TRADE REPRESENTATIVE.—Not less frequently than*

1       *annually, the Corporation shall consult with the*  
2       *United States Trade Representative with respect to*  
3       *the status of countries eligible to receive support from*  
4       *the Corporation under title II and the compliance of*  
5       *those countries with their international trade obliga-*  
6       *tions.*

7               (2) *PREFERENTIAL CONSIDERATION.—The Cor-*  
8       *poration shall give preferential consideration to pro-*  
9       *viding support under title II for projects in countries*  
10       *in compliance with or making substantial progress*  
11       *coming into compliance with their international*  
12       *trade obligations.*

13       (d) *WORKER RIGHTS.—*

14               (1) *IN GENERAL.—The Corporation should sup-*  
15       *port projects under title II in countries that are tak-*  
16       *ing steps to adopt and implement laws that extend*  
17       *internationally recognized worker rights (as defined*  
18       *in section 507 of the Trade Act of 1974 (19 U.S.C.*  
19       *2467)) to workers in that country, including any des-*  
20       *ignated zone in that country.*

21               (2) *REQUIRED CONTRACT LANGUAGE.—The Cor-*  
22       *poration shall also include the following language, in*  
23       *substantially the following form, in all contracts*  
24       *which the Corporation enters into with eligible inves-*  
25       *tors to provide support under title II: “The investor*

1        *agrees not to take actions to prevent employees of the*  
2        *foreign enterprise from lawfully exercising their right*  
3        *of association and their right to organize and bargain*  
4        *collectively. The investor further agrees to observe ap-*  
5        *licable laws relating to a minimum age for employ-*  
6        *ment of children, acceptable conditions of work with*  
7        *respect to minimum wages, hours of work, and occu-*  
8        *ational health and safety, and not to use forced*  
9        *labor or the worst forms of child labor (as defined in*  
10       *section 507 of the Trade Act of 1974 (19 U.S.C.*  
11       *2467(6))). The investor is not responsible under this*  
12       *paragraph for the actions of a foreign government.”.*

13       *(e) ENVIRONMENTAL AND SOCIAL IMPACT.—The Board*  
14       *shall not vote in favor of any project proposed to be sup-*  
15       *ported by the Corporation under title II that is likely to*  
16       *have significant adverse environmental or social impacts*  
17       *that are sensitive, diverse, or unprecedented, unless—*

18                *(1) at least 60 days before the date of the vote,*  
19        *an environmental and social impact assessment or*  
20        *initial environmental and social audit, analyzing the*  
21        *environmental and social impacts of the proposed*  
22        *project and of alternatives to the proposed project, is*  
23        *completed; and*

24                *(2) such assessment or audit has been made*  
25        *available to the public of the United States, locally af-*

1        *ected groups in the country in which the project will*  
2        *be carried out, and nongovernmental organizations in*  
3        *that country.*

4        *(f) WOMEN’S ECONOMIC EMPOWERMENT.—In utilizing*  
5        *its authorities under title II, the Corporation should con-*  
6        *sider the impacts of its support on women’s economic op-*  
7        *portunities and outcomes and make efforts to mitigate gen-*  
8        *der gaps and maximize development impact by working to*  
9        *improve women’s economic opportunities.*

10        *(g) PREFERENCE FOR PROVISION OF SUPPORT IN*  
11        *COUNTRIES EMBRACING PRIVATE ENTERPRISE.—*

12                *(1) IN GENERAL.—The Corporation should give*  
13        *preferential consideration to projects for which sup-*  
14        *port under title II may potentially be provided in*  
15        *countries the governments of which are making con-*  
16        *tinual progress toward economic policies that promote*  
17        *the development of private enterprise, both domestic*  
18        *and foreign, and maintaining the conditions that en-*  
19        *able private enterprise to make its full contribution to*  
20        *the development of such countries, including—*

21                        *(A) market-based economies;*

22                        *(B) protecting private property rights;*

23                        *(C) respect for the rule of law; and*

24                        *(D) systems to combat corruption and brib-*  
25        *ery.*

1           (2) *SOURCES OF INFORMATION.*—*The Corpora-*  
2           *tion should rely on both third-party indicators and*  
3           *United States Government information, such as the*  
4           *Department of State’s Investment Climate State-*  
5           *ments, the Department of Commerce’s Country Com-*  
6           *mmercial Guides, or the Millennium Challenge Cor-*  
7           *poration’s Constraints Analysis, to assess whether*  
8           *countries meet the conditions described in paragraph*  
9           *(1).*

10          *(h) CONSIDERATION OF FOREIGN BOYCOTT PARTICI-*  
11          *PATION.*—*In providing support under for projects under*  
12          *title II, the Corporation shall consider, using information*  
13          *readily available, whether the project is sponsored by or*  
14          *substantially affiliated with any person taking or know-*  
15          *ingly agreeing to take actions, or having taken or know-*  
16          *ingly agreed to take actions within the past three years,*  
17          *which demonstrate or otherwise evidence intent to comply*  
18          *with, further, or support any boycott fostered or imposed*  
19          *by any foreign country, or request to impose any boycott*  
20          *by any foreign country, against a country which is friendly*  
21          *to the United States and which is not itself the object of*  
22          *any form of boycott pursuant to United States law or regu-*  
23          *lation.*

1 **SEC. 502. ADDITIONALITY AND AVOIDANCE OF MARKET DIS-**  
2 **TORTION.**

3 (a) *IN GENERAL.*—*Before the Corporation provides*  
4 *support for a project under title II, the Corporation shall*  
5 *ensure that private sector entities are afforded an oppor-*  
6 *tunity to support the project.*

7 (b) *SAFEGUARDS, POLICIES, AND GUIDELINES.*—*The*  
8 *Corporation shall develop appropriate safeguards, policies,*  
9 *and guidelines to ensure that support provided by the Cor-*  
10 *poration under title II—*

11 (1) *supplements and encourages, but does not*  
12 *compete with, private sector support;*

13 (2) *operates according to internationally recog-*  
14 *nized best practices and standards with respect to en-*  
15 *sureing the avoidance of market distorting government*  
16 *subsidies and the crowding out of private sector lend-*  
17 *ing; and*

18 (3) *does not have a significant adverse impact*  
19 *on United States employment.*

20 **SEC. 503. PROHIBITION ON SUPPORT IN SANCTIONED**  
21 **COUNTRIES AND WITH SANCTIONED PER-**  
22 **SONS.**

23 (a) *IN GENERAL.*—*The Corporation is prohibited from*  
24 *providing support under title II in a country the govern-*  
25 *ment of which the Secretary of State has determined has*



1 *repeatedly provided support for acts of international ter-*  
2 *rorism for purposes of—*

3 *(1) section 6(j)(1)(A) of the Export Administra-*  
4 *tion Act of 1979 (50 U.S.C. 4605(j)(1)(A)) (as contin-*  
5 *ued in effect pursuant to the International Emergency*  
6 *Economic Powers Act (50 U.S.C. 1701 et seq.));*

7 *(2) section 620A(a) of the Foreign Assistance Act*  
8 *of 1961 (22 U.S.C. 2371(a));*

9 *(3) section 40(d) of the Arms Export Control Act*  
10 *(22 U.S.C. 2780(d)); or*

11 *(4) any other provision of law.*

12 *(b) PROHIBITION ON SUPPORT OF SANCTIONED PER-*  
13 *SONS.—The Corporation is prohibited from supporting a*  
14 *project under title II that directly benefits any entity sub-*  
15 *ject to sanctions imposed by the United States.*

16 *(c) PROHIBITION ON SUPPORT OF ACTIVITIES SUB-*  
17 *JECT TO SANCTIONS.—The Corporation shall require any*  
18 *entity or party receiving support under title II to certify*  
19 *it, any entity owned or controlled by the entity or party,*  
20 *or any entity or party which owns or otherwise manages*  
21 *the entity or party receiving support, does not conduct any*  
22 *activities subject to sanctions imposed by the United States.*

1 **SEC. 504. PENALTIES FOR MISREPRESENTATION, FRAUD,**  
2 **AND BRIBERY.**

3 *Subsections (g), (l), and (n) of section 237 of the For-*  
4 *ign Assistance Act of 1961 (22 U.S.C. 2197) shall apply*  
5 *with respect to the Corporation to the same extent and in*  
6 *the same manner as such subsections applied with respect*  
7 *to the Overseas Private Investment Corporation on the day*  
8 *before the date of the enactment of this Act.*

9 **TITLE VI—TRANSITIONAL**  
10 **PROVISIONS**

11 **SEC. 601. DEFINITIONS.**

12 *In this title:*

13 (1) *AGENCY.*—*The term “agency” includes any*  
14 *entity, organizational unit, program, or function.*

15 (2) *TRANSITION PERIOD.*—*The term “transition*  
16 *period” means the period—*

17 (A) *beginning on the date of the enactment*  
18 *of this Act; and*

19 (B) *ending on the effective date of the reor-*  
20 *ganization plan required by section 602(e).*

21 **SEC. 602. REORGANIZATION PLAN.**

22 (a) *SUBMISSION OF PLAN.*—

23 (1) *IN GENERAL.*—*Not later than 120 days after*  
24 *the date of the enactment of this Act, the President*  
25 *shall transmit to the appropriate congressional com-*  
26 *mittees a reorganization plan regarding the following:*

1           (A) *The transfer of agencies, personnel, as-*  
2           *sets, and obligations to the Corporation pursuant*  
3           *to this title.*

4           (B) *Any consolidation, reorganization, or*  
5           *streamlining of agencies transferred to the Cor-*  
6           *poration pursuant to this title.*

7           (C) *Any efficiencies or cost savings achieved*  
8           *as a result of the transfer of agencies, personnel,*  
9           *assets, and obligations to the Corporation pursu-*  
10          *ant to this title, including reductions in unneces-*  
11          *sary or duplicative operations, assets, and per-*  
12          *sonnel.*

13          (2) *CONSULTATION.*—*Not later than 15 days be-*  
14          *fore the date on which the plan is transmitted pursu-*  
15          *ant to this subsection, the President shall consult with*  
16          *the appropriate congressional committees on such*  
17          *plan.*

18          (b) *PLAN ELEMENTS.*—*The plan transmitted under*  
19          *subsection (a) shall contain, consistent with this Act, such*  
20          *elements as the President deems appropriate, including the*  
21          *following:*

22               (1) *Identification of any functions of agencies*  
23               *transferred to the Corporation pursuant to this title*  
24               *that will not be transferred to the Corporation under*  
25               *the plan.*

1           (2) *Specification of the steps to be taken to orga-*  
2           *nize the Corporation, including the delegation or as-*  
3           *signment of functions transferred to the Corporation*  
4           *among officers of the Corporation in order to permit*  
5           *the Corporation to carry out the functions transferred*  
6           *under the plan.*

7           (3) *Specification of the funds available to each*  
8           *agency that will be transferred to the Corporation as*  
9           *a result of transfers under the plan.*

10          (4) *Specification of the proposed allocations*  
11          *within the Corporation of unexpended funds trans-*  
12          *ferred in connection with transfers under the plan.*

13          (5) *Specification of any proposed disposition of*  
14          *property, facilities, contracts, records, and other assets*  
15          *and obligations of agencies transferred under the*  
16          *plan.*

17          (c) *REPORT ON COORDINATION.—*

18           (1) *IN GENERAL.—The transfer of functions au-*  
19           *thorized by this section may occur only after the*  
20           *President and Chief Executive Officer of the Overseas*  
21           *Private Investment Corporation and the Adminis-*  
22           *trator of the United States Agency for International*  
23           *Development jointly submit to the Committee on For-*  
24           *eign Affairs and Committee on Appropriations of the*  
25           *House of Representatives and Committee on Foreign*

1       *Relations and Committee on Appropriations of the*  
2       *Senate a report in writing that contains the informa-*  
3       *tion required by paragraph (2).*

4               (2) *INFORMATION REQUIRED.*—*The information*  
5       *required by this paragraph includes a description in*  
6       *detail of the procedures to be followed after the trans-*  
7       *fer of functions authorized by this section have oc-*  
8       *curred to coordinate between the Corporation and the*  
9       *United States Agency for International Development*  
10       *in carrying out the functions so transferred.*

11              (d) *MODIFICATION OF PLAN.*—*The President may, on*  
12       *the basis of consultations with the appropriate congres-*  
13       *sional committees, modify or revise any part of the plan*  
14       *until that part of the plan becomes effective in accordance*  
15       *with subsection (e).*

16              (e) *EFFECTIVE DATE.*—

17                      (1) *IN GENERAL.*—*The reorganization plan de-*  
18       *scribed in this section, including any modifications or*  
19       *revisions of the plan under subsection (c), shall be-*  
20       *come effective for an agency on the date specified in*  
21       *the plan (or the plan as modified pursuant to sub-*  
22       *section (d)), except that such date may not be earlier*  
23       *than 90 days after the date the President has trans-*  
24       *mitted the reorganization plan to the appropriate*  
25       *congressional committees pursuant to subsection (a).*

1           (2) *STATUTORY CONSTRUCTION.*—*Nothing in this*  
2           *subsection may be construed to require the transfer of*  
3           *functions, personnel, records, balances of appropria-*  
4           *tions, or other assets of an agency on a single date.*

5 **SEC. 603. TRANSFER OF FUNCTIONS.**

6           (a) *IN GENERAL.*—*Effective at the end of the transi-*  
7           *tion period, there shall be transferred to the Corporation*  
8           *the functions, personnel, assets, and liabilities of—*

9                   (1) *the Overseas Private Investment Corporation,*  
10           *as in existence on the day before the date of the enact-*  
11           *ment of this Act; and*

12                   (2) *the following elements of the United States*  
13           *Agency for International Development:*

14                           (A) *The Development Credit Authority.*

15                           (B) *The existing Legacy Credit portfolio*  
16           *under the Urban Environment Program and any*  
17           *other direct loan programs and non-Development*  
18           *Credit Authority guaranty programs authorized*  
19           *by the Foreign Assistance Act of 1961 (22 U.S.C.*  
20           *2151 et seq.) or other predecessor Acts, as in ex-*  
21           *istence on the date of the enactment of this Act,*  
22           *other than any sovereign loan guaranties.*

23           (b) *ADDITIONAL TRANSFER AUTHORITY.*—*Effective at*  
24           *the end of the transition period, there is authorized to be*  
25           *transferred to the Corporation the functions, personnel, as-*

1 *sets, and liabilities of the following elements of the United*  
2 *States Agency for International Development:*

3           (1) *The Office of Private Capital and Microen-*  
4 *terprise.*

5           (2) *The enterprise funds.*

6       (c) *SOVEREIGN LOAN GUARANTY TRANSFER.—*

7           (1) *IN GENERAL.—Effective at the end of the*  
8 *transition period, there is authorized to be transferred*  
9 *to the Corporation or any other appropriate depart-*  
10 *ment or agency of the United States Government the*  
11 *loan accounts and the legal rights and responsibilities*  
12 *for the sovereign loan guaranty portfolio held by the*  
13 *United States Agency for International Development*  
14 *as in existence on the day before the date of the enact-*  
15 *ment of this Act.*

16           (2) *INCLUSION IN REORGANIZATION PLAN.—The*  
17 *President shall include in the reorganization plan*  
18 *submitted under section 602 a description of the*  
19 *transfer authorized under paragraph (1).*

20       (d) *BILATERAL AGREEMENTS.—Any bilateral agree-*  
21 *ment of the United States in effect on the date of the enact-*  
22 *ment of this Act that serves as the basis for programs of*  
23 *the Overseas Private Investment Corporation and the Devel-*  
24 *opment Credit Authority shall be considered as satisfying*  
25 *the requirements of section 301(a).*

1       (e) *TRANSITION.*—During the transition period, the  
2 agencies specified in subsection (a) shall—

3           (1) *continue to administer the assets and obliga-*  
4 *tions of those agencies; and*

5           (2) *carry out such programs and activities au-*  
6 *thorized under this Act as may be determined by the*  
7 *President.*

8 **SEC. 604. TERMINATION OF OVERSEAS PRIVATE INVEST-**  
9 **MENT CORPORATION AND OTHER**  
10 **SUPERCEDED AUTHORITIES.**

11 *Effective at the end of the transition period—*

12           (1) *the Overseas Private Investment Corporation*  
13 *is terminated; and*

14           (2) *title IV of chapter 2 of part I of the Foreign*  
15 *Assistance Act of 1961 (22 U.S.C. 2191 et seq.) (other*  
16 *than subsections (g), (l), and (n) of section 237 of that*  
17 *Act) is repealed.*

18 **SEC. 605. TRANSITIONAL AUTHORITIES.**

19       (a) *PROVISION OF ASSISTANCE BY OFFICIALS.*—Until  
20 *the transfer of an agency to the Corporation under section*  
21 *603, any official having authority over or functions relating*  
22 *to the agency immediately before the date of the enactment*  
23 *of this Act shall provide to the Corporation such assistance,*  
24 *including the use of personnel and assets, as the Corpora-*



1 *tion may request in preparing for the transfer and integra-*  
2 *tion of the agency into the Corporation.*

3 (b) *SERVICES AND PERSONNEL.*—*During the transi-*  
4 *tion period, upon the request of the Corporation, the head*  
5 *of any executive agency may, on a reimbursable or non-*  
6 *reimbursable basis, provide services or detail personnel to*  
7 *assist with the transition.*

8 (c) *ACTING OFFICIALS.*—

9 (1) *IN GENERAL.*—*During the transition period,*  
10 *pending the advice and consent of the Senate to the*  
11 *appointment of an officer required by this Act to be*  
12 *appointed by and with such advice and consent, the*  
13 *President may designate any officer whose appoint-*  
14 *ment was required to be made by and with such ad-*  
15 *vice and consent and who was such an officer imme-*  
16 *diately before the date of the enactment of this Act*  
17 *(and who continues in office) or immediately before*  
18 *such designation, to act in such office until the same*  
19 *is filled as provided in this Act. While so acting, such*  
20 *officers shall receive compensation at the higher of—*

21 (A) *the rates provided by this Act for the re-*  
22 *spective offices in which they act; or*

23 (B) *the rates provided for the offices held at*  
24 *the time of designation.*

1           (2) *RULE OF CONSTRUCTION.*—*Nothing in this*  
2 *Act shall be construed to require the advice and con-*  
3 *sent of the Senate to the appointment by the Presi-*  
4 *dent to a position in the Corporation of any officer*  
5 *whose agency is transferred to the Corporation pursu-*  
6 *ant to this title and whose duties following such*  
7 *transfer are germane to those performed before such*  
8 *transfer.*

9           (d) *TRANSFER OF PERSONNEL, ASSETS, OBLIGATIONS,*  
10 *AND FUNCTIONS.*—*Upon the transfer of an agency to the*  
11 *Corporation under section 603—*

12           (1) *the personnel, assets, and obligations held by*  
13 *or available in connection with the agency shall be*  
14 *transferred to the Corporation for appropriate alloca-*  
15 *tion, subject to the approval of the Director of the Of-*  
16 *fice of Management and Budget and in accordance*  
17 *with section 1531(a)(2) of title 31, United States*  
18 *Code; and*

19           (2) *the Corporation shall have all functions—*

20           (A) *relating to the agency that any other of-*  
21 *ficial could by law exercise in relation to the*  
22 *agency immediately before such transfer; and*

23           (B) *vested in the Corporation by this Act or*  
24 *other law.*

1 **SEC. 606. SAVINGS PROVISIONS.**

2 (a) *COMPLETED ADMINISTRATIVE ACTIONS.*—

3 (1) *IN GENERAL.*—*Completed administrative ac-*  
4 *tions of an agency shall not be affected by the enact-*  
5 *ment of this Act or the transfer of such agency to the*  
6 *Corporation under section 603, but shall continue in*  
7 *effect according to their terms until amended, modi-*  
8 *fied, superseded, terminated, set aside, or revoked in*  
9 *accordance with law by an officer of the United*  
10 *States or a court of competent jurisdiction, or by op-*  
11 *eration of law.*

12 (2) *COMPLETED ADMINISTRATIVE ACTION DE-*  
13 *FINED.*—*In this subsection, the term “completed ad-*  
14 *ministrative action” includes orders, determinations,*  
15 *rules, regulations, personnel actions, permits, agree-*  
16 *ments, grants, contracts, certificates, policies, licenses,*  
17 *registrations, and privileges.*

18 (b) *PENDING PROCEEDINGS.*—

19 (1) *IN GENERAL.*—*Pending proceedings in an*  
20 *agency, including notices of proposed rulemaking,*  
21 *and applications for licenses, permits, certificates,*  
22 *grants, and financial assistance, shall continue not-*  
23 *withstanding the enactment of this Act or the transfer*  
24 *of the agency to the Corporation, unless discontinued*  
25 *or modified under the same terms and conditions and*  
26 *to the same extent that such discontinuance could*

1       *have occurred if such enactment or transfer had not*  
2       *occurred.*

3               (2) *ORDERS.*—*Orders issued in proceedings de-*  
4       *scribed in paragraph (1), and appeals therefrom, and*  
5       *payments made pursuant to such orders, shall issue*  
6       *in the same manner and on the same terms as if this*  
7       *Act had not been enacted or the agency had not been*  
8       *transferred, and any such orders shall continue in ef-*  
9       *fect until amended, modified, superseded, terminated,*  
10       *set aside, or revoked by an officer of the United States*  
11       *or a court of competent jurisdiction, or by operation*  
12       *of law.*

13              (c) *PENDING CIVIL ACTIONS.*—*Pending civil actions*  
14       *shall continue notwithstanding the enactment of this Act*  
15       *or the transfer of an agency to the Corporation, and in such*  
16       *civil actions, proceedings shall be had, appeals taken, and*  
17       *judgments rendered and enforced in the same manner and*  
18       *with the same effect as if such enactment or transfer had*  
19       *not occurred.*

20              (d) *REFERENCES.*—*References relating to an agency*  
21       *that is transferred to the Corporation under section 603 in*  
22       *statutes, Executive orders, rules, regulations, directives, or*  
23       *delegations of authority that precede such transfer or the*  
24       *date of the enactment of this Act shall be deemed to refer,*  
25       *as appropriate, to the Corporation, to its officers, employ-*

1 *ees, or agents, or to its corresponding organizational units*  
2 *or functions. Statutory reporting requirements that applied*  
3 *in relation to such an agency immediately before the effec-*  
4 *tive date of this Act shall continue to apply following such*  
5 *transfer if they refer to the agency by name.*

6 *(e) EMPLOYMENT PROVISIONS.—*

7 *(1) REGULATIONS.—The Corporation may, in*  
8 *regulations prescribed jointly with the Director of the*  
9 *Office of Personnel Management, adopt the rules, pro-*  
10 *cedures, terms, and conditions, established by statute,*  
11 *rule, or regulation before the date of the enactment of*  
12 *this Act, relating to employment in any agency trans-*  
13 *ferred to the Corporation under section 603.*

14 *(2) EFFECT OF TRANSFER ON CONDITIONS OF*  
15 *EMPLOYMENT.—Except as otherwise provided in this*  
16 *Act, or under authority granted by this Act, the*  
17 *transfer pursuant to this title of personnel shall not*  
18 *alter the terms and conditions of employment, includ-*  
19 *ing compensation, of any employee so transferred.*

20 *(f) STATUTORY REPORTING REQUIREMENTS.—Any*  
21 *statutory reporting requirement that applied to an agency*  
22 *transferred to the Corporation under this title immediately*  
23 *before the date of the enactment of this Act shall continue*  
24 *to apply following that transfer if the statutory requirement*  
25 *refers to the agency by name.*

1 **SEC. 607. OTHER TERMINATIONS.**

2 *Except as otherwise provided in this Act, whenever all*  
3 *the functions vested by law in any agency have been trans-*  
4 *ferred pursuant to this title, each position and office the*  
5 *incumbent of which was authorized to receive compensation*  
6 *at the rates prescribed for an office or position at level II,*  
7 *III, IV, or V of the Executive Schedule under subchapter*  
8 *II of chapter 53 of title 5, United States Code, shall termi-*  
9 *nate.*

10 **SEC. 608. INCIDENTAL TRANSFERS.**

11 *The Director of the Office of Management and Budget,*  
12 *in consultation with the Corporation, is authorized and di-*  
13 *rected to make such additional incidental dispositions of*  
14 *personnel, assets, and liabilities held, used, arising from,*  
15 *available, or to be made available, in connection with the*  
16 *functions transferred by this title, as the Director may de-*  
17 *termine necessary to accomplish the purposes of this Act.*

18 **SEC. 609. REFERENCE.**

19 *With respect to any function transferred under this*  
20 *title (including under a reorganization plan under section*  
21 *602) and exercised on or after the date of the enactment*  
22 *of this Act, reference in any other Federal law to any de-*  
23 *partment, commission, or agency or any officer or office*  
24 *the functions of which are so transferred shall be deemed*  
25 *to refer to the Corporation or official or component of the*  
26 *Corporation to which that function is so transferred.*

1 **SEC. 610. CONFORMING AMENDMENTS.**

2 (a) *EXEMPT PROGRAMS.*—Section 255(g)(2) of the  
3 *Balanced Budget and Emergency Deficit Control Act of*  
4 *1985 (2 U.S.C. 905(g)(2)) is amended by striking “Overseas*  
5 *Private Investment Corporation, Noncredit Account (71–*  
6 *4184–0–3–151).” and inserting “United States Inter-*  
7 *national Development Finance Corporation.”.*

8 (b) *EXECUTIVE SCHEDULE.*—Title 5, United States  
9 Code, is amended—

10 (1) in section 5314, by striking “President, Over-

11 seas Private Investment Corporation.”;

12 (2) in section 5315, by striking “Executive Vice

13 President, Overseas Private Investment Corporation.”;

14 and

15 (3) in section 5316, by striking “Vice Presidents,

16 Overseas Private Investment Corporation (3).”.

17 (c) *OFFICE OF INTERNATIONAL TRADE OF THE SMALL*  
18 *BUSINESS ADMINISTRATION.*—Section 22 of the *Small*  
19 *Business Act (15 U.S.C. 649) is amended—*

20 (1) in subsection (b), in the matter preceding

21 paragraph (1), by striking “the President of the Over-

22 seas Private Investment Corporation, Director” and

23 inserting “the Board of Directors of the United States

24 International Development Finance Corporation, the

25 Director”; and

1           (2) *by striking “Overseas Private Investment*  
2           *Corporation” each place it appears and inserting*  
3           *“United States International Development Finance*  
4           *Corporation”.*

5           (d) *UNITED STATES AND FOREIGN COMMERCIAL*  
6           *SERVICE.—Section 2301 of the Export Enhancement Act*  
7           *of 1988 (15 U.S.C. 4721) is amended by striking “Overseas*  
8           *Private Investment Corporation” each place it appears and*  
9           *inserting “United States International Development Fi-*  
10           *nance Corporation”.*

11          (e) *TRADE PROMOTION COORDINATING COMMITTEE.—*  
12           *Section 2312(d)(1)(K) of the Export Enhancement Act of*  
13           *1988 (15 U.S.C. 4727(d)(1)(K)) is amended by striking*  
14           *“Overseas Private Investment Corporation” and inserting*  
15           *“United States International Development Finance Cor-*  
16           *poration”.*

17          (f) *INTERAGENCY TRADE DATA ADVISORY COM-*  
18           *MITTEE.—Section 5402(b) of the Omnibus Trade and Com-*  
19           *petitiveness Act of 1988 (15 U.S.C. 4902(b)) is amended*  
20           *by striking “the President of the Overseas Private Invest-*  
21           *ment Corporation” and inserting “the Chief Executive Offi-*  
22           *cer of the United States International Development Finance*  
23           *Corporation”.*

24          (g) *MISUSE OF NAMES OF FEDERAL AGENCIES.—Sec-*  
25           *tion 709 of title 18, United States Code, is amended by*



1 striking “‘Overseas Private Investment’, ‘Overseas Private  
2 Investment Corporation’, or ‘OPIC,’” and inserting  
3 “‘United States International Development Finance Cor-  
4 poration’ or ‘DFC’”.

5 (h) *ENGAGEMENT ON CURRENCY EXCHANGE RATE*  
6 *AND ECONOMIC POLICIES.*—Section 701(c)(1)(A) of the  
7 *Trade Facilitation and Trade Enforcement Act of 2015 (19*  
8 *U.S.C. 4421(c)(1)(A))* is amended by striking “Overseas  
9 *Private Investment Corporation*” and inserting “United  
10 *States International Development Finance Corporation*”.

11 (i) *INTERNSHIPS WITH INSTITUTE FOR INTER-*  
12 *NATIONAL PUBLIC POLICY.*—Section 625(a) of the *Higher*  
13 *Education Act of 1965 (20 U.S.C. 1131c(a))* is amended  
14 by striking “Overseas Private Investment Corporation” and  
15 inserting “United States International Development Fi-  
16 *nance Corporation*”.

17 (j) *FOREIGN ASSISTANCE ACT OF 1961.*—The *Foreign*  
18 *Assistance Act of 1961 (22 U.S.C. 2151 et seq.)* is amend-  
19 *ed—*

20 (1) in section 499B(b)(2) (22 U.S.C.  
21 2296b(b)(2)), by striking “Overseas Private Invest-  
22 *ment Corporation*” and inserting “United States  
23 *International Development Finance Corporation*”;  
24 *and*

1           (2) in section 481(e)(4)(A) (22 U.S.C.  
2           2291(e)(4)(A)), in the matter preceding clause (i), by  
3           striking “(including programs under title IV of chap-  
4           ter 2, relating to the Overseas Private Investment  
5           Corporation)” and inserting “(and any support  
6           under title II of the Better Utilization of Investments  
7           Leading to Development Act of 2018, relating to the  
8           United States International Development Finance  
9           Corporation)”.

10          (k) *ELECTRIFY AFRICA ACT OF 2015*.—Sections 5 and  
11          7 of the *Electrify Africa Act of 2015* (Public Law 114–121;  
12          22 U.S.C. 2293 note) are amended by striking “Overseas  
13          Private Investment Corporation” each place it appears and  
14          inserting “United States International Development Fi-  
15          nance Corporation”.

16          (l) *FOREIGN AID TRANSPARENCY AND ACCOUNT-*  
17          *ABILITY ACT OF 2016*.—Section 2(3) of the *Foreign Aid*  
18          *Transparency and Accountability Act of 2016* (Public Law  
19          114–191; 22 U.S.C. 2394c note) is amended—

20                 (1) in subparagraph (A), by striking “except  
21                 for” and all that follows through “chapter 3” and in-  
22                 serting “except for chapter 3”;

23                 (2) in subparagraph (C), by striking “and” at  
24                 the end;

1           (3) in subparagraph (D), by striking the period  
2           at the end and insert “; and”; and

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

4                   “(E) the Better Utilization of Investments  
5                   Leading to Development Act of 2018.”.

6           (m) *SUPPORT FOR EAST EUROPEAN DEMOCRACY*  
7           *(SEED) PROGRAM.—The Support for East European De-*  
8           *mocracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.) is*  
9           *amended—*

10           (1) in section 2(c) (22 U.S.C. 5401(c)), by strik-  
11           ing paragraph (12) and inserting the following:

12                   “(12) *UNITED STATES INTERNATIONAL DEVELOP-*  
13                   *MENT FINANCE CORPORATION.—Programs of the*  
14                   *United States International Development Finance*  
15                   *Corporation.”; and*

16           (2) in section 201(e) (22 U.S.C. 5421(e)), by  
17           striking “Agency for International Development” and  
18           inserting “United States International Development  
19           Finance Corporation”.

20           (n) *CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY*  
21           *(LIBERTAD) ACT OF 1996.—Section 202(b)(2)(B)(iv) of*  
22           *the Cuban Liberty and Democratic Solidarity*  
23           *(LIBERTAD) Act of 1996 (22 U.S.C. 6062(b)(2)(B)(iv)) is*  
24           *amended by striking “Overseas Private Investment Cor-*

1 *poration*” and inserting “*United States International De-*  
2 *velopment Finance Corporation*”.

3 (o) *INTERNATIONAL RELIGIOUS FREEDOM ACT OF*  
4 *1998.—Section 405(a)(10) of the International Religious*  
5 *Freedom Act of 1998 (22 U.S.C. 6445(a)(10)) is amended*  
6 *by striking “Overseas Private Investment Corporation” and*  
7 *inserting “United States International Development Fi-*  
8 *nance Corporation”.*

9 (p) *TRAFFICKING VICTIMS PROTECTION ACT OF*  
10 *2000.—Section 103(8)(A) of the Trafficking Victims Protec-*  
11 *tion Act of 2000 (22 U.S.C. 7102(8)(A)) is amended by*  
12 *amending clause (viii) to read as follows:*

13 “(viii) any support under title II of  
14 the *Better Utilization of Investments Lead-*  
15 *ing to Development Act of 2018 relating to*  
16 *the United States International Develop-*  
17 *ment Finance Corporation; and”.*

18 (q) *TECHNOLOGY DEPLOYMENT IN DEVELOPING COUN-*  
19 *TRIES.—Section 732(b) of the Global Environmental Pro-*  
20 *tection Assistance Act of 1989 (22 U.S.C. 7902(b)) is*  
21 *amended by striking “Overseas Private Investment Cor-*  
22 *poration” and inserting “United States International De-*  
23 *velopment Finance Corporation”.*

1           (r) *EXPANDED NONMILITARY ASSISTANCE FOR*  
2 *UKRAINE.*—Section 7(c)(3) of the Ukraine Freedom Sup-  
3 port Act of 2014 (22 U.S.C. 8926(c)(3)) is amended—

4           (1) in the matter preceding subparagraph (A),  
5           by striking “Overseas Private Investment Corpora-  
6           tion” and inserting “United States International De-  
7           velopment Finance Corporation”; and

8           (2) in subparagraph (B), by striking “by eligible  
9           investors (as defined in section 238 of the Foreign As-  
10          sistance Act of 1961 (22 U.S.C. 2198))”.

11          (s) *GLOBAL FOOD SECURITY ACT OF 2016.*—Section  
12 4(7) of the Global Food Security Act of 2016 (22 U.S.C.  
13 9303(7)) is amended by striking “Overseas Private Invest-  
14 ment Corporation” and inserting “United States Inter-  
15 national Development Finance Corporation”.

16          (t) *SENSE OF CONGRESS ON EUROPEAN AND EUR-*  
17 *ASIAN ENERGY SECURITY.*—Section 257(c)(2)(B) of the  
18 *Countering Russian Influence in Europe and Eurasia Act*  
19 *of 2017 (22 U.S.C. 9546(c)(2)(B))* is amended by striking  
20 “Overseas Private Investment Corporation” and inserting  
21 “United States International Development Finance Cor-  
22 poration”.

23          (u) *WHOLLY OWNED GOVERNMENT CORPORATION.*—  
24 Section 9101(3) of title 31, United States Code, is amended  
25 by striking “Overseas Private Investment Corporation” and

1 *inserting “United States International Development Fi-*  
2 *nance Corporation”.*

3 (v) *ENERGY INDEPENDENCE AND SECURITY ACT OF*  
4 *2007.—Title IX of the Energy Independence and Security*  
5 *Act of 2007 (42 U.S.C. 17321 et seq.) is amended—*

6 (1) *in section 914 (42 U.S.C. 17334)—*

7 (A) *in the section heading, by striking*  
8 **“OVERSEAS PRIVATE INVESTMENT COR-**  
9 **PORATION”** *and inserting “UNITED STATES*  
10 **INTERNATIONAL DEVELOPMENT FINANCE**  
11 **CORPORATION”**;

12 (B) *in subsection (a), in the matter pre-*  
13 *ceding paragraph (1), by striking “Overseas Pri-*  
14 *ivate Investment Corporation” and inserting*  
15 *“United States International Development Fi-*  
16 *nance Corporation”*; *and*

17 (C) *in subsection (b), in the matter pre-*  
18 *ceding paragraph (1), by striking “Overseas Pri-*  
19 *ivate Investment Corporation shall include in its*  
20 *annual report required under section 240A of the*  
21 *Foreign Assistance Act of 1961 (22 U.S.C.*  
22 *2200a)” and inserting “United States Inter-*  
23 *national Development Finance Corporation shall*  
24 *include in its annual report required under sec-*

1            *tion 403 of the Better Utilization of Investments*  
2            *Leading to Development Act of 2018”; and*  
3            *(2) in section 916(a)(2)(I) (42 U.S.C.*  
4            *17336(a)(2)(I)), by striking “Overseas Private Invest-*  
5            *ment Corporation:” and inserting “United States*  
6            *International Development Finance Corporation;”.*  
7            *(w) EFFECTIVE DATE.—The amendments made by*  
8            *this section shall take effect at the end of the transition pe-*  
9            *riod.*

Union Calendar No. 631

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5105**

[Report No. 115-814]

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## **A BILL**

To establish the United States International Development Finance Corporation, and for other purposes.

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JULY 11, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed