106TH CONGRESS 1ST SESSION S. 1463

To establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 1999

Mr. DEWINE (for himself, Ms. SNOWE, Mr. TORRICELLI, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. SCHUMER, Mr. BINGA-MAN, Mr. CHAFEE, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

- To establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, 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 "Microenterprise for5 Self-Reliance Act of 1999".

6 SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

7 The Congress makes the following findings and dec-

8 larations:

1	(1) According to the World Bank, more than
2	1,200,000,000 people in the developing world, or
3	one-fifth of the world's population, subsist on less
4	than \$1 a day.
5	(2) Over 32,000 of their children die each day
6	from largely preventable malnutrition and disease.
7	(3)(A) Women in poverty generally have larger
8	work loads and less access to educational and eco-
9	nomic opportunities than their male counterparts.
10	(B) Directly aiding the poorest of the poor, es-
11	pecially women, in the developing world has a posi-
12	tive effect not only on family incomes, but also on
13	child nutrition, health and education, as women in
14	particular reinvest income in their families.
15	(4)(A) The poor in the developing world, par-
16	ticularly women, generally lack stable employment
17	and social safety nets.
18	(B) Many turn to self-employment to generate
19	a substantial portion of their livelihood. In Africa,
20	over 80 percent of employment is generated in the
21	informal sector of the self-employed poor.
22	(C) These poor entrepreneurs are often trapped
23	in poverty because they cannot obtain credit at rea-
24	sonable rates to build their asset base or expand
25	their otherwise viable self-employment activities.

(D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders. (5)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates. (B) Through the development of self-sustaining microfinance programs, poor people themselves can lead the fight against hunger and poverty. (6)(A) On February 2–4, 1997, a global Microcredit Summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world's poorest families, especially the women of those families, by

2005. While this scale of outreach may not be
achievable in this short-time frame, the realization of
this goal could dramatically alter the face of global
poverty.

(B) With an average family size of five, achieving this goal will mean that the benefits of microfinance will thereby reach nearly half of the world's
more than 1,000,000,000 absolute poor people.

24 (7)(A) Nongovernmental organizations, such as
25 those that comprise the Microenterprise Coalition

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1	(such as the Grameen Bank (Bangladesh,) K–REP
2	(Kenya), and networks such as Accion International,
3	the Foundation for International Community Assist-
4	ance (FINCA), and the credit union movement) are
5	successful in lending directly to the very poor.
6	(B) Microfinance institutions such as BRAC
7	(Bangladesh), BancoSol (Bolivia), SEWA Bank
8	(India), and ACEP (Senegal) are regulated financial
9	institutions that can raise funds directly from the
10	local and international capital markets.
11	(8)(A) Microenterprise institutions not only re-
12	duce poverty, but also reduce the dependency on for-
13	eign assistance.
14	(B) Interest income on the credit portfolio is
15	used to pay recurring institutional costs, assuring
16	the long-term sustainability of development assist-
17	ance.
18	(9) Microfinance institutions leverage foreign
19	assistance resources because loans are recycled, gen-
20	erating new benefits to program participants.
21	(10)(A) The development of sustainable micro-
22	finance institutions that provide credit and training,
23	and mobilize domestic savings, are critical compo-
24	nents to a global strategy of poverty reduction and
25	broad-based economic development.

1 (B) In the efforts of the United States to lead 2 the development of a new global financial architec-3 ture, microenterprise should play a vital role. The 4 recent shocks to international financial markets 5 demonstrate how the financial sector can shape the 6 destiny of nations. Microfinance can serve as a pow-7 erful tool for building a more inclusive financial sec-8 tor which serves the broad majority of the world's 9 population including the very poor and women and 10 thus generate more social stability and prosperity.

11 (C) Over the last two decades, the United 12 States has been a global leader in promoting the 13 global microenterprise sector, primarily through its 14 development assistance programs at the United 15 States Agency for International Development. Addi-16 tionally, the United States Department of the Treas-17 ury and the Department of State have used their au-18 thority to promote microenterprise in the develop-19 ment programs of international financial institutions 20 and the United Nations.

(11)(A) In 1994, the United States Agency for
International Development launched the "Microenterprise Initiative" in partnership with the Congress.

1	(B) The initiative committed to expanding
2	funding for the microenterprise programs of the
3	Agency, and set a goal that, by the end of fiscal year
4	1996, half of all microenterprise resources would
5	support programs and institutions that provide cred-
6	it to the poorest, with loans under \$300.
7	(C) In order to achieve the goal of the micro-
8	credit summit, increased investment in microcredit
9	institutions serving the poorest will be critical.
10	(12) Providing the United States share of the
11	global investment needed to achieve the goal of the
12	microcredit summit will require only a small increase
13	in United States funding for international micro-
14	credit programs, with an increased focus on institu-
15	tions serving the poorest.
16	(13)(A) In order to reach tens of millions of the
17	poorest with microcredit, it is crucial to expand and
18	replicate successful microcredit institutions.
19	(B) These institutions need assistance in devel-
20	oping their institutional capacity to expand their
21	services and tap commercial sources of capital.
22	(14) Nongovernmental organizations have dem-
23	onstrated competence in developing networks of local
24	microfinance institutions and other assistance deliv-

1	ery mechanisms so that they reach large numbers of
2	the very poor, and achieve financial sustainability.
3	(15) Recognizing that the United States Agency
4	for International Development has developed very ef-
5	fective partnerships with nongovernmental organiza-
6	tions, and that the Agency will have fewer missions
7	to carry out its work, the Agency should place pri-
8	ority on investing in those nongovernmental network
9	institutions that meet performance criteria through
10	the central funding mechanisms of the Agency.
11	(16) By expanding and replicating successful
12	microcredit institutions, it should be possible to cre-
13	ate a global infrastructure to provide financial serv-
14	ices to the world's poorest families.
15	(17)(A) The United States can provide leader-
16	ship to other bilateral and multilateral development
17	agencies as such agencies expand their support to
18	the microenterprise sector.
19	(B) The United States should seek to improve
20	coordination among $G-7$ countries in the support of
21	the microenterprise sector in order to leverage the
22	investment of the United States with that of other
23	donor nations.
24	(18) Through increased support for microenter-
25	prise, especially credit for the poorest, the United

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1	States can continue to play a leadership role in the
2	global effort to expand financial services and oppor-
3	tunity to 100,000,000 of the poorest families on the
4	planet.
5	SEC. 3. PURPOSES.
6	The purposes of this Act are—
7	(1) to make microenterprise development an im-
8	portant element of United States foreign economic
9	policy and assistance;
10	(2) to provide for the continuation and expan-
11	sion of the commitment of the United States Agency
12	for International Development to the development of
13	microenterprise institutions as outlined in its 1994
14	Microenterprise Initiative;
15	(3) to support and develop the capacity of
16	United States and indigenous nongovernmental or-
17	ganization intermediaries to provide credit, savings,
18	training and technical services to microentre-
19	preneurs;
20	(4) to increase the amount of assistance de-
21	voted to credit activities designed to reach the poor-
22	est sector in developing countries, and to improve
23	the access of the poorest, particularly women, to
24	microenterprise credit in developing countries; and

1 (5) to encourage the United States Agency for 2 International Development to coordinate micro-3 finance policy, in consultation with the Department 4 of the Treasury and the Department of State, and 5 to provide global leadership in promoting micro-6 enterprise for the poorest among bilateral and multi-7 lateral donors. 8 SEC. 4. MICROENTERPRISE DEVELOPMENT GRANT ASSIST-9 ANCE. 10 Chapter 1 of part I of the Foreign Assistance Act 11 of 1961 (22 U.S.C. 2151 et seq.) is amended— 12 (1) by redesignating the second section 129 (as 13 added by section 4 of the Torture Victims Relief Act 14 of 1998 (Public Law 105–320)) as section 130; and 15 (2) by adding at the end the following new sec-16 tion: 17 "SEC. 131. MICROENTERPRISE DEVELOPMENT GRANT AS-18 SISTANCE. "(a) FINDINGS AND POLICY.—The Congress finds 19 20 and declares that— 21 "(1) the development of microenterprise is a 22 vital factor in the stable growth of developing coun-

24 table international economic systems;

tries and in the development of free, open, and equi-

"(2) it is therefore in the best interest of the
 United States to assist the development of micro enterprises in developing countries; and

4 "(3) the support of microenterprise can be
5 served by programs providing credit, savings, train6 ing, and technical assistance.

7 "(b) AUTHORIZATION.—(1) In carrying out this part,
8 the President is authorized to provide grant assistance for
9 programs to increase the availability of credit and other
10 services to microenterprises lacking full access to capital
11 and training through—

"(A) grants to microfinance institutions for the
purpose of expanding the availability of credit, savings, and other financial services to microentrepreneurs;

"(B) training, technical assistance, and other
support for microenterprises to enable them to make
better use of credit, to better manage their enterprises, and to increase their income and build their
assets;

21 "(C) capacity building for microfinance institu22 tions in order to enable them to better meet the
23 credit and training needs of microentrepreneurs; and
24 "(D) policy and regulatory programs at the
25 country level that improve the environment for

microfinance institutions that serve the poor and
 very poor.
 "(2) Assistance authorized under paragraph (1) shall
 be provided through organizations that have a capacity to

5 develop and implement microenterprise programs, includ6 ing particularly—

7 "(A) United States and indigenous private and8 voluntary organizations;

9 "(B) United States and indigenous credit
10 unions and cooperative organizations;

11 "(C) other indigenous governmental and non-12 governmental organizations; or

13 "(D) business development services, including14 indigenous craft programs.

15 "(3) In carrying out sustainable poverty-focused programs under paragraph (1), 50 percent of all microenter-16 prise resources shall be used for direct support of pro-17 18 grams under this subsection through practitioner institutions that provide credit and other financial services to 19 the poorest with loans of \$300 or less in 1995 United 20 21 States dollars and can cover their costs of credit programs 22 with revenue from lending activities or that demonstrate 23 the capacity to do so in a reasonable time period.

24 "(4) The President should continue support for cen-25 tral mechanisms and missions that—

1	"(A) provide technical support for field mis-
2	sions;
3	"(B) strengthen the institutional development
4	of the intermediary organizations described in para-
5	graph (2);
6	"(C) share information relating to the provision
7	of assistance authorized under paragraph (1) be-
8	tween such field missions and intermediary organiza-
9	tions; and
10	"(D) support the development of nonprofit glob-
11	al microfinance networks, including credit union sys-
12	tems, that—
13	"(i) are able to deliver very small loans
14	through a vast grassroots infrastructure based
15	on market principles; and
16	"(ii) act as wholesale intermediaries pro-
17	viding a range of services to microfinance retail
18	institutions, including financing, technical as-
19	sistance, capacity building and safety and
20	soundness accreditation.
21	"(5) Assistance provided under this subsection may
22	only be used to support microenterprise programs and
23	may not be used to support programs not directly related
24	to the purposes described in paragraph (1).

"(c) MONITORING SYSTEM.—In order to maximize 1 2 the sustainable development impact of the assistance au-3 thorized under subsection (a)(1), the Administrator of the 4 United States Agency for International Development shall 5 establish a monitoring system that— 6 "(1) establishes performance goals for such as-7 sistance and expresses such goals in an objective and 8 quantifiable form, to the extent feasible; 9 "(2) establishes performance indicators to be 10 used in measuring or assessing the achievement of 11 the goals and objectives of such assistance; 12 "(3) provides a basis for recommendations for 13 adjustments to such assistance to enhance the sus-14 tainable development impact of such assistance, par-15 ticularly the impact of such assistance on the very 16 poor, particularly poor women; and 17 "(4) provides a basis for recommendations for 18 adjustments to measures for reaching the poorest of 19 the poor, including proposed legislation containing 20 amendments to improve paragraph (3). 21 "(d) AUTHORIZATION OF APPROPRIATIONS.— 22 "(1) IN GENERAL.—(A) There are authorized 23 to be appropriated \$152,000,000 for fiscal year 24 2000 and \$167,000,000 for fiscal year 2001 to carry 25 out this section.

1 "(B) Amounts appropriated pursuant to the au-2 thorization of appropriations under subparagraph 3 (A) are authorized to remain available until ex-4 pended. "(2) RULE OF CONSTRUCTION.—Amounts au-5 6 thorized to be appropriated under paragraph (1) are 7 in addition to amounts otherwise available to carry 8 out this section.". 9 SEC. 5. MICRO- AND SMALL ENTERPRISE DEVELOPMENT 10 CREDITS. 11 Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows: 12 13 "SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT 14 CREDITS. "(a) FINDINGS AND POLICY.—The Congress finds 15 and declares that— 16 17 "(1) the development of micro- and small enter-18 prises are a vital factor in the stable growth of de-19 veloping countries and in the development and sta-20 bility of a free, open, and equitable international 21 economic system; and 22 "(2) it is, therefore, in the best interests of the 23 United States to assist the development of the enter-24 prises of the poor in developing countries and to engage the United States private sector in that proc ess.

3 "(b) PROGRAM.—To carry out the policy set forth in 4 subsection (a), the President is authorized to provide as-5 sistance to increase the availability of credit to micro- and 6 small enterprises lacking full access to credit, including 7 through—

8 "(1) loans and guarantees to credit institutions
9 for the purpose of expanding the availability of cred10 it to micro- and small enterprises;

"(2) training programs for lenders in order to
enable them to better meet the credit needs of
microentrepreneurs; and

14 "(3) training programs for microentrepreneurs
15 in order to enable them to make better use of credit
16 and to better manage their enterprises.

"(c) ELIGIBILITY CRITERIA.—The Administrator of 17 the United States Agency for International Development 18 19 shall establish criteria for determining which entities de-20 scribed in subsection (b) are eligible to carry out activities, 21 with respect to micro- and small enterprises, assisted 22 under this section. Such criteria may include the following: 23 "(1) The extent to which the recipients of credit 24 from the entity do not have access to the local for-

25 mal financial sector.

1	((2) The extent to which the recipients of credit
2	from the entity are among the poorest people in the
3	country.
4	"(3) The extent to which the entity is oriented
5	toward working directly with poor women.
6	"(4) The extent to which the entity recovers its
7	cost of lending to the poor.
8	"(5) The extent to which the entity implements
9	a plan to become financially sustainable.
10	"(d) Additional Requirement.—Assistance pro-
11	vided under this section may only be used to support
12	micro- and small enterprise programs and may not be used
13	to support programs not directly related to the purposes
14	described in subsection (b).
15	"(e) Authorization of Appropriations.—
16	"(1) IN GENERAL.—(A) There are authorized
17	to be appropriated $$1,500,000$ for each of the fiscal
18	years 2000 and 2001 to carry out this section.
19	"(B) Amounts authorized to be appropriated
20	under subparagraph (A) shall be made available for
21	the subsidy cost, as defined in section $502(5)$ of the
22	Federal Credit Reform Act of 1990, for activities
23	under this section.
24	"(2) Administrative expenses.—There are

authorized to be appropriated \$500,000 for each of

the fiscal years 2000 and 2001 for the cost of ad ministrative expenses in carrying out this section.

3 "(3) RULE OF CONSTRUCTION.—Amounts au4 thorized to be appropriated under this subsection are
5 in addition to amounts otherwise available to carry
6 out this section.".

7 SEC. 6. MICROFINANCE LOAN FACILITY.

8 Chapter 1 of part I of the Foreign Assistance Act
9 of 1961 (22 U.S.C. 2151 et seq.), as amended by this Act,
10 is further amended by adding the following new section:
11 "SEC. 132. UNITED STATES MICROFINANCE LOAN FACILITY.

12 "(a) ESTABLISHMENT.—The Administrator of the 13 United States Agency for International Development is authorized to establish a United States Microfinance Loan 14 15 Facility (hereinafter in this section referred to as the 'Facility') to pool and manage the risk from natural disasters, 16 17 war or civil conflict, national financial crisis, or short-term financial movements that threaten the long-term develop-18 ment of United States-supported microfinance institu-19 20 tions.

"(b) SUPERVISORY BOARD OF THE FACILITY.—(1)
The Facility shall be supervised by a board composed of
the following representatives appointed by the President
not later than 180 days after the date of the enactment
of Microenterprise for Self-Reliance Act of 1999:

1 "(A) 1 representative from the Department of 2 the Treasury. "(B) 1 representative from the Department of 3 4 State. "(C) 1 representative from the United States 5 6 Agency for International Development. 7 "(D)(i) 2 United States citizens from United 8 States nongovernmental organizations that operate 9 United States-sponsored microfinance activities. 10 "(ii) Individuals described in clause (i) shall be 11 appointed for a term of 2 years. 12 "(2) The Administrator of the United States Agency 13 for International Development or his designee shall serve 14 as Chairman and an additional voting member of the 15 board. 16 "(c) DISBURSEMENTS.—(1) The board shall make 17 disbursements from the Facility to United States-sponsored microfinance institutions to prevent the bankruptcy 18 19 of such institutions caused by (A) natural disasters, (B) national wars or civil conflict, or (C) national financial cri-20 21 sis or other short term financial movements that threaten 22 the long-term development of United States-supported 23 microfinance institutions. Such disbursements shall be 24 made as concessional loans that are repaid maintaining the real value of the loan to microfinance institutions that 25

demonstrate the capacity to resume self-sustained oper ations within a reasonable time period. The Facility shall
 provide for loan losses with each loan disbursed.

4 "(2) During each of the fiscal years 2001 and 2002, 5 funds may not be made available from the Facility until 15 days after notification of the availability has been pro-6 7 vided to the congressional committees specified in section 8 634A of this Act in accordance with the procedures appli-9 cable to reprogramming notifications under that section. 10 "(d) REPORT.—Not later than 60 days after the date on which the last representative to the board is appointed 11 12 pursuant to subsection (b), the chairman of the board 13 shall prepare and submit to the appropriate congressional committees a report on the policies, rules, and regulations 14 15 of the Facility.

16 "(e) FUNDING.—

17 "(1) AVAILABILITY OF FUNDS TO COVER SUB-18 SIDY COSTS.—Of the funds made available to carry 19 out this part for fiscal years 2000 and 2001, up to 20 \$5,000,000 may be made available to cover the sub-21 sidy cost (as defined in section 502(5) of the Fed-22 eral Credit Reform Act of 1990) to carry out this 23 section for each such fiscal year. In addition, of such 24 amount for each fiscal year, up to \$_____

1	may be made available for administrative expenses
2	in carrying out this section.
3	"(2) Applicable authorities.—The provi-
4	sions of section 107A(d) of the Foreign Assistance
5	Act of 1961 (as contained in section 306 of H.R.
6	1486, as reported to the House of Representatives
7	on May 9, 1997) shall be applicable to assistance
8	provided under this section, except that paragraphs
9	(5) through (8) thereof shall not apply.
10	"(3) Relation to other amounts avail-
11	ABLE.—Amounts made available under paragraph
12	(1) are in addition to amounts available to carry out
13	this section under any other provision of law.
14	"(f) DEFINITIONS.—In this section:
15	"(1) Appropriate congressional commit-
16	TEES.—The term 'appropriate congressional com-
17	mittees' means the Committee on International Re-
18	lations of the House of Representatives and the
19	Committee on Foreign Relations of the Senate.
20	"(2) UNITED STATES-SUPPORTED MICRO-
21	FINANCE INSTITUTION.—The term 'United States-
22	supported microfinance institution' means a finan-
23	cial intermediary that has received funds made avail-
24	able under this Act for fiscal year 1980 or any sub-
25	sequent fiscal year.".

1SEC. 7. REPORT RELATING TO FUTURE DEVELOPMENT OF2MICROFINANCE INSTITUTIONS.

3 (a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President, in consultation 4 5 with the Administrator of the United States Agency for International Development, the Secretary of State, and 6 7 the Secretary of the Treasury, shall prepare and transmit 8 to the appropriate congressional committees a report on 9 the most cost-effective methods for increasing the access of poor people to credit, other financial services, and re-10 11 lated training.

12 (b) CONTENTS.—The report described in subsection13 (a)—

14 (1) should include how the President, in con-15 sultation with the Administrator of the United 16 States Agency for International Development, the 17 Secretary of State, and the Secretary of the Treas-18 ury, will jointly develop a comprehensive strategy for 19 advancing the global microenterprise sector in a way 20 that maintains market principles while assuring that 21 the very poor, particularly women, obtain access to 22 financial services; and

23 (2) shall provide guidelines and recommenda24 tions for—

1	(A) instruments to assist microenterprise
2	networks to develop multi-country and regional
3	microlending programs;
4	(B) technical assistance to foreign govern-
5	ments, foreign central banks and regulatory en-
6	tities to improve the policy environment for
7	microfinance institutions, and to strengthen the
8	capacity of supervisory bodies to supervise
9	microcredit institutions;
10	(C) the potential for federal chartering of
11	United States-based international microfinance
12	network institutions, including proposed legisla-
13	tion;
14	(D) instruments to increase investor con-
15	fidence in microcredit institutions which would
16	strengthen the long-term financial position of
17	the microcredit institutions and attract capital
18	from private sector entities and individuals,
19	such as a rating system for microcredit institu-
20	tions and local credit bureaus;
21	(E) an agenda for integrating microfinance
22	into United States foreign policy initiatives
23	seeking to develop and strengthen the global fi-
24	nance sector; and

1 (F) innovative instruments to attract funds 2 from the capital markets, such as instruments 3 for leveraging funds from the local commercial 4 banking sector, and the securitization of 5 microloan portfolios. 6 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-7 FINED.—In this section, the term "appropriate congressional committees" means the Committee on International 8 9 Relations of the House of Representatives and the Com-10 mittee on Foreign Relations of the Senate. 11 SEC. 8. UNITED STATES AGENCY FOR INTERNATIONAL DE-12 VELOPMENT AS GLOBAL LEADER AND COOR-13 DINATOR OF BILATERAL AND MULTILATERAL 14 **MICROENTERPRISE ASSISTANCE ACTIVITIES.** 15 (a) FINDINGS AND POLICY.—The Congress finds and declares that— 16 17 (1) the United States can provide leadership to 18 other bilateral and multilateral development agencies 19 as such agencies expand their support to the micro-20 enterprise sector; and 21 (2) the United States should seek to improve 22 coordination among G-7 countries in the support of 23 the microenterprise sector in order to leverage the 24 investment of the United States with that of other

donor nations.

(b) SENSE OF THE CONGRESS.—It is the sense of
2 the Congress that—

3 (1) the Administrator of the United States 4 Agency for International Development and the Sec-5 retary of State should seek to support and strength-6 en the effectiveness of microfinance activities in 7 United Nations agencies, such as the International 8 Fund for Agricultural Development (IFAD) and the 9 United Nations Development Program (UNDP), 10 which have provided key leadership in developing the 11 microenterprise sector; and

12 (2) the Secretary of the Treasury should in-13 struct each United States Executive Director of the 14 Multilateral Development Banks (MDBs) to advo-15 cate the development of a coherent and coordinated 16 strategy to support the microenterprise sector and 17 an increase of multilateral resource flows for the 18 purposes of building microenterprise retail and 19 wholesale intermediaries.

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