

(Pub. L. 115–254, div. F, title IV, §1442, Oct. 5, 2018, 132 Stat. 3504.)

§ 9653. Annual report

(a) In general

After the end of each fiscal year, the Corporation shall submit to the appropriate congressional committees a complete and detailed report of its operations during that fiscal year, including an assessment of—

(1) the economic and social development impact, including with respect to matters described in subsections (d), (e), and (f) of section 9651 of this title, of projects supported by the Corporation under subchapter II of this chapter;

(2) the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and qualifying sovereign entities;

(3) the Corporation’s institutional linkages with other relevant United States Government department¹ and agencies, including efforts to strengthen such linkages; and

(4) the compliance of projects supported by the Corporation under subchapter II of this chapter with human rights, environmental, labor, and social policies, or other such related policies that govern the Corporation’s support for projects, promulgated or otherwise administered by the Corporation.

(b) Elements

Each annual report required by subsection (a) shall include analyses of the effects of projects supported by the Corporation under subchapter II of this chapter, including—

(1) reviews and analyses of—

(A) the desired development outcomes for projects and whether or not the Corporation is meeting the associated metrics, goals, and development objectives, including, to the extent practicable, in the years after conclusion of projects; and

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

(2) an explanation of any partnership arrangement or cooperation with a qualifying sovereign entity in support of each project;

(3) projections of—

(A) development outcomes, and whether or not support for projects are meeting the associated performance measures, both during the start-up phase and over the duration of the support, and to the extent practicable, measures of such development outcomes should be on a gender-disaggregated basis, such as changes in employment, access to financial services, enterprise development and growth, and composition of executive boards and senior leadership of enterprises receiving support under subchapter II of this chapter; and

(B) the value of private sector assets brought to bear relative to the amount of support provided by the Corporation and the value of any other public sector support; and

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

(Pub. L. 115–254, div. F, title IV, §1443, Oct. 5, 2018, 132 Stat. 3505.)

§ 9654. Publicly available project information

The Corporation shall—

(1) maintain a user-friendly, publicly available, machine-readable database with detailed project-level information, as appropriate and to the extent practicable, including a description of the support provided by the Corporation under subchapter II of this chapter, including, to the extent feasible, the information included in the report to Congress under section 9653 of this title and project-level performance metrics; and

(2) include a clear link to information about each project supported by the Corporation under subchapter II of this chapter on the internet website of the Department of State, “ForeignAssistance.gov”, or a successor website or other online publication.

(Pub. L. 115–254, div. F, title IV, §1444, Oct. 5, 2018, 132 Stat. 3506.)

§ 9655. Engagement with investors

(a) In general

The Corporation, acting through the Chief Development Officer, shall, in cooperation with the Administrator of the United States Agency for International Development—

(1) develop a strategic relationship with private sector entities focused at the nexus of business opportunities and development priorities;

(2) engage such entities and reduce business risks primarily through direct transaction support and facilitating investment partnerships;

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

(4) pursue highly developmental projects of all sizes, especially those that are small but designed for work in the most underdeveloped areas, including countries with chronic suffering as a result of extreme poverty, fragile institutions, or a history of violence; and

(5) pursue projects consistent with the policy of the United States described in section 9611 of this title and the Joint Strategic Plan and the Mission Country Development Cooperation Strategies of the United States Agency for International Development.

(b) Assistance

To achieve the goals described in subsection (a), the Corporation shall—

(1) develop risk mitigation tools;

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

¹ So in original. Probably should be “departments”.

(3) support intermediaries linking capital supply and demand;

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

(5) convene financial, donor, civil society, and public sector partners around opportunities for private finance within development priorities;

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

(7) provide transaction structuring support;

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

(9) partner with private sector entities that provide access to capital and expertise; and

(10) identify and screen new investment partners.

(c) Technical assistance

The Corporation shall coordinate with the United States Agency for International Development and other agencies and departments, as necessary, on projects and programs supported by the Corporation that include technical assistance.

(Pub. L. 115–254, div. F, title IV, §1445, Oct. 5, 2018, 132 Stat. 3506.)

§ 9656. Notifications to be provided by the Corporation

(a) In general

Not later than 15 days prior to the Corporation making a financial commitment associated with the provision of support under subchapter II of this title in an amount in excess of \$10,000,000, the Chief Executive Officer of the Corporation shall submit to the appropriate congressional committees a report in writing that contains the information required by subsection (b).

(b) Information required

The information required by this subsection includes—

(1) the amount of each such financial commitment;

(2) an identification of the recipient or beneficiary; and

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

(c) Bilateral agreements

The Chief Executive Officer of the Corporation shall notify the appropriate congressional committees not later than 30 days after entering into a new bilateral agreement described in section 9631(a) of this title.

(Pub. L. 115–254, div. F, title IV, §1446, Oct. 5, 2018, 132 Stat. 3507.)

SUBCHAPTER V—CONDITIONS,
RESTRICTIONS, AND PROHIBITIONS

§ 9671. Limitations and preferences

(a) Limitation on support for single entity

No entity receiving support from the Corporation under subchapter II of this chapter may receive more than an amount equal to 5 percent of

the Corporation's maximum contingent liability authorized under section 9633 of this title.

(b) Preference for support for projects sponsored by United States persons

(1) In general

The Corporation should give preferential consideration to projects sponsored by or involving private sector entities that are United States persons.

(2) United States person defined

In this subsection, the term “United States person” means—

(A) a United States citizen; or

(B) an entity owned or controlled by an individual or individuals described in subparagraph (A).

(c) Preference for support in countries in compliance with international trade obligations

(1) Consultations with United States Trade Representative

Not less frequently than annually, the Corporation shall consult with the United States Trade Representative with respect to the status of countries eligible to receive support from the Corporation under subchapter II of this chapter and the compliance of those countries with their international trade obligations.

(2) Preferential consideration

The Corporation shall give preferential consideration to providing support under subchapter II of this chapter for projects in countries in compliance with or making substantial progress coming into compliance with their international trade obligations.

(d) Worker rights

(1) In general

The Corporation shall only support projects under subchapter II of this chapter in countries that are taking steps to adopt and implement laws that extend internationally recognized worker rights (as defined in section 2467 of title 19) to workers in that country, including any designated zone in that country.

(2) Required contract language

The Corporation shall also include the following language, in substantially the following form, in all contracts which the Corporation enters into with persons receiving support under subchapter II of this chapter: “The person receiving support agrees not to take actions to prevent employees of the foreign enterprise from lawfully exercising their right of association and their right to organize and bargain collectively. The person further agrees to observe applicable laws relating to a minimum age for employment of children, acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety, and not to use forced labor or the worst forms of child labor (as defined in section 507 of the Trade Act of 1974 (19 U.S.C. 2467)). The person is not responsible under this paragraph for the actions of a foreign government.”.

(e) Impact notification

The Board shall not vote in favor of any project proposed to be supported by the Corpora-