

Section 2292q, Pub. L. 87-195, pt. I, § 495K, as added Pub. L. 99-8, § 2, Apr. 2, 1985, 99 Stat. 21, authorized African famine assistance.

PART X—DEVELOPMENT FUND FOR AFRICA

Editorial Notes

PRIOR PROVISIONS

A prior part X, consisting of sections 2293 and 2294, related to assistance to Portugal and Portuguese colonies in Africa gaining independence, prior to repeal by Pub. L. 99-83, title XII, § 1211(a)(4), Aug. 8, 1985, 99 Stat. 279.

§ 2293. Long-term development assistance for sub-Saharan Africa

(a) Findings

The Congress finds that—

(1) drought and famine have caused countless deaths and untold suffering among the people of sub-Saharan Africa;

(2) drought and famine in combination with other factors such as desertification, government neglect of the agricultural sector, and inappropriate economic policies have severely affected long-term development in sub-Saharan Africa; and

(3) the most cost-effective and efficient way of overcoming Africa's vulnerability to drought and famine is to address Africa's long-term development needs through a process that builds upon the needs and capabilities of the African people, promotes sustained and equitable economic growth, preserves the environment, and protects the rights of the individual.

(b) Authority to furnish assistance

The President is authorized to furnish project and program assistance, on such terms and conditions as he may determine in accordance with the policies contained in this section, for long-term development in sub-Saharan Africa.

(c) Purpose of assistance

(1) Purpose

The purpose of assistance under this section shall be to help the poor majority of men and women in sub-Saharan Africa to participate in a process of long-term development through economic growth that is equitable, participatory, environmentally sustainable, and self-reliant.

(2) Use of assistance to encourage private sector development

Assistance under this section should, in a manner consistent with paragraph (1), be used to promote sustained economic growth, encourage private sector development, promote individual initiatives, and help to reduce the role of central governments in areas more appropriate for the private sector.

(d) Application of development assistance general authorities and policies

Except to the extent inconsistent with this section—

(1) any reference in any law to part I of this subchapter (including references to sections 2151a through 2151d of this title) shall be deemed to include a reference to this section; and

(2) assistance under this section shall be provided consistent with the policies contained in section 2151-1 of this title.

(e) Private and voluntary organizations

(1) Consultation to ensure local perspectives

The Agency for International Development shall take into account the local-level perspectives of the rural and urban poor in sub-Saharan Africa, including women, during the planning process for project and program assistance under this section. In order to gain that perspective the Agency for International Development should consult closely with African, United States, and other private and voluntary organizations that have demonstrated effectiveness in or commitment to the promotion of local, grassroots activities on behalf of long-term development in sub-Saharan Africa as described in subsection (c).

(2) "Private and voluntary organization" defined

For purposes of this section, the term "private and voluntary organization" includes (in addition to entities traditionally considered to be private and voluntary organizations) cooperatives, credit unions, trade unions, women's groups, nonprofit development research institutions, and indigenous local organizations, which are private and nonprofit.

(f) Local involvement in project implementation

Local people, including women, shall be closely consulted and involved in the implementation of every project under this section which as¹ a local focus.

(g) Participation of African women

The Agency for International Development shall ensure that development activities assisted under this section incorporate a significant expansion of the participation (including decisionmaking) and integration of African women in each of the critical sectors described in subsection (i).

(h) Types of assistance

(1) Projects and programs to address critical sectoral priorities

Assistance under this section shall emphasize primarily projects and programs to address critical sectoral priorities for long-term development described in subsection (i).

(2) Reform of economic policies

(A) Use of program assistance

Assistance under this section may also include program assistance to promote reform of sectoral economic policies affecting long-term development in sub-Saharan Africa as described in subsection (c), with primary emphasis on reform of economic policies to support the critical sectoral priorities described in subsection (i).

(B) Protection of vulnerable groups

Assisted policy reforms shall also include provisions to protect vulnerable groups (especially poor, isolated, and female farmers,

¹ So in original. Probably should be "has".

the urban poor, and children including displaced children) and long-term environmental interests from possible negative consequences of the reforms.

(3) Democratization and conflict resolution capabilities

Assistance under this section may also include program assistance—

(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.

(4) Other assistance

Funds made available to carry out this section shall be used almost exclusively for assistance in accordance with paragraphs (1), (2), and (3). Assistance consistent with the purpose of subsection (c) may also be furnished under this section to carry out the provisions of sections 2151a through 2151d of this title.

(i) Critical sectoral priorities

The critical sectoral priorities for long-term development, as described in subsection (c), are the following:

(1) Agricultural production and natural resources

(A) Agricultural production

Increasing agricultural production in ways which protect and restore the natural resource base, especially food production, through agricultural policy changes, agricultural research (including participatory research directly involving small farmers) and extension, development and promotion of agriculture marketing activities, credit facilities, and appropriate production packages, and the construction and improvement of needed production-related infrastructure such as farm-to-market roads, small-scale irrigation, and rural electrification. Within this process, emphasis shall be given to promoting increased equity in rural income distribution, recognizing the role of small farmers.

(B) Natural resource base

Maintaining and restoring the renewable natural resource base primarily in ways which increase agricultural production, through the following:

(i) Small-scale, affordable, resource-conserving, low-risk local projects, using appropriate technologies (including traditional agricultural methods) suited to local environmental, resource, and climatic conditions, and featuring close consultation with and involvement of local people at all stages of project design and implementation. Emphasis shall be given to grants for African local government organizations, international or African nongovernmental organizations, and United States private and voluntary organizations.

(ii) Support for efforts at national and regional levels to provide technical and

other support for projects of the kinds described in clause (i) and to strengthen the capacities of African countries to provide effective extension and other services in support of environmentally sustainable increases in food production.

(iii) Support for special training and education efforts to improve the capacity of countries in sub-Saharan Africa to manage their own environments and natural resources.

(iv) Support for low-cost desalination activities in order to increase the availability of fresh water sources in sub-Saharan Africa.

(2) Health

Improving health conditions, with special emphasis on meeting the health needs of mothers and children (including displaced children) through the establishment of primary health care systems that give priority to preventive health and that will be ultimately self-sustaining. In addition, providing training and training facilities, in sub-Saharan Africa, for doctors and other health care providers, notwithstanding any provision of law that restricts assistance to foreign countries.

(3) Voluntary family planning services

Providing increased access to voluntary family planning services, including encouragement of private, community, and local government initiatives.

(4) Education

Improving the relevance, equity, and efficiency of education, with special emphasis on improving primary education.

(5) Income-generating opportunities

Developing income-generating opportunities for the unemployed and underemployed in urban and rural areas through, among other things, support for off-farm employment opportunities in micro- and small-scale labor-intensive enterprises.

(j) Minimum levels of assistance for certain critical sectors

The Agency for International Development should target the equivalent of 10 percent of the amount authorized to be appropriated for each fiscal year to carry out this part for each of the following:

(1) The activities described in subsection (i)(1)(B), including identifiable components of agricultural production projects.

(2) The activities described in subsection (i)(2).

(3) The activities described in subsection (i)(3).

(k) Effective use of assistance

Assistance provided under this section shall be concentrated in countries which will make the most effective use of such assistance in order to fulfill the purpose specified in subsection (c), especially those countries (including those of the Sahel region) having the greatest need for outside assistance.

(l) Promotion of regional integration

Assistance under this section shall, to the extent consistent with this section, include assist-

ance to promote the regional and subregional integration of African production structures, markets, and infrastructure.

(m) Donor coordination mechanism

Funds made available to carry out this section may be used to assist the governments of countries in sub-Saharan Africa to increase their capacity to participate effectively in donor coordination mechanisms at the country, regional, and sector levels.

(n) Relation to other authorities

(1) Assistance under other authorities

The authority granted by this section to provide assistance for long-term development in sub-Saharan Africa is not intended to preclude the use of other authorities for that purpose. Centrally funded programs which benefit sub-Saharan Africa shall continue to be funded under part I of this subchapter.

(2) Transfer authorities

(A) The transfer authority contained in section 2151g of this title shall not apply with respect to this section.

(B) The transfer authority contained in section 2360(a) of this title may not be used to transfer funds made available to carry out this section in order to allow them to be used in carrying out any other provision of this chapter.

(3) Reprogramming notifications

Section 2394-1 of this title does not apply with respect to funds made available to carry out this section.

(4) Procurement of goods and services

In order to allow the assistance authorized by this section to be furnished as effectively and expeditiously as possible, section 2354(a) of this title, and similar provisions relating to the procurement of goods and services, shall not apply with respect to goods and services procured for use in carrying out this section. The exemption provided by this paragraph shall not be construed to apply to the Comprehensive Anti/Apartheid Act of 1986.

(o) Support for SADCC projects

(1) Authority to provide assistance

To the extent funds are provided for such purpose in the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act, funds made available to carry out this part may be used to assist sector projects, in the sectors specified in paragraph (2), that are supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the member states forming that regional institution.

(2) Sectors

The sectors with respect to which assistance may be provided under this subsection are the following: transportation; manpower development; agriculture and natural resources; energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states

on South Africa for electricity); and industrial development and trade (including private sector initiatives).

(3) Relation to DFA policies and authorities

To the maximum extent feasible, the assistance authorized by this subsection shall be provided consistent with the policies and authorities contained in the preceding subsection of this section.

(Pub. L. 87-195, pt. I, §496, as added Pub. L. 101-513, title V, §562(a), Nov. 5, 1990, 104 Stat. 2026; amended Pub. L. 106-200, title I, §127(c), May 18, 2000, 114 Stat. 273; Pub. L. 106-264, title I, §111(b), Aug. 19, 2000, 114 Stat. 752.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (n)(2)(B), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Comprehensive Anti/Apartheid Act of 1986, referred to in subsec. (n)(4), probably means the Comprehensive Anti/Apartheid Act of 1986, which is Pub. L. 99-440, Oct. 2, 1986, 100 Stat. 1086, and was classified principally to chapter 60 (§5001 et seq.) of this title, prior to repeal by Pub. L. 103-149, §4(a)(1), (2), Nov. 23, 1993, 107 Stat. 1504, 1505. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

A prior section 2293, Pub. L. 87-195, pt. I, §496, as added Pub. L. 93-559, §53, Dec. 30, 1974, 88 Stat. 1818; amended Pub. L. 94-161, title III, §314, Dec. 20, 1975, 89 Stat. 866, related to economic assistance, etc., to Portugal and Portuguese colonies in Africa gaining independence, prior to repeal by Pub. L. 99-83, title XII, §1211(a)(4), Aug. 8, 1985, 99 Stat. 279, effective Oct. 1, 1985.

AMENDMENTS

2000—Subsec. (h)(3). Pub. L. 106-200, §127(c)(1)(B), added par. (3). Former par. (3) redesignated (4).

Subsec. (h)(4). Pub. L. 106-200, §127(c)(1)(A), (2), redesignated par. (3) as (4) and substituted “paragraphs (1), (2), and (3)” for “paragraphs (1) and (2)” in first sentence.

Subsec. (i)(2). Pub. L. 106-264 inserted at end “In addition, providing training and training facilities, in sub-Saharan Africa, for doctors and other health care providers, notwithstanding any provision of law that restricts assistance to foreign countries.”

Statutory Notes and Related Subsidiaries

ELECTRIFY AFRICA

Pub. L. 114-121, Feb. 8, 2016, 130 Stat. 86, as amended by Pub. L. 115-254, div. F, title VI, §1470(k), Oct. 5, 2018, 132 Stat. 3517, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Electrify Africa Act of 2015’.

“SEC. 2. PURPOSE.

“The purpose of this Act is to encourage the efforts of countries in sub-Saharan Africa to improve access to affordable and reliable electricity in Africa in order to unlock the potential for inclusive economic growth, job creation, food security, improved health, education, and environmental outcomes, and poverty reduction.

“SEC. 3. STATEMENT OF POLICY.

“It is the policy of the United States to partner, consult, and coordinate with the governments of sub-Saha-

ran African countries, international financial institutions, and African regional economic communities, cooperatives, and the private sector, in a concerted effort to—

“(1) promote first-time access to power and power services for at least 50,000,000 people in sub-Saharan Africa by 2020 in both urban and rural areas;

“(2) encourage the installation of at least 20,000 additional megawatts of electrical power in sub-Saharan Africa by 2020 using a broad mix of energy options to help reduce poverty, promote sustainable development, and drive inclusive economic growth;

“(3) promote non-discriminatory reliable, affordable, and sustainable power in urban areas (including small urban areas) to promote economic growth and job creation;

“(4) promote policies to facilitate public-private partnerships to provide non-discriminatory reliable, sustainable, and affordable electrical service to rural and underserved populations;

“(5) encourage the necessary in-country reforms, including facilitating public-private partnerships specifically to support electricity access projects to make such expansion of power access possible;

“(6) promote reforms of power production, delivery, and pricing, as well as regulatory reforms and transparency, to support long-term, market-based power generation and distribution;

“(7) promote policies to displace kerosene lighting with other technologies;

“(8) promote an all-of-the-above energy development strategy for sub-Saharan Africa that includes the use of oil, natural gas, coal, hydroelectric, wind, solar, and geothermal power, and other sources of energy; and

“(9) promote and increase the use of private financing and seek ways to remove barriers to private financing and assistance for projects, including through charitable organizations.

“SEC. 4. DEVELOPMENT OF COMPREHENSIVE, MULTIYEAR STRATEGY.

“(a) STRATEGY REQUIRED.—

“(1) IN GENERAL.—The President shall establish a comprehensive, integrated, multiyear strategy to encourage the efforts of countries in sub-Saharan Africa to implement national power strategies and develop an appropriate mix of power solutions to provide access to sufficient reliable, affordable, and sustainable power in order to reduce poverty and drive economic growth and job creation consistent with the policy stated in section 3.

“(2) FLEXIBILITY AND RESPONSIVENESS.—The President shall ensure that the strategy required under paragraph (1) maintains sufficient flexibility for and remains responsive to concerns and interests of affected local communities and technological innovation in the power sector.

“(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Feb. 8, 2016], the President shall transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that contains the strategy required under subsection (a) and includes a discussion of the following elements:

“(1) The objectives of the strategy and the criteria for determining the success of the strategy.

“(2) A general description of efforts in sub-Saharan Africa to—

“(A) increase power production;

“(B) strengthen electrical transmission and distribution infrastructure;

“(C) provide for regulatory reform and transparent and accountable governance and oversight;

“(D) improve the reliability of power;

“(E) maintain the affordability of power;

“(F) maximize the financial sustainability of the power sector; and

“(G) improve non-discriminatory access to power that is done in consultation with affected communities.

“(3) A description of plans to support efforts of countries in sub-Saharan Africa to increase access to power in urban and rural areas, including a description of plans designed to address commercial, industrial, and residential needs.

“(4) A description of plans to support efforts to reduce waste and corruption, ensure local community consultation, and improve existing power generation through the use of a broad power mix, including fossil fuel and renewable energy, distributed generation models, energy efficiency, and other technological innovations, as appropriate.

“(5) An analysis of existing mechanisms for ensuring, and recommendations to promote—

“(A) commercial cost recovery;

“(B) commercialization of electric service through distribution service providers, including cooperatives, to consumers;

“(C) improvements in revenue cycle management, power pricing, and fees assessed for service contracts and connections;

“(D) reductions in technical losses and commercial losses; and

“(E) non-discriminatory access to power, including recommendations on the creation of new service provider models that mobilize community participation in the provision of power services.

“(6) A description of the reforms being undertaken or planned by countries in sub-Saharan Africa to ensure the long-term economic viability of power projects and to increase access to power, including—

“(A) reforms designed to allow third parties to connect power generation to the grid;

“(B) policies to ensure there is a viable and independent utility regulator;

“(C) strategies to ensure utilities become or remain creditworthy;

“(D) regulations that permit the participation of independent power producers and private-public partnerships;

“(E) policies that encourage private sector and cooperative investment in power generation;

“(F) policies that ensure compensation for power provided to the electrical grid by on-site producers;

“(G) policies to unbundle power services;

“(H) regulations to eliminate conflicts of interest in the utility sector;

“(I) efforts to develop standardized power purchase agreements and other contracts to streamline project development;

“(J) efforts to negotiate and monitor compliance with power purchase agreements and other contracts entered into with the private sector; and

“(K) policies that promote local community consultation with respect to the development of power generation and transmission projects.

“(7) A description of plans to ensure meaningful local consultation, as appropriate, in the planning, long-term maintenance, and management of investments designed to increase access to power in sub-Saharan Africa.

“(8) A description of the mechanisms to be established for—

“(A) selection of partner countries for focused engagement on the power sector;

“(B) monitoring and evaluating increased access to, and reliability and affordability of, power in sub-Saharan Africa;

“(C) maximizing the financial sustainability of power generation, transmission, and distribution in sub-Saharan Africa;

“(D) establishing metrics to demonstrate progress on meeting goals relating to access to power, power generation, and distribution in sub-Saharan Africa; and

“(E) terminating unsuccessful programs.

“(9) A description of how the President intends to promote trade in electrical equipment with countries in sub-Saharan Africa, including a description of how the government of each country receiving assistance pursuant to the strategy—

“(A) plans to lower or eliminate import tariffs or other taxes for energy and other power production and distribution technologies destined for sub-Saharan Africa, including equipment used to provide energy access, including solar lanterns, solar home systems, and micro and mini grids; and

“(B) plans to protect the intellectual property of companies designing and manufacturing products that can be used to provide energy access in sub-Saharan Africa.

“(10) A description of how the President intends to encourage the growth of distributed renewable energy markets in sub-Saharan Africa, including off-grid lighting and power, that includes—

“(A) an analysis of the state of distributed renewable energy in sub-Saharan Africa;

“(B) a description of market barriers to the deployment of distributed renewable energy technologies both on- and off-grid in sub-Saharan Africa;

“(C) an analysis of the efficacy of efforts by the Overseas Private Investment Corporation [now the United States International Development Finance Corporation] and the United States Agency for International Development to facilitate the financing of the importation, distribution, sale, leasing, or marketing of distributed renewable energy technologies; and

“(D) a description of how bolstering distributed renewable energy can enhance the overall effort to increase power access in sub-Saharan Africa.

“(11) A description of plans to ensure that small and medium enterprises based in sub-Saharan Africa can fairly compete for energy development and energy access opportunities associated with this Act.

“(12) A description of how United States investments to increase access to energy in sub-Saharan Africa may reduce the need for foreign aid and development assistance in the future.

“(13) A description of policies or regulations, both domestically and internationally, that create barriers to private financing of the projects undertaken in this Act.

“(14) A description of the specific national security benefits to the United States that will be derived from increased energy access in sub-Saharan Africa.

“(c) INTERAGENCY WORKING GROUP.—

“(1) IN GENERAL.—The President may, as appropriate, establish an Interagency Working Group to coordinate the activities of relevant United States Government departments and agencies involved in carrying out the strategy required under this section.

“(2) FUNCTIONS.—The Interagency Working Group may, among other things—

“(A) seek to coordinate the activities of the United States Government departments and agencies involved in implementing the strategy required under this section;

“(B) ensure efficient and effective coordination between participating departments and agencies; and

“(C) facilitate information sharing, and coordinate partnerships between the United States Government, the private sector, and other development partners to achieve the goals of the strategy.

“SEC. 5. PRIORITIZATION OF EFFORTS AND ASSISTANCE FOR POWER PROJECTS IN SUB-SAHARAN AFRICA BY KEY UNITED STATES INSTITUTIONS.

“(a) IN GENERAL.—In pursuing the policy goals described in section 3, the Administrator of the United States Agency for International Development, the Director of the Trade and Development Agency, the United States International Development Finance Corporation, and the Chief Executive Officer and Board of Directors of the Millennium Challenge Corporation should, as appropriate, prioritize and expedite institutional efforts and assistance to facilitate the involvement of such institutions in power projects and mar-

kets, both on- and off-grid, in sub-Saharan Africa and partner with other investors and local institutions in sub-Saharan Africa, including private sector actors, to specifically increase access to reliable, affordable, and sustainable power in sub-Saharan Africa, including through—

“(1) maximizing the number of people with new access to power and power services;

“(2) improving and expanding the generation, transmission and distribution of power;

“(3) providing reliable power to people and businesses in urban and rural communities;

“(4) addressing the energy needs of marginalized people living in areas where there is little or no access to a power grid and developing plans to systematically increase coverage in rural areas;

“(5) reducing transmission and distribution losses and improving end-use efficiency and demand-side management;

“(6) reducing energy-related impediments to business productivity and investment; and

“(7) building the capacity of countries in sub-Saharan Africa to monitor and appropriately and transparently regulate the power sector and encourage private investment in power production and distribution.

“(b) EFFECTIVENESS MEASUREMENT.—In prioritizing and expediting institutional efforts and assistance pursuant to this section, as appropriate, such institutions shall use clear, accountable, and metric-based targets to measure the effectiveness of such guarantees and assistance in achieving the goals described in section 3.

“(c) PROMOTION OF USE OF PRIVATE FINANCING AND ASSISTANCE.—In carrying out policies under this section, such institutions shall promote the use of private financing and assistance and seek ways to remove barriers to private financing for projects and programs under this Act, including through charitable organizations.

“(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize modifying or limiting the portfolio of the institutions covered by subsection (a) in other developing regions.

“SEC. 6. LEVERAGING INTERNATIONAL SUPPORT.

“In implementing the strategy described in section 4, the President should direct the United States representatives to appropriate international bodies to use the influence of the United States, consistent with the broad development goals of the United States, to advocate that each such body—

“(1) commit to significantly increase efforts to promote investment in well-designed power sector and electrification projects in sub-Saharan Africa that increase energy access, in partnership with the private sector and consistent with the host countries’ absorptive capacity;

“(2) address energy needs of individuals and communities where access to an electricity grid is impractical or cost-prohibitive;

“(3) enhance coordination with the private sector in sub-Saharan Africa to increase access to electricity;

“(4) provide technical assistance to the regulatory authorities of sub-Saharan African governments to remove unnecessary barriers to investment in otherwise commercially viable projects; and

“(5) utilize clear, accountable, and metric-based targets to measure the effectiveness of such projects.

“SEC. 7. PROGRESS REPORT.

“(a) IN GENERAL.—Not later than three years after the date of the enactment of this Act [Feb. 8, 2016], the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on progress made toward achieving the strategy described in section 4 that includes the following:

“(1) A report on United States programs supporting implementation of policy and legislative changes leading to increased power generation and access in sub-Saharan Africa, including a description of the

number, type, and status of policy, regulatory, and legislative changes initiated or implemented as a result of programs funded or supported by the United States in countries in sub-Saharan Africa to support increased power generation and access after the date of the enactment of this Act.

“(2) A description of power projects receiving United States Government support and how such projects, including off-grid efforts, are intended to achieve the strategy described in section 4.

“(3) For each project described in paragraph (2)—

“(A) a description of how the project fits into, or encourages modifications of, the national energy plan of the country in which the project will be carried out, including encouraging regulatory reform in that country;

“(B) an estimate of the total cost of the project to the consumer, the country in which the project will be carried out, and other investors;

“(C) the amount of financing provided or guaranteed by the United States Government for the project;

“(D) an estimate of United States Government resources for the project, itemized by funding source, including from the United States International Development Finance Corporation, the United States Agency for International Development, the Department of the Treasury, and other appropriate United States Government departments and agencies;

“(E) an estimate of the number and regional locations of individuals, communities, businesses, schools, and health facilities that have gained power connections as a result of the project, with a description of how the reliability, affordability, and sustainability of power has been improved as of the date of the report;

“(F) an assessment of the increase in the number of people and businesses with access to power, and in the operating electrical power capacity in megawatts as a result of the project between the date of the enactment of this Act and the date of the report;

“(G) a description of efforts to gain meaningful local consultation for projects associated with this Act and any significant estimated noneconomic effects of the efforts carried out pursuant to this Act; and

“(H) a description of the participation by small and medium enterprises based in sub-Saharan Africa on projects associated with this Act.”

[For delegation of functions vested in President by sections 4 and 7 of Pub. L. 114–121, set out above, see Memorandum of President of the United States, Aug. 3, 2016, 81 F.R. 52323, set out below.]

AGRICULTURAL AND RURAL DEVELOPMENT IN SUB-SAHARAN AFRICA

Pub. L. 105–385, § 2, Nov. 13, 1998, 112 Stat. 3460, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) The economic, security, and humanitarian interests of the United States and the nations of sub-Saharan Africa would be enhanced by sustainable, broad-based agricultural and rural development in each of the African nations.

“(2) According to the Food and Agriculture Organization, the number of undernourished people in Africa has more than doubled, from approximately 100,000,000 in the late 1960s to 215,000,000 in 1998, and is projected to increase to 265,000,000 by the year 2010. According to the Food and Agriculture Organization, the term ‘under nutrition’ means inadequate consumption of nutrients, often adversely affecting children’s physical and mental development, undermining their future as productive and creative members of their communities.

“(3) Currently, agricultural production in Africa employs about two-thirds of the workforce but produces less than one-fourth of the gross domestic product in sub-Saharan Africa, according to the World Bank Group.

“(4) African women produce up to 80 percent of the total food supply in Africa according to the International Food Policy Research Institute.

“(5) An effective way to improve conditions of the poor is to increase the productivity of the agricultural sector. Productivity increases can be fostered by increasing research and education in agriculture and rural development.

“(6) In November 1996, the World Food Summit set a goal of reducing hunger worldwide by 50 percent by the year 2015 and encouraged national governments to develop domestic food plans and to support international aid efforts.

“(7) Although the World Bank Group recently has launched a major initiative to support agricultural and rural development, only 10 percent, or \$1,200,000,000, of its total lending to sub-Saharan Africa for fiscal years 1993 to 1997 was devoted to agriculture.

“(8)(A) United States food processing and agricultural sectors benefit greatly from the liberalization of global trade and increased exports.

“(B) Africa represents a growing market for United States food and agricultural products. Africa’s food imports are projected to rise from less than 8,000,000 metric tons in 1990 to more than 25,000,000 metric tons by the [sic] 2020.

“(9)(A) Increased private sector investment in African countries and expanded trade between the United States and Africa can greatly help African countries achieve food self-sufficiency and graduate from dependency on international assistance.

“(B) Development assistance, technical assistance, and training can facilitate and encourage commercial development in Africa, such as improving rural roads, agricultural research and extension, and providing access to credit and other resources.

“(10)(A) Several United States private voluntary organizations have demonstrated success in empowering Africans through direct business ownership and helping African agricultural producers more efficiently and directly market their products.

“(B) Rural business associations, owned and controlled by farmer shareholders, also greatly help agricultural producers to increase their household incomes.

“(b) DECLARATION OF POLICY.—It is the policy of the United States, consistent with title XII of part I of the Foreign Assistance Act of 1961 [probably means title XII of chapter 2 of part I of the Foreign Assistance Act of 1961, 22 U.S.C. 2220a et seq.], to support governments of sub-Saharan African countries, United States and African nongovernmental organizations, universities, businesses, and international agencies, to help ensure the availability of basic nutrition and economic opportunities for individuals in sub-Saharan Africa, through sustainable agriculture and rural development.”

Pub. L. 105–385, title I, Nov. 13, 1998, 112 Stat. 3462, as amended by Pub. L. 110–234, title VII, § 7511(c)(39), May 22, 2008, 122 Stat. 1271; Pub. L. 110–246, § 4(a), title VII, § 7511(c)(39), June 18, 2008, 122 Stat. 1664, 2032, provided that:

“SEC. 101. AFRICA FOOD SECURITY INITIATIVE.

“(a) ADDITIONAL REQUIREMENTS IN CARRYING OUT THE INITIATIVE.—In providing development assistance under the Africa Food Security Initiative, or any comparable or successor program, the Administrator of the United States Agency for International Development—

“(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

“(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects;

“(3) shall favor countries that are implementing reforms of their trade and investment laws and regula-

tions in order to enhance free market development in the food processing and agricultural sectors; and

“(4) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

“(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, if there is an increase in funding for sub-Saharan programs, the Administrator of the United States Agency for International Development should proportionately increase resources to the Africa Food Security Initiative, or any comparable or successor program, for fiscal year 2000 and subsequent fiscal years in order to meet the needs of the countries participating in such Initiative.

“SEC. 102. MICROENTERPRISE ASSISTANCE.

“(a) BILATERAL ASSISTANCE.—In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should use the applied research and technical assistance capabilities of United States land-grant universities.

“(b) MULTILATERAL ASSISTANCE.—

“(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall continue to work with other countries, international organizations (including multilateral development institutions), and entities assisting microenterprises and shall develop a comprehensive and coordinated strategy for providing microenterprise assistance for sub-Saharan Africa.

“(2) ADDITIONAL REQUIREMENT.—In carrying out paragraph (1), the Administrator should encourage the World Bank Consultative Group to Assist the Poorest to coordinate the strategy described in such paragraph.

“SEC. 103. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

“(a) PURPOSES.—The purposes of this section are—

“(1) to support producer-owned cooperative purchasing and marketing associations in sub-Saharan Africa;

“(2) to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to promote rural development in sub-Saharan Africa;

“(3) to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, technical expertise; and

“(4) to support small businesses in sub-Saharan Africa as they grow beyond microenterprises.

“(b) SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.—

“(1) ACTIVITIES.—

“(A) IN GENERAL.—The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders.

“(B) ADDITIONAL REQUIREMENTS.—In carrying out subparagraph (A), the Administrator—

“(i) shall take into account small-scale farmers, small rural entrepreneurs, and rural workers and communities; and

“(ii) shall take into account the local-level perspectives of the rural and urban poor through

close consultation with these groups, consistent with section 496(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)(1)).

“(2) OTHER ACTIVITIES.—In addition to carrying out paragraph (1), the Administrator is encouraged—

“(A) to cooperate with governments of foreign countries, including governments of political subdivisions of such countries, their agricultural research universities, and particularly with United States nongovernmental organizations and United States land-grant universities, that have demonstrated expertise in the development and promotion of successful private producer-owned cooperative marketing associations; and

“(B) to facilitate partnerships between United States and African cooperatives and private businesses to enhance the capacity and technical and marketing expertise of business associations in sub-Saharan Africa.

“SEC. 104. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

“(a) PURPOSE.—The purpose of this section is to encourage the Overseas Private Investment Corporation [now the United States International Development Finance Corporation] to work with United States businesses and other United States entities to invest in rural sub-Saharan Africa, particularly in ways that will develop the capacities of small-scale farmers and small rural entrepreneurs, including women, in sub-Saharan Africa.

“(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

“(1) the Overseas Private Investment Corporation should exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guaranties, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

“(A) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

“(B) have a clear track-record of support for sound business management practices; and

“(C) have demonstrated experience with participatory development methods; and

“(2) the Overseas Private Investment Corporation should utilize existing equity funds, loan and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

“SEC. 105. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

“(a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the National Institute of Food and Agriculture, shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

“(b) ADDITIONAL REQUIREMENTS.—Such plan shall seek to ensure that—

“(1) research and extension activities will respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa;

“(2) sustainable agricultural methods of farming will be considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa; and

“(3) research and extension efforts will focus on sustainable agricultural practices and will be adapted

to widely varying climates within sub-Saharan Africa.”

REPORTS TO CONGRESS

Pub. L. 101-513, title V, §562(c), Nov. 5, 1990, 104 Stat. 2030, provided that: “As part of the annual Congressional Presentation materials for economic assistance, the Administrator of the Agency for International Development shall include a description of the progress made during the previous fiscal year in carrying out chapter 10 of part I of the Foreign Assistance Act of 1961 [this part] in three countries in sub-Saharan Africa which represent differing economic situations and levels of progress. The description shall include—

“(1) the nature and extent of consultation to ensure local perspectives, as described in subsections (e)(1) and (f) of section 496 [22 U.S.C. 2293(e)(1), (f)];

“(2) the degree of involvement of local people in the implementation of projects having a local focus;

“(3) the extent to which there has been expansion of the participation and integration of African women in each of the critical sectors specified in section 496(i);

“(4) program assistance provided, including the amounts obligated, the criteria used for assisting reforms, and the provisions made pursuant to section 496(h)(2)(B) to protect vulnerable groups from possible negative consequences of the reforms; and

“(5) a description of the assistance for the critical sector priorities specified in section 496(i), by sector, including the amounts obligated.”

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

EX. ORD. NO. 13746. ADVANCING THE GOALS OF THE POWER AFRICA INITIATIVE TO EXPAND ACCESS TO ELECTRICITY IN SUB-SAHARAN AFRICA THROUGH THE ESTABLISHMENT OF THE PRESIDENT’S POWER AFRICA WORKING GROUP

Ex. Ord. No. 13746, Nov. 3, 2016, 81 F.R. 78697, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. Policy. It is the policy of the United States to partner, consult, and coordinate with African governments, bilateral and multilateral partners, the private sector, and civil society to expand access to electricity and increase electricity generation in Sub-Saharan Africa, in both urban and rural areas. Through the Power Africa initiative (Power Africa), we aim to double access to power in Sub-Saharan Africa by adding 30,000 megawatts (MW) of capacity and 60 million new household and business connections by 2030, and in so doing, leapfrog to cleaner forms of energy and foster inclusive economic growth and opportunity across Sub-Saharan Africa.

On June 30, 2013, my Administration launched Power Africa, a new initiative to double access to power in Sub-Saharan Africa, where more than two-thirds of the population is without electricity, and more than 85 percent of those living in rural areas lack access to electricity. In its initial phase, Power Africa aimed to add more than 10,000 MW of cleaner, more efficient electricity generation capacity and to increase electricity access by at least 20 million new households and commercial entities with on-grid, mini-grid, and off-grid solutions. Power Africa builds on Africa’s enormous power potential, including extensive clean geothermal, hydro, wind and solar energy resources, as well as vast oil and gas reserves. Power Africa works with countries to develop resources responsibly, build out power generation, transmission, and distribution, and expand the reach of mini-grid and off-grid solutions. Power Africa brings to bear a wide range of tools from across the

Federal Government and more than 130 public and private sector partners to support investment in Africa’s energy sector. Power Africa provides coordinated support to help African partners expand their power networks and access to electricity, including through policy and regulatory best practices, institutional capacity building, pre-feasibility support, grants, long-term financing, insurance, guarantees, credit enhancements, and technical assistance.

On August 5, 2014, during the U.S.-Africa Leaders Summit, my Administration affirmed that Power Africa is intended to reach across Sub-Saharan Africa, and tripled Power Africa’s goals. Power Africa is now working toward adding 30,000 MW of new, cleaner electricity generation capacity and increasing electricity access by at least 60 million new connections. On January 28, 2016, my Administration, in coordination with Power Africa partners, launched the Power Africa Roadmap, which lays out a concrete plan for Power Africa to meet its ambitious goals by 2030.

The Electrify Africa Act of 2015, enacted on February 8, 2016 (Public Law 114-121) (the “Act”), calls for the development of a strategy to add at least 20,000 MW of electrical power and promote first-time access to power and power services for at least 50 million people in Sub-Saharan Africa by 2020 in both urban and rural areas—an effort that directly supports and complements Power Africa’s goals. This order furthers the purposes of the Act and the work that Power Africa has been undertaking.

SEC. 2. Establishment of the Coordinator for Power Africa. The United States Agency for International Development (USAID) shall serve as the lead agency to facilitate the implementation of Power Africa and associated activities across the United States Government. The Administrator of USAID shall establish the position of Coordinator for Power Africa within USAID.

SEC. 3. Power Africa Working Group. (a) There is hereby established the Power Africa Working Group (Working Group), co-chaired by the Coordinator for Power Africa within USAID and a member of the National Security Council (NSC) staff to be designated by the Assistant to the President for National Security Affairs. The Working Group shall serve as the multi-agency coordinating and advisory body for the Federal Government’s efforts to identify, evaluate, prioritize, and deliver assistance to energy projects across Sub-Saharan Africa in order to advance the energy access and electricity generation goals of Power Africa and promote policy cohesion across the Federal Government. Through the Working Group, participating departments and agencies shall provide advice and promote coherence of United States Government positions on and assistance for priority energy projects and policy reforms in support of Power Africa.

(b) The Working Group shall consist of representatives of the following executive branch departments and agencies (Participating Agencies):

- (i) the Department of State;
- (ii) the Department of the Treasury;
- (iii) the Department of Agriculture;
- (iv) the Department of Commerce;
- (v) the Department of Energy;
- (vi) the Export-Import Bank of the United States;
- (vii) the United States Agency for International Development;
- (viii) the Overseas Private Investment Corporation [now the United States International Development Finance Corporation];
- (ix) the United States Trade and Development Agency;
- (x) the Millennium Challenge Corporation;
- (xi) the United States Army Corps of Engineers;
- (xii) the Office of Management and Budget; and
- (xiii) such other agencies as the Co-Chairs may designate or invite to participate, including the United States African Development Foundation.

(c) The Working Group may consult with non-United States Government entities that participate in Power Africa as bilateral, multilateral, private sector part-

ners and nongovernmental organizations to provide input and advice to the United States Government, as appropriate, regarding the implementation of Power Africa.

(d) The Working Group may establish sub-groups consisting exclusively of Working Group members or their designees, as appropriate, such as one for each of the three pillars of the Power Africa Roadmap: (1) megawatts, (2) connections, and (3) unlocking energy sector potential.

(e) The Working Group shall be supported by the Office of the Coordinator for Power Africa within USAID.

SEC. 4. *Mission and Functions of the Working Group.* The Working Group, as may be necessary and appropriate to carry out this order, shall:

(a) Ensure efficient and effective coordination of energy access activities in Sub-Saharan Africa among Participating Agencies.

(b) Identify, prioritize, and evaluate potential Power Africa projects, regulatory and policy reforms, and programmatic focus areas, including maximizing deployment of and access to renewable energy.

(c) Identify country and project specific obstacles to the development of the electricity sector, including financial and technical assistance needs and capacity building needs, and identify opportunities for Participating Agencies to deploy their respective tools and best practices to advance needed reforms and accelerate the completion of Power Africa projects.

(d) Enhance coordination among Participating Agencies to maximize the efficiency and effectiveness of United States Government development assistance and other development finance tools as related to Power Africa priorities.

(e) Facilitate information sharing and coordination of partnerships between Participating Agencies and African governments, the private sector, development partners, and bilateral and multilateral partners to help advance Power Africa's goals.

(f) Identify appropriate courses of action to liaise with host governments to advance regulatory and policy reforms, as well as energy transactions, related to Power Africa.

(g) Identify best practices for Participating Agencies to coordinate their engagement with development partners, including bilateral donors, development finance institutions, and multilateral development banks on energy access issues, to ensure that Power Africa's tools are deployed in a way that is complementary to and leverages the impact of United States Government resources.

(h) Meet with private sector partners, as appropriate, to review Power Africa projects and activities, and to solicit input regarding technical, policy, financial or political, obstacles that partners are encountering in the energy sector across Sub-Saharan Africa.

(i) Meet with bilateral and multilateral development partners, as appropriate, to coordinate country-specific and regional energy access policy agendas, coordinate deployment of financial resources and technical expertise to identify and accelerate Power Africa projects and activities, and review project pipelines.

(j) Monitor and periodically evaluate Power Africa projects and activities to measure the effectiveness of United States Government assistance and other development finance tools in achieving Power Africa's electricity generation and access goals, and to share lessons learned. These evaluations may recommend reforms to facilitate support for future projects and activities, and to increase the Working Group's effectiveness.

SEC. 5. *Partnering with African Private Sector Companies.* I hereby direct Participating Agencies to facilitate as appropriate, to the maximum extent possible under the law, the participation of local and regional companies in power, renewable energy, and climate change projects in low-income countries in Africa, including through the use of financing and risk insurance, where appropriate.

SEC. 6. *Reporting.* The Administrator of USAID, in coordination with the Participating Agencies, shall lead

in the development of a report, to be transmitted to the Congress pursuant to section 7 of the Act and the Presidential Memorandum of August 3, 2016, "Delegation of Authority Pursuant to Section 4 and Section 7 of the Electrify Africa Act of 2015," on progress made toward achieving the comprehensive, integrated, multiyear strategy that was transmitted to the Congress on August 6, 2016, pursuant to section 4 of the Act, to encourage the efforts of countries in Sub-Saharan Africa to implement national power strategies and develop an appropriate mix of power solutions to provide access to sufficient, reliable, affordable, and sustainable power in order to reduce poverty and drive economic growth and job creation.

SEC. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof, or the status of that department or agency within the Federal Government; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

DELEGATION OF AUTHORITY PURSUANT TO SECTION 4 AND SECTION 7 OF THE ELECTRIFY AFRICA ACT OF 2015

Memorandum of President of the United States, Aug. 3, 2016, 81 F.R. 52323, provided:

Memorandum for the Administrator of the United States Agency for International Development

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authorities vested in the President by section 4 and section 7 of the Electrify Africa Act of 2015 (Public Law 114-121) (the "Act") [22 U.S.C. 2293 note].

Any reference in this memorandum to the Act shall be deemed to be a reference to any future act that is the same or substantially the same as such provisions.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 2294. Authorizations of appropriations for Development Fund for Africa

Funds appropriated to carry out this part are authorized to be made available until expended. It is the sense of the Congress that the authority of this subsection¹ should be used to extend the period of availability of those funds whenever appropriate to improve the quality of assistance provided under section 2293 of this title.

(Pub. L. 87-195, pt. I, §497, as added Pub. L. 101-513, title V, §562(a), Nov. 5, 1990, 104 Stat. 2030.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2294, Pub. L. 87-195, pt. I, §497, as added Pub. L. 95-92, §4, Aug. 4, 1977, 91 Stat. 614, related to balance of payments loan for Portugal, prior to repeal by Pub. L. 99-83, title XII, §1211(a)(4), Aug. 8, 1985, 99 Stat. 279, effective Oct. 1, 1985.

¹ So in original. Probably should be "section".