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H. R. 6455

To promote, facilitate, and increase two-way trade and investment between
the United States and Africa.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2022

Mr. McCAUL (for himself and Mrs. MURPHY of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote, facilitate, and increase two-way trade and
investment between the United States and Africa.

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 “Prosper Africa Act”.

5 **SEC. 2. STATEMENT OF POLICY.**

6 It is the policy of the United States to promote, facili-
7 tate, and increase two-way trade and investment between
8 the United States and African countries to strengthen

1 commercial ties, promote economic growth and job cre-
2 ation, and advance strategic partnerships.

3 **SEC. 3. PROSPER AFRICA INITIATIVE.**

4 (a) ESTABLISHMENT.—The President shall establish
5 an initiative to be known as the “Prosper Africa Initia-
6 tive” (in this Act referred to as the “Initiative”).

7 (b) PURPOSES.—The purposes of the Initiative shall
8 be to prioritize and coordinate United States Government
9 programs, activities, and diplomatic efforts aimed at in-
10 creasing two-way trade and investment between the
11 United States and Africa, including to—

12 (1) identify, promote, and increase trade and
13 investment opportunities, facilitate business and in-
14 vestor engagement, and support dissemination of
15 data and market information to better inform
16 United States businesses and investors of trade and
17 investment opportunities across Africa;

18 (2) support efforts of the United States and Af-
19 rican private sectors to access, navigate, deepen, and
20 compete in African and global capital markets using
21 a private sector-led and sector-specific approach that
22 includes energy, agriculture, information and com-
23 munications technology, healthcare, financial serv-
24 ices, arts and entertainment, and infrastructure;

1 (3) modernize, streamline, and improve access
2 to resources and services designed to promote in-
3 creased trade and investment opportunities for
4 United States and African businesses and investors;

5 (4) promote economic growth and job creation
6 in the United States and Africa, while advancing
7 strategic partnerships; and

8 (5) identify policy, regulatory, and legal reforms
9 needed to reduce trade and investment barriers be-
10 tween the United States and Africa and improve the
11 business and investment climate in the United
12 States and Africa, including through the reduction
13 of the cost of accessing capital.

14 **SEC. 4. LEADERSHIP AND COORDINATION OF INITIATIVE.**

15 (a) **DIRECTORATE.**—The President shall establish a
16 directorate to be known as the “Prosper Africa Direc-
17 torate” (in this Act referred to as the “Directorate”).

18 (b) **EXECUTIVE DIRECTOR.**—The President shall ap-
19 point an Executive Director of the Directorate who shall
20 be responsible for the management, coordination, and in-
21 formation sharing functions of the Prosper Africa Initia-
22 tive established pursuant to section 3(a) and other duties
23 that support the purposes of the Initiative described in
24 section 3(b) as appropriate.

1 (c) DUTIES.—The Executive Director shall be re-
2 sponsible for—

3 (1) convening relevant Federal departments and
4 agencies to coordinate programs, assistance, commu-
5 nications, and stakeholder engagement, and con-
6 sulting with such departments and agencies on the
7 appropriate levels and allocation of resources in sup-
8 port of achieving the strategic objectives of the Ini-
9 tiative;

10 (2) planning and implementing information
11 sharing and other collaboration efforts among rel-
12 evant Federal departments and agencies, and the
13 private sector as appropriate, related to trade and
14 investment opportunities, African capital markets,
15 and relevant transactions in Africa and support for
16 monitoring, evaluation, and transaction facilitation;

17 (3) engaging with United States and African
18 private sector partners, civil society organizations,
19 nongovernmental organizations and the African dias-
20 pora community, as appropriate, to solicit input and
21 feedback on the Initiative’s activities, as well as any
22 technical, policy, financial, and political obstacles
23 private sector partners encounter in accessing or ex-
24 panding in African markets or gaining access to cap-
25 ital for those purposes; and

1 (4) establishing measurable goals and objectives
2 for the purposes of carrying out the Initiative.

3 (d) LEADERSHIP COMMITTEE.—

4 (1) IN GENERAL.—The President shall establish
5 an interagency leadership committee (in this sub-
6 section referred to as the “committee”) to provide
7 strategic guidance for administering the objectives of
8 the Initiative and serve as the United States inter-
9 agency strategic development and coordination body
10 for efforts of relevant Federal departments and
11 agencies.

12 (2) MEMBERSHIP.—The committee shall in-
13 clude representatives from relevant Federal depart-
14 ments and agencies, as determined appropriate by
15 the President.

16 (3) CHAIRPERSON.—The Executive Director of
17 the Directorate shall serve as chairperson of the
18 committee.

19 (4) MEETINGS.—The committee shall meet not
20 less than four times each year at the call of the Ex-
21 ecutive Director of the Directorate (or the Director’s
22 designee).

23 (e) STAFFING AND FIELD PRESENCE.—Subject to
24 the availability of appropriations—

1 (1) the Directorate shall be supported by at
2 least 6 full-time employees of the Federal Govern-
3 ment, which should include personnel detailed to the
4 Directorate from relevant Federal departments and
5 agencies, who are stationed in Africa and whose sole
6 duties are to support the purposes of—

7 (A) the Initiative described in section 3(b);

8 or

9 (B) the provisions of the Better Utilization
10 of Investments Leading to Development Act of
11 2018 (Public Law 116–283) with respect to Af-
12 rica and in compliance with the requirements of
13 the Championing American Business Through
14 Diplomacy Act of 2019 (Public Law 116–94;
15 22 U.S.C. 9901 et seq.); and

16 (2) relevant Federal departments and agencies
17 should detail personnel to the Directorate at the Di-
18 rectorate’s offices in the United States.

19 (f) DEAL TEAMS.—

20 (1) IN GENERAL.—The Prosper Africa Initia-
21 tive established pursuant to section 3(a) shall be
22 supported by designated embassy staff holding posi-
23 tions related to United States commercial and eco-
24 nomic interests at United States embassies located
25 in Africa, to the extent practicable. Such designated

1 embassy staff at a United States embassy located in
2 Africa shall be referred to as a “deal team” for pur-
3 poses of this subsection.

4 (2) DUTIES.—Each deal team shall prioritize
5 efforts to identify commercial opportunities, advo-
6 cate for improvements in the business and invest-
7 ment climate, engage and consult with private sector
8 partners, and report on such activities, in compli-
9 ance with the applicable requirements of the Cham-
10 pioning American Business Through Diplomacy Act
11 of 2019 (Public Law 116–94; 22 U.S.C. 9901 et
12 seq.).

13 **SEC. 5. INVESTMENT PROMOTION AND TRADE CAPACITY**
14 **BUILDING ASSISTANCE.**

15 (a) IN GENERAL.—The President, acting through the
16 Executive Director of the Directorate, shall develop and
17 implement policies that promote, facilitate, and increase
18 two-way trade and investment between the United States
19 and Africa, including by providing support for—

20 (1) activities to advance trade capacity building
21 assistance, as authorized by the African Growth and
22 Opportunity Act and Millennium Challenge Mod-
23 ernization Act (Public Law 115–167) and the
24 amendments made by that Act, and other applicable
25 statutes;

1 (2) identification and development of invest-
2 ment opportunities for the United States private sec-
3 tor in partner countries and efforts to facilitate and
4 promote trade and investment opportunities in the
5 United States and Africa;

6 (3) analysis of market systems, trends, pros-
7 pects and opportunities for value-addition, including
8 risk assessments and constraints analyses of key sec-
9 tors and United States strategic competitiveness,
10 and other reporting on commercial opportunities and
11 investment climate in Africa;

12 (4) outreach and engagement with small and
13 medium-sized enterprises in Africa or doing business
14 with African partners, including women-led and di-
15 aspora-owned businesses;

16 (5) efforts to leverage resources and expertise
17 to lower non-tariff barriers to trade and investment
18 in Africa, such as African enterprise access to cap-
19 ital, and to generally promote a conducive business
20 climate for private sector investment;

21 (6) technical assistance to the African Union
22 and regional economic communities to implement the
23 African Continental Free Trade Area and support
24 regional economic integration; and

1 (7) development of local African capital markets
2 and Africa’s access to lower cost, longer-term capital
3 on global capital markets, including improving Afri-
4 can investment readiness, increasing the availability
5 of market-based risk mitigation tools and improving
6 the reliability and availability of investment data, to
7 promote the larger-scale, standardized, transparent
8 investment flows asked for by investors.

9 (b) PRIORITY.—In providing assistance to carry out
10 the activities described in subsection (a), the President
11 should consider United States strategic interests when al-
12 locating such assistance and give priority for activities in
13 countries that—

14 (1) have demonstrated support for economic
15 policies that promote the development of private en-
16 terprise, including foreign direct investment, and
17 taken steps to improve a business enabling environ-
18 ment that could benefit the United States private
19 sector and economy if such assistance is provided; or

20 (2) are designated by the President—

21 (A) as an eligible sub-Saharan African
22 country under the African Growth and Oppor-
23 tunity Act (19 U.S.C. 3703);

24 (B) as meeting the threshold requirements
25 to enter into an agreement with the United

1 States under section 609 of the Millennium
2 Challenge Act of 2003 (22 U.S.C. 7708; relat-
3 ing to Millennium Challenge Compact); or

4 (C) as a beneficiary developing country
5 under section 502 or 506A of the Trade Act of
6 1974 (19 U.S.C. 2462 or 2466a) and has rati-
7 fied and taken steps to implement the African
8 Continental Free Trade Area.

9 **SEC. 6. ADVISORY COUNCIL.**

10 (a) ESTABLISHMENT.—The President shall establish
11 an advisory council—

12 (1) to advise the President, and others as ap-
13 propriate, on the extent to which the Directorate
14 and relevant Federal departments and agencies are
15 meeting their objectives under this Act, and provide
16 suggestions for improvements with respect to meet-
17 ing those objectives, including implementation chal-
18 lenges and opportunities; and

19 (2) to support efforts to identify, promote, and
20 facilitate opportunities to expand commercial ties be-
21 tween the United States and Africa.

22 (b) MEMBERSHIP.—

23 (1) IN GENERAL.—The advisory council shall be
24 composed of—

1 (A) not less than 12 members appointed by
2 the President, in consultation with the Execu-
3 tive Director of the Directorate and Congress,
4 from among individuals with significant experi-
5 ence investing and operating in Africa, includ-
6 ing representatives of United States and Afri-
7 can diaspora-owned, women-owned, and small
8 and medium-sized enterprises; and

9 (B) the co-chairs or two appropriate des-
10 ignees of the President's Advisory Council on
11 Doing Business in Africa, as established by Ex-
12 ecutive Order 13734.

13 (2) TERMS; REAPPOINTMENT.—Each of the
14 members of the advisory council—

15 (A) shall serve a term of 2 years; and

16 (B) may be reappointed for one additional
17 term.

18 (3) DEADLINE FOR APPOINTMENT.—Each of
19 the members of the advisory council shall be ap-
20 pointed under paragraph (1) not later than 90 days
21 after the date on which the President establishes the
22 Advisory Committee under subsection (a).

23 (4) VACANCIES.—A vacancy in the Advisory
24 Council shall be filled in the manner in which the
25 original appointment was made.

1 (c) CHAIRPERSON.—

2 (1) IN GENERAL.—The Executive Director of
3 the Directorate shall appoint a chairperson of the
4 advisory committee from among the members of the
5 advisory committee appointed under paragraph (1).

6 (2) TERMS; REAPPOINTMENT.—The chair-
7 person of the advisory committee—

8 (A) shall serve a term of 2 years; and

9 (B) may not be reappointed.

10 (d) PROHIBITION ON COMPENSATION.—Members of
11 the advisory council may not receive pay, allowances, or
12 benefits by reason of their service on the advisory com-
13 mittee.

14 (e) MEETINGS.—The advisory council shall meet at
15 the call of the Executive Director.

16 **SEC. 7. UNITED STATES-AFRICAN LEADERS SUMMIT.**

17 The President shall seek to convene on a biennial
18 basis a meeting between the United States Government
19 and heads of state of countries of Africa, to be known as
20 the “United States-African Leaders Summit”, for pur-
21 poses of advancing shared priorities and strengthening
22 diplomatic, economic, and security partnerships in Africa.

1 **SEC. 8. UNITED STATES STRATEGY TO PROMOTE TRADE**
2 **AND INVESTMENT IN AFRICA.**

3 (a) **IN GENERAL.**—Not later than 180 days after the
4 date of the enactment of this Act, the President, in con-
5 sultation with the heads of the relevant Federal depart-
6 ments and agencies, shall submit to the appropriate con-
7 gressional committees and make publicly available a single
8 government-wide strategy, to be known as the “Prosper
9 Africa Strategy”, that provides a detailed description of
10 how the United States intends to fulfill the policy objec-
11 tives of this Act.

12 (b) **MATTERS TO BE INCLUDED.**—The strategy re-
13 quired by subsection (a) shall—

14 (1) support and be aligned with other relevant
15 strategies of the United States Government;

16 (2) outline a plan to enhance coordination and
17 information sharing among relevant Federal depart-
18 ments and agencies on investment climate and op-
19 portunities and provide support to pending trans-
20 actions, and

21 (3) include specific and measurable goals,
22 benchmarks, performance metrics, and timetables to
23 carry out the purposes of this Act, and training,
24 monitoring, and evaluation plans to ensure the ac-
25 countability and effectiveness of all policies and ini-
26 tiatives carried out under the strategy.

1 (c) SPECIFIC IMPLEMENTATION PLAN.—The strat-
2 egy required by subsection (a) shall include a specific im-
3 plementation plan, in coordination with the recommenda-
4 tions and activities of the Economic Diplomacy Action
5 Group as required by section 708(c) of the Championing
6 American Business Through Diplomacy Act of 2019 (Pub-
7 lic Law 116–94; 22 U.S.C. 9904) from each of the rel-
8 evant Federal departments and agencies that describes—

9 (1) the anticipated contributions of the depart-
10 ment or agency, including technical, financial, and
11 in-kind contributions, to implement the strategy;

12 (2) the efforts of the department or agency to
13 ensure that the policies and initiatives carried out
14 pursuant to the strategy are designed to achieve
15 maximum impact and effectiveness and progress
16 made toward achieving the goals, benchmarks, per-
17 formance metrics, and timetables outlined in sub-
18 section (b)(3); and

19 (3) recommendations on necessary resources,
20 including staffing, to expand efforts to promote
21 trade and investment between the United States and
22 Africa.

23 **SEC. 9. REPORT.**

24 Not later than 180 days after the submission of the
25 strategy required by section 8(a), and annually thereafter

1 until 2026, the President shall submit to the appropriate
2 congressional committees a report, in coordination with
3 the report required by the Championing American Busi-
4 ness Through Diplomacy Act of 2019 (Public Law 116–
5 94; 22 U.S.C. 9901 et seq.), that—

6 (1) summarizes and evaluates the implementa-
7 tion of United States diplomatic efforts and foreign
8 assistance programs, projects, and activities to ad-
9 vance the policy objectives set forth in section 2;

10 (2) describes the nature and extent of coordina-
11 tion among relevant Federal departments and agen-
12 cies, including a summary of activities and engage-
13 ments of the Directorate and the interagency leader-
14 ship committee established pursuant to section 4(d);

15 (3) provides data on goals identified for finan-
16 cial commitments under the Initiative and any pri-
17 vate capital mobilized to support and finalize trans-
18 actions, opportunities identified by relevant Federal
19 departments and agencies, and transactions deter-
20 mined to be ineligible for United States support or
21 not being pursued for other reasons under the Ini-
22 tiative; and

23 (4) describes the monitoring and evaluation
24 tools, mechanisms, and indicators to assess progress
25 made on the policy objectives set forth in section 2.

1 **SEC. 10. DEFINITIONS.**

2 In this Act:

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

6 (A) the Committee on Foreign Affairs and
7 the Committee on Appropriations of the House
8 of Representatives; and

9 (B) the Committee on Foreign Relations
10 and the Committee on Appropriations of the
11 Senate.

12 (2) **PRIVATE SECTOR.**—The term “private sec-
13 tor” means for-profit businesses and not-for-profit
14 entities.

15 **SEC. 11. SUNSET.**

16 The requirements of this Act shall terminate on the
17 date that is 7 years after the date of the enactment of
18 this Act.

○