

## Calendar No. 227

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 705****[Report No. 111-107]**

To reauthorize the programs of the Overseas Private Investment Corporation,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 25, 2009

Mr. KERRY (for himself, Mr. LUGAR, Mr. KAUFMAN, Mr. MENENDEZ, Mrs. SHAHEEN, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

DECEMBER 15, 2009

Reported by Mr. KERRY, without amendment

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**A BILL**

To reauthorize the programs of the Overseas Private  
Investment 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.**

4 This Act may be cited as the “Overseas Private In-  
5 vestment Corporation Reauthorization Act of 2009”.

1 **SEC. 2. REAUTHORIZATION OF OPIC PROGRAMS.**

2 Section 235(a)(2) of the Foreign Assistance Act of  
3 1961 (22 U.S.C. 2195(a)(2)) is amended by striking  
4 “September 30, 2007” and inserting “September 30,  
5 2013”.

6 **SEC. 3. CONGRESSIONAL NOTIFICATION REGARDING MAX-**  
7 **IMUM CONTINGENT LIABILITY.**

8 Section 239 of the Foreign Assistance Act of 1961  
9 (22 U.S.C. 2199) is amended by adding at the end the  
10 following:

11 “(1) CONGRESSIONAL NOTIFICATION OF INCREASE IN  
12 MAXIMUM CONTINGENT LIABILITY.—The Corporation  
13 shall notify the Committee on Foreign Relations of the  
14 Senate and the Committee on Foreign Affairs of the  
15 House of Representatives not later than 15 days after the  
16 date on which the Corporation’s maximum contingent li-  
17 ability outstanding at any one time pursuant to insurance  
18 issued under section 234(a), and the amount of financing  
19 issued under section 234 (b) and (c), exceeds the Corpora-  
20 tion’s maximum contingent liability for the preceding fis-  
21 cal year by 25 percent or more.”.

22 **SEC. 4. TRANSPARENCY AND ACCOUNTABILITY OF INVEST-**  
23 **MENT FUNDS.**

24 (a) IN GENERAL.—Section 239 of the Foreign Assist-  
25 ance Act of 1961 (22 U.S.C. 2199), as amended by section  
26 3, is amended by adding at the end the following:

1       “(m) TRANSPARENCY AND ACCOUNTABILITY OF IN-  
2 VESTMENT FUNDS.—

3               “(1) COMPETITIVE SELECTION OF INVESTMENT  
4 FUND MANAGEMENT.—With respect to any invest-  
5 ment fund that the Corporation creates on or after  
6 the date of the enactment of the Overseas Private  
7 Investment Corporation Reauthorization Act of  
8 2009, the Corporation may select persons to manage  
9 the fund only by contract using competitive proce-  
10 dures that are full and open.

11              “(2) CRITERIA FOR SELECTION.—In assessing  
12 a proposal for investment fund management, the  
13 Corporation shall consider, in addition to other fac-  
14 tors, the following:

15                   “(A) The prospective fund management’s  
16 experience, depth, and cohesiveness.

17                   “(B) The prospective fund management’s  
18 track record in investing risk capital in emerg-  
19 ing markets.

20                   “(C) The prospective fund management’s  
21 experience, management record, and monitoring  
22 capabilities in the countries in which the man-  
23 agement operates, including details of local  
24 presence (directly or through local alliances).

1           “(D) The prospective fund management’s  
2           experience as a fiduciary in managing institu-  
3           tional capital, meeting reporting requirements,  
4           and administration.

5           “(E) The prospective fund management’s  
6           record in avoiding investments in companies  
7           that would be disqualified under section 239(l).

8           “(3) ANNUAL REPORT.—The Corporation shall  
9           include in each annual report under section 240A an  
10          analysis of the investment fund portfolio of the Cor-  
11          poration, including the following:

12           “(A) FUND PERFORMANCE.—An analysis  
13           of the aggregate financial performance of the  
14           investment fund portfolio grouped by region  
15           and maturity.

16           “(B) STATUS OF LOAN GUARANTIES.—The  
17           amount of guaranties committed by the Cor-  
18           poration to support investment funds, including  
19           the percentage of such amount that has been  
20           disbursed to the investment funds.

21           “(C) RISK RATINGS.—The definition of  
22           risk ratings, and the current aggregate risk rat-  
23           ings for the investment fund portfolio, including  
24           the number of investment funds in each of the  
25           Corporation’s rating categories.

1                   “(D) COMPETITIVE SELECTION OF INVEST-  
2                   MENT FUND MANAGEMENT.—The number of  
3                   proposals received and evaluated for each newly  
4                   established investment fund.”.

5           (b) GAO REVIEW.—Not later than 1 year after the  
6 submission of the first report to Congress under section  
7 240A of the Foreign Assistance Act of 1961 that includes  
8 the information required by section 239(m)(3) of that Act  
9 (as added by subsection (a) of this section), the Comp-  
10 troller General of the United States shall prepare and sub-  
11 mit to the Committee on Foreign Relations of the Senate  
12 and the Committee on Foreign Affairs of the House of  
13 Representatives an independent assessment of the invest-  
14 ment fund portfolio of the Overseas Private Investment  
15 Corporation, covering the items required to be addressed  
16 under such section 239(m)(3).

17 **SEC. 5. INCREASED TRANSPARENCY.**

18           (a) IN GENERAL.—Section 231A(c)(2) of the Foreign  
19 Assistance Act of 1961 (22 U.S.C. 2191a(c)(2)) is amend-  
20 ed to read as follows:

21           “(2) In conjunction with each meeting of its Board  
22 of Directors, the Corporation shall hold a public hearing  
23 in order to afford an opportunity for any person to present  
24 views regarding the activities of the Corporation. The Cor-  
25 poration shall provide notice of the hearing at least 20

1 days before the hearing. At least 15 days in before the  
2 hearing the Corporation shall make available a public  
3 summary of each project, including information related to  
4 workers rights, to be considered at the meeting. The Cor-  
5 poration shall not include any confidential business infor-  
6 mation in the summary made available under this sub-  
7 section. Any views expressed at the hearing or in written  
8 comments shall be made part of the record.”.

9 (b) ADDITIONAL TRANSPARENCY.—Section 237 of  
10 the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is  
11 amended by adding at the end the following new sub-  
12 sections:

13 “(p) REVIEW OF METHODOLOGY.—Not later than  
14 180 days after the date of the enactment of the Overseas  
15 Private Investment Corporation Reauthorization Act of  
16 2009, the Corporation shall make available to the public  
17 the methodology, including relevant regulations, used to  
18 assess and monitor the impact of projects supported by  
19 the Corporation—

20 “(1) on employment in the United States;

21 “(2) on development and the environment in  
22 host countries; and

23 “(3) on the protection of internationally recog-  
24 nized worker rights, as well as the elimination of dis-

1       crimination with respect to employment and occupa-  
2       tion, in host countries.

3       “(q) PUBLIC NOTICE PRIOR TO PROJECT AP-  
4       PROVAL.—

5               “(1) PUBLIC NOTICE.—

6                       “(A) IN GENERAL.—The Board of Direc-  
7                       tors of the Corporation may not vote in favor  
8                       of any action proposed to be taken by the Cor-  
9                       poration on a Category A project before the  
10                      date that is 60 days after the Corporation—

11                               “(i) makes available for public com-  
12                               ment a summary of the project and rel-  
13                               evant information about the project; and

14                               “(ii) such summary and information  
15                               described in clause (i) has been made  
16                               available to groups in the area that may be  
17                               impacted by the proposed project and to  
18                               nongovernmental organizations in the host  
19                               country.

20                               “(B) EXCEPTION.—The Corporation shall  
21                               not include any confidential business informa-  
22                               tion in the summary and information made  
23                               available under clauses (i) and (ii) of subpara-  
24                               graph (A).

1           “(2) PUBLISHED RESPONSE.—To the extent  
2           practicable, the Corporation shall publish responses  
3           to the comments received under paragraph (1)(A)(i)  
4           with respect to a Category A project and submit the  
5           responses to the Board not later than 7 days before  
6           a vote is to be taken on any action proposed by the  
7           Corporation on the project.

8           “(3) CATEGORY A PROJECT DEFINED.—The  
9           term ‘Category A project’ means any project or  
10          other activity for which the Corporation proposes to  
11          provide insurance, reinsurance, a guaranty, financ-  
12          ing, or other assistance under this title and which is  
13          likely to have a significant adverse environmental  
14          impact.”.

15          (c) OFFICE OF ACCOUNTABILITY.—Section 237 of  
16          the Foreign Assistance Act of 1961 (22 U.S.C. 2197), as  
17          amended by subsection (b) of this section, is amended by  
18          adding at the end the following new subsection:

19          “(r) OFFICE OF ACCOUNTABILITY.—The Corporation  
20          shall maintain an Office of Accountability to provide, to  
21          the maximum extent practicable, upon request, problem-  
22          solving services for projects supported by the Corporation  
23          and review of the Corporation’s compliance with its envi-  
24          ronmental, social, internationally recognized worker  
25          rights, human rights, and transparency policies and proce-



1 dures. The Office of Accountability shall operate in a man-  
2 ner that is fair, objective, and transparent.”.

3 **SEC. 6. EXTRACTION INVESTMENT.**

4 Title IV of chapter 2 of part I of the Foreign Assist-  
5 ance Act of 1961 (22 U.S.C. 2191 et seq.) is amended  
6 by inserting after section 234A the following new section:

7 **“SEC. 234B. EXTRACTION INVESTMENT.**

8 “(a) EXTRACTION INVESTMENTS.—

9 “(1) PRIOR NOTIFICATION TO CONGRESSIONAL  
10 COMMITTEES.—

11 “(A) IN GENERAL.—The Corporation shall  
12 provide notice of consideration of approval of a  
13 project described in subparagraph (B) to the  
14 Committees on Foreign Relations and Appro-  
15 priations of the Senate and the Committees on  
16 Foreign Affairs and Appropriations of the  
17 House of Representatives not later than 60  
18 days before approval of such project.

19 “(B) PROJECT DESCRIBED.—A project de-  
20 scribed in this subparagraph is a Category A  
21 project (as defined in section 237(q)(3)) relat-  
22 ing to an extractive industry project or any ex-  
23 tractive industry project for which the assist-  
24 ance to be provided by the Corporation is val-

1           ued at \$10,000,000 or more (including contin-  
2           gent liability).

3           “(2) COMMITMENT TO EITI PRINCIPLES.—

4                   “(A) IN GENERAL.—Except as provided in  
5           subparagraph (B), the Corporation may ap-  
6           prove a contract of insurance, reinsurance, a  
7           guaranty, or enter into an agreement to provide  
8           financing to an eligible investor for a project  
9           that significantly involves an extractive industry  
10          only if—

11                   “(i) the eligible investor has agreed to  
12           implement the Extractive Industries  
13           Transparency Initiative principles and cri-  
14           teria, or substantially similar principles  
15           and criteria related to the specific project  
16           to be carried out; and

17                   “(ii)(I) the host country where the  
18           project is to be carried out has committed  
19           to the Extractive Industries Transparency  
20           Initiative principles and criteria, or sub-  
21           stantially similar principles and criteria; or

22                   “(II) the host country where the  
23           project is to be carried out has in place or  
24           is taking the necessary steps to establish  
25           functioning systems for—

1           “(aa) accurately accounting for  
2 revenues and expenditures in connec-  
3 tion with the extraction and export of  
4 the type of natural resource to be ex-  
5 tracted or exported;

6           “(bb) the independent audit of  
7 such revenues and expenditures and  
8 the widespread public dissemination of  
9 the finding of the audit; and

10           “(cc) verifying government re-  
11 ceipts against company payments, in-  
12 cluding widespread dissemination of  
13 such payment information, and disclo-  
14 sure of such documents as host gov-  
15 ernment agreements, concession  
16 agreements, and bidding documents,  
17 and allowing in any such dissemina-  
18 tion or disclosure for the redaction of,  
19 or exceptions for, information that is  
20 commercially proprietary or that  
21 would create a competitive disadvan-  
22 tage.

23           “(B) EXCEPTION.—If a host country does  
24 not meet the requirements of subparagraph  
25 (A)(ii) (I) or (II), the Corporation may approve

1 a contract of insurance, reinsurance, or a guar-  
2 anty, or enter into an agreement to provide fi-  
3 nancing for a project in the host country if the  
4 Corporation determines it is in the foreign pol-  
5 icy interest of the United States for the Cor-  
6 poration to provide support for the project in  
7 the host country and the host country does not  
8 prevent an eligible investor from complying with  
9 subparagraph (A)(i).

10 “(3) PREFERENCE FOR CERTAIN PROJECTS.—

11 With respect to all projects that significantly involve  
12 an extractive industry, the Corporation, to the extent  
13 practicable and consistent with the Corporation’s de-  
14 velopment objectives, shall give preference to a  
15 project in which the eligible investor has agreed to  
16 implement the Extractive Industries Transparency  
17 Initiative principles and criteria, or substantially  
18 similar principles and criteria, and the host country  
19 where the project is to be carried out has committed  
20 to the Extractive Industries Transparency Initiative  
21 principles and criteria, or substantially similar prin-  
22 ciples and criteria.

23 “(4) EFFECT ON OTHER REQUIREMENTS.—

24 Nothing in this subsection shall affect the limita-

1 tions and prohibitions with respect to direct invest-  
 2 ments described in section 234(c).

3 “(5) REPORTING REQUIREMENT.—The Cor-  
 4 poration shall include in each annual report required  
 5 under section 240A a description of its activities to  
 6 carry out this subsection.

7 “(b) EXTRACTIVE INDUSTRY.—The term ‘extractive  
 8 industry’ refers to an enterprise engaged in the explo-  
 9 ration, development, or extraction of oil and gas reserves,  
 10 metal ores, gemstones, industrial minerals (except rock  
 11 used for construction purposes), or coal.”.

12 **SEC. 7. ASSISTANCE FOR SMALL BUSINESSES AND ENTI-**  
 13 **TIES.**

14 Section 240 of the Foreign Assistance Act of 1961  
 15 (22 U.S.C. 2200) is amended by adding at the end the  
 16 following:

17 “(c) RESOURCES DEDICATED TO SMALL BUSI-  
 18 NESSES, COOPERATIVES, AND OTHER SMALL UNITED  
 19 STATES INVESTORS.—The Corporation shall ensure that  
 20 adequate personnel and resources, including senior offi-  
 21 cers, are dedicated to assist United States small busi-  
 22 nesses, cooperatives, and other small United States inves-  
 23 tors in obtaining insurance, reinsurance, financing, and  
 24 other assistance under this title. The Corporation shall in-  
 25 clude, in each annual report under section 240A, the fol-

1 lowing information with respect to the period covered by  
2 the report:

3           “(1) A description of such personnel and re-  
4 sources.

5           “(2) The number of United States small busi-  
6 nesses, cooperatives, and other small United States  
7 investors that received insurance, reinsurance, fi-  
8 nancing, and other assistance from the Corporation,  
9 and the dollar value of such insurance, reinsurance,  
10 financing, and other assistance.

11           “(3) A description of the projects for which the  
12 insurance, reinsurance, financing, and other assist-  
13 ance was provided.”.

14 **SEC. 8. PREFERENTIAL CONSIDERATION OF CERTAIN IN-**  
15 **VESTMENT PROJECTS.**

16           Section 231(f) of the Foreign Assistance Act of 1961  
17 (22 U.S.C. 2191(f)) is amended to read as follows:

18           “(f) to the greatest degree practicable and consistent  
19 with the goals of the Corporation, to give preferential con-  
20 sideration to investment projects in any less developed  
21 country the government of which is receptive to both do-  
22 mestic and foreign private enterprise and to projects in  
23 any country the government of which is willing and able  
24 to maintain conditions that enable private enterprise to  
25 make a full contribution to the development process;”.

1 **SEC. 9. EXTENSION OF AUTHORITY TO OPERATE IN IRAQ.**

2 Section 239 of the Foreign Assistance Act of 1961  
3 (22 U.S.C. 2199), as amended by sections 3 and 4, is  
4 amended by adding at the end the following:

5 “(n) OPERATIONS IN IRAQ.—Notwithstanding sub-  
6 sections (a) and (b) of section 237, the Corporation is au-  
7 thorized to undertake in Iraq any program authorized by  
8 this title.”.

9 **SEC. 10. INELIGIBILITY OF PERSONS DOING CERTAIN BUSI-**  
10 **NESS WITH STATE SPONSORS OF TERRORISM.**

11 (a) IN GENERAL.—Section 231 of the Foreign Assist-  
12 ance Act of 1961 (22 U.S.C. 2191) is amended by—

13 (1) striking “and” at the end of division (m);

14 (2) by striking the period at the end of division

15 (n) and inserting “; and”; and

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

17 “(o) to decline to issue any contract of insurance or  
18 reinsurance, or any guaranty, or to enter into any agree-  
19 ment to provide financing or any other assistance for a  
20 prospective eligible investor who enters, directly or  
21 through an affiliate, into certain discouraged transactions  
22 with a state sponsor of terrorism.”.

23 (b) GENERAL PROVISIONS AND POWERS.—Section  
24 239 of the Foreign Assistance Act of 1961 (22 U.S.C.  
25 2199), as amended by sections 3, 4, and 9, is amended  
26 by adding at the end the following:

1 “(o) STATE SPONSOR OF TERRORISM.—

2 “(1) IN GENERAL.—In order to carry out the  
3 policy set forth in section 231(o) of this Act, the  
4 Corporation shall require a certification from an of-  
5 ficer of a prospective OPIC-supported United States  
6 investor that the investor and all affiliates of the in-  
7 vestor are not engaged in a discouraged transaction  
8 with a state sponsor of terrorism.

9 “(2) DISCOURAGED TRANSACTION.—In this  
10 subsection, the term ‘discouraged transaction’ means  
11 any of the following activities:

12 “(A) An investment commitment of  
13 \$20,000,000 or more by the investor in the en-  
14 ergy sector in a state sponsor of terrorism.

15 “(B) Any loan, or an extension of credit,  
16 to the government of a state sponsor of ter-  
17 rorism by the investor that—

18 “(i) is outstanding on the date the  
19 Corporation enters into a contract with the  
20 investor; and

21 “(ii) that has a value of more than  
22 \$5,000,000, including the sale of goods for  
23 which payment is not required by the pur-  
24 chaser within 45 days.



1           “(C) The transfer by the investor of goods  
2           that are included on the United States Muni-  
3           tions List, referred to in section 38(a)(1) of the  
4           Arms Export Control Act (22 U.S.C.  
5           2778(a)(1)) to a state sponsor of terrorism  
6           within the 3-year period preceding the date the  
7           Corporation enters into a contract with the in-  
8           vestor.

9           “(3) EXCEPTION.—An officer of a prospective  
10          OPIC-supported United States investor may provide  
11          a certification under this subsection notwithstanding  
12          the fact that an affiliate of the investor is engaged  
13          in a discouraged transaction if the transaction is  
14          carried out under a contract or other obligation of  
15          the affiliate that was entered into or incurred before  
16          the acquisition of such affiliate by the prospective  
17          OPIC-supported United States investor or the par-  
18          ent company of the OPIC-supported United States  
19          investor.

20          “(4) DEFINITIONS.—In this subsection:

21                 “(A) AFFILIATE.—The term ‘affiliate’  
22                 means any person that is directly or indirectly  
23                 controlled by, under common control with, or  
24                 controls a prospective OPIC-supported United

1 States investor or the parent company of such  
2 investor.

3 “(B) INVESTMENT COMMITMENT IN THE  
4 ENERGY SECTOR OF A STATE SPONSOR OF TER-  
5 RORISM.—The term ‘investment commitment in  
6 the energy sector of a state sponsor of ter-  
7 rorism’ means any of the following activities if  
8 such activity is undertaken pursuant to a com-  
9 mitment, or pursuant to the exercise of rights  
10 under a commitment, that was entered into  
11 with the government of a state sponsor of ter-  
12 rorism or a nongovernmental entity in a coun-  
13 try that is a state sponsor of terrorism:

14 “(i) The entry into a contract that in-  
15 cludes responsibility for the development or  
16 transportation of petroleum or natural gas  
17 resources located in a country that is a  
18 state sponsor of terrorism, or the entry  
19 into a contract providing for the general  
20 supervision or guaranty of another per-  
21 son’s performance of such a contract.

22 “(ii) The purchase of a share of own-  
23 ership, including an equity interest, in the  
24 development of petroleum or natural re-  
25 sources described in clause (i).

1           “(iii) The entry into a contract pro-  
2           viding for the participation in royalties,  
3           earnings, or profits in the development of  
4           petroleum or natural resources described in  
5           clause (i), without regard to the form of  
6           the participation.

7           “(C) STATE SPONSOR OF TERRORISM.—

8           The term ‘state sponsor of terrorism’ —

9           “(i) means any country the govern-  
10          ment of which the Secretary of State has  
11          determined has repeatedly provided sup-  
12          port for acts of international terrorism  
13          pursuant to section 6(j) of the Export Ad-  
14          ministration Act of 1979, section 620A of  
15          this Act, or section 40 of the Arms Export  
16          Control Act; and

17          “(ii) does not include Southern  
18          Sudan, Southern Kordofan/Nuba Moun-  
19          tains State, Blue Nile State, and Abyei,  
20          Darfur, if the Corporation, with the con-  
21          currence of the Secretary of State, deter-  
22          mines that providing assistance for  
23          projects in such regions will provide emer-  
24          gency relief, promote economic self-suffi-  
25          ciency, or implement a nonmilitary pro-

1           gram in support of a viable peace agree-  
2           ment in Sudan, such as the Comprehensive  
3           Peace Agreement for Sudan and the  
4           Darfur Peace Agreement.”.

5 **SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR**  
6           **PROMOTE CERTAIN RAILWAY CONNECTIONS**  
7           **AND RAILWAY-RELATED CONNECTIONS.**

8           Section 237 of the Foreign Assistance Act of 1961  
9           (22 U.S.C. 2197), as amended by section 5, is amended  
10          by adding at the end the following:

11          “(s) PROHIBITION ON ASSISTANCE FOR CERTAIN  
12          RAILWAY PROJECTS.—The Corporation may not provide  
13          insurance, reinsurance, a guaranty, financing, or other as-  
14          sistance to support the development or promotion of a rail-  
15          way connection or railway-related connection that connects  
16          Azerbaijan and Turkey without connecting or traversing  
17          with Armenia.”.

18 **SEC. 12. INCREASING PROJECT REQUIREMENTS REGARD-**  
19           **ING EMPLOYMENT.**

20          Subsection (a) of section 231A of the Foreign Assist-  
21          ance Act of 1961 (22 U.S.C. 2191a(a)) is amended to read  
22          as follows:

23          “(a) INCREASING PROJECT REQUIREMENTS RE-  
24          GARDING EMPLOYMENT.—

1           “(1) IN GENERAL.—The Corporation may in-  
2           sure, reinsure, guaranty, or finance a project only  
3           if—

4                   “(A) the country in which the project is to  
5           be undertaken is eligible for designation as a  
6           beneficiary developing country under the Gener-  
7           alized System of Preferences (19 U.S.C. 2461  
8           et seq.) and has not been determined to be in-  
9           eligible for such designation on the basis of sec-  
10          tion 502(b)(2)(G) of the Trade Act of 1974 (19  
11          U.S.C. 2462(b)(2)(G)) (relating to internation-  
12          ally recognized worker rights), or section  
13          502(b)(2)(H) of such Act (19 U.S.C.  
14          2462(b)(2)(H) (relating to the worst forms of  
15          child labor); or

16                   “(B) the country in which the project is to  
17          be undertaken is not eligible for designation as  
18          a beneficiary country under the Generalized  
19          System of Preferences, the government of that  
20          country has taken or is taking steps to afford  
21          workers in the country (including any des-  
22          ignated zone or special administrative region or  
23          area in that country) internationally recognized  
24          worker rights (as defined in section 507(4) of  
25          the Trade Act of 1974 (19 U.S.C. 2467(4))).

1           “(2) LIMITATION INAPPLICABLE.—The limita-  
2           tion contained in paragraph (1) shall not apply to  
3           providing assistance for humanitarian services.

4           “(3) USE OF REPORTS.—The Corporation shall,  
5           in implementing paragraph (1), consider—

6                   “(A) information contained in the reports  
7                   required by sections 116(d) and 502B(b) of this  
8                   Act and the report required by section 504 of  
9                   the Trade Act of 1974 (19 U.S.C. 2464);

10                   “(B) other relevant sources of information  
11                   readily available to the Corporation, including  
12                   observations, reports, and recommendations of  
13                   the International Labour Organization; and

14                   “(C) information provided in the hearing  
15                   required under subsection (c).

16           “(4) CONTRACT LANGUAGE.—The Corporation  
17           shall include the following language, in substantially  
18           the following form, in all contracts which the Cor-  
19           poration enters into with eligible investors to provide  
20           support under this title:

21                   ““The investor agrees not to take any actions  
22                   to obstruct or prevent employees of the foreign en-  
23                   terprise from exercising the employees’ internation-  
24                   ally recognized worker rights (as defined in section  
25                   507(4) of the Trade Act of 1974 (19 U.S.C.

1 2467(4)) and the investor agrees to adhere to the  
 2 obligations regarding those rights. The investor  
 3 agrees to prohibit discrimination with respect to em-  
 4 ployment and occupation.’

5 “(5) PREFERENCE TO CERTAIN COUNTRIES.—  
 6 Consistent with its development objectives, the Cor-  
 7 poration shall give preferential consideration to  
 8 projects in countries that—

9 “(A) have adopted and maintained, in the  
 10 country’s laws and regulations, internationally  
 11 recognized worker rights, as well as the elimi-  
 12 nation of discrimination with respect to employ-  
 13 ment and occupation; and

14 “(B) are effectively enforcing those laws.”.

15 **SEC. 13. TECHNICAL CORRECTIONS.**

16 (a) PILOT EQUITY FINANCE PROGRAM.—Section 234  
 17 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194)  
 18 is amended—

19 (1) by striking subsection (g); and

20 (2) by redesignating subsection (h) as sub-  
 21 section (g).

22 (b) TRANSFER AUTHORITY.—Section 235 of the For-  
 23 eign Assistance Act of 1961 (22 U.S.C. 2195) is amend-  
 24 ed—

25 (1) by striking subsection (e); and

1           (2) by redesignating subsection (f) as sub-  
2           section (e).

3           (c) GUARANTY CONTRACT.—Section 237(j) of the  
4 Foreign Assistance Act of 1961 (22 U.S.C. 2197(j)) is  
5 amended by inserting “insurance, reinsurance, and” after  
6 “Each”.

7           (d) TRANSFER OF PREDECESSOR PROGRAMS AND  
8 AUTHORITIES.—

9           (1) TRANSFER.—Section 239 of the Foreign  
10 Assistance Act of 1961 (22 U.S.C. 2199), as amend-  
11 ed by sections 3, 4, 9, and 10, is amended—

12                   (A) by striking subsection (b); and

13                   (B) by redesignating subsections (c)  
14 through (o) as subsections (b) through (n), re-  
15 spectively.

16           (2) CONFORMING AMENDMENTS.—

17                   (A) Section 237(m)(1) of the Foreign As-  
18 sistance Act of 1961 (22 U.S.C. 2197(m)(1)) is  
19 amended by striking “239(g)” and inserting  
20 “239(f)”.

21                   (B) Section 240A(a) of the Foreign Assist-  
22 ance Act of 1961 (22 U.S.C. 2200a(a)) is  
23 amended—

24                           (i) in paragraph (1), by striking  
25 “239(h)” and inserting “239(g)”; and



1 (ii) in paragraph (2)(A), by striking  
2 “239(i)” and inserting “239(h)”.

3 (C) Section 209(e)(16) of the Admiral  
4 James W. Nance and Meg Donovan Foreign  
5 Relations Authorization Act, Fiscal Years 2000  
6 and 2001 (as enacted into law by section  
7 1000(a)(7) of Public Law 106–113; 31 U.S.C.  
8 1113 note) is amended by striking “239(c)”  
9 and “2199(c)” and inserting “239(b)” and  
10 “2199(b)”, respectively.

11 (e) ADDITIONAL CLERICAL AMENDMENTS.—Section  
12 234(b) of the Foreign Assistance Act of 1961 (22 U.S.C.  
13 2194(b)) is amended by striking “235(a)(2)” and insert-  
14 ing “235(a)(1)”.

Calendar No. 227

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 705**

[Report No. 111-107]

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**A BILL**

To reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes.

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DECEMBER 15, 2009

Reported without amendment