

PRIOR PROVISIONS

A prior section 2200, Pub. L. 87-195, pt. I, §240, as added Pub. L. 91-175, pt. I, §105, Dec. 30, 1969, 83 Stat. 817; amended Pub. L. 92-226, pt. I, §104(c), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93-189, §6(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93-390, §2(6), Aug. 27, 1974, 88 Stat. 768, provided for agricultural credit and self-help community development projects in Latin America, prior to repeal by Pub. L. 93-559, §8(b), Dec. 30, 1974, 88 Stat. 1797. See section 2182a of this title.

AMENDMENTS

2003—Pub. L. 108-158 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1985—Pub. L. 99-204 inserted reference to section 2194b of this title.

§ 2200a. Report to Congress**(a) Annual report**

After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year. Such report shall include—

(1) an assessment, based upon the development impact profiles required by section 2199(h) of this title, of the economic and social development impact and benefits of the projects with respect to which such profiles are prepared, and of the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and other donors; and

(2) a description of any project for which the Corporation—

(A) refused to provide any insurance, reinsurance, guaranty, financing, or other financial support, on account of violations of human rights referred to in section 2199(i) of this title; or

(B) notwithstanding such violations, provided such insurance, reinsurance, guaranty, financing, or financial support, on the basis of a determination (i) that the project will directly benefit the needy people in the country in which the project is located, or (ii) that the national security interest so requires.

(b) Effect of all projects on employment in United States to be included in annual report

(1) Each annual report required by subsection (a) of this section shall contain projections of the effects on employment in the United States of all projects for which, during the preceding fiscal year, the Corporation initially issued any insurance, reinsurance, or guaranty or made any direct loan. Each such report shall include projections of—

(A) the amount of United States exports to be generated by those projects, both during the start-up phase and over a period of years;

(B) the final destination of the products to be produced as a result of those projects; and

(C) the impact such production will have on the production of similar products in the United States with regard to both domestic sales and exports.

(2) The projections required by this subsection shall be based on an analysis of each of the projects described in paragraph (1).

(3) In reporting the projections on employment required by this subsection, the Corporation shall specify, with respect to each project—

(A) any loss of jobs in the United States caused by the project, whether or not the project itself creates other jobs;

(B) any jobs created by the project; and

(C) the country in which the project is located, and the economic sector involved in the project.

No proprietary information may be disclosed under this paragraph.

(c) Repealed. Pub. L. 100-461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268-36

(d) Maintenance of records

The Corporation shall maintain as part of its records—

(1) all information collected in preparing the report required by subsection (c) of this section (as in effect before October 1, 1988), whether the information was collected by the Corporation itself or by a contractor; and

(2) a copy of the analysis of each project analyzed in preparing the reports required either by subsection (b) of this section, or by subsection (c) of this section (as in effect before October 1, 1988).

(e) Assessment of cooperative political risk insurance program

Each annual report required by subsection (a) of this section shall include an assessment of programs implemented by the Corporation under section 2194b(a) of this title, including the following information, to the extent such information is available to the Corporation:

(1) The nature and dollar value of political risk insurance provided by private insurers in conjunction with the Corporation, which the Corporation was not permitted to provide under this subpart.

(2) The nature and dollar value of political risk insurance provided by private insurers in conjunction with the Corporation, which the Corporation was permitted to provide under this subpart.

(3) The manner in which such private insurers and the Corporation cooperated in recovery efforts and claims management.

(f) Information not required to be made available to public excluded from reports

Subsections (b) and (e) of this section do not require the inclusion in any report submitted pursuant to those subsections of any information which would not be required to be made available to the public pursuant to section 552 of title 5 (relating to freedom of information).

(Pub. L. 87-195, pt. I, §240A, as added Pub. L. 91-175, pt. I, §105, Dec. 30, 1969, 83 Stat. 818; amended Pub. L. 93-390, §2(7), Aug. 27, 1974, 88 Stat. 768; Pub. L. 95-268, §10, Apr. 24, 1978, 92 Stat. 216; Pub. L. 97-65, §9, formerly §9(a), Oct. 16, 1981, 95 Stat. 1024, renumbered §9, Pub. L. 99-204, §17(c)(1), Dec. 23, 1985, 99 Stat. 1677; Pub. L. 99-204, §14(a), Dec. 23, 1985, 99 Stat. 1674; Pub. L. 100-461, title V, §555, Oct. 1, 1988, 102 Stat. 2268-36; Pub. L. 102-549, title I, §108, Oct. 28, 1992, 106 Stat. 3654.)

CODIFICATION

Amendment by Pub. L. 100-461 is based on sections 105(b) and 110(b) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 105(b) and 110(b) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100-461.

AMENDMENTS

1992—Subsec. (b)(2), (3), Pub. L. 102-549 added pars. (2) and (3) and struck out former par. (2) which read as follows: “Each report required by this subsection shall be based on an analysis of each of the projects described in paragraph (1). The reports may, however, present information and analysis in aggregate form, but only if—

“(A) those projects which are projected to have a positive effect on employment in the United States and those projects which are projected to have a negative effect on employment in the United States are grouped separately; and

“(B) there is set forth for each such grouping the key characteristics of the projects within that grouping, including the number of projects in each economic sector, the countries in which the projects in each economic sector are located, and the projected level of the impact of the projects in each economic sector on employment in the United States and on United States trade.”

1988—Subsec. (c), Pub. L. 100-461 repealed subsec. (c) which related to actual effect of all projects on employment in United States as of Sept. 30, 1986, presentation of information, and methodology used in acquiring information and making analysis.

Subsec. (d)(1), Pub. L. 100-461 inserted “(as in effect before October 1, 1988)” after “subsection (c) of this section”.

Subsec. (d)(2), Pub. L. 100-461 substituted “either by subsection (b) of this section, or by subsection (c) of this section (as in effect before October 1, 1988)” for “by either subsection (b) or (c) of this section”.

Subsec. (e), Pub. L. 100-461 added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f), Pub. L. 100-461 redesignated subsec. (e) as (f) and substituted “(e)” for “(c)”.

1985—Pub. L. 99-204, §14(a), designated existing provisions as subsec. (a) and added subsecs. (b) to (e).

1981—Pub. L. 97-65 struck out designation “(a)” before “After the end of each fiscal year”, substituted references to section 2199(h) and (i) of this title for references to section 2199(i) and (l) of this title, respectively, in pars. (1) and (2)(A), and struck out subsec. (b) which had provided that, not later than Sept. 30, 1980, the Corporation was to submit to the Congress a report on the development of private and multilateral programs for investment insurance and any reinsurance arrangements the Corporation had made with private insurance companies, multilateral organizations and institutions or other entities.

1978—Subsec. (a), Pub. L. 95-268 added cls. (1) and (2) setting forth required contents of report.

Subsec. (b), Pub. L. 95-268 substituted provisions relating to report to be submitted not later than Sept. 30, 1980 involving the development and any arrangements by the Corporation with private insurance companies, etc., for provisions relating to report submitted not later than Jan. 1, 1976 involving the possibilities of the Corporation transferring all of its activities to private insurance companies, etc.

1974—Subsec. (b), Pub. L. 93-390 substituted “January 1, 1976” for “March 1, 1974” and “of its activities to private insurance companies, multilateral organizations and institutions, or other entities” for “or part of its activities to private United States citizens, corporations, or other associations”.

REPORT TO CONGRESS NOT LATER THAN JUNE 30, 1982,
ON METHODS FOR ESTIMATING THE IMPACT ON INVEST-
MENTS IF INSURANCE OR OTHER SUPPORT IS NOT PRO-
VIDED

Pub. L. 97-65, §9(b), Oct. 16, 1981, 95 Stat. 1024, which provided for a report to Congress by the Overseas Pri-

vate Investment Corporation on the effect on investments of lack of insurance, was repealed by Pub. L. 99-204, §17(c)(2), Dec. 23, 1985, 99 Stat. 1677.

§ 2200b. Prohibition on noncompetitive awarding of insurance contracts on OPIC supported exports

(a) Requirement for certification

(1) In general

Except as provided in paragraph (3), the investor on whose behalf insurance, reinsurance, guaranties, or other financing is provided under this subpart with respect to a project shall be required to certify to the Corporation that any contract for the export of goods as part of that project will include a clause requiring that United States insurance companies have a fair and open competitive opportunity to provide insurance against risk of loss of such export.

(2) When certification must be made

The investor shall be required, in every practicable case, to so certify before the insurance, reinsurance, guarantee, or other financing is provided. In any case in which such a certification is not made in advance, the investor shall include in the certification the reasons for the failure to make a certification in advance.

(3) Exception

Paragraph (1) does not apply with respect to an investor who does not, because of the nature of the investment, have a controlling interest in fact in the project in question.

(b) Reports by United States Trade Representative

The United States Trade Representative shall review the actions of the Corporation under subsection (a) of this section and, after consultation with representatives of United States insurance companies, shall report to the Congress in the report required by section 2241(b) of title 19 with respect to such actions.

(c) Definitions

For purposes of this section—

(1) the term “United States insurance company” includes—

(A) an individual, partnership, corporation, holding company, or other legal entity which is authorized, or in the case of a holding company, subsidiaries of which are authorized, by a State to engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

(B) foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in subparagraph (A);

(2) United States insurance companies shall be considered to have had a “fair and open competitive opportunity to provide insurance” if they—

(A) have received notice of the opportunity to provide insurance; and

(B) have been evaluated on a nondiscriminatory basis; and

(3) the term “State” includes the District of Columbia and any commonwealth, territory, or possession of the United States.