

112TH CONGRESS
2^D SESSION

S. 2215

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, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

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

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

10 (3) Several United States Government agencies
11 are involved in export promotion. Coordination of
12 the efforts of these agencies through the Trade Pro-
13 motion Coordinating Committee lacks sufficient stra-
14 tegic implementation and accountability.

15 (4) Many other countries have trade promotion
16 programs that aggressively compete against United
17 States exports in Africa and around the world. For
18 example, in 2010, medium- and long-term official ex-
19 port credit general volumes from the Group of 7
20 countries (Canada, France, Germany, Italy, Japan,
21 the United Kingdom, and the United States) totaled
22 \$65,400,000,000. Germany provided the largest level
23 of support at \$22,500,000,000, followed by France
24 at \$17,400,000,000 and the United States at
25 \$13,000,000,000. Official export credit support by

1 emerging market economies such as Brazil, China,
2 and India are significant as well.

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

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

18 (7) The Chinese practice of concessional financ-
19 ing runs contrary to the principles of the Organiza-
20 tion of Economic Co-operation and Development re-
21 lated to open market rates, undermines naturally
22 competitive rates, and can allow governments in Af-
23 rica to overlook the troubling record on labor prac-
24 tices, human rights, and environmental impact.

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

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

17 (10) Sub-Saharan Africa is projected to have
18 the fastest growing economies in the world over the
19 next 5 years, with 7 of the 10 fastest growing econo-
20 mies located in sub-Saharan Africa.

21 (11) When countries such as China assist with
22 large-scale government projects, they also gain an
23 upper hand in relations with African leaders and ac-
24 cess to valuable commodities such as oil and copper,

1 typically without regard to environmental, human
2 rights, labor, or governance standards.

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

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

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

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

18 (2) AFRICAN DIASPORA.—The term “African
19 diaspora” means the people of African origin living
20 in the United States, irrespective of their citizenship
21 and nationality, who are willing to contribute to the
22 development of Africa.

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

1 (4) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Appropriations, the
5 Committee on Banking, Housing, and Urban
6 Affairs, and the Committee on Foreign Rela-
7 tions of the Senate; and

8 (B) the Committee on Appropriations, the
9 Committee on Energy and Commerce, the Com-
10 mittee on Financial Services, the Committee on
11 Foreign Affairs, and the Committee on Ways
12 and Means of the House of Representatives.

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

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

1 nating United States positions on international trade
2 and trade-related investment issues.

3 (7) MULTILATERAL DEVELOPMENT BANKS.—

4 The term “multilateral development banks” has the
5 meaning given that term in section 1701(c)(4) of the
6 International Financial Institutions Act (22 U.S.C.
7 262r(c)(4)) and includes the African Development
8 Foundation.

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

14 (9) TRADE PROMOTION COORDINATING COM-
15 MITTEE.—The term “Trade Promotion Coordinating
16 Committee” means the Trade Promotion Coordi-
17 nating Committee established by Executive Order
18 12870 (58 Fed. Reg. 51753).

19 (10) UNITED STATES AND FOREIGN COMMER-
20 CIAL SERVICE.—The term “United States and For-
21 eign Commercial Service” means the United States
22 and Foreign Commercial Service established by sec-
23 tion 2301 of the Export Enhancement Act of 1988
24 (15 U.S.C. 4721).

1 **SEC. 4. STRATEGY.**

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

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

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

12 (2) coordinating United States commercial in-
13 terests with development priorities in Africa;

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

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

23 (5) exploring ways that African diaspora remit-
24 tances can help governments in Africa tackle eco-
25 nomic, development, and infrastructure financing
26 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; and

13 (8) monitoring—

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

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

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

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

25 (1) Congress;

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

3 (3) the multilateral development banks;

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

6 (5) the President's National Export Council;

7 (6) each of the development agencies;

8 (7) any other Federal agencies with responsi-
9 bility for export promotion or financing and develop-
10 ment; and

11 (8) the private sector, including businesses,
12 nongovernmental organizations, and African dias-
13 pora groups.

14 (d) SUBMISSION TO CONGRESS.—

15 (1) STRATEGY.—Not later than 180 days after
16 the date of the enactment of this Act, the President
17 shall submit to Congress the strategy required by
18 subsection (a).

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

24 (3) CONTENT OF REPORT.—The report re-
25 quired by paragraph (2) shall include an assessment

1 of the extent to which the strategy required by sub-
2 section (a)—

3 (A) has been successful in developing crit-
4 ical analyses of policies to increase exports to
5 Africa;

6 (B) has been successful in increasing the
7 competitiveness of United States businesses in
8 Africa;

9 (C) has been successful in creating jobs in
10 the United States, including the nature and
11 sustainability of such jobs;

12 (D) has provided sufficient United States
13 Government support to meet third country com-
14 petition in the region;

15 (E) has been successful in helping the Af-
16 rican diaspora in the United States participate
17 in economic growth in Africa;

18 (F) has been successful in promoting eco-
19 nomic integration in Africa; and

20 (G) has made a meaningful contribution to
21 the transformation of Africa and its full inte-
22 gration into the 21st century world economy,
23 not only as a supplier of primary products but
24 also as full participant in international supply
25 and distribution chains.

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

2 The President shall designate an individual to serve
3 as Special Africa Export Strategy Coordinator—

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

6 (2) to coordinate with the Trade Promotion Co-
7 ordinating Committee, (the interagency AGOA com-
8 mittees), and development agencies with respect to
9 developing and implementing the strategy.

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

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

17 **SEC. 7. PERSONNEL.**

18 (a) UNITED STATES AND FOREIGN COMMERCIAL
19 SERVICE.—

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

25 (2) ASSIGNMENT.—The Secretary shall, in con-
26 sultation with the Trade Promotion Coordinating

1 Committee and the Special Africa Export Strategy
2 Coordinator, assign the United States and Foreign
3 Commercial Service officers described in paragraph
4 (1) to United States embassies in Africa.

5 (3) MULTILATERAL DEVELOPMENT BANKS.—

6 (A) IN GENERAL.—As soon as practicable
7 after the date of the enactment of this Act, the
8 Secretary of Commerce shall assign not less
9 than 1 full-time United States and Foreign
10 Commercial Service officer to the office of the
11 United States Executive Director at each multi-
12 lateral development bank.

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

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

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

1 (b) EXPORT-IMPORT BANK OF THE UNITED
2 STATES.—Of the amounts collected by the Export-Import
3 Bank that remain after paying the expenses the Bank is
4 authorized to pay from such amounts for administrative
5 expenses, the Bank shall use sufficient funds to do the
6 following:

7 (1) Assign, in consultation with the Trade Pro-
8 motion Coordinating Committee and the Special Af-
9 rica Export Strategy Coordinator, not less than 3
10 full-time employees of the Bank to geographically
11 appropriate field offices in Africa.

12 (2) Increase the number of employees of the
13 Bank assigned to United States field offices of the
14 Bank to not less than 30, to be distributed as geo-
15 graphically appropriate through the United States.
16 Such offices shall coordinate with the related export
17 efforts undertaken by the Small Business Adminis-
18 tration regional field offices.

19 (3) Upgrade the Bank's equipment and soft-
20 ware to more expeditiously, effectively, and effi-
21 ciently process and track applications for financing
22 received by the Bank.

23 (c) OVERSEAS PRIVATE INVESTMENT CORPORA-
24 TION.—

1 (1) STAFFING.—Of the net offsetting collections
2 collected by the Overseas Private Investment Cor-
3 poration used for administrative expenses, the Cor-
4 poration shall use sufficient funds to increase by not
5 more than 5 the staff needed to promote stable and
6 sustainable economic growth and development in Af-
7 rica, to strengthen and expand the private sector in
8 Africa, and to facilitate the general economic devel-
9 opment of Africa, with a particular focus on helping
10 United States businesses expand into African mar-
11 kets.

12 (2) REPORT.—The Corporation shall report to
13 the appropriate congressional committees on whether
14 recent technology upgrades have resulted in more ef-
15 fective and efficient processing and tracking of appli-
16 cations for financing received by the Corporation.

17 **SEC. 8. TRAINING.**

18 The President shall develop a plan—

19 (1) to standardize the training received by
20 United States and Foreign Commercial Service offi-
21 cers, economic officers of the Department of State,
22 and economic officers of the United States Agency
23 for International Development with respect to the
24 programs and procedures of the Export-Import
25 Bank of the United States, the Overseas Private In-

1 investment Corporation, the Small Business Adminis-
2 tration, and the United States Trade and Develop-
3 ment Agency; and

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

6 (A) all United States and Foreign Com-
7 mercial Service officers that are stationed over-
8 seas receive the training described in paragraph
9 (1); and

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

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

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

19 (1) in subparagraph (D), by striking “and”;

20 (2) in subparagraph (E), by striking “2011,”
21 and inserting “2011, \$95,000,000,000;” and

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

23 “(F) during fiscal year 2012 and each fis-
24 cal year thereafter through fiscal year 2016,
25 \$150,000,000,000; and

1 “(G) subject to paragraph (4), during fis-
2 cal year 2017 and each fiscal year thereafter,
3 \$175,000,000,000.”.

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

8 “(4) SPECIAL RULE FOR INCREASE IN APPLICA-
9 BLE AMOUNT.—

10 “(A) IN GENERAL.—Beginning in fiscal
11 year 2017, and each fiscal year thereafter, the
12 applicable amount under paragraph (1) shall be
13 \$175,000,000,000, if the Comptroller General
14 of the United States determines pursuant to
15 subparagraph (B) that the increase in the ap-
16 plicable amount under paragraph (1)(F) has
17 been effective in increasing viable loans to fur-
18 ther United States exports, including to Africa.

19 “(B) REPORT BY GAO.—The Comptroller
20 General of the United States shall conduct a
21 study of the operations of the Bank and the ef-
22 fectiveness of increasing the applicable amount
23 under this subsection. Not later than 18
24 months after the date of the enactment of this
25 Act, the Comptroller General shall submit a re-

1 port to Congress regarding the Comptroller
2 General’s determination on the effective use by
3 the Bank of the increase in the applicable
4 amount under this subsection.”.

5 (c) PERCENT TO BE USED FOR PROJECTS IN AFRI-
6 CA.—Section 6(a) of the Export-Import Bank Act of 1945
7 (12 U.S.C. 635e(a)), as amended by subsection (b), is
8 amended by adding at the end the following:

9 “(5) PERCENT OF INCREASE TO BE USED FOR
10 PROJECTS IN AFRICA.—Not less than 25 percent of
11 the amount by which the applicable amount under
12 paragraph (1) is increased under paragraph (2) (F)
13 or (G) over the applicable amount for fiscal year
14 2011 shall be used for loans, guarantees, and insur-
15 ance for projects in Africa.”.

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

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

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

10 (b) REPORT.—Not later than 1 year after the date
11 of the enactment of this Act, and annually thereafter, the
12 Export-Import Bank shall report to the appropriate con-
13 gressional committees if the Bank has not used at least
14 \$220,000,000 in tied aid credit during the preceding fiscal
15 year. The report shall include—

16 (1) a description of all requests for grants from
17 the Tied-Aid Credit Fund or other similar funds (es-
18 tablished under section 10 of the Export-Import
19 Bank Act of 1945 (12 U.S.C. 635i-3)) received by
20 the Bank during that fiscal year;

21 (2) a description of similar concessional (below
22 market rate) loans made by other countries during
23 that fiscal year; and

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

1 **SEC. 11. SMALL BUSINESS ADMINISTRATION.**

2 Section 22(b) of the Small Business Act (15 U.S.C.
3 649(b)) is amended—

4 (1) in the matter preceding paragraph (1), by
5 inserting “the Trade Promotion Coordinating Com-
6 mittee,” after “Director of the United States Trade
7 and Development Agency,”; and

8 (2) in paragraph (3), by inserting “regional of-
9 fices of the Export-Import Bank,” after “Retired
10 Executives,”.

11 **SEC. 12. BILATERAL, SUBREGIONAL AND REGIONAL, AND**
12 **MULTILATERAL AGREEMENTS.**

13 Where applicable, the United States Trade Rep-
14 resentative and officials of the Export-Import Bank shall
15 explore opportunities to negotiate bilateral, subregional,
16 and regional agreements that encourage trade and elimi-
17 nate nontariff barriers to trade between countries, such
18 as negotiating investor friendly double-taxation treaties
19 and investment promotion agreements. United States ne-
20 gotiators in multilateral forum should take into account
21 the objectives of this Act. To the extent any such agree-
22 ments exist between the United States and an African
23 country, the Trade Representative shall ensure that the
24 agreement is being implemented in a manner that maxi-
25 mizes the positive effects for United States trade, export,

- 1 and labor interests as well as the economic development
- 2 of the countries in Africa.

