

Calendar No. 536112TH CONGRESS
2^D SESSION**S. 2215****[Report No. 112-231]**

To create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2012

Mr. DURBIN (for himself, Mr. BOOZMAN, Mr. COONS, Mr. CARDIN, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

NOVEMBER 13, 2012

Reported by Mr. KERRY, with an amendment

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

A BILL

To create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Increasing American
3 Jobs Through Greater Exports to Africa Act of 2012”.

4 **SEC. 2. FINDINGS; PURPOSE.**

5 (a) **FINDINGS.**—Congress makes the following find-
6 ings:

7 (1) Export growth helps United States business
8 grow and create American jobs. In 2010, 60 percent
9 of American exports came from small- and medium-
10 sized businesses.

11 (2) On January 31, 2011, the President man-
12 dated an executive review across agencies to deter-
13 mine where the United States Government could be-
14 come more competitive and helpful to business, in-
15 cluding help with promoting exports.

16 (3) Several United States Government agencies
17 are involved in export promotion. Coordination of
18 the efforts of these agencies through the Trade Pro-
19 motion Coordinating Committee lacks sufficient stra-
20 tegic implementation and accountability.

21 (4) Many other countries have trade promotion
22 programs that aggressively compete against United
23 States exports in Africa and around the world. For
24 example, in 2010, medium- and long-term official ex-
25 port credit general volumes from the Group of 7
26 countries (Canada, France, Germany, Italy, Japan,

1 the United Kingdom, and the United States) totaled
2 \$65,400,000,000. Germany provided the largest level
3 of support at \$22,500,000,000, followed by France
4 at \$17,400,000,000 and the United States at
5 \$13,000,000,000. Official export credit support by
6 emerging market economies such as Brazil, China,
7 and India are significant as well.

8 (5) Between 2008 and 2010, China alone pro-
9 vided more than \$110,000,000,000 in loans to the
10 developing world, and, in 2009, China surpassed the
11 United States as the leading trade partner of Afri-
12 can countries. The Export-Import Bank of the
13 United States substantially increased lending to
14 United States businesses focused on Africa from
15 \$400,000,000 in 2009 to an anticipated
16 \$1,000,000,000 in 2011, but the Export-Import
17 Bank of China dwarfed this effort with an estimated
18 \$12,000,000,000 worth of financing.

19 (6) Other countries such as India, Turkey, Rus-
20 sia, and Brazil are also aggressively seeking markets
21 in Africa using their national export banks to pro-
22 vide concessional assistance.

23 (7) The Chinese practice of concessional financ-
24 ing runs contrary to the principles of the Organiza-
25 tion of Economic Co-operation and Development re-

1 lated to open market rates, undermines naturally
2 competitive rates, and can allow governments in Af-
3 rica to overlook the troubling record on labor prac-
4 tices, human rights, and environmental impact.

5 (8) The African continent is undergoing a pe-
6 riod of rapid growth and middle class development,
7 as seen from major indicators such as Internet use
8 and clean water access. In 2000, only 6.7 percent of
9 the population of Africa had access to the Internet.
10 In 2009, 27.1 percent of the population had Internet
11 access. Seventy-eight percent of Africa’s rural popu-
12 lation now has access to clean water.

13 (9) Economists have designated Africa as the
14 “next frontier market”, with profitability and growth
15 rates among many African firms exceeding global
16 averages in recent years. Countries in Africa have a
17 collective spending power of almost \$9,000,000,000
18 and a gross domestic product of
19 \$1,600,000,000,000, which are projected to double
20 in the next 10 years.

21 (10) Sub-Saharan Africa is projected to have
22 the fastest growing economies in the world over the
23 next 5 years, with 7 of the 10 fastest growing econo-
24 mies located in sub-Saharan Africa.

1 (11) When countries such as China assist with
2 large-scale government projects, they also gain an
3 upper hand in relations with African leaders and ac-
4 cess to valuable commodities such as oil and copper,
5 typically without regard to environmental, human
6 rights, labor, or governance standards.

7 (12) Unless the United States can offer com-
8 petitive financing for its firms in Africa, it will be
9 deprived of opportunities to participate in African
10 efforts to close the continent’s significant infrastruc-
11 ture gap that amounts to an estimated
12 \$100,000,000,000.

13 (b) PURPOSE.—The purpose of this Act is to create
14 jobs in the United States by expanding programs that will
15 result in increasing United States exports to Africa by 200
16 percent in real dollar value within 10 years.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) AFRICA.—The term “Africa” refers to the
20 entire continent of Africa and its 54 countries, in-
21 cluding the Republic of South Sudan.

22 (2) AFRICAN DIASPORA.—The term “African
23 diaspora” means the people of African origin living
24 in the United States, irrespective of their citizenship

1 and nationality, who are willing to contribute to the
2 development of Africa.

3 (3) AGOA.—The term “AGOA” means the Af-
4 rican Growth and Opportunity Act (19 U.S.C. 3701
5 et seq.).

6 (4) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Appropriations, the
10 Committee on Banking, Housing, and Urban
11 Affairs, and the Committee on Foreign Rela-
12 tions of the Senate; and

13 (B) the Committee on Appropriations, the
14 Committee on Energy and Commerce, the Com-
15 mittee on Financial Services, the Committee on
16 Foreign Affairs, and the Committee on Ways
17 and Means of the House of Representatives.

18 (5) DEVELOPMENT AGENCIES.—The term “de-
19 velopment agencies” includes the Department of
20 State, including the United States Agency for Inter-
21 national Development (USAID), the Millennium
22 Challenge Corporation (MCC), the Overseas Private
23 Investment Corporation (OPIC), and the United
24 States Trade and Development Agency (USTDA).

1 (6) TRADE POLICY STAFF COMMITTEE.—The
2 term “Trade Policy Staff Committee” means the
3 Trade Policy Staff Committee established pursuant
4 to section 2002.2 of title 15, Code of Federal Regu-
5 lations, and is composed of representatives of Fed-
6 eral agencies in charge of developing and coordi-
7 nating United States positions on international trade
8 and trade-related investment issues.

9 (7) MULTILATERAL DEVELOPMENT BANKS.—
10 The term “multilateral development banks” has the
11 meaning given that term in section 1701(e)(4) of the
12 International Financial Institutions Act (22 U.S.C.
13 262r(e)(4)) and includes the African Development
14 Foundation.

15 (8) SUB-SAHARAN REGION.—The term “sub-Sa-
16 haran region” refers to the 49 countries listed in
17 section 107 of the African Growth and Opportunity
18 Act (19 U.S.C. 3706) and includes the Republic of
19 South Sudan.

20 (9) TRADE PROMOTION COORDINATING COM-
21 MITTEE.—The term “Trade Promotion Coordinating
22 Committee” means the Trade Promotion Coordi-
23 nating Committee established by Executive Order
24 12870 (58 Fed. Reg. 51753).

1 (10) UNITED STATES AND FOREIGN COMMER-
2 CIAL SERVICE.—The term “United States and For-
3 eign Commercial Service” means the United States
4 and Foreign Commercial Service established by sec-
5 tion 2301 of the Export Enhancement Act of 1988
6 (15 U.S.C. 4721).

7 **SEC. 4. STRATEGY.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the President shall es-
10 tablish a comprehensive United States strategy for public
11 and private investment, trade, and development in Africa.

12 (b) FOCUS OF STRATEGY.—The strategy required by
13 subsection (a) shall focus on—

14 (1) increasing exports of United States goods
15 and services to Africa by 200 percent in real dollar
16 value within 10 years from the date of the enact-
17 ment of this Act;

18 (2) coordinating United States commercial in-
19 terests with development priorities in Africa;

20 (3) developing relationships between the govern-
21 ments of countries in Africa and United States busi-
22 nesses that have an expertise in such issues as infra-
23 structure development, technology, telecommuni-
24 cations, energy, and agriculture;

1 (4) improving the competitiveness of United
2 States businesses in Africa, including the role the
3 African diaspora can play in enhancing such com-
4 petitiveness;

5 (5) exploring ways that African diaspora remit-
6 tances can help governments in Africa tackle eco-
7 nomic, development, and infrastructure financing
8 needs;

9 (6) promoting economic integration in Africa
10 through working with the subregional economic com-
11 munities, supporting efforts for deeper integration
12 through the development of customs unions within
13 western and central Africa and within eastern and
14 southern Africa, eliminating time-consuming border
15 formalities into and within these areas, and sup-
16 porting regionally based infrastructure projects;

17 (7) encouraging a greater understanding among
18 United States business and financial communities of
19 the opportunities Africa holds for United States ex-
20 ports; and

21 (8) monitoring—

22 (A) market loan rates and the availability
23 of capital for United States business investment
24 in Africa;

1 ~~(B)~~ loan rates offered by the governments
2 of other countries for investment in Africa; and

3 ~~(C)~~ the policies of other countries with re-
4 spect to export financing for investment in Afri-
5 ea that are predatory or distort markets.

6 ~~(c)~~ CONSULTATIONS.—In developing the strategy re-
7 quired by subsection ~~(a)~~, the President shall consult
8 with—

9 ~~(1)~~ Congress;

10 ~~(2)~~ each agency that is a member of the Trade
11 Promotion Coordinating Committee;

12 ~~(3)~~ the multilateral development banks;

13 ~~(4)~~ each agency that participates in the Trade
14 Policy Staff Committee;

15 ~~(5)~~ the President's National Export Council;

16 ~~(6)~~ each of the development agencies;

17 ~~(7)~~ any other Federal agencies with responsi-
18 bility for export promotion or financing and develop-
19 ment; and

20 ~~(8)~~ the private sector, including businesses,
21 nongovernmental organizations, and African dias-
22 pora groups.

23 ~~(d)~~ SUBMISSION TO CONGRESS.—

24 ~~(1)~~ STRATEGY.—Not later than 180 days after
25 the date of the enactment of this Act, the President

1 shall submit to Congress the strategy required by
2 subsection (a).

3 ~~(2)~~ PROGRESS REPORT.—Not later than 3
4 years after the date of the enactment of this Act, the
5 President shall submit to Congress a report on the
6 implementation of the strategy required by sub-
7 section (a).

8 ~~(3)~~ CONTENT OF REPORT.—The report re-
9 quired by paragraph ~~(2)~~ shall include an assessment
10 of the extent to which the strategy required by sub-
11 section (a)—

12 (A) has been successful in developing crit-
13 ical analyses of policies to increase exports to
14 Africa;

15 (B) has been successful in increasing the
16 competitiveness of United States businesses in
17 Africa;

18 (C) has been successful in creating jobs in
19 the United States, including the nature and
20 sustainability of such jobs;

21 (D) has provided sufficient United States
22 Government support to meet third country com-
23 petition in the region;

1 (E) has been successful in helping the Af-
 2 rican diaspora in the United States participate
 3 in economic growth in Africa;

4 (F) has been successful in promoting eco-
 5 nomic integration in Africa; and

6 (G) has made a meaningful contribution to
 7 the transformation of Africa and its full inte-
 8 gration into the 21st century world economy,
 9 not only as a supplier of primary products but
 10 also as full participant in international supply
 11 and distribution chains.

12 **SEC. 5. SPECIAL AFRICA STRATEGY COORDINATOR.**

13 The President shall designate an individual to serve
 14 as Special Africa Export Strategy Coordinator—

15 (1) to oversee the development and implementa-
 16 tion of the strategy required by section 4; and

17 (2) to coordinate with the Trade Promotion Co-
 18 ordinating Committee, (the interagency AGOA com-
 19 mittees); and development agencies with respect to
 20 developing and implementing the strategy.

21 **SEC. 6. TRADE MISSION TO AFRICA.**

22 It is the sense of Congress that, not later than 1 year
 23 after the date of the enactment of this Act, the Secretary
 24 of Commerce and other high-level officials of the United
 25 States Government with responsibility for export pro-

1 motion, financing, and development should conduct a joint
2 trade mission to Africa.

3 **SEC. 7. PERSONNEL.**

4 (a) UNITED STATES AND FOREIGN COMMERCIAL
5 SERVICE.—

6 (1) IN GENERAL.—As soon as practicable after
7 the date of the enactment of this Act, the Secretary
8 of Commerce shall ensure that not less than 14 total
9 United States and Foreign Commercial Service offi-
10 cers are assigned to Africa.

11 (2) ASSIGNMENT.—The Secretary shall, in con-
12 sultation with the Trade Promotion Coordinating
13 Committee and the Special Africa Export Strategy
14 Coordinator, assign the United States and Foreign
15 Commercial Service officers described in paragraph
16 (1) to United States embassies in Africa.

17 (3) MULTILATERAL DEVELOPMENT BANKS.—

18 (A) IN GENERAL.—As soon as practicable
19 after the date of the enactment of this Act, the
20 Secretary of Commerce shall assign not less
21 than 1 full-time United States and Foreign
22 Commercial Service officer to the office of the
23 United States Executive Director at each multi-
24 lateral development bank.

1 (B) RESPONSIBILITIES.—Each United
2 States and Foreign Commercial Service officer
3 assigned under subparagraph (A) shall be re-
4 sponsible for—

5 (i) increasing the access of United
6 States businesses to procurement contracts
7 with the multilateral development bank to
8 which the officer is assigned; and

9 (ii) facilitating the access of United
10 States businesses to risk insurance, equity
11 investments, consulting services, and lend-
12 ing provided by that bank.

13 (b) EXPORT-IMPORT BANK OF THE UNITED
14 STATES.—Of the amounts collected by the Export-Import
15 Bank that remain after paying the expenses the Bank is
16 authorized to pay from such amounts for administrative
17 expenses, the Bank shall use sufficient funds to do the
18 following:

19 (1) Assign, in consultation with the Trade Pro-
20 motion Coordinating Committee and the Special Af-
21 rica Export Strategy Coordinator, not less than 3
22 full-time employees of the Bank to geographically
23 appropriate field offices in Africa.

24 (2) Increase the number of employees of the
25 Bank assigned to United States field offices of the

1 Bank to not less than 30, to be distributed as geo-
2 graphically appropriate through the United States.
3 Such offices shall coordinate with the related export
4 efforts undertaken by the Small Business Adminis-
5 tration regional field offices.

6 (3) Upgrade the Bank's equipment and soft-
7 ware to more expeditiously, effectively, and effi-
8 ciently process and track applications for financing
9 received by the Bank.

10 (c) OVERSEAS PRIVATE INVESTMENT CORPORA-
11 TION.—

12 (1) STAFFING.—Of the net offsetting collections
13 collected by the Overseas Private Investment Cor-
14 poration used for administrative expenses, the Cor-
15 poration shall use sufficient funds to increase by not
16 more than 5 the staff needed to promote stable and
17 sustainable economic growth and development in Af-
18 rica, to strengthen and expand the private sector in
19 Africa, and to facilitate the general economic devel-
20 opment of Africa, with a particular focus on helping
21 United States businesses expand into African mar-
22 kets.

23 (2) REPORT.—The Corporation shall report to
24 the appropriate congressional committees on whether
25 recent technology upgrades have resulted in more ef-

1 fective and efficient processing and tracking of appli-
2 cations for financing received by the Corporation.

3 **SEC. 8. TRAINING.**

4 The President shall develop a plan—

5 (1) to standardize the training received by
6 United States and Foreign Commercial Service offi-
7 cers, economic officers of the Department of State,
8 and economic officers of the United States Agency
9 for International Development with respect to the
10 programs and procedures of the Export-Import
11 Bank of the United States, the Overseas Private In-
12 vestment Corporation, the Small Business Adminis-
13 tration, and the United States Trade and Develop-
14 ment Agency; and

15 (2) to ensure that, not later than 1 year after
16 the date of the enactment of this Act—

17 (A) all United States and Foreign Com-
18 mercial Service officers that are stationed over-
19 seas receive the training described in paragraph
20 (1); and

21 (B) in the case of a country to which no
22 United States and Foreign Commercial Service
23 officer is assigned, any economic officer of the
24 Department of State stationed in that country
25 shall receive that training.

1 **SEC. 9. EXPORT-IMPORT BANK CAPITALIZATION.**

2 (a) **IN GENERAL.**—Section 6(a)(2) of the Export-Im-
3 port Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amend-
4 ed—

- 5 (1) in subparagraph (D), by striking “and”;
6 (2) in subparagraph (E), by striking “2011,”
7 and inserting “2011, \$95,000,000,000;” and
8 (3) by adding at the end the following:

9 “(F) during fiscal year 2012 and each fis-
10 cal year thereafter through fiscal year 2016,
11 \$150,000,000,000; and

12 “(G) subject to paragraph (4), during fis-
13 cal year 2017 and each fiscal year thereafter,
14 \$175,000,000,000.”.

15 (b) **SPECIAL RULE FOR INCREASE IN APPLICABLE**
16 **AMOUNT.**—Section 6(a) of the Export-Import Bank Act
17 of 1945 (12 U.S.C. 635e(a)) is amended by adding at the
18 end the following:

19 “(4) **SPECIAL RULE FOR INCREASE IN APPLICA-**
20 **BLE AMOUNT.**—

21 “(A) **IN GENERAL.**—Beginning in fiscal
22 year 2017, and each fiscal year thereafter, the
23 applicable amount under paragraph (1) shall be
24 \$175,000,000,000, if the Comptroller General
25 of the United States determines pursuant to
26 subparagraph (B) that the increase in the ap-

1 plicable amount under paragraph (1)(F) has
2 been effective in increasing viable loans to fur-
3 ther United States exports, including to Africa.

4 “~~(B) REPORT BY GAO.—~~The Comptroller
5 General of the United States shall conduct a
6 study of the operations of the Bank and the ef-
7 fectiveness of increasing the applicable amount
8 under this subsection. Not later than 18
9 months after the date of the enactment of this
10 Act, the Comptroller General shall submit a re-
11 port to Congress regarding the Comptroller
12 General’s determination on the effective use by
13 the Bank of the increase in the applicable
14 amount under this subsection.”.

15 ~~(c) PERCENT TO BE USED FOR PROJECTS IN AFRI-~~
16 ~~CA.—~~Section 6(a) of the Export-Import Bank Act of 1945
17 (12 U.S.C. 635e(a)), as amended by subsection (b), is
18 amended by adding at the end the following:

19 “~~(5) PERCENT OF INCREASE TO BE USED FOR~~
20 ~~PROJECTS IN AFRICA.—~~Not less than 25 percent of
21 the amount by which the applicable amount under
22 paragraph (1) is increased under paragraph (2) (F)
23 or (G) over the applicable amount for fiscal year
24 2011 shall be used for loans, guarantees, and insur-
25 ance for projects in Africa.”.

1 (d) AVAILABILITY OF PORTION OF CAPITALIZATION
 2 TO COMPETE AGAINST FOREIGN CONCESSIONAL
 3 LOANS.—Not less than \$250,000,000 of the total bank
 4 capitalization of the Export-Import Bank shall be avail-
 5 able annually for loans that counter below-market rate,
 6 preferential, tied aid, or other related non-market loans
 7 offered by other nations for which United States compa-
 8 nies are also competing or interested in competing.

9 **SEC. 10. TIED AID CREDIT FUND.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
 11 gress that the Export-Import Bank should use its Tied
 12 Aid Credit Fund to aggressively help United States com-
 13 panies compete for projects in which a foreign government
 14 is using any type of below market, preferential, or tied
 15 aid loan. The Bank shall make use of any loan products
 16 available, including pursuant to section 9(d), to counter
 17 these foreign offerings.

18 (b) REPORT.—Not later than 1 year after the date
 19 of the enactment of this Act, and annually thereafter, the
 20 Export-Import Bank shall report to the appropriate con-
 21 gressional committees if the Bank has not used at least
 22 \$220,000,000 in tied aid credit during the preceding fiscal
 23 year. The report shall include—

24 (1) a description of all requests for grants from
 25 the Tied-Aid Credit Fund or other similar funds (es-

1 established under section 10 of the Export-Import
 2 Bank Act of 1945 (12 U.S.C. 635i-3)) received by
 3 the Bank during that fiscal year;

4 (2) a description of similar concessional (below
 5 market rate) loans made by other countries during
 6 that fiscal year; and

7 (3) a description of any such grant requests
 8 that were denied and the reason for such denial.

9 **SEC. 11. SMALL BUSINESS ADMINISTRATION.**

10 Section 22(b) of the Small Business Act (15 U.S.C.
 11 649(b)) is amended—

12 (1) in the matter preceding paragraph (1), by
 13 inserting “the Trade Promotion Coordinating Com-
 14 mittee,” after “Director of the United States Trade
 15 and Development Agency,”; and

16 (2) in paragraph (3), by inserting “regional of-
 17 fices of the Export-Import Bank,” after “Retired
 18 Executives,”.

19 **SEC. 12. BILATERAL, SUBREGIONAL AND REGIONAL, AND**
 20 **MULTILATERAL AGREEMENTS.**

21 Where applicable, the United States Trade Rep-
 22 resentative and officials of the Export-Import Bank shall
 23 explore opportunities to negotiate bilateral, subregional,
 24 and regional agreements that encourage trade and elimi-
 25 nate nontariff barriers to trade between countries; such

1 as negotiating investor friendly double-taxation treaties
2 and investment promotion agreements. United States ne-
3 gotiators in multilateral forum should take into account
4 the objectives of this Act. To the extent any such agree-
5 ments exist between the United States and an African
6 country, the Trade Representative shall ensure that the
7 agreement is being implemented in a manner that maxi-
8 mizes the positive effects for United States trade, export,
9 and labor interests as well as the economic development
10 of the countries in Africa.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Increasing American*
13 *Jobs Through Greater Exports to Africa Act of 2012”.*

14 **SEC. 2. FINDINGS; PURPOSE.**

15 *(a) FINDINGS.—Congress makes the following findings:*

16 *(1) Export growth helps United States business*
17 *grow and create American jobs. In 2010, 60 percent*
18 *of American exports came from small- and medium-*
19 *sized businesses.*

20 *(2) On January 31, 2011, the President man-*
21 *dated an executive review across agencies to determine*
22 *where the United States Government could become*
23 *more competitive and helpful to business, including*
24 *help with promoting exports.*

1 (3) *Several United States Government agencies*
2 *are involved in export promotion. Coordination of the*
3 *efforts of these agencies through the Trade Promotion*
4 *Coordinating Committee lacks sufficient strategic im-*
5 *plementation and accountability.*

6 (4) *Many other countries have trade promotion*
7 *programs that aggressively compete against United*
8 *States exports in Africa and around the world. For*
9 *example, in 2010, medium- and long-term official ex-*
10 *port credit general volumes from the Group of 7 coun-*
11 *tries (Canada, France, Germany, Italy, Japan, the*
12 *United Kingdom, and the United States) totaled*
13 *\$65,400,000,000. Germany provided the largest level*
14 *of support at \$22,500,000,000, followed by France at*
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16 *\$13,000,000,000. Official export credit support by*
17 *emerging market economies such as Brazil, China,*
18 *and India are significant as well.*

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20 *vided more than \$110,000,000,000 in loans to the de-*
21 *veloping world, and, in 2009, China surpassed the*
22 *United States as the leading trade partner of African*
23 *countries. The Export-Import Bank of the United*
24 *States substantially increased lending to United*
25 *States businesses focused on Africa from \$400,000,000*

1 *in 2009 to an anticipated \$1,000,000,000 in 2011,*
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3 *fort with an estimated \$12,000,000,000 worth of fi-*
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6 *sia, and Brazil are also aggressively seeking markets*
7 *in Africa using their national export banks to provide*
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10 *ing runs contrary to the principles of the Organiza-*
11 *tion of Economic Co-operation and Development re-*
12 *lated to open market rates, undermines naturally*
13 *competitive rates, and can allow governments in Afri-*
14 *ca to overlook the troubling record on labor practices,*
15 *human rights, and environmental impact.*

16 *(8) The African continent is undergoing a period*
17 *of rapid growth and middle class development, as seen*
18 *from major indicators such as Internet use and clean*
19 *water access. In 2000, only 6.7 percent of the popu-*
20 *lation of Africa had access to the Internet. In 2009,*
21 *27.1 percent of the population had Internet access.*
22 *Seventy-eight percent of Africa's rural population*
23 *now has access to clean water.*

24 *(9) Economists have designated Africa as the*
25 *“next frontier market”, with profitability and growth*

1 *rates among many African firms exceeding global*
2 *averages in recent years. Countries in Africa have a*
3 *collective spending power of almost \$9,000,000,000*
4 *and a gross domestic product of \$1,600,000,000,000,*
5 *which are projected to double in the next 10 years.*

6 *(10) Sub-Saharan Africa is projected to have the*
7 *fastest growing economies in the world over the next*
8 *5 years, with 7 of the 10 fastest growing economies*
9 *located in sub-Saharan Africa.*

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11 *large-scale government projects, they also gain an*
12 *upper hand in relations with African leaders and ac-*
13 *cess to valuable commodities such as oil and copper,*
14 *typically without regard to environmental, human*
15 *rights, labor, or governance standards.*

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17 *tive financing for its firms in Africa, it will be de-*
18 *prived of opportunities to participate in African ef-*
19 *forts to close the continent's significant infrastructure*
20 *gap that amounts to an estimated \$100,000,000,000.*

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22 *in the United States by expanding programs that will result*
23 *in increasing United States exports to Africa by 200 per-*
24 *cent in real dollar value within 10 years.*

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2 *In this Act:*

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4 *tire continent of Africa and its 54 countries, includ-*
5 *ing the Republic of South Sudan.*

6 (2) *AFRICAN DIASPORA.*—*The term “African di-*
7 *aspora” means the people of African origin living in*
8 *the United States, irrespective of their citizenship and*
9 *nationality, who are willing to contribute to the de-*
10 *velopment of Africa.*

11 (3) *AGOA.*—*The term “AGOA” means the Afri-*
12 *can Growth and Opportunity Act (19 U.S.C. 3701 et*
13 *seq.).*

14 (4) *APPROPRIATE CONGRESSIONAL COMMIT-*
15 *TEES.*—*The term “appropriate congressional commit-*
16 *tees” means—*

17 (A) *the Committee on Appropriations, the*
18 *Committee on Banking, Housing, and Urban Af-*
19 *airs, and the Committee on Foreign Relations of*
20 *the Senate; and*

21 (B) *the Committee on Appropriations, the*
22 *Committee on Energy and Commerce, the Com-*
23 *mittee on Financial Services, the Committee on*
24 *Foreign Affairs, and the Committee on Ways*
25 *and Means of the House of Representatives.*

1 (5) *DEVELOPMENT AGENCIES.*—*The term “development agencies” includes the Department of State,*
2 *the United States Agency for International Development (USAID), the Millennium Challenge Corpora-*
3 *tion (MCC), the Overseas Private Investment Cor-*
4 *poration (OPIC), the United States Trade and Devel-*
5 *opment Agency (USTDA), the United States Depart-*
6 *ment of Agriculture (USDA), and relevant multilat-*
7 *eral development banks.*

10 (6) *TRADE POLICY STAFF COMMITTEE.*—*The*
11 *term “Trade Policy Staff Committee” means the*
12 *Trade Policy Staff Committee established pursuant to*
13 *section 2002.2 of title 15, Code of Federal Regula-*
14 *tions, and is composed of representatives of Federal*
15 *agencies in charge of developing and coordinating*
16 *United States positions on international trade and*
17 *trade-related investment issues.*

18 (7) *MULTILATERAL DEVELOPMENT BANKS.*—*The*
19 *term “multilateral development banks” has the mean-*
20 *ing given that term in section 1701(c)(4) of the Inter-*
21 *national Financial Institutions Act (22 U.S.C.*
22 *262r(c)(4)) and includes the African Development*
23 *Foundation.*

24 (8) *SUB-SAHARAN REGION.*—*The term “sub-Sa-*
25 *haran region” refers to the 49 countries listed in sec-*

1 *tion 107 of the African Growth and Opportunity Act*
2 *(19 U.S.C. 3706) and includes the Republic of South*
3 *Sudan.*

4 (9) *TRADE PROMOTION COORDINATING COM-*
5 *MITTEE.—The term “Trade Promotion Coordinating*
6 *Committee” means the Trade Promotion Coordi-*
7 *nating Committee established by Executive Order*
8 *12870 (58 Fed. Reg. 51753).*

9 (10) *UNITED STATES AND FOREIGN COMMERCIAL*
10 *SERVICE.—The term “United States and Foreign*
11 *Commercial Service” means the United States and*
12 *Foreign Commercial Service established by section*
13 *2301 of the Export Enhancement Act of 1988 (15*
14 *U.S.C. 4721).*

15 **SEC. 4. STRATEGY.**

16 (a) *IN GENERAL.—Not later than 180 days after the*
17 *date of the enactment of this Act, the President shall estab-*
18 *lish a comprehensive United States strategy for public and*
19 *private investment, trade, and development in Africa.*

20 (b) *FOCUS OF STRATEGY.—The strategy required by*
21 *subsection (a) shall focus on—*

22 (1) *increasing exports of United States goods*
23 *and services to Africa by 200 percent in real dollar*
24 *value within 10 years from the date of the enactment*
25 *of this Act;*

1 (2) *promoting the alignment of United States*
2 *commercial interests with development priorities in*
3 *Africa;*

4 (3) *developing relationships between the govern-*
5 *ments of countries in Africa and United States busi-*
6 *nesses that have an expertise in such issues as infra-*
7 *structure development, technology, telecommuni-*
8 *cations, energy, and agriculture;*

9 (4) *improving the competitiveness of United*
10 *States businesses in Africa, including the role the Af-*
11 *rican diaspora can play in enhancing such competi-*
12 *tiveness;*

13 (5) *exploring ways that African diaspora remit-*
14 *tances can help communities in Africa tackle eco-*
15 *nomie, development, and infrastructure financing*
16 *needs;*

17 (6) *promoting economic integration in Africa*
18 *through working with the subregional economic com-*
19 *munities, supporting efforts for deeper integration*
20 *through the development of customs unions within*
21 *western and central Africa and within eastern and*
22 *southern Africa, eliminating time-consuming border*
23 *formalities into and within these areas, and sup-*
24 *porting regionally based infrastructure projects;*

1 (7) *encouraging a greater understanding among*
2 *United States business and financial communities of*
3 *the opportunities Africa holds for United States ex-*
4 *ports; and*

5 (8) *monitoring—*

6 (A) *market loan rates and the availability*
7 *of capital for United States business investment*
8 *in Africa;*

9 (B) *loan rates offered by the governments of*
10 *other countries for investment in Africa; and*

11 (C) *the policies of other countries with re-*
12 *spect to export financing for investment in Afri-*
13 *ca that are predatory or distort markets.*

14 (c) *CONSULTATIONS.—In developing the strategy re-*
15 *quired by subsection (a), the President shall consult with—*

16 (1) *Congress;*

17 (2) *each agency that is a member of the Trade*
18 *Promotion Coordinating Committee;*

19 (3) *the relevant multilateral development banks,*
20 *in coordination with the Secretary of the Treasury*
21 *and the respective United States Executive Directors*
22 *of such banks;*

23 (4) *each agency that participates in the Trade*
24 *Policy Staff Committee;*

25 (5) *the President’s National Export Council;*

1 (6) *each of the development agencies;*

2 (7) *any other Federal agencies with responsi-*
3 *bility for export promotion or financing and develop-*
4 *ment; and*

5 (8) *the private sector, including businesses, non-*
6 *governmental organizations, and African diaspora*
7 *groups.*

8 (d) *SUBMISSION TO CONGRESS.—*

9 (1) *STRATEGY.—Not later than 180 days after*
10 *the date of the enactment of this Act, the President*
11 *shall submit to Congress the strategy required by sub-*
12 *section (a).*

13 (2) *PROGRESS REPORT.—Not later than 3 years*
14 *after the date of the enactment of this Act, the Presi-*
15 *dent shall submit to Congress a report on the imple-*
16 *mentation of the strategy required by subsection (a).*

17 (3) *CONTENT OF REPORT.—The report required*
18 *by paragraph (2) shall include an assessment of the*
19 *extent to which the strategy required by subsection*
20 *(a)—*

21 (A) *has been successful in developing crit-*
22 *ical analyses of policies to increase exports to Af-*
23 *rica;*

1 (B) has been successful in increasing the
2 competitiveness of United States businesses in
3 Africa;

4 (C) has been successful in creating jobs in
5 the United States, including the nature and sus-
6 tainability of such jobs;

7 (D) has provided sufficient United States
8 Government support to meet third country com-
9 petition in the region;

10 (E) has been successful in helping the Afri-
11 can diaspora in the United States participate in
12 economic growth in Africa;

13 (F) has been successful in promoting eco-
14 nomic integration in Africa; and

15 (G) has made a meaningful contribution to
16 the transformation of Africa and its full integra-
17 tion into the 21st century world economy, not
18 only as a supplier of primary products but also
19 as full participant in international supply and
20 distribution chains and as a consumer of inter-
21 national goods and services.

22 **SEC. 5. SPECIAL AFRICA STRATEGY COORDINATOR.**

23 The President shall designate an individual to serve
24 as Special Africa Export Strategy Coordinator—

1 (1) *to oversee the development and implementa-*
2 *tion of the strategy required by section 4; and*

3 (2) *to coordinate with the Trade Promotion Co-*
4 *ordinating Committee, (the interagency AGOA com-*
5 *mittees), and development agencies with respect to de-*
6 *veloping and implementing the strategy.*

7 **SEC. 6. TRADE MISSION TO AFRICA.**

8 *It is the sense of Congress that, not later than 1 year*
9 *after the date of the enactment of this Act, the Secretary*
10 *of Commerce and other high-level officials of the United*
11 *States Government with responsibility for export pro-*
12 *motion, financing, and development should conduct a joint*
13 *trade mission to Africa.*

14 **SEC. 7. PERSONNEL.**

15 (a) *UNITED STATES AND FOREIGN COMMERCIAL*
16 *SERVICE.—*

17 (1) *IN GENERAL.—The Secretary of Commerce*
18 *shall ensure that not less than 12 total United States*
19 *and Foreign Commercial Service officers are assigned*
20 *to Africa for each of the first 5 fiscal years beginning*
21 *after the date of the enactment of this Act.*

22 (2) *ASSIGNMENT.—The Secretary shall, in con-*
23 *sultation with the Trade Promotion Coordinating*
24 *Committee and the Special Africa Export Strategy*
25 *Coordinator, assign the United States and Foreign*

1 *Commercial Service officers described in paragraph*
2 *(1) to United States embassies in Africa after con-*
3 *ducting a timely resource allocation analysis that*
4 *represents a forward-looking assessment of future*
5 *United States trade opportunities in Africa.*

6 *(3) MULTILATERAL DEVELOPMENT BANKS.—*

7 *(A) IN GENERAL.—As soon as practicable*
8 *after the date of the enactment of this Act, the*
9 *Secretary of Commerce shall assign not less than*
10 *1 full-time United States and Foreign Commer-*
11 *cial Service officer to the office of the United*
12 *States Executive Director at the World Bank and*
13 *the African Development Bank.*

14 *(B) RESPONSIBILITIES.—Each United*
15 *States and Foreign Commercial Service officer*
16 *assigned under subparagraph (A) shall be re-*
17 *sponsible for—*

18 *(i) increasing the access of United*
19 *States businesses to procurement contracts*
20 *with the multilateral development bank to*
21 *which the officer is assigned; and*

22 *(ii) facilitating the access of United*
23 *States businesses to risk insurance, equity*
24 *investments, consulting services, and lend-*
25 *ing provided by that bank.*

1 **(b) EXPORT-IMPORT BANK OF THE UNITED STATES.—**

2 *Of the amounts collected by the Export-Import Bank that*
3 *remain after paying the expenses the Bank is authorized*
4 *to pay from such amounts for administrative expenses, the*
5 *Bank shall use sufficient funds to do the following:*

6 (1) *Increase the number of staff who spend the*
7 *majority of the year based in Africa, and increase the*
8 *number of business development trips it conducts in*
9 *Africa to meet the goals set forth in section 9.*

10 (2) *Increase the number of employees of the Bank*
11 *assigned to United States field offices of the Bank to*
12 *not less than 30, to be distributed as geographically*
13 *appropriate through the United States. Such offices*
14 *shall coordinate with the related export efforts under-*
15 *taken by the Small Business Administration regional*
16 *field offices.*

17 (3) *Upgrade the Bank's equipment and software*
18 *to more expeditiously, effectively, and efficiently proc-*
19 *ess and track applications for financing received by*
20 *the Bank.*

21 **(c) OVERSEAS PRIVATE INVESTMENT CORPORATION.—**

22 (1) *STAFFING.—Of the net offsetting collections*
23 *collected by the Overseas Private Investment Corpora-*
24 *tion used for administrative expenses, the Corporation*
25 *shall use sufficient funds to increase by not more than*

1 5 the staff needed to promote stable and sustainable
2 economic growth and development in Africa, to
3 strengthen and expand the private sector in Africa,
4 and to facilitate the general economic development of
5 Africa, with a particular focus on helping United
6 States businesses expand into African markets.

7 (2) *REPORT.*—The Corporation shall report to
8 the appropriate congressional committees on whether
9 recent technology upgrades have resulted in more ef-
10 fective and efficient processing and tracking of appli-
11 cations for financing received by the Corporation.

12 (d) *RULE OF CONSTRUCTION.*—Nothing in this section
13 shall be construed as permitting the reduction of Depart-
14 ment of Commerce, Department of State, Export Import
15 Bank, or Overseas Private Investment Corporation per-
16 sonnel or the alteration of planned personnel increases in
17 other regions, except where a personnel decrease was pre-
18 viously anticipated or where decreased export opportunities
19 justify personnel reductions.

20 **SEC. 8. TRAINING.**

21 The President shall develop a plan—

22 (1) to standardize the training received by
23 United States and Foreign Commercial Service offi-
24 cers, economic officers of the Department of State,
25 and economic officers of the United States Agency for

1 *International Development with respect to the pro-*
2 *grams and procedures of the Export-Import Bank of*
3 *the United States, the Overseas Private Investment*
4 *Corporation, the Small Business Administration, and*
5 *the United States Trade and Development Agency;*
6 *and*

7 (2) *to ensure that, not later than 1 year after the*
8 *date of the enactment of this Act—*

9 (A) *all United States and Foreign Commer-*
10 *cial Service officers that are stationed overseas*
11 *receive the training described in paragraph (1);*
12 *and*

13 (B) *in the case of a country to which no*
14 *United States and Foreign Commercial Service*
15 *officer is assigned, any economic officer of the*
16 *Department of State stationed in that country*
17 *shall receive that training.*

18 **SEC. 9. EXPORT-IMPORT BANK FINANCING.**

19 (a) *FINANCING FOR PROJECTS IN AFRICA.—*

20 (1) *SENSE OF CONGRESS.—It is the sense of*
21 *Congress that foreign export credit agencies are pro-*
22 *viding non-OECD arrangement compliant financing*
23 *in Africa, and that in order to counter such actions*
24 *and ensure United States jobs, the Export-Import*

1 *Bank should provide timely financing to meet such*
2 *terms, as appropriate.*

3 (2) *IN GENERAL.—Section 6(a) of the Export-*
4 *Import Bank Act of 1945 (12 U.S.C. 635e(a)) is*
5 *amended by adding at the end the following:*

6 “(4) *PERCENT OF FINANCING TO BE USED FOR*
7 *PROJECTS IN AFRICA.—The Bank shall increase the*
8 *amount it finances to Africa over the prior year’s fi-*
9 *nancing for each of the first five fiscal years begin-*
10 *ning after the date of the enactment of the Increasing*
11 *American Jobs Through Greater Exports to Africa*
12 *Act of 2012.”.*

13 (3) *REPORT.—Not later than 1 year after the*
14 *date of the enactment of this Act, and annually there-*
15 *after for 5 years, the Export-Import Bank shall report*
16 *to the Committee on Banking, Housing, and Urban*
17 *Affairs, the Committee on Foreign Relations, and the*
18 *Committee on Appropriations of the Senate and the*
19 *Committee on Financial Services, the Committee on*
20 *Foreign Affairs, and the Committee on Appropria-*
21 *tions of the House of Representatives if the Bank has*
22 *not used at least 10 percent of its lending capabilities*
23 *for projects in Africa as described in paragraph (4)*
24 *of section 6(a) of the Export-Import Bank of 1945, as*
25 *added by paragraph (2). The report shall include the*

1 *reasons why the Bank failed to reach this goal and*
2 *a description of all final applications for projects in*
3 *Africa that were deemed unworthy of Bank support.*

4 *(b) AVAILABILITY OF PORTION OF CAPITALIZATION TO*
5 *COMPETE AGAINST FOREIGN CONCESSIONAL LOANS.—*

6 *(1) IN GENERAL.—The Bank shall make avail-*
7 *able annually such amounts as are necessary for*
8 *loans that counter trade distorting non-OECD ar-*
9 *rangement compliant financing or preferential, tied*
10 *aid, or other related non-market loans offered by other*
11 *nations for which United States companies are also*
12 *competing or interested in competing.*

13 *(2) REPORT.—Not later than 1 year after the*
14 *date of the enactment of this Act, and annually there-*
15 *after for 5 years, the Export-Import Bank shall report*
16 *to the Committee on Banking, Housing, and Urban*
17 *Affairs, the Committee on Foreign Relations, and the*
18 *Committee on Appropriations of the Senate and the*
19 *Committee on Financial Services, the Committee on*
20 *Foreign Affairs, and the Committee on Appropria-*
21 *tions of the House of Representatives if the Bank has*
22 *not used at least \$250,000,000 annually for loans that*
23 *counter non-OECD arrangement compliant financing*
24 *offered by other nations to its firms, as described in*
25 *paragraph (1). The report shall not disclose any in-*

1 *formation that is confidential or business proprietary,*
 2 *or that would violate section 1905 of title 18, United*
 3 *States Code (commonly referred to as the “Trade Se-*
 4 *crets Act”). The report shall include—*

5 *(A) a description of trade distorting non-*
 6 *OECD arrangement compliant financing loans*
 7 *made by other countries during that fiscal year*
 8 *to firms that competed against United States*
 9 *firms;*

10 *(B) a description of any similar completed*
 11 *applications from United States firms that were*
 12 *denied by the Bank and the reason for such de-*
 13 *denial; and*

14 *(C) a description of any completed applica-*
 15 *tions for tied aid that were denied for financing*
 16 *by the Bank and an explanation of why the ap-*
 17 *plications were denied.*

18 **SEC. 10. SMALL BUSINESS ADMINISTRATION.**

19 *Section 22(b) of the Small Business Act (15 U.S.C.*
 20 *649(b)) is amended—*

21 *(1) in the matter preceding paragraph (1), by*
 22 *inserting “the Trade Promotion Coordinating Com-*
 23 *mittee,” after “Director of the United States Trade*
 24 *and Development Agency,”; and*

1 (2) in paragraph (3), by inserting “regional of-
2 fices of the Export-Import Bank,” after “Retired Ex-
3 ecutives,”.

4 **SEC. 11. BILATERAL, SUBREGIONAL AND REGIONAL, AND**
5 **MULTILATERAL AGREEMENTS.**

6 Where applicable, the President shall explore opportu-
7 nities to negotiate bilateral, subregional, and regional
8 agreements that encourage trade and eliminate nontariff
9 barriers to trade between countries, such as negotiating in-
10 vestor friendly double-taxation treaties and investment pro-
11 motion agreements. United States negotiators in multilat-
12 eral forum should take into account the objectives of this
13 Act. To the extent any such agreements exist between the
14 United States and an African country, the President shall
15 ensure that the agreement is being implemented in a man-
16 ner that maximizes the positive effects for United States
17 trade, export, and labor interests as well as the economic
18 development of the countries in Africa.

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A BILL

To create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

NOVEMBER 13, 2012

Reported with an amendment