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1ST SESSION

S. 1022

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 25, 2021

Mr. DURBIN (for himself, Mr. BOOZMAN, Mr. INHOFE, Mr. BOOKER, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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 2021”.

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 United States jobs. Ninety-eight
3 percent of United States exports came from approxi-
4 mately 300,000 small- and medium-sized businesses
5 supporting 4,000,000 United States jobs.

6 (2) In a February 5, 2021, message to an Afri-
7 can leaders meeting at the African Union Summit,
8 President Joseph R. Biden reaffirmed the United
9 States relationship with African countries as part-
10 ners in the continent-wide spirit of entrepreneurship
11 and innovation.

12 (3) Many countries have trade-distorting export
13 promotion programs that aggressively subsidize ex-
14 ports to Africa and other countries around the
15 world. In 2019, there were 115 known official export
16 credit providers around the world, including export
17 credit agencies, up from 85 in 2015—a 35 percent
18 increase from 2015 to 2019. The increasing invest-
19 ment by foreign governments into export credit can
20 threaten competitiveness of United States businesses
21 abroad.

22 (4) Between 2008 and 2019, the People’s Re-
23 public of China alone provided more than
24 \$462,000,000,000 in loans to the developing world,
25 and, in 2009, the People’s Republic of China sur-

1 passed the United States as the leading trade part-
 2 ner of African countries. The Export-Import Bank
 3 of the United States reports the People's Republic of
 4 China's export finance activity is larger than all the
 5 other export credit agencies in the Group of 7 coun-
 6 tries combined, making the People's Republic of
 7 China the world's largest official creditor with a
 8 portfolio more than twice the size of the World Bank
 9 and International Monetary Fund combined.

10 (5) The Export-Import Bank of the United
 11 States supported \$12,400,000,000 worth of trans-
 12 actions to sub-Saharan Africa from 2009 to 2019,
 13 while in 2018, the People's Republic of China made
 14 up 22 percent of public debt stock, and, in 2020, the
 15 People's Republic of China made up 29 percent of
 16 debt service in low-income countries in Africa. The
 17 People's Republic of China accounts for a quarter or
 18 more of all public and publicly guaranteed debt in
 19 Angola, Djibouti, Cameroon, the Republic of the
 20 Congo, Ethiopia, Kenya, and Zambia.

21 (6) The practice of the People's Republic of
 22 China of concessional financing runs contrary to the
 23 principles of the Organisation for Economic Co-oper-
 24 ation and Development related to open market rates,
 25 undermines naturally competitive rates, and

1 incentivizes governments in Africa to overlook the
2 People’s Republic of China’s troubling record on
3 labor practices, human rights, and environmental
4 impact.

5 (7) Sixty percent of Africa’s approximately
6 1,250,000,000 people are under the age of 25, and
7 by the year 2050, one-third of global youth will be
8 in sub-Saharan Africa. By 2030, Africa will have 17
9 cities with more than 5,000,000 inhabitants, as well
10 as 90 cities with populations of at least 1,000,000.
11 Both are factors contributing to rising household
12 consumption predicted to reach approximately
13 \$2,500,000,000,000 by 2030.

14 (8) When countries such as the People’s Repub-
15 lic of China assist with large-scale government
16 projects, they often gain access to valuable commod-
17 ities such as oil and copper, typically without regard
18 to environmental, human rights, labor, or govern-
19 ance standards.

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

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

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

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

9 (3) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Appropriations, the
13 Committee on Banking, Housing, and Urban
14 Affairs, the Committee on Foreign Relations,
15 and the Committee on Finance of the Senate;
16 and

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

22 (4) DEVELOPMENT AGENCIES.—The term “de-
23 velopment agencies” includes the United States De-
24 partment of State, the United States Agency for
25 International Development, the Millennium Chal-

1 lence Corporation, the United States International
 2 Development Finance Corporation, the United
 3 States Trade and Development Agency, the United
 4 States Department of Agriculture, and relevant mul-
 5 tilateral development banks.

6 (5) MULTILATERAL DEVELOPMENT BANKS.—

7 The term “multilateral development banks” has the
 8 meaning given that term in section 1701(c)(4) of the
 9 International Financial Institutions Act (22 U.S.C.
 10 262r(c)(4)) and includes the African Development
 11 Foundation.

12 (6) SUB-SAHARAN REGION.—The term “sub-Sa-

13 haran region” refers to the 49 countries listed in
 14 section 107 of the African Growth and Opportunity
 15 Act (19 U.S.C. 3706).

16 (7) TRADE POLICY STAFF COMMITTEE.—The

17 term “Trade Policy Staff Committee” means the
 18 Trade Policy Staff Committee established pursuant
 19 to section 2002.2 of title 15, Code of Federal Regu-
 20 lations, which is composed of representatives of Fed-
 21 eral agencies in charge of developing and coordi-
 22 nating United States positions on international trade
 23 and trade-related investment issues.

24 (8) TRADE PROMOTION COORDINATING COM-

25 MITTEE.—The term “Trade Promotion Coordinating

1 Committee” means the Trade Promotion Coordi-
2 nating Committee established under section 2312 of
3 the Export Enhancement Act of 1988 (15 U.S.C.
4 4727).

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

11 **SEC. 4. STRATEGY.**

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

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

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

22 (2) promoting the alignment of United States
23 commercial interests with development priorities in
24 Africa;

1 (3) developing relationships between the govern-
2 ments of countries in Africa and United States busi-
3 nesses that have an expertise in such issues as crit-
4 ical energy security, infrastructure development,
5 technology, telecommunications, and agriculture;

6 (4) improving the competitiveness of United
7 States businesses in Africa, including by encour-
8 aging the adoption of United States construction
9 codes and product standards, with emphasis on
10 those designated as American National Standards by
11 the American National Standards Institute where
12 applicable;

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

19 (6) promoting economic integration in Africa
20 through working with the subregional economic com-
21 munities, supporting efforts for deeper integration
22 through the development of customs unions within
23 western and central Africa and within eastern and
24 southern Africa, eliminating time-consuming border

1 formalities into and within these areas, and sup-
2 porting regionally based infrastructure projects;

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

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

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

13 (10) 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 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 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,
15 nongovernmental organizations, and African dias-
16 pora 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
21 subsection (a).

22 (2) PROGRESS REPORT.—Not later than 3
23 years after the date of the enactment of this Act, the
24 President shall submit to Congress a report on the

1 implementation of the strategy required by sub-
2 section (a).

3 (3) CONTENT OF REPORT.—The report re-
4 quired by paragraph (2) shall include an accounting
5 of all current United States Government programs
6 to promote exports to and trade with Africa and to
7 assist United States businesses competing in the Af-
8 rican market as well as an assessment of the extent
9 to which the strategy required by subsection (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;

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

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

14 **SEC. 5. SPECIAL AFRICA EXPORT STRATEGY COORDI-**
 15 **NATOR.**

16 The President shall designate an individual to serve
 17 as Special Africa Export Strategy Coordinator—

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

20 (2) to coordinate with the Trade Promotion Co-
 21 ordinating Committee, the Assistant United States
 22 Trade Representative for African Affairs, and devel-
 23 opment agencies with respect to developing and im-
 24 plementing the strategy.

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

2 It is the sense of Congress that, not later than 1 year
3 after the date of the enactment of this Act, the Secretary
4 of Commerce and other high-level officials of the United
5 States Government with responsibility for export pro-
6 motion, financing, and development should conduct a joint
7 trade mission to Africa.

8 **SEC. 7. PERSONNEL.**

9 (a) UNITED STATES AND FOREIGN COMMERCIAL
10 SERVICE.—

11 (1) IN GENERAL.—The Secretary of Commerce
12 shall ensure that not less than 10 total United
13 States and Foreign Commercial Service officers are
14 assigned to Africa for each of the first 5 fiscal years
15 beginning after the date of the enactment of this
16 Act.

17 (2) ASSIGNMENT.—The Secretary shall, in con-
18 sultation with the Trade Promotion Coordinating
19 Committee and the Special Africa Export Strategy
20 Coordinator, assign the United States and Foreign
21 Commercial Service officers described in paragraph
22 (1) to United States embassies or consulates in Afri-
23 ca after conducting a timely resource allocation anal-
24 ysis that represents a forward-looking assessment of
25 future United States trade opportunities in Africa.

26 (3) MULTILATERAL DEVELOPMENT BANKS.—

1 (A) IN GENERAL.—As soon as practicable
2 after the date of the enactment of this Act, the
3 Secretary of Commerce shall, using existing
4 staff, assign not less than 1 full-time United
5 States and Foreign Commercial Service officer
6 to be split between the office of the United
7 States Executive Director at the World Bank
8 and the African Development Bank.

9 (B) RESPONSIBILITIES.—Each United
10 States and Foreign Commercial Service officer
11 assigned under subparagraph (A) shall be re-
12 sponsible for—

13 (i) increasing the access of United
14 States businesses to procurement contracts
15 with the multilateral development bank to
16 which the officer is assigned; and

17 (ii) facilitating the access of United
18 States businesses to risk insurance, equity
19 investments, consulting services, and lend-
20 ing provided by that bank.

21 (b) EXPORT-IMPORT BANK OF THE UNITED
22 STATES.—Of the amounts collected by the Export-Import
23 Bank that remain after paying the expenses the Bank is
24 authorized to pay from such amounts for administrative

1 expenses, the Bank shall use sufficient funds to do the
2 following:

3 (1) Increase the number of staff dedicated to
4 expanding business development for Africa, including
5 increasing the number of business development trips
6 the Bank conducts to Africa and the amount of time
7 staff spends in Africa to meet the goals set forth in
8 section 9 and paragraph (5) of section 6(a) of the
9 Export-Import Bank of 1945, as added by section
10 9(a)(2).

11 (2) Maintain an appropriate number of employ-
12 ees of the Bank assigned to United States field of-
13 fices of the Bank to be distributed as geographically
14 appropriate through the United States. Such offices
15 shall coordinate with the related export efforts un-
16 dertaken by the Small Business Administration re-
17 gional field offices.

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

22 (c) UNITED STATES INTERNATIONAL DEVELOPMENT
23 FINANCE CORPORATION.—

24 (1) STAFFING.—Of the net offsetting collections
25 collected by the United States International Develop-

1 ment Finance Corporation and used for administra-
2 tive expenses, the Corporation shall use sufficient
3 funds to increase by not more than 2 the staff need-
4 ed to promote stable and sustainable economic
5 growth and development in Africa, to strengthen and
6 expand the private sector in Africa, and to facilitate
7 the general economic development of Africa, with a
8 particular focus on helping United States businesses
9 expand into African markets.

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

15 (3) CERTAIN COSTS NOT CONSIDERED ADMINIS-
16 TRATIVE EXPENSES.—For purposes of this sub-
17 section, systems infrastructure costs associated with
18 activities authorized by the Better Utilization of In-
19 vestments Leading to Development Act of 2018 (22
20 U.S.C. 9601 et seq.) shall not be considered admin-
21 istrative expenses.

22 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed as permitting the reduction of per-
24 sonnel of the Department of Commerce, the Department
25 of State, the Export-Import Bank of the United States,

1 or the United States International Development Finance
2 Corporation or the alteration of planned personnel in-
3 creases in other regions, except where a personnel decrease
4 was previously anticipated or where decreased export op-
5 portunities justify personnel reductions.

6 **SEC. 8. TRAINING.**

7 The President shall develop a plan—

8 (1) to standardize the training received by
9 United States and Foreign Commercial Service offi-
10 cers, economic officers of the Department of State,
11 and economic officers of the United States Agency
12 for International Development with respect to the
13 programs and procedures of the Export-Import
14 Bank of the United States, the United States Inter-
15 national Development Finance Corporation, the
16 Small Business Administration, and the United
17 States Trade and Development Agency; and

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

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

24 (B) in the case of a country to which no
25 United States and Foreign Commercial Service

1 officer is assigned, any economic officer of the
 2 Department of State stationed in that country
 3 receives that training.

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

5 (a) FINANCING FOR PROJECTS IN AFRICA.—

6 (1) SENSE OF CONGRESS.—It is the sense of
 7 Congress that foreign export credit agencies are pro-
 8 viding financing in Africa that is not compliant with
 9 the Arrangement of the Organisation for Economic
 10 Co-operation and Development, which is trade dis-
 11 torting and threatens United States jobs.

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

15 “(5) PERCENT OF FINANCING TO BE USED FOR
 16 PROJECTS IN AFRICA.—The Bank shall, to the ex-
 17 tent that there are acceptable final applications, in-
 18 crease the amount it finances to Africa over the
 19 prior year’s financing for each of the first 5 fiscal
 20 years beginning after the date of the enactment of
 21 the Increasing American Jobs Through Greater Ex-
 22 ports to Africa Act of 2021.”.

23 (3) REPORT REQUIRED.—

24 (A) IN GENERAL.—Not later than 1 year
 25 after the date of the enactment of this Act, and

1 annually thereafter for 5 years, the Export-Im-
 2 port Bank of the United States shall submit to
 3 the committees specified in subsection (d) a re-
 4 port if the Bank has not used at least 10 per-
 5 cent of its lending capabilities for projects in
 6 Africa as described in paragraph (5) of section
 7 6(a) of the Export-Import Bank of 1945, as
 8 added by paragraph (2), during the preceding
 9 year.

10 (B) ELEMENTS.—Each report required by
 11 subparagraph (A) shall include a description
 12 of—

13 (i) the reasons why the Bank failed to
 14 reach the goal described in that subpara-
 15 graph; and

16 (ii) all final applications for projects
 17 in Africa that the Bank did not support.

18 (b) AVAILABILITY OF PORTION OF CAPITALIZATION
 19 TO COMPETE AGAINST FOREIGN CONCESSIONAL
 20 LOANS.—

21 (1) IN GENERAL.—The Bank shall make avail-
 22 able annually such amounts as are necessary for
 23 loans that counter trade-distorting financing that is
 24 not compliant with the Arrangement of the
 25 Organisation for Economic Co-operation and Devel-

1 opment or preferential, tied aid, or other related
2 non-market loans offered by other countries with
3 which United States businesses are also competing
4 or interested in competing.

5 (2) REPORT REQUIRED.—

6 (A) IN GENERAL.—Not later than 1 year
7 after the date of the enactment of this Act, and
8 annually thereafter for 5 years, the Export-Im-
9 port Bank shall submit to the committees speci-
10 fied in subsection (d) a report on all loans made
11 or rejected by the Bank during the preceding
12 year that were considered to counter trade-dis-
13 torting financing that is not compliant with the
14 Arrangement of the Organisation for Economic
15 Co-operation and Development and was offered
16 by other countries to its firms.

17 (B) INCLUSION.—Each report required by
18 subparagraph (A) shall include a description of
19 the terms of the financing described in that
20 subparagraph offered by other countries to
21 firms that competed against the United States
22 firms.

23 (c) TRADE SECRETS ACT.—A report required by sub-
24 section (a)(3) or subsection (b)(2) may not disclose any
25 information that is confidential or business proprietary, or

1 that would violate section 1905 of title 18, United States
2 Code (commonly referred to as the “Trade Secrets Act”).

3 (d) COMMITTEES SPECIFIED.—The committees spec-
4 ified in this subsection are—

5 (1) the Committee on Banking, Housing, and
6 Urban Affairs, the Committee on Foreign Relations,
7 and the Committee on Appropriations of the Senate;
8 and

9 (2) the Committee on Financial Services, the
10 Committee on Foreign Affairs, and the Committee
11 on Appropriations of the House of Representatives.

12 **SEC. 10. SMALL BUSINESS ADMINISTRATION.**

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

15 (1) in the matter preceding paragraph (1), by
16 striking “Director of the United States Trade and
17 Development Agency,” and inserting “the Director
18 of the United States Trade and Development Agen-
19 cy, the Trade Promotion Coordinating Committee,”;
20 and

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

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

3 (a) IN GENERAL.—Where applicable, the President
4 shall explore opportunities to negotiate bilateral, sub-
5 regional, and regional agreements that encourage trade
6 and eliminate nontariff barriers to trade between coun-
7 tries, such as negotiating investor-friendly double-taxation
8 treaties and investment promotion agreements.

9 (b) AGREEMENTS WITH AFRICAN COUNTRIES.—To
10 the extent any agreement described in subsection (a) ex-
11 ists between the United States and an African country,
12 the President shall ensure that the agreement is being im-
13 plemented in a manner that maximizes the positive effects
14 for United States trade, export, and labor interests as well
15 as the economic development of the countries in Africa.

16 (c) CONSIDERATION OF OBJECTIVES.—United States
17 negotiators in multilateral fora should take into account
18 the objectives of this Act.

○