

## 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 L. 100-461 repealed subsec.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 INVESTMENTS IF INSURANCE OR OTHER SUPPORT IS NOT PROVIDED

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.

(Pub. L. 87-195, pt. I, §240B, as added Pub. L. 102-549, title I, §109, Oct. 28, 1992, 106 Stat. 3654.)

PRIOR PROVISIONS

A prior section 2200b, Pub. L. 87-195, pt. I, §240B, as added Pub. L. 97-65, §10, Oct. 16, 1981, 95 Stat. 1024, related to return of appropriated funds, prior to repeal by Pub. L. 99-204, §15, Dec. 23, 1985, 99 Stat. 1676.

SUBPART V—DISADVANTAGED CHILDREN IN ASIA

**§ 2201. Assistance to disadvantaged children in Asia**

**(a) Congressional findings**

The Congress recognizes the humanitarian needs of disadvantaged children in Asian countries where there has been or continues to be a heavy presence of United States military and related personnel in recent years. Moreover, the Congress finds that inadequate provision has been made for the care and welfare of such disadvantaged children, particularly those fathered by the<sup>1</sup> United States citizens.

**(b) Authority of President**

Accordingly, the President is authorized to expend up to \$3,000,000 of funds made available under part I of this subchapter, in addition to funds otherwise available for such purposes, to help meet the needs of these disadvantaged children in Asia by assisting in the expansion and improvement of orphanages, hostels, day care centers, school feeding programs, and health, education, and welfare programs. Assistance provided under this section shall be furnished under the auspices of and by international organizations or private voluntary agencies operating within, and in cooperation with, the countries of Asia where these disadvantaged children reside.

(Pub. L. 87-195, pt. I, §241, as added Pub. L. 95-424, title I, §116, Oct. 6, 1978, 92 Stat. 952; amended Pub. L. 99-83, title IX, §903(a), Aug. 8, 1985, 99 Stat. 268.)

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of this subchapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

PRIOR PROVISIONS

A prior section 2201, Pub. L. 87-195, pt. I, §241, Sept. 4, 1961, 75 Stat. 433; Pub. L. 88-205, pt. I, §105, Dec. 16, 1963, 77 Stat. 382, related to general authority of President respecting development research and use of funds for research into problems of population growth, prior to repeal by Pub. L. 94-161, title III, §306(1), Dec. 20, 1975, 89 Stat. 858.

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-83 substituted “\$3,000,000” for “\$2,000,000”.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

<sup>1</sup> So in original.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

SUBPART VI—MICROENTERPRISE DEVELOPMENT ASSISTANCE

PRIOR PROVISIONS

A prior subpart VI, consisting of sections 2211 to 2213, related to Alliance for Progress, prior to repeal by Pub. L. 95-424, title I, §102(g)(1)(A), title VI, §605, Oct. 6, 1978, 92 Stat. 942, 961, effective Oct. 1, 1978.

Division A—Grant Assistance

**§ 2211. Findings and policy**

Congress finds and declares the following:

(1) Access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems.

(2) It is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries.

(3) Access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial services.

(4) Given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.

(5) Microenterprise programs have been successful and should continue to empower vulnerable women in the developing world. The Agency should work to ensure that recipients of microenterprise and microfinance development assistance under this subpart communicate and work with nongovernmental organizations and government organizations to identify and assist victims of trafficking as provided for in section 7104(a)(1) of this title and women who are victims of or susceptible to other forms of exploitation and violence.

(6) Given that microenterprise programs have been successful in empowering disenfranchised groups such as women, microenterprise programs should also target populations disenfranchised due to race or ethnicity in countries where a strong relationship between poverty and race or ethnicity has been demonstrated, such as countries in Latin America.

(Pub. L. 87-195, pt. I, §251, as added Pub. L. 108-484, §3, Dec. 23, 2004, 118 Stat. 3923.)

PRIOR PROVISIONS

A prior section 2211, Pub. L. 87-195, pt. I, §251, as added Pub. L. 87-565, pt. I, §106, Aug. 1, 1962, 76 Stat. 257; amended Pub. L. 88-205, pt. I, §106(a), Dec. 16, 1963, 77 Stat. 382; Pub. L. 89-583, pt. I, §105(a), Sept. 19, 1966, 80 Stat. 799; Pub. L. 90-137, pt. I, §106(a), Nov. 14, 1967, 81 Stat. 451, related to assistance in order to promote the economic development of countries and areas in