

Calendar No. 181113TH CONGRESS
1ST SESSION**S. 718****[Report No. 113-103]**

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

APRIL 11, 2013

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

SEPTEMBER 10, 2013

Reported by Mr. MENENDEZ, with an amendment

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

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 2013”.

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

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

7 (1) Export growth helps United States busi-
8 nesses grow and create American jobs. In 2011,
9 United States exports supported 9,700,000 jobs and
10 97.8 percent of United States exports came from
11 small- and medium-sized businesses in 2010.

12 (2) The more than 20 Federal agencies that are
13 involved in export promotion and financing are not
14 sufficiently coordinated to adequately expand United
15 States commercial exports to Africa.

16 (3) The President has taken steps to improve
17 how the United States Government supports Amer-
18 ican businesses by mandating an executive review
19 across agencies and a new Doing Business in Africa
20 initiative, but a substantially greater high-level focus
21 on Africa is needed.

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

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

9 (5) Between 2008 and 2010, China alone pro-
10 vided more than \$110,000,000,000 in loans to the
11 developing world, and, in 2009, China surpassed the
12 United States as the leading trade partner of Afri-
13 can countries. In the last 10 years, African trade
14 with China has increased from \$11,000,000,000 to
15 \$166,000,000,000.

16 (6) The Export-Import Bank of the United
17 States substantially increased lending to United
18 States businesses focused on Africa from
19 \$400,000,000 in 2009 to \$1,400,000,000 in 2011,
20 but the Export-Import Bank of China dwarfed this
21 effort with an estimated \$12,000,000,000 worth of
22 financing. Overall, China is outpacing the United
23 States in selling goods to Africa at a rate of 3 to
24 1.

1 (7) Other countries such as India, Turkey, Rus-
2 sia, and Brazil are also aggressively seeking markets
3 in Africa using their national export banks to pro-
4 vide concessional assistance.

5 (8) The Chinese practice of concessional financ-
6 ing runs contrary to the principles of the Organiza-
7 tion of Economic Co-operation and Development re-
8 lated to open market rates, undermines naturally
9 competitive rates, and can allow governments in Af-
10 rica to overlook the troubling record on labor prac-
11 tices, human rights, and environmental impact.

12 (9) As stated in a recent report entitled “Em-
13 bracing Africa’s Economic Potential” by Senator
14 Chris Coons, “Economic growth in Africa has risen
15 dramatically, but the continent’s vast economic po-
16 tential has not yet been fully realized by the U.S.
17 Government or the American private sector.”.

18 (10) The African continent is undergoing a pe-
19 riod of rapid growth and middle class development,
20 as seen from major indicators such as Internet use,
21 clean water access, and real income growth. In the
22 last decade alone, the percentage of the population
23 with access to the Internet has doubled. Seventy-
24 eight percent of Africa’s rural population now has
25 access to clean water. Over the past 10 years, real

1 income per person in Africa has grown by more than
2 30 percent.

3 (11) Economists have designated Africa as the
4 “next frontier market”, with profitability of many
5 African firms and growth rates of African countries
6 exceeding global averages in recent years. Countries
7 in Africa have a collective spending power of almost
8 \$9,000,000,000 and a gross domestic product of
9 \$1,600,000,000,000, which are projected to double
10 in the next 10 years.

11 (12) In the past 10 years, Africa has been
12 home to 6 of the 10 fastest growing economies in
13 the world. Sub-Saharan Africa is projected to have
14 the fastest growing economies in the world over the
15 next 10 years, with 7 of the 10 fastest growing
16 economies located in sub-Saharan Africa.

17 (13) When countries such as China assist with
18 large-scale government projects, they also gain an
19 upper hand in relations with African leaders and ac-
20 cess to valuable commodities such as oil and copper,
21 typically without regard to environmental, human
22 rights, labor, or governance standards.

23 (14) Unless the United States can offer com-
24 petitive financing for its firms in Africa, it will be
25 deprived of opportunities to participate in African

1 efforts to close the continent’s significant infrastruc-
2 ture gap that amounts to an estimated
3 \$100,000,000,000.

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

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

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

13 (2) AFRICAN DIASPORA.—The term “African
14 diaspora” means the people of African origin living
15 in the United States, irrespective of their citizenship
16 and nationality, who are willing to contribute to the
17 development of Africa.

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

21 (4) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Appropriations, the
25 Committee on Banking, Housing, and Urban

1 Affairs, the Committee on Foreign Relations,
2 and the Committee on Finance of the Senate;
3 and

4 (B) the Committee on Appropriations, the
5 Committee on Energy and Commerce, the Com-
6 mittee on Financial Services, the Committee on
7 Foreign Affairs, and the Committee on Ways
8 and Means of the House of Representatives.

9 (5) DEVELOPMENT AGENCIES.—The term “de-
10 velopment agencies” includes the Department of
11 State, the United States Agency for International
12 Development (USAID), the Millennium Challenge
13 Corporation (MCC), the Overseas Private Invest-
14 ment Corporation (OPIC), the United States Trade
15 and Development Agency (USTDA), the United
16 States Department of Agriculture (USDA), and rel-
17 evant multilateral development banks.

18 (6) TRADE POLICY STAFF COMMITTEE.—The
19 term “Trade Policy Staff Committee” means the
20 Trade Policy Staff Committee established pursuant
21 to section 2002.2 of title 15, Code of Federal Regu-
22 lations, and is composed of representatives of Fed-
23 eral agencies in charge of developing and coordi-
24 nating United States positions on international trade
25 and trade-related investment issues.

1 (7) **MULTILATERAL DEVELOPMENT BANKS.**—
 2 The term “multilateral development banks” has the
 3 meaning given that term in section 1701(e)(4) of the
 4 International Financial Institutions Act (22 U.S.C.
 5 262r(e)(4)) and includes the African Development
 6 Foundation.

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

12 (9) **TRADE PROMOTION COORDINATING COM-**
 13 **MITTEE.**—The term “Trade Promotion Coordinating
 14 Committee” means the Trade Promotion Coordi-
 15 nating Committee established by Executive Order
 16 12870 (58 Fed. Reg. 51753).

17 (10) **UNITED STATES AND FOREIGN COMMER-**
 18 **CIAL SERVICE.**—The term “United States and For-
 19 eign Commercial Service” means the United States
 20 and Foreign Commercial Service established by sec-
 21 tion 2301 of the Export Enhancement Act of 1988
 22 (15 U.S.C. 4721).

23 **SEC. 4. STRATEGY.**

24 (a) **IN GENERAL.**—Not later than 180 days after the
 25 date of the enactment of this Act, the President shall es-

1 establish a comprehensive United States strategy for public
2 and private investment, trade, and development in Africa.

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

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

9 (2) promoting the alignment of United States
10 commercial interests with development priorities in
11 Africa;

12 (3) developing relationships between the govern-
13 ments of countries in Africa and United States busi-
14 nesses that have an expertise in such issues as infra-
15 structure development, technology, telecommuni-
16 cations, energy, and agriculture;

17 (4) improving the competitiveness of United
18 States businesses in Africa, including the role the
19 African diaspora can play in enhancing such com-
20 petitiveness;

21 (5) exploring ways that African diaspora remit-
22 tances can help communities in Africa tackle eco-
23 nomic, development, and infrastructure financing
24 needs;

1 (6) promoting economic integration in Africa
2 through working with the subregional economic com-
3 munities, supporting efforts for deeper integration
4 through the development of customs unions within
5 western and central Africa and within eastern and
6 southern Africa, eliminating time-consuming border
7 formalities into and within these areas, and sup-
8 porting regionally based infrastructure projects;

9 (7) encouraging a greater understanding among
10 United States business and financial communities of
11 the opportunities Africa holds for United States ex-
12 ports;

13 (8) fostering partnership opportunities between
14 United States and African small- and medium-sized
15 enterprises; and

16 (9) monitoring—

17 (A) market loan rates and the availability
18 of capital for United States business investment
19 in Africa;

20 (B) loan rates offered by the governments
21 of other countries for investment in Africa; and

22 (C) the policies of other countries with re-
23 spect to export financing for investment in Afri-
24 ca that are predatory or distort markets.

1 (e) CONSULTATIONS.—In developing the strategy re-
2 quired by subsection (a), the President shall consult
3 with—

4 (1) Congress;

5 (2) each agency that is a member of the Trade
6 Promotion Coordinating Committee;

7 (3) the relevant multilateral development banks,
8 in coordination with the Secretary of the Treasury
9 and the respective United States Executive Directors
10 of such banks;

11 (4) each agency that participates in the Trade
12 Policy Staff Committee;

13 (5) the President’s National Export Council;

14 (6) each of the development agencies;

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

18 (8) the private sector, including businesses,
19 nongovernmental organizations, and African dias-
20 pora groups.

21 (d) SUBMISSION TO CONGRESS.—

22 (1) STRATEGY.—Not later than 180 days after
23 the date of the enactment of this Act, the President
24 shall submit to Congress the strategy required by
25 subsection (a).

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

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

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

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

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

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

22 (E) has been successful in helping the Af-
23 rican diaspora in the United States participate
24 in economic growth in Africa;

1 (F) has been successful in promoting eco-
2 nomic integration in Africa; and

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

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

11 The President shall designate an individual to serve
12 as Special Africa Export Strategy Coordinator—

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

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

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

20 It is the sense of Congress that, not later than 1 year
21 after the date of the enactment of this Act, the Secretary
22 of Commerce and other high-level officials of the United
23 States Government with responsibility for export pro-
24 motion, financing, and development should conduct a joint
25 trade mission to Africa.

1 **SEC. 7. PERSONNEL.**

2 (a) UNITED STATES AND FOREIGN COMMERCIAL
3 SERVICE.—

4 (1) IN GENERAL.—The Secretary of Commerce
5 shall ensure that not less than 10 total United
6 States and Foreign Commercial Service officers are
7 assigned to Africa for each of the first 5 fiscal years
8 beginning after the date of the enactment of this
9 Act.

10 (2) ASSIGNMENT.—The Secretary shall, in con-
11 sultation with the Trade Promotion Coordinating
12 Committee and the Special Africa Export Strategy
13 Coordinator, assign the United States and Foreign
14 Commercial Service officers described in paragraph
15 (1) to United States embassies in Africa after con-
16 ducting a timely resource allocation analysis that
17 represents a forward-looking assessment of future
18 United States trade opportunities in Africa.

19 (3) MULTILATERAL DEVELOPMENT BANKS.—

20 (A) IN GENERAL.—As soon as practicable
21 after the date of the enactment of this Act, the
22 Secretary of Commerce shall, using existing
23 staff, assign not less than 1 full-time United
24 States and Foreign Commercial Service officer
25 to the office of the United States Executive Di-

1 rector at the World Bank and the African De-
2 velopment Bank.

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

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

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

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

21 (1) Increase the number of staff dedicated to
22 expanding business development for Africa, including
23 increasing the number of business development trips
24 the Bank conducts to Africa and the amount of time
25 staff spends in Africa to meet the goals set forth in

1 section 9 and paragraph (4) of section 6(a) of the
2 Export-Import Bank of 1945, as added by section
3 9(a)(2).

4 (2) Maintain an appropriate number of employ-
5 ees of the Bank assigned to United States field of-
6 fices of the Bank to be distributed as geographically
7 appropriate through the United States. Such offices
8 shall coordinate with the related export efforts un-
9 dertaken by the Small Business Administration re-
10 gional field offices.

11 (3) Upgrade the Bank's equipment and soft-
12 ware to more expeditiously, effectively, and effi-
13 ciently process and track applications for financing
14 received by the Bank.

15 (c) OVERSEAS PRIVATE INVESTMENT CORPORA-
16 TION.—

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

1 United States businesses expand into African mar-
2 kets.

3 ~~(2) REPORT.—~~The Corporation shall report to
4 the appropriate congressional committees on whether
5 recent technology upgrades have resulted in more ef-
6 fective and efficient processing and tracking of appli-
7 cations for financing received by the Corporation.

8 ~~(3) CERTAIN COSTS NOT CONSIDERED ADMINIS-~~
9 ~~TRATIVE EXPENSES.—~~For purposes of this sub-
10 section, systems infrastructure costs associated with
11 activities authorized by title IV of chapter 2 of part
12 I of the Foreign Assistance Act of 1961 (~~22 U.S.C.~~
13 ~~231 et seq.~~) shall not be considered administrative
14 expenses.

15 ~~(d) RULE OF CONSTRUCTION.—~~Nothing in this sec-
16 tion shall be construed as permitting the reduction of De-
17 partment of Commerce, Department of State, Export-Im-
18 port Bank, or Overseas Private Investment Corporation
19 personnel or the alteration of planned personnel increases
20 in other regions, except where a personnel decrease was
21 previously anticipated or where decreased export opportu-
22 nities justify personnel reductions.

23 **SEC. 8. TRAINING.**

24 The President shall develop a plan—

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

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

13 (A) all United States and Foreign Com-
 14 mercial Service officers that are stationed over-
 15 seas receive the training described in paragraph
 16 (1); and

17 (B) in the case of a country to which no
 18 United States and Foreign Commercial Service
 19 officer is assigned; any economic officer of the
 20 Department of State stationed in that country
 21 shall receive that training.

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

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

24 (1) **SENSE OF CONGRESS.—**It is the sense of
 25 Congress that foreign export credit agencies are pro-

1 viding non-OECD arrangement compliant financing
2 in Africa, which is trade distorting and threatens
3 United States jobs.

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

7 “(4) PERCENT OF FINANCING TO BE USED FOR
8 PROJECTS IN AFRICA.—The Bank shall, to the ex-
9 tent that there are acceptable final applications, in-
10 crease the amount it finances to Africa over the
11 prior year’s financing for each of the first five fiscal
12 years beginning after the date of the enactment of
13 the Increasing American Jobs Through Greater Ex-
14 ports to Africa Act of 2013.”.

15 (3) REPORT.—Not later than 1 year after the
16 date of the enactment of this Act, and annually
17 thereafter for 5 years, the Export-Import Bank shall
18 report to the Committee on Banking, Housing, and
19 Urban Affairs, the Committee on Foreign Relations,
20 and the Committee on Appropriations of the Senate
21 and the Committee on Financial Services, the Com-
22 mittee on Foreign Affairs, and the Committee on
23 Appropriations of the House of Representatives if
24 the Bank has not used at least 10 percent of its
25 lending capabilities for projects in Africa as de-

1 scribed in paragraph (4) of section 6(a) of the Ex-
2 port-Import Bank of 1945, as added by paragraph
3 (2). The report shall include the reasons why the
4 Bank failed to reach this goal and a description of
5 all final applications for projects in Africa that were
6 deemed unworthy of Bank support.

7 (b) AVAILABILITY OF PORTION OF CAPITALIZATION
8 TO COMPETE AGAINST FOREIGN CONCESSIONAL
9 LOANS.—

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

17 (2) REPORT.—Not later than 1 year after the
18 date of the enactment of this Act, and annually
19 thereafter for 5 years, the Export-Import Bank shall
20 submit to the Committee on Banking, Housing, and
21 Urban Affairs, the Committee on Foreign Relations,
22 and the Committee on Appropriations of the Senate
23 and the Committee on Financial Services, the Com-
24 mittee on Foreign Affairs, and the Committee on
25 Appropriations of the House of Representatives a re-

1 port on all loans made or rejected that were consid-
2 ered to counter non-OECD arrangement compliant
3 financing offered by other nations to its firms. The
4 report shall not disclose any information that is con-
5 fidential or business proprietary, or that would vio-
6 late section 1905 of title 18, United States Code
7 (commonly referred to as the “Trade Secrets Act”).
8 The report shall include a description of trade dis-
9 torting non-OECD arrangement compliant financing
10 loans made by other countries during that fiscal year
11 to firms that competed against the United States
12 firms.

13 **SEC. 10. SMALL BUSINESS ADMINISTRATION.**

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

16 (1) in the matter preceding paragraph (1), by
17 inserting “the Trade Promotion Coordinating Com-
18 mittee,” after “Director of the United States Trade
19 and Development Agency,”; and

20 (2) in paragraph (3), by inserting “regional of-
21 fices of the Export-Import Bank,” after “Retired
22 Executives,”.

1 **SEC. 11. BILATERAL, SUBREGIONAL AND REGIONAL, AND**
2 **MULTILATERAL AGREEMENTS.**

3 Where applicable, the President shall explore oppor-
4 tunities to negotiate bilateral, subregional, and regional
5 agreements that encourage trade and eliminate nontariff
6 barriers to trade between countries, such as negotiating
7 investor friendly double-taxation treaties and investment
8 promotion agreements. United States negotiators in multi-
9 lateral forum should take into account the objectives of
10 this Act. To the extent any such agreements exist between
11 the United States and an African country, the President
12 shall ensure that the agreement is being implemented in
13 a manner that maximizes the positive effects for United
14 States trade, export, and labor interests as well as the eco-
15 nomic development of the countries in Africa.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Increasing American*
18 *Jobs Through Greater Exports to Africa Act of 2013”.*

19 **SEC. 2. FINDINGS; PURPOSE.**

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

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8 *across agencies and a new Doing Business in Africa*
9 *initiative, but a substantially greater high-level focus*
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13 *States exports in Africa and around the world. For*
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15 *port credit general volumes from the Group of 7 coun-*
16 *tries (Canada, France, Germany, Italy, Japan, the*
17 *United Kingdom, and the United States) totaled*
18 *\$65,400,000,000. Germany provided the largest level*
19 *of support at \$22,500,000,000, followed by France at*
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21 *lated to open market rates, undermines naturally*
22 *competitive rates, and can allow governments in Afri-*
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6 *ernment or the American private sector.”*

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8 *riod of rapid growth and middle class development,*
9 *as seen from major indicators such as Internet use,*
10 *clean water access, and real income growth. In the*
11 *last decade alone, the percentage of the population*
12 *with access to the Internet has doubled. Seventy-eight*
13 *percent of Africa’s rural population now has access to*
14 *clean water. Over the past 10 years, real income per*
15 *person in Africa has grown by more than 30 percent.*
16 *Such economic growth will expand even faster if more*
17 *reliable energy production is achieved—a business*
18 *sector in which American industry excels.*

19 (11) *Economists have designated Africa as the*
20 *“next frontier market”, with profitability of many Af-*
21 *rican firms and growth rates of African countries ex-*
22 *ceeding global averages in recent years. Countries in*
23 *Africa have a collective spending power of almost*
24 *\$9,000,000,000 and a gross domestic product of*

1 \$1,600,000,000,000, which are projected to double in
2 the next 10 years.

3 (12) In the past 10 years, Africa has been home
4 to 6 of the 10 fastest growing economies in the world.
5 Sub-Saharan Africa is projected to have the fastest
6 growing economies in the world over the next 10
7 years, with 7 of the 10 fastest growing economies lo-
8 cated in sub-Saharan Africa.

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

15 (14) Unless the United States can offer competi-
16 tive financing for its firms in Africa, it will be de-
17 prived of opportunities to participate in African ef-
18 forts to close the continent's significant infrastructure
19 gap that amounts to an estimated \$100,000,000,000.

20 (b) *PURPOSE.*—The purpose of this Act is to create jobs
21 in the United States by expanding programs that will result
22 in increasing United States exports to Africa by 200 per-
23 cent in real dollar value within 10 years.

24 **SEC. 3. DEFINITIONS.**

25 *In this Act:*

1 (1) *AFRICA*.—The term “Africa” refers to the en-
2 tire continent of Africa and its 54 countries, includ-
3 ing the Republic of South Sudan.

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

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

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

15 (A) *the Committee on Appropriations, the*
16 *Committee on Banking, Housing, and Urban Af-*
17 *fairs, the Committee on Foreign Relations, and*
18 *the Committee on Finance of the Senate; and*

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

24 (5) *DEVELOPMENT AGENCIES*.—The term “devel-
25 opment agencies” includes the Department of State,

1 *the United States Agency for International Develop-*
2 *ment (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.*

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

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

22 (8) *SUB-SAHARAN REGION.*—*The term “sub-Sa-*
23 *haran region” refers to the 49 countries listed in sec-*
24 *tion 107 of the African Growth and Opportunity Act*

1 (19 U.S.C. 3706) and includes the Republic of South
2 Sudan.

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

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

14 **SEC. 4. STRATEGY.**

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

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

21 (1) increasing exports of United States goods
22 and services to Africa by 200 percent in real dollar
23 value within 10 years from the date of the enactment
24 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 critical*
7 *energy security, infrastructure development, tech-*
8 *nology, telecommunications, and agriculture;*

9 (4) *improving the competitiveness of United*
10 *States businesses in Africa, including by encouraging*
11 *the adoption of United States construction codes and*
12 *product standards, with emphasis on those designated*
13 *as American National Standards by the American*
14 *National Standards Institute where applicable;*

15 (5) *exploring the role the African diaspora can*
16 *play in enhancing competitiveness of United States*
17 *businesses in African and ways that African diaspora*
18 *remittances can help communities in Africa tackle*
19 *economic, development, and infrastructure financing*
20 *needs;*

21 (6) *promoting economic integration in Africa*
22 *through working with the subregional economic com-*
23 *munities, supporting efforts for deeper integration*
24 *through the development of customs unions within*
25 *western and central Africa and within eastern and*

1 *southern Africa, eliminating time-consuming border*
2 *formalities into and within these areas, and sup-*
3 *porting regionally based infrastructure projects;*

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

8 *(8) fostering partnership opportunities between*
9 *United States and African small- and medium-sized*
10 *enterprises;*

11 *(9) supporting African entrepreneurship and*
12 *private sector development as a means to sustainable*
13 *economic growth and security; and*

14 *(10) monitoring—*

15 *(A) market loan rates and the availability*
16 *of capital for United States business investment*
17 *in Africa;*

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

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

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

25 *(1) Congress;*

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

3 (3) *the relevant multilateral development banks,*
4 *in coordination with the Secretary of the Treasury*
5 *and the respective United States Executive Directors*
6 *of such banks;*

7 (4) *each agency that participates in the Trade*
8 *Policy Staff Committee;*

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

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

11 (7) *any other Federal agencies with responsi-*
12 *bility for export promotion or financing and develop-*
13 *ment; and*

14 (8) *the private sector, including businesses, non-*
15 *governmental organizations, and African diaspora*
16 *groups.*

17 (d) *SUBMISSION TO CONGRESS.—*

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

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

1 (3) *CONTENT OF REPORT.*—*The report required*
2 *by paragraph (2) shall include an accounting of all*
3 *current United States Government programs to pro-*
4 *mote exports to and trade with Africa and to assist*
5 *United States businesses competing in the African*
6 *market as well as an assessment of the extent to which*
7 *the strategy required by subsection (a)—*

8 (A) *has been successful in developing crit-*
9 *ical analyses of policies to increase exports to Af-*
10 *rica;*

11 (B) *has been successful in increasing the*
12 *competitiveness of United States businesses in*
13 *Africa;*

14 (C) *has been successful in creating jobs in*
15 *the United States, including the nature and sus-*
16 *tainability of such jobs;*

17 (D) *has provided sufficient United States*
18 *Government support to meet third country com-*
19 *petition in the region;*

20 (E) *has been successful in helping the Afri-*
21 *can diaspora in the United States participate in*
22 *economic growth in Africa;*

23 (F) *has been successful in promoting eco-*
24 *nomic integration in Africa;*

1 (G) has encouraged specific policies and
 2 programs in Africa which provide a stable, safe,
 3 and transparent environment in which business
 4 and entrepreneurship can thrive; and

5 (H) has made a meaningful contribution to
 6 the transformation of Africa and its full integra-
 7 tion into the 21st century world economy, not
 8 only as a supplier of primary products but also
 9 as full participant in international supply and
 10 distribution chains and as a consumer of inter-
 11 national goods and services.

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 de-
 20 veloping 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.—The Secretary of Commerce*
7 *shall ensure that not less than 10 total United States*
8 *and Foreign Commercial Service officers are assigned*
9 *to Africa for each of the first 5 fiscal years beginning*
10 *after the date of the enactment of this Act.*

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 after con-*
17 *ducting a timely resource allocation analysis that*
18 *represents a forward-looking assessment of future*
19 *United States trade opportunities in Africa.*

20 (3) *MULTILATERAL DEVELOPMENT BANKS.—*

21 (A) *IN GENERAL.—As soon as practicable*
22 *after the date of the enactment of this Act, the*
23 *Secretary of Commerce shall, using existing staff,*
24 *assign not less than 1 full-time United States*
25 *and Foreign Commercial Service officer to the of-*

1 *office of the United States Executive Director at*
2 *the World Bank and the African Development*
3 *Bank.*

4 (B) *RESPONSIBILITIES.—Each United*
5 *States and Foreign Commercial Service officer*
6 *assigned under subparagraph (A) shall be re-*
7 *sponsible for—*

8 (i) *increasing the access of United*
9 *States businesses to procurement contracts*
10 *with the multilateral development bank to*
11 *which the officer is assigned; and*

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

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

21 (1) *Increase the number of staff dedicated to ex-*
22 *panding business development for Africa, including*
23 *increasing the number of business development trips*
24 *the Bank conducts to Africa and the amount of time*
25 *staff spends in Africa to meet the goals set forth in*

1 *section 9 and paragraph (4) of section 6(a) of the Ex-*
2 *port-Import Bank of 1945, as added by section*
3 *9(a)(2).*

4 *(2) Maintain an appropriate number of employ-*
5 *ees of the Bank assigned to United States field offices*
6 *of the Bank to be distributed as geographically appro-*
7 *priate through the United States. Such offices shall*
8 *coordinate with the related export efforts undertaken*
9 *by the Small Business Administration regional field*
10 *offices.*

11 *(3) Upgrade the Bank's equipment and software*
12 *to more expeditiously, effectively, and efficiently proc-*
13 *ess and track applications for financing received by*
14 *the Bank.*

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

16 *(1) STAFFING.—Of the net offsetting collections*
17 *collected by the Overseas Private Investment Corpora-*
18 *tion used for administrative expenses, the Corporation*
19 *shall use sufficient funds to increase by not more than*
20 *5 the staff needed to promote stable and sustainable*
21 *economic growth and development in Africa, to*
22 *strengthen and expand the private sector in Africa,*
23 *and to facilitate the general economic development of*
24 *Africa, with a particular focus on helping United*
25 *States businesses expand into African markets.*

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

6 (3) *CERTAIN COSTS NOT CONSIDERED ADMINIS-*
7 *TRATIVE EXPENSES.*—*For purposes of this subsection,*
8 *systems infrastructure costs associated with activities*
9 *authorized by title IV of chapter 2 of part I of the*
10 *Foreign Assistance Act of 1961 (22 U.S.C. 231 et seq.)*
11 *shall not be considered administrative expenses.*

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, which is trade distorting and threatens*
24 *United States jobs.*

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

4 “(4) *PERCENT OF FINANCING TO BE USED FOR*
5 *PROJECTS IN AFRICA.*—The Bank shall, to the extent
6 *that there are acceptable final applications, increase*
7 *the amount it finances to Africa over the prior year’s*
8 *financing for each of the first five fiscal years begin-*
9 *ning after the date of the enactment of the Increasing*
10 *American Jobs Through Greater Exports to Africa*
11 *Act of 2013.”.*

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

1 *a description of all final applications for projects in*
2 *Africa that were deemed unworthy of Bank support.*

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

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

12 *(2) REPORT.—Not later than 1 year after the*
13 *date of the enactment of this Act, and annually there-*
14 *after for 5 years, the Export-Import Bank shall sub-*
15 *mit to the Committee on Banking, Housing, and*
16 *Urban Affairs, the Committee on Foreign Relations,*
17 *and the Committee on Appropriations of the Senate*
18 *and the Committee on Financial Services, the Com-*
19 *mittee on Foreign Affairs, and the Committee on Ap-*
20 *propriations of the House of Representatives a report*
21 *on all loans made or rejected that were considered to*
22 *counter non-OECD arrangement compliant financing*
23 *offered by other nations to its firms. The report shall*
24 *not disclose any information that is confidential or*
25 *business proprietary, or that would violate section*

1 1905 of title 18, United States Code (commonly re-
 2 ferred to as the “Trade Secrets Act”). The report shall
 3 include a description of trade distorting non-OECD
 4 arrangement compliant financing loans made by
 5 other countries during that fiscal year to firms that
 6 competed against the United States firms.

7 **SEC. 10. SMALL BUSINESS ADMINISTRATION.**

8 Section 22(b) of the Small Business Act (15 U.S.C.
 9 649(b)) is amended—

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

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

17 **SEC. 11. BILATERAL, SUBREGIONAL AND REGIONAL, AND**
 18 **MULTILATERAL AGREEMENTS.**

19 Where applicable, the President shall explore opportu-
 20 nities to negotiate bilateral, subregional, and regional
 21 agreements that encourage trade and eliminate nontariff
 22 barriers to trade between countries, such as negotiating in-
 23 vestor friendly double-taxation treaties and investment pro-
 24 motion agreements. United States negotiators in multilat-
 25 eral forum should take into account the objectives of this

1 *Act. To the extent any such agreements exist between the*
2 *United States and an African country, the President shall*
3 *ensure that the agreement is being implemented in a man-*
4 *ner that maximizes the positive effects for United States*
5 *trade, export, and labor interests as well as the economic*
6 *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.

SEPTEMBER 10, 2013

Reported with an amendment