

110TH CONGRESS
1ST SESSION

S. 1295

To amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2007

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

A BILL

To amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, 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 “African Development
5 Foundation Act of 2007”.

6 **SEC. 2. RENAMING OF FOUNDATION.**

7 (a) RENAMING.—Section 503(a) of the African De-
8 velopment Foundation Act (22 U.S.C. 290h–1(a)) is

1 amended by striking “African Development Foundation”
 2 and inserting “United States African Development Foun-
 3 dation”.

4 (b) REFERENCES.—Any reference in any law, regula-
 5 tion, map, document, paper, or other record of the United
 6 States to the African Development Foundation shall be
 7 considered to be a reference to the United States African
 8 Development Foundation.

9 **SEC. 3. FUNCTIONS OF THE FOUNDATION.**

10 (a) ENTITIES ELIGIBLE TO RECEIVE GRANTS,
 11 LOANS, AND LOAN GUARANTEES.—Paragraph (1) of sub-
 12 section (a) of section 505 of such Act (22 U.S.C. 290h–
 13 3(a)(1)) is amended by inserting after “other entity” the
 14 following: “(including small- and medium-sized enter-
 15 prises)”.

16 (b) USE OF GRANT AND LOAN FUNDS.—Subpara-
 17 graph (A) of such paragraph (22 U.S.C. 290h–3(a)(1)(A))
 18 is amended by striking “local development institutions and
 19 the support of development efforts initiated by commu-
 20 nities themselves” and inserting “local development insti-
 21 tutions, including capital and technical assistance funds
 22 that promote the purposes of this title, and the support
 23 of development efforts initiated by communities them-
 24 selves or their members”.

1 (c) INCREASED LIMITATION ON FUNDING OF INDI-
 2 VIDUAL PROJECTS.—Paragraph (2) of such subsection
 3 (22 U.S.C. 290h–3(a)(2)) is amended by striking
 4 “\$250,000.” and inserting “\$400,000. This funding limi-
 5 tation may be exceeded only in exceptional circumstances
 6 and with the approval of the Board of Directors and notifi-
 7 cation to Congress. Approval of the Board of Directors
 8 and notification to Congress shall not be required in the
 9 case of an increase of less than \$50,000 that is necessary
 10 to maintain the original value of an award in local cur-
 11 rency.”.

12 (d) COMMUNITY PROJECT PRIORITIES.—Subsection
 13 (b) of such section (22 U.S.C. 290h–3(b)) is amended—

14 (1) in the first sentence, by striking “making
 15 grants, loans, and loan guarantees” and all that fol-
 16 lows through “development” and inserting “making
 17 awards under subsection (a), the Foundation shall
 18 give priority to projects which community groups
 19 and small- and medium-sized enterprises undertake
 20 to foster development at the community level”; and

21 (2) in the second sentence, by striking “make
 22 such grants, loans, and loan guarantees” and insert-
 23 ing “make awards”.

1 (e) AUTHORITY TO MAKE AWARDS TO NON-AFRICAN
 2 ENTITIES.—Such section is further amended by adding at
 3 the end the following new subsection:

4 “(c) AUTHORITY TO MAKE AWARDS TO NON-AFRI-
 5 CAN ENTITIES.—Upon the approval of the Board of Di-
 6 rectors and notification to Congress, the Foundation may
 7 make an award to a small- or medium-sized enterprise
 8 that is not wholly-owned and controlled by indigenous Af-
 9 ricans if it meets the following requirements:

10 “(1) Ownership of the entity is predominantly
 11 vested in one or more individuals who are indigenous
 12 to Africa and who are representative and knowledge-
 13 able of, and have a history of responding to, the
 14 needs and aspirations of the poor.

15 “(2) Management and daily business operations
 16 of the entity are controlled by one or more individ-
 17 uals who are indigenous to and reside in Africa.”.

18 (f) AUTHORITY TO PROVIDE TRAINING AND OTHER
 19 TECHNICAL ASSISTANCE.—Such section, as amended by
 20 subsection (e), is further amended by adding at the end
 21 the following new subsection:

22 “(d) AUTHORITY TO PROVIDE TRAINING AND
 23 OTHER TECHNICAL ASSISTANCE.—The Foundation may
 24 provide training and other assistance to entities described
 25 in subsection (a) and to entities described in subsection

1 (c), subject to the requirements of such subsection, in
2 order to carry out the purposes specified in section 504.”.

3 **SEC. 4. POWERS OF FOUNDATION.**

4 Section 506(a) of such Act (22 U.S.C. 290h–4(a))
5 is amended—

6 (1) by redesignating paragraphs (9), (10), (11),
7 and (12) as paragraphs (10), (12), (13), and (14),
8 respectively;

9 (2) by inserting after paragraph (8) the fol-
10 lowing new paragraph:

11 “(9) may make advance payments in an African
12 country in accordance with lease or rental agree-
13 ments for periods of time determined by law or cus-
14 tom;”; and

15 (3) by inserting after paragraph (10), as redes-
16 igned by paragraph (2) of this section, the fol-
17 lowing new paragraph:

18 “(11) may maintain bank accounts outside the
19 United States Treasury and retain any interest
20 earned on such accounts in furtherance of the pur-
21 poses of this Act;”.

22 **SEC. 5. MANAGEMENT OF FOUNDATION.**

23 (a) REIMBURSEMENT OF TRANSPORTATION EX-
24 PENSES.—Subsection (b) of section 507 of such Act (22
25 U.S.C. 290h–5(b)) is amended by inserting after “trans-

1 portation expenses” the following: “(in accordance with
 2 the Federal Travel Regulations (chapters 300 through 304
 3 of title 41, Code of Federal Regulations))”.

4 (b) LIMITED AUTHORITY TO MAKE APPOINTMENTS
 5 WITHOUT REGARD TO CERTAIN CIVIL SERVICE LAWS.—
 6 Subsection (d) of such section (22 U.S.C. 290h–5(d)) is
 7 amended by adding at the end the following new para-
 8 graph:

9 “(3) Subject to the full time equivalent (FTE) ceiling
 10 of the Foundation, the president may, without regard to
 11 civil service laws governing appointments in the competi-
 12 tive service, provide time-limited appointments lasting up
 13 to 4 years to not more than 4 individuals. Individuals so
 14 appointed shall be subject to termination without regard
 15 to chapter 75 of title 5, United States Code.”.

16 (c) ELIMINATION OF REQUIREMENT TO ESTABLISH
 17 ADVISORY COUNCIL.—Subsection (e) of such section is
 18 amended—

19 (1) in paragraph (1), by striking “shall” and
 20 inserting “may”; and

21 (2) in paragraph (2), by striking “The Board”
 22 and inserting “If an advisory council is established
 23 under paragraph (1), the Board”.

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