

112TH CONGRESS
1ST SESSION

H. R. 656

To advance the mutual interests of the United States and Africa with respect to the promotion of trade and investment and the advancement of socioeconomic development and opportunity, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2011

Mr. RUSH (for himself, Mr. HONDA, Mr. CONYERS, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To advance the mutual interests of the United States and Africa with respect to the promotion of trade and investment and the advancement of socioeconomic development and opportunity, 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 Investment
5 and Diaspora Act”.

6 **SEC. 2. DECLARATIONS OF POLICY.**

7 Congress makes the following declarations of policy:

1 (1) It is in the interest of the United States to
2 ensure that bilateral economic ties with Africa are
3 strong, robust, and diverse, in part because African
4 countries possess—

5 (A) great pent-up consumer demand and
6 untapped human and natural resources, and
7 many are now considered “next frontier” econo-
8 mies;

9 (B) some of the world’s fastest growing
10 economies, with a collective Gross Domestic
11 Product of \$1,600,000,000,000 that is pro-
12 jected to double in the next 10 years;

13 (C) combined consumer spending power of
14 almost \$900,000,000,000, with
15 \$1,400,000,000,000 in projected spending
16 power in the next 10 years;

17 (D) a 60-percent share of the world’s total
18 amount of uncultivated, arable land; and

19 (E) a significant percentage of the world’s
20 strategic minerals and energy resources.

21 (2) Africa represents a potentially profitable
22 destination for United States investors. According to
23 a United Nations Conference on Trade and Develop-
24 ment study, return on investment in African compa-
25 nies has averaged nearly 30 percent annually over

1 the past several years. Profitability and rates of
2 growth among many African firms have exceeded
3 global averages, often by large proportions. As a re-
4 sult, 34 private investment funds are now active in
5 Africa in diverse productive sectors. A recent Global
6 Competitiveness Report showed that several of Afri-
7 ca's largest economies receive high grades for inno-
8 vation and business sophistication.

9 (3) Long-term United States economic security
10 interests will be better secured by ensuring United
11 States access to Africa's vast natural and human re-
12 sources, for which rapidly rising global demand has
13 created increasing competition between industri-
14 alized countries and emerging market countries,
15 such as Brazil, Russia, India, China, and others,
16 with respect to their efforts to exert political and
17 economic influence in and increase their economic
18 cooperation and trade with African countries. Such
19 ties are growing apace; for example, the estimated
20 value of Chinese imports from Africa rose by over
21 693 percent between 2000 and 2009, while the value
22 of its exports to the region increased by 926 percent
23 during the same period, in comparison to a rise in
24 United States imports from the region of just under

1 200 percent and a rise in United States exports to
2 the region of 21 percent during the same period.

3 (4) The United States should continue to sup-
4 port efforts to foster socioeconomic development and
5 economic growth in Africa, including by—

6 (A) pursuing efforts to increase collabora-
7 tion among United States Government depart-
8 ments and agencies in order to more closely in-
9 tegrate and coordinate United States programs
10 and policies aimed at promoting trade and in-
11 vestment with Africa with those intended to ad-
12 vance socioeconomic development and oppor-
13 tunity in Africa;

14 (B) fostering United States private, public-
15 private partnership, and other investments in
16 Africa, as well as other bilateral economic, tech-
17 nical, and social and cultural ties and ex-
18 changes, both at the official level and between
19 citizens, private sector businesses, and civil soci-
20 ety organizations;

21 (C) supporting and fostering citizen-led ef-
22 forts to form business, technical, academic, and
23 sociocultural ties with Africans by working to
24 promote the activities of citizen groups that
25 seek to advance such goals among other persons

1 or organizations engaged in socioeconomic de-
2 velopment, business, and charitable activities in-
3 tended to bolster bonds between the United
4 States and Africa; and

5 (D) supporting the efforts of United States
6 persons and groups with interests and ties to
7 Africa to foster and advance such ties and, in
8 particular, the interests and efforts, with re-
9 spect to such objectives, of members of the Af-
10 rican Diaspora in the United States, in recogni-
11 tion, among other reasons, of—

12 (i) the longstanding and deep immi-
13 gration ties between Africa and the United
14 States, including with respect to involun-
15 tary and other migrations of Africans to
16 the Americas in the 19th and earlier cen-
17 turies, and to more recent migrations of
18 Africans to the United States;

19 (ii) efforts by the African Union to
20 foster economic, technical, educational, and
21 social ties between its member states and
22 the global African Diaspora;

23 (iii) the status of the African-Amer-
24 ican and broader African Diaspora commu-
25 nity in the United States as a large con-

1 consumer and producer market and a poten-
2 tially significant United States counterpart
3 segment for trade and investment related
4 to Africa, in particular with respect to
5 commerce in Afrocentric goods and serv-
6 ices and by small- and medium-sized enter-
7 prises; and

8 (iv) the status of recent African immi-
9 grants as a growing, often economically
10 well-off professional and educational
11 human resource and a community with di-
12 verse ties to both American and African
13 societies that is well placed to foster closer,
14 mutually beneficial economic, intellectual,
15 and cultural ties between the United
16 States and African countries, including
17 with respect to helping to reverse the so-
18 called “brain drain” or emigration of
19 skilled, educated persons from Africa, par-
20 ticularly in the science and technology,
21 education, and health sectors—a phe-
22 nomenon that threatens to imperil African
23 productivity, economic growth, and global
24 competitiveness necessary to improve devel-
25 opment and human welfare in Africa and

1 undermine United States interests in hav-
2 ing robust and growing African countries
3 with which to foster enduring economic
4 and political partnerships.

5 **SEC. 3. PURPOSES.**

6 The purposes of this Act are to—

7 (1) advance the mutual interests of the United
8 States and Africa with respect to the promotion of
9 trade and investment and the advancement of socio-
10 economic development and opportunity, and to inte-
11 grate and create interagency, whole-of-government
12 synergies within United States efforts to achieve
13 these goals;

14 (2) foster United States trade with and invest-
15 ment in Africa that is more sectorally diverse, of in-
16 creased economic value, and grounded in free market
17 principles;

18 (3) foster United States private, public-private
19 partnership, and other investments in Africa that
20 hold the potential to both generate positive economic
21 effects and result in improvements in public infra-
22 structure, health, education, and economic competi-
23 tiveness, and efforts to fulfill the Millennium Devel-
24 opment Goals in African countries;

1 (4) deepen United States-African economic,
2 technical, and social and cultural ties, in particular
3 with respect to those between the peoples of Africa
4 and the members of the African Diaspora in the
5 United States, United States and African civil soci-
6 ety groups, and small- and medium-sized business
7 enterprises; and

8 (5) facilitate the mutual transfer and exchange
9 of business, technical, and academic expertise be-
10 tween Africa and the United States, in particular by
11 encouraging and facilitating the engagement and in-
12 volvement of members of the African Diaspora in
13 the United States, among other United States citi-
14 zens with ties to or interests in Africa, in the
15 achievement of such goals.

16 **SEC. 4. SPECIAL REPRESENTATIVE FOR UNITED STATES-**
17 **AFRICA TRADE, DEVELOPMENT, AND DIAS-**
18 **PORA AFFAIRS, AND RELATED MATTERS.**

19 (a) SPECIAL REPRESENTATIVE FOR UNITED
20 STATES-AFRICA TRADE, DEVELOPMENT, AND DIASPORA
21 AFFAIRS.—Notwithstanding any other provision of law,
22 the President shall appoint a Special Representative for
23 United States-Africa Trade, Development, and Diaspora
24 Affairs within the Department of State (in this Act re-
25 ferred to as the “Special Representative”) not later than

1 180 days after the date of the enactment of this Act. The
2 Special Representative should be a person of distinction,
3 culturally sensitive to the underserved African Diaspora
4 in the United States, with substantial experience in mat-
5 ters of trade or economic development and in matters re-
6 lating to African Diaspora relations with Africa.

7 (b) OFFICE OF UNITED STATES-AFRICA TRADE, DE-
8 VELOPMENT, AND DIASPORA AFFAIRS.—Not later than
9 180 days after the date of the appointment of the Special
10 Representative pursuant to subsection (a), the Secretary
11 of State shall establish, within the Department of State,
12 the Office of United States-Africa Trade, Development,
13 and Diaspora Affairs (in this Act referred to as the “Of-
14 fice”). The Special Representative shall serve as the head
15 of the Office, and shall guide and direct the work of Office
16 staff.

17 (c) REGIONAL CENTERS.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the establishment of the Office pur-
20 suant to subsection (b), the Special Representative
21 shall establish 5 regional United States-Africa
22 Trade, Development, and Diaspora Affairs public
23 outreach, education, and liaison centers (in this Act
24 referred to as “centers”), in a manner to be deter-

1 mined by the Secretary of State and in accordance
2 with the requirements described in paragraph (2).

3 (2) REQUIREMENTS.—The requirements re-
4 ferred to in paragraph (1) are the following:

5 (A) A center shall be established in each of
6 the Northeastern, Southern, Plains and Mid-
7 western, Western, and Northwestern regions of
8 the continental United States in order to serve
9 the population of each such region.

10 (B) Each center shall serve a population
11 that is roughly equal in number to the popu-
12 lation served by each of the other centers.

13 (C) Each center shall be located in the city
14 within each region that has the highest number
15 of members of the African Diaspora in the re-
16 gion.

17 (D) The territory for which the Western
18 center has responsibility shall include Hawaii
19 and the territory for which the Northwestern
20 center has responsibility shall include Alaska.

21 (d) DUTIES, RESPONSIBILITIES, AND FUNCTIONS.—

22 The Special Representative and the Office shall promote
23 United States-African trade and investment relations and
24 foster socioeconomic development and economic growth,
25 by—

1 (1) coordinating and convening a permanent
2 interagency United States-Africa Trade and Devel-
3 opment Consultative Action Group (in this Act re-
4 ferred to as the “Group”), which shall include rep-
5 resentatives from—

6 (A) the Office of the United States Trade
7 Representative;

8 (B) the Trade and Development Agency;

9 (C) the Overseas Private Investment Cor-
10 poration;

11 (D) the Export-Import Bank of the United
12 States;

13 (E) the United States Agency for Inter-
14 national Development;

15 (F) the Millennium Challenge Corporation;

16 (G) the Department of Agriculture;

17 (H) the Department of Commerce;

18 (I) the Department of Energy;

19 (J) the Small Business Administration;

20 (K) the Department of Defense;

21 (L) other Federal departments and agen-
22 cies, to be determined by the Special Represent-
23 ative, in consultation with members of the
24 Group described in subparagraphs (A) through
25 (K), on a temporary, permanent, or project-lim-

1 ited basis, based on the technical, pro-
2 grammatic, fiscal, legal, or other needs or objec-
3 tives of the Group and its activities; and

4 (M) within the context of applied projects
5 undertaken by Group ad hoc project commit-
6 tees, as described in subsection (e), State and
7 local governments, nongovernmental organiza-
8 tions, public-private partnership entities, private
9 businesses, and private foundations;

10 (2) designing and implementing public out-
11 reach, education, and liaison programs and activities
12 intended to foster United States-African economic,
13 technical, social, and cultural ties, in particular with
14 respect to—

15 (A) building and enhancing relationships
16 between the peoples of Africa and the African
17 Diaspora, United States and African civil soci-
18 ety groups, and small- and medium-sized busi-
19 ness enterprises in the United States and Afri-
20 ca; and

21 (B) increasing the participation of mem-
22 bers of the African Diaspora and other minority
23 groups in the United States in United States
24 trade, investment, and development assistance
25 programs relating to Africa;

1 (3) facilitating and increasing the number of
2 international learning exchange, professional, train-
3 ing, and educational programs between Africa and
4 the United States, in particular programs intended
5 to promote trade, economic growth, or socioeconomic
6 development, including through coordination with
7 the Bureau of Educational and Cultural Affairs and
8 the Special Representative for Global Intergovern-
9 mental Affairs of the Department of State;

10 (4) establishing a publicly accessible database
11 and information exchange mechanism through which
12 United States and African business, technical, and
13 academic experts, associations, and other institutions
14 and organizations can establish and expand profes-
15 sional ties, network, and undertake mutual ex-
16 changes of knowledge and expertise related to busi-
17 ness and economic development and, in particular,
18 provide means for members of the African Diaspora
19 in the United States to transfer information, skills,
20 and expertise to their counterparts in Africa or to
21 help build the technical and professional capacities
22 of African economic and development institutions;
23 and

24 (5) liaising and consulting with African govern-
25 ments, the African Union, African intergovernmental

1 subregional organizations, public-private partnership
2 entities, private businesses, nongovernmental organi-
3 zations, private foundations, and United Nations
4 agencies with respect to matters of Africa-related
5 trade, economic development, and African-African
6 Diaspora relations, in order to determine—

7 (A) African trade and economic develop-
8 ment priorities;

9 (B) the nature and scope of investments
10 being made by African governments, private
11 sector actors, and other international donors;
12 and

13 (C) strategies for effectively channeling
14 and leveraging United States trade promotion,
15 capacity-building, and development resources
16 and coordinating such resources with invest-
17 ments from other sources.

18 (e) OTHER MATTERS RELATING TO DUTIES, RE-
19 SPONSIBILITIES, AND FUNCTIONS.—

20 (1) OF THE GROUP.—

21 (A) IN GENERAL.—Notwithstanding their
22 individual agency mandates and activities,
23 members of the Group shall design and propose
24 integrated, whole-of-government approaches for
25 achieving United States Government trade and

1 development policy and program objectives as
2 they relate to Africa, and agency members of
3 the Group shall collaboratively design and im-
4 plement specific applied projects and programs
5 to achieve these objectives in practice, on an
6 interagency basis, wherever fiscally, technically,
7 programmatically, or legally advantageous, fea-
8 sible, and permissible.

9 (B) AD HOC PROJECT-RELATED GROUP
10 COMMITTEES.—The Special Representative may
11 coordinate and convene, as necessary, ad hoc
12 project-related Group committees, made up of 2
13 or more members of the Group, to define and
14 guide the execution of interagency projects un-
15 dertaken by members of an ad hoc project-re-
16 lated Group committee.

17 (C) MEETINGS.—The Group shall meet in
18 plenary on a quarterly basis, at a minimum, or
19 more frequently, as necessary, and at the ad
20 hoc project-related Group committee level, as
21 frequently as necessary.

22 (D) REPORTS.—Members of the Group
23 shall regularly provide the Special Representa-
24 tive detailed information, data, reports, and
25 other material pertaining to current or prospec-

1 tive projects related to their agency or depart-
2 ment trade and development initiatives in Afri-
3 ca, and the Office shall make these reports
4 available to all members of the Group and to
5 Congress in a centrally, Internet-accessible dig-
6 ital database repository.

7 (2) OF THE OFFICE.—The Office shall review
8 the information, data, reports, and other material
9 submitted by members of the Group, and shall pro-
10 pose to members of the Group, where fiscally, tech-
11 nically, programmatically, or legally advantageous,
12 feasible, and permissible, ways of integrating, link-
13 ing, or leveraging Group member agency investments
14 and projects that incorporate shared or similar ob-
15 jectives and, in particular, projects that simulta-
16 neously foster trade or economic growth, and socio-
17 economic development.

18 (3) OF THE SPECIAL REPRESENTATIVE.—The
19 Special Representative may request and shall receive
20 in a timely manner any documents or data, whether
21 in an electronic, paper, or other format, from any
22 member of the Group pertaining to any Africa-re-
23 lated trade or development-related project with
24 which the member is involved or is funding or facili-

1 tating, with the exception of contractually or
2 proprietary protected documents.

3 (4) OF REGIONAL CENTERS.—The activities of
4 regional centers shall support all duties, responsibil-
5 ities, and functions of the Special Representative
6 and of the Office, but shall principally focus on the
7 objectives set out in paragraphs (2), (3), and (4) of
8 subsection (d).

9 (f) STAFF.—

10 (1) IN GENERAL.—The Special Representative
11 shall, from among individuals described in para-
12 graph (2), hire staff as appropriate to carry out this
13 section.

14 (2) QUALIFICATIONS.—Individuals described in
15 this paragraph are individuals who—

16 (A) are United States citizens;

17 (B) have a strong knowledge of Africa;

18 (C) have a strong knowledge of United
19 States-African relations; and

20 (D) are fluent in English and are pro-
21 ficient or fluent in one of the national non-
22 indigenous official languages spoken in Africa,
23 including Spanish, French, or Portuguese, or
24 one or more indigenous official languages.

1 **SEC. 5. REPORT.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act and annually thereafter
4 for 4 years, the President shall submit to Congress a re-
5 port on the implementation of this Act.

6 (b) MATTERS TO BE INCLUDED.—The report re-
7 quired under subsection (a) shall—

8 (1) describe the impact of this Act on trade, in-
9 vestment, and job creation in the United States and
10 Africa and the impact of the role of the African Di-
11 aspora in the United States in improving United
12 States-Africa trade relations and economic develop-
13 ment progress in Africa; and

14 (2) include recommendations regarding possible
15 changes to the duties, responsibilities, and functions
16 of the Special Representative, the Office, and the
17 Group, and other related recommendations as they
18 pertain to strategies for effectively implementing
19 whole-of-government and interagency approaches to
20 achieving United States Government trade and de-
21 velopment policy and program objectives as they re-
22 late to Africa.

23 **SEC. 6. DEFINITIONS.**

24 In this Act:

25 (a) AFRICAN DIASPORA.—The term “African Dias-
26 pora” means the peoples of African descent living outside

1 Africa, irrespective of their citizenship and nationality,
2 who are willing to contribute to the development of Africa.

3 (b) AFRICA.—The term “Africa” refers to the entire
4 continent of Africa, including the countries of Comoros,
5 Madagascar, and Seychelles.

6 **SEC. 7. AUTHORIZATION OF FUNDING.**

7 From amounts appropriated or otherwise made avail-
8 able for “Diplomatic and Consular Programs” for fiscal
9 years 2012 through 2016, \$5,000,000 for each such fiscal
10 year is authorized to be made to carry out this Act.

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