

Union Calendar No. 553

115TH CONGRESS
2D SESSION

H. R. 5480

[Report No. 115-718]

To improve programs and activities relating to women's entrepreneurship and economic empowerment that are carried out by the United States Agency for International Development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2018

Mr. ROYCE of California (for himself, Ms. FRANKEL of Florida, Mr. FITZPATRICK, Mr. ENGEL, Mrs. WAGNER, and Ms. KELLY of Illinois) introduced the following bill; which was referred to the Committee on Foreign Affairs

JUNE 8, 2018

Additional sponsors: Mr. McCaul, Mrs. TORRES, Ms. TITUS, Ms. Ros-LEHTINEN, Mr. GARRETT, Mr. CICILLINE, and Mrs. BROOKS of Indiana

JUNE 8, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 12, 2018]

A BILL

To improve programs and activities relating to women's entrepreneurship and economic empowerment that are carried out by the United States Agency for International Development, 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 ‘Women’s Entrepreneur-*
5 *ship and Economic Empowerment Act of 2018’.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 *(1) Because women make up the majority of the*
9 *world’s poor and gender inequalities prevail in in-*
10 *comes, wages, access to finance, ownership of assets,*
11 *and control over the allocation of resources, women’s*
12 *entrepreneurship and economic empowerment is im-*
13 *portant to achieve inclusive economic growth at all*
14 *levels of society. Research shows that when women*
15 *exert greater influence over household finances, eco-*
16 *nomic outcomes for families improve, and childhood*
17 *survival rates, food security, and educational attain-*
18 *ment increase. Women also tend to place a greater*
19 *emphasis on household savings which improves fami-*
20 *lies’ financial resiliency.*

21 *(2) A 2016 report by the McKinsey Global Insti-*
22 *tute estimated that achieving global gender parity in*
23 *economic activity could add as much as \$28 trillion*
24 *to annual global gross domestic product (GDP) by*
25 *2025.*

1 (3) Lack of access to financial services that ad-
2 dress gender-specific constraints impedes women's eco-
3 nomic inclusion. More than one billion women
4 around the world are currently left out of the formal
5 financial system, which in turn causes many women
6 to rely on informal means of saving and borrowing
7 that are riskier and less reliable. Among other con-
8 sequences, this hampers the success of women entre-
9 preneurs, including those seeking to run or grow
10 small and medium-sized enterprises (SMEs). The
11 International Finance Corporation has estimated that
12 70 percent of women-owned SMEs in the formal sec-
13 tor are unserved or underserved in terms of access to
14 credit, amounting to a \$285 billion credit gap.

15 (4) Women's economic empowerment is inex-
16 tricably linked to a myriad of other women's human
17 rights that are essential to their ability to thrive as
18 economic actors across the lifecycle. This includes, but
19 is not limited to, living lives free of violence and ex-
20 ploitation, achieving the highest possible standard of
21 health and well-being, enjoying full legal and human
22 rights such as access to registration, identification,
23 and citizenship documents, benefitting from formal
24 and informal education, and equal protection of and
25 access to land and property rights, access to funda-

1 *mental labor rights, policies to address disproportionate care burdens, and business and management skills and leadership opportunities.*

4 *(5) Discriminatory legal and regulatory systems and banking practices are hurdles to women's access to capital and assets, including land, machinery, production facilities, technology, and human resources. Often, these barriers are connected to a woman's marital status, which can determine whether she is able to inherit land or own property in her name. These constraints contribute to women frequently running smaller businesses, with fewer employees and lower asset values.*

14 *(6) Savings groups primarily comprised of women are recognized as a vital entry point, especially for poor and very poor women, to formal financial services and there is a high demand for such groups to protect and grow their savings with formal financial institutions. Evidence shows that, once linked to a bank, the average savings per member increases between 40 to 100 percent and the average profit per member doubles. Key to these outcomes is investing in financial literacy, business leadership training, and mentorship.*

1 (7) *United States support for microenterprise*
2 *and microfinance development programs, which seek*
3 *to reduce poverty in low-income countries by giving*
4 *small loans to small-scale entrepreneurs without col-*
5 *lateral, have been a useful mechanism to help families*
6 *weather economic shocks, but many microcredit bor-*
7 *rowers largely remain in poverty. The vast majority*
8 *of microcredit borrowers are women who would like to*
9 *move up the economic ladder but are held back by*
10 *binding constraints that create a “missing middle”—*
11 *large numbers of microenterprises, a handful of large*
12 *firms or conglomerates, and very few SMEs in be-*
13 *tween, which are critical to driving economic growth*
14 *in developing countries.*

15 (8) *According to the World Bank, SMEs create*
16 *4 out of 5 new positions in emerging markets but*
17 *about half of formal SMEs don't have access to formal*
18 *credit. The financing gap is even larger when micro*
19 *and informal enterprises are taken into account.*
20 *Overall, approximately 70 percent of all micro, small*
21 *and medium-sized enterprises (MSMEs) in emerging*
22 *markets lack access to credit.*

1 **SEC. 3. ACTIONS TO IMPROVE GENDER POLICIES OF THE**
2 **UNITED STATES AGENCY FOR INTER-**
3 **NATIONAL DEVELOPMENT.**

4 (a) *DEVELOPMENT COOPERATION POLICY.*—It shall be
5 *the development cooperation policy of the United States—*

6 (1) *to reduce gender disparities in access to, con-*
7 *trol over, and benefit from economic, social, political,*
8 *and cultural resources, wealth, opportunities, and*
9 *services;*

10 (2) *to strive to eliminate gender-based violence*
11 *and mitigate its harmful effects on individuals and*
12 *communities through efforts to develop standards and*
13 *capacity to reduce gender-based violence in the work-*
14 *place and other places where women conduct work;*

15 (3) *to support activities that secure private prop-*
16 *erty rights and land tenure for women in developing*
17 *countries, including legal frameworks to give women*
18 *equal rights to own, register, use, profit from, and in-*
19 *herit land and property, legal literacy to exercise*
20 *these rights, and capacity of law enforcement and*
21 *community leaders to enforce such rights; and*

22 (4) *to increase the capability of women and girls*
23 *to realize their rights, determine their life outcomes,*
24 *assume leadership roles, and influence decision-mak-*
25 *ing in households, communities, and societies.*

1 (b) *ACTIONS.—In order to advance the policy described
2 in subsection (a), the Administrator of the United States
3 Agency for International Development shall ensure that—*

4 (1) *strategies, projects, and activities of the
5 Agency are shaped by a gender analysis and, when
6 applicable, use standard indicators to provide one
7 measure of success of such strategies, projects, and ac-
8 tivities; and*

9 (2) *gender equality and female empowerment is
10 integrated throughout the Agency’s Program Cycle
11 and related processes for purposes of strategic plan-
12 ning, project design and implementation, and moni-
13 toring and evaluation.*

14 (c) *GENDER ANALYSIS DEFINED.—In this section, the
15 term “gender analysis”—*

16 (1) *means a socio-economic analysis of available
17 or gathered quantitative and qualitative information
18 to identify, understand, and explain gaps between
19 men and women which typically involves exam-
20 ining—*

21 (A) *differences in the status of women and
22 men and their differential access to and control
23 over assets, resources, opportunities, and services;*

24 (B) *the influence of gender roles, structural
25 barriers, and norms on the division of time be-*

*1 between paid employment, unpaid work (including
2 subsistence production and care for family mem-
3 bers), and volunteer activities;*

(C) the influence of gender roles, structural barriers, and norms on leadership roles and decision making; constraints, opportunities, and entry points for narrowing gender gaps and empowering women; and

13 (2) includes conclusions and recommendations to
14 enable development policies and programs to narrow
15 gender gaps and improve the lives of women and
16 girls.

17 SEC. 4. DEVELOPMENT ASSISTANCE FOR MICRO, SMALL
18 AND MEDIUM-SIZED ENTERPRISES.

19 (a) *FINDINGS AND POLICY.*—Section 251 of the For-

²¹ See also the discussion of the "right to privacy" in Part II.

(A) by striking “microenterprise” and inserting “micro, small and medium-sized enterprise”;

1 (B) by striking “and in the development”
2 and inserting “; in the development”; and

3 (C) by adding at the end before the period
4 the following: “, and in the economic empower-
5 ment of the poor, especially women”;

6 (2) in paragraph (2)—

7 (A) by striking “microenterprise” and in-
8 serting “micro, small and medium-sized enter-
9 prise”; and

10 (B) by adding at the end before the period
11 the following: “, particularly those enterprises
12 owned, managed, and controlled by women”;

13 (3) in paragraph (3), by striking “microenter-
14 prises” and inserting “micro, small and medium-
15 sized enterprises”;

16 (4) in paragraph (4), by striking “microenter-
17 prise” and inserting “micro, small and medium-sized
18 enterprise”;

19 (5) in paragraph (5)—

20 (A) by striking “should continue” and in-
21 serting “should continue and be expanded”; and

22 (B) by striking “microenterprise and micro-
23 finance development assistance” and inserting
24 “development assistance for micro, small and
25 medium-sized enterprises”; and

1 (6) in paragraph (6)—

2 (A) by striking “have been successful” and
3 inserting “have had some success”;

4 (B) by striking “microenterprise programs”
5 and inserting “development assistance for micro,
6 small and medium-sized enterprises”; and

7 (C) by striking “, such as countries in
8 Latin America”.

9 (b) AUTHORIZATION; IMPLEMENTATION; TARGETED
10 ASSISTANCE.—Section 252 of the Foreign Assistance Act of
11 1961 (22 U.S.C. 2211a) is amended as follows:

12 (1) In subsection (a)—

13 (A) in the matter preceding paragraph
14 (1)—

15 (i) by striking “credit, savings, and
16 other services” and inserting “credit, in-
17 cluding the use of innovative credit scoring
18 models, savings, financial technology, finan-
19 cial literacy, insurance, property rights,
20 and other services”; and

21 (ii) by striking “microfinance and mi-
22 croenterprise clients” and inserting “micro,
23 small and medium-sized enterprise clients”;

24 (B) in paragraph (1), by striking “micro-
25 finance and microenterprise clients” and insert-

1 *ing “micro, small and medium-sized enterprise*
2 *clients, particularly those clients owned, man-*
3 *aged, and controlled by women”;*

4 (C) *in paragraph (2)—*

5 (i) *by striking “microenterprises” and*
6 *inserting “micro, small and medium-sized*
7 *enterprises”; and*

8 (ii) *by inserting “acquire United*
9 *States goods and services,” after “United*
10 *States markets,”;*

11 (D) *in paragraph (3)—*

12 (i) *by striking “microfinance and mi-*
13 *croenterprise institutions” and inserting*
14 *“financial intermediaries”;*

15 (ii) *by striking “microfinance and mi-*
16 *croenterprise clients” and inserting “micro,*
17 *small and medium-sized enterprises”; and*

18 (iii) *by striking “and” at the end;*

19 (E) *in paragraph (4)—*

20 (i) *by striking “microfinance and mi-*
21 *croenterprise clients and institutions” and*
22 *inserting “micro, small and medium-sized*
23 *enterprises, financial intermediaries, and*
24 *capital markets”; and*

(ii) by striking “the poor and very poor.” and inserting “the poor and very poor, especially women;” and

4 (F) by adding at the end the following:

5 “(5) assistance for the purpose of promoting the
6 economic empowerment of women, including through
7 increased access to financial resources and improving
8 property rights, inheritance rights, and other legal
9 protections; and

“(6) assistance for the purpose of scaling up evidence-based graduation approaches, which include targeting the very poor and households in ultra-poverty, consumption support, promotion of savings, skills training, and asset transfers.”.

15 (2) In subsection (b)—

16 (A) in paragraph (1) to read as follows:

17 “(1) *IN GENERAL.*—There is authorized to be es-
18 *tablished within the Agency an office to support the*
19 *Agency’s efforts to broaden and deepen local financial*
20 *markets, expand access to appropriate financial prod-*
21 *ucts and services, and support the development of*
22 *micro, small and medium-sized enterprises. The Office*
23 *shall be headed by a Director who shall possess tech-*
24 *nical expertise and ability to offer leadership in the*
25 *field of financial sector development.”;*

1 (B) in paragraph (2)—
2 (i) in subparagraph (B)—
3 (I) by striking “USE OF CENTRAL
4 FUNDING MECHANISMS.—” and all
5 that follows through “In order to en-
6 sure” and inserting “USE OF CENTRAL
7 FUNDING MECHANISMS.—In order to
8 ensure”;
9 (II) by striking “the office shall”
10 and all that follows through “and other
11 practitioners” and inserting “the office
12 shall provide coordination and support
13 for field-implemented programs, in-
14 cluding through targeted core support
15 for micro, small and medium-sized en-
16 terprises and local financial markets”;
17 and
18 (III) by striking clause (ii);
19 (ii) in subparagraph (C)—
20 (I) by inserting “, particularly by
21 protecting the use and funding of local
22 organizations in countries in which the
23 Agency invests,” after “and sustain-
24 ability”; and

(II) by inserting “, especially women” after “the poor and very poor”; and

4 (C) by striking paragraph (3).

5 (3) In subsection (c)—

(A) by striking “all microenterprise resources” and inserting “all micro, small and medium-sized enterprise resources”; and

(B) by striking "clients who are very poor." and all that follows and inserting "activities that reach the very poor, and 50 percent of all small and medium-sized enterprise resources shall be targeted to activities that reach enterprises owned, managed, and controlled by women."

16 (c) MONITORING SYSTEM.—Section 253(b) of the For-
17 eign Assistance Act of 1961 (22 U.S.C. 2211b(b)) is amend-
18 ed—

19 (1) in paragraph (1), by inserting “, including
20 *goals on a gender disaggregated basis, such as im-*
21 *provements in employment, access to financial serv-*
22 *ices, enterprise development, earnings and control*
23 *over income, and property and land rights,” after*
24 *“performance goals”;*

1 (2) in paragraph (2), by striking “include per-
2 formance indicators” and all that follows through
3 “the achievement” and inserting “incorporate Agency
4 planning and reporting processes and indicators to
5 measure or assess the achievement”; and
6 (3) by striking paragraph (4).

7 (d) **POVERTY MEASUREMENT METHODS.**—Section 254
8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2211c)
9 is amended to read as follows:

10 **SEC. 254. POVERTY MEASUREMENT METHODS.**

11 “The Administrator of the Agency, in consultation
12 with financial intermediaries and other appropriate orga-
13 nizations, should have in place at least one method for im-
14 plementing partners to use to assess poverty levels of their
15 current incoming or prospective clients.”.

16 (e) **ADDITIONAL AUTHORITIES.**—Section 255 of the
17 Foreign Assistance Act of 1961 (22 U.S.C. 2211d) is amend-
18 ed—

19 (1) by striking “assistance for microenterprise
20 development assistance” and inserting “development
21 assistance for micro, small and medium-sized enter-
22 prises”; and

23 (2) by striking “and, to the extent applicable”
24 and all that follows and inserting a period.

1 (f) MICROENTERPRISE DEVELOPMENT CREDITS.—Sec-
2 tion 256 of the Foreign Assistance Act of 1961 (22 U.S.C.
3 2212) is amended—

4 (1) in the section heading, by striking “**MICRO-**
5 **ENTERPRISE DEVELOPMENT CREDITS**” and in-
6 serting “**DEVELOPMENT CREDITS FOR MICRO,**
7 **SMALL AND MEDIUM-SIZED ENTERPRISES**”;

8 (2) in subsection (a)—

9 (A) in paragraph (1), by striking “micro-
10 and small enterprises” and inserting “micro,
11 small and medium-sized enterprises”; and

12 (B) in paragraph (2), by striking “micro-
13 enterprises” and inserting “micro, small and
14 medium-sized enterprises”;

15 (3) in subsection (b), in the matter preceding
16 paragraph (1), by inserting “and other financial
17 services” after “credit”;

18 (4) by striking “microenterprise households”
19 each place it appears and inserting “micro, small
20 and medium-sized enterprises and households”; and

21 (5) by striking “microfinance institutions” each
22 place it appears and inserting “financial inter-
23 mediaries”.

1 (g) *UNITED STATES MICROFINANCE LOAN FACIL-*
2 *ITY.—Section 257 of the Foreign Assistance Act of 1961 (22*
3 *U.S.C. 2213) is amended—*

4 (1) *in the section heading, by striking “UNITED*
5 ***STATES MICROFINANCE LOAN FACILITY” and***
6 *inserting “UNITED STATES MICRO, SMALL AND*
7 ***MEDIUM-SIZED ENTERPRISE LOAN FACILITY”;***

8 (2) *in subsection (a)—*

9 (A) *by striking “United States Microfinance*
10 *Loan Facility” and inserting “United States*
11 *Micro, Small and Medium-Sized Enterprise*
12 *Loan Facility”; and*

13 (B) *by striking “United States-supported*
14 *microfinance institutions” and inserting*
15 *“United States-supported financial inter-*
16 *mediaries”;*

17 (3) *in subsection (b)—*

18 (A) *by striking “United States-supported*
19 *microfinance institutions” each place it appears*
20 *and inserting “United States-supported finan-*
21 *cial intermediaries”; and*

22 (B) *in paragraph (2), by striking “micro-*
23 *finance institutions” and inserting “financial*
24 *intermediaries”.*

1 (h) CONTENTS OF REPORT.—Subsection (b) of section
2 258 of the Foreign Assistance Act of 1961 (22 U.S.C. 2214)
3 is amended to read as follows:

4 “(b) CONTENTS.—To the extent practicable, the report
5 should contain the following:

6 “(1) Information about assistance provided
7 under section 252, including—

8 “(A) the amount of each grant or other form
9 of assistance;

10 “(B) the name and type of each inter-
11 mediary and implementing partner organization
12 receiving assistance;

13 “(C) the name of each country receiving as-
14 sistance; and

15 “(D) the methodology used to ensure compli-
16 ance with the targeted assistance requirements in
17 subsection (c) of such section.

18 “(2) The percentage of assistance provided under
19 section 252 disaggregated by income level, including
20 for the very poor, and gender.

21 “(3) The estimated number of individuals that
22 received assistance provided under section 252
23 disaggregated by income level, including for the very
24 poor, and gender, and by type of assistance, including
25 loans, training, and business development services.

1 “(4) *The results of the monitoring system re-*
2 *quired under section 253.*

3 “(5) *Information about any method in place to*
4 *assess poverty levels under section 254.”.*

5 *(i) DEFINITIONS.—Section 259 of the Foreign Assist-*
6 *ance Act of 1961 (22 U.S.C. 2214a) is amended—*

7 *(1) in paragraph (3), by striking “Committee on*
8 *International Relations” and inserting “Committee*
9 *on Foreign Affairs”;*

10 *(2) in paragraph (4), by striking “microenter-*
11 *prises” and inserting “micro, small and medium-*
12 *sized enterprises”;*

13 *(3) in paragraph (6)—*

14 *(A) in subparagraph (E), by striking “mi-*
15 *croenterprise institution” and inserting “micro,*
16 *small and medium-sized enterprise institution”;*
17 *and*

18 *(B) in subparagraph (F), by striking*
19 *“microfinance institution” and inserting “finan-*
20 *cial intermediary”;*

21 *(4) in paragraph (7) to read as follows:*

22 *“(7) MICRO, SMALL AND MEDIUM-SIZED ENTER-*
23 *PRISE INSTITUTION.—The term ‘micro, small and me-*
24 *dium-sized enterprise institution’ means an entity*
25 *that provides services, including finance, training, or*

1 *business development services, for micro, small and*
2 *medium-sized enterprises in foreign countries.”;*

3 (5) *in paragraph (8) to read as follows:*

4 “(8) *FINANCIAL INTERMEDIARY.*—The term ‘fi-
5 *nancial intermediary’ means the entity that acts as*
6 *the intermediary between parties in a financial*
7 *transaction, such as a bank, credit union, investment*
8 *fund, a village savings and loan group, or an institu-*
9 *tion that provides financial services to a micro, small*
10 *or medium-sized enterprise.”;*

11 (6) *by striking paragraph (9);*

12 (7) *by redesignating paragraphs (10) through*
13 *(14) as paragraphs (9) through (13), respectively;*

14 (8) *in paragraph (9) (as redesignated), by strik-*
15 *ing “of microenterprise development”;*

16 (9) *in paragraph (10) to read as follows:*

17 “(10) *PRACTITIONER INSTITUTION.*—The term
18 *‘practitioner institution’ means a not-for-profit enti-*
19 *ty, financial intermediary, information and commu-*
20 *nications technology firm with a mobile money plat-*
21 *form, a village and savings loan group, or any other*
22 *entity that provides financial or business development*
23 *services authorized under section 252 that benefits*
24 *micro, small and medium-sized enterprise clients.”;*

25 (10) *in paragraph (12) (as redesignated)—*

1 (A) in the heading, by striking “UNITED
2 STATES-SUPPORTED MICROFINANCE INSTITU-
3 TION” and inserting “UNITED STATES-SUP-
4 PORTED FINANCIAL INTERMEDIARY”; and

5 (B) by striking “United States-supported
6 microfinance institution” and inserting “United
7 States-supported financial intermediary”;

8 (11) in subparagraph (B) of paragraph (13) (as
9 redesignated) to read as follows:

10 “(B) living below the International Poverty
11 Line, as defined by the International Bank for
12 Reconstruction and Development and the Inter-
13 national Development Association (collectively
14 referred to as the ‘World Bank’).”.

15 (j) TECHNICAL AND CONFORMING AMENDMENTS.—
16 Title VI of chapter 2 of part I of the Foreign Assistance
17 Act of 1961 is amended as follows:

18 (1) In the title heading, by striking “MICROEN-
19 TERPRISE DEVELOPMENT ASSISTANCE” and
20 inserting “DEVELOPMENT ASSISTANCE FOR
21 MICRO, SMALL AND MEDIUM-SIZED ENTER-
22 PRISES”.

23 (2) In the heading for subtitle C, by striking
24 “United States Microfinance Loan Facility” and in-

1 inserting “United States Micro, Small and Medium-
2 Sized Microfinance Loan Facility”.

**3 SEC. 5. REPORT AND BRIEFING BY UNITED STATES AGENCY
4 FOR INTERNATIONAL DEVELOPMENT.**

5 (a) *IN GENERAL.*—Not later than one year after the
6 date of the enactment of this Act, the Administrator of the
7 United States Agency for International Development shall
8 provide a briefing and submit to the Committee on Foreign
9 Affairs of the House of Representatives and the Committee
10 on Foreign Relations of the Senate a report on the imple-
11 mentation of this Act and the amendments made by this
12 Act, including actions to improve the gender policies of the
13 United States Agency for International Development pursu-
14 ant to section 3.

15 (b) PUBLIC AVAILABILITY.—The report required under
16 paragraph (1) shall be posted and made available on a text-
17 based, searchable, and publicly-available internet website.

18 SEC. 6. REPORT BY COMPTROLLER GENERAL OF THE
19 UNITED STATES.

(a) *IN GENERAL.*—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on development assistance for micro, small and medium-sized enter-

1 *prises administered by the United States Agency for Inter-*
2 *national Development.*

3 *(b) MATTERS TO BE INCLUDED.—The report required*
4 *under subsection (a) shall include an assessment of the fol-*
5 *lowing:*

6 *(1) What is known about the impact of such de-*
7 *velopment assistance on the economies of developing*
8 *countries.*

9 *(2) The extent to which such development assist-*
10 *ance is targeting women and the very poor, including*
11 *what is known about how such development assistance*
12 *benefits women.*

13 *(3) The extent to which the United States Agency*
14 *for International Development has developed a meth-*
15 *odology used to ensure compliance with the targeted*
16 *assistance requirement in section 252(c) of the For-*
17 *ign Assistance Act of 1961, as amended by section 4*
18 *of this Act, and the quality of such methodology.*

19 *(4) The monitoring system required in section*
20 *253(b) of the Foreign Assistance Act of 1961, as*
21 *amended by section 4 of this Act, including the qual-*
22 *ity of such monitoring system.*

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