

117TH CONGRESS
2^D SESSION

H. R. 9364

To promote the African Continental Free Trade Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 2022

Ms. BASS introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, 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 the African Continental Free Trade Area, 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 “Strengthening the Af-
5 rican Continental Free Trade Area Act of 2022” or the
6 “Strengthening the AfCFTA Act of 2022”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) By 2035, the gross domestic product of Af-
2 rican countries is projected to increase by
3 \$450,000,000,000 with the implementation of the
4 AfCFTA and lift 30,000,000 Africans out of ex-
5 treme poverty while boosting the wages of African
6 women and unskilled workers in particular, accord-
7 ing to World Bank estimates.

8 (2) According to the World Bank, the total
9 intracontinental exports from African countries
10 would increase by 81 percent under the AfCFTA.
11 By economic sector, the AfCFTA is expected to be
12 especially important for expanding manufacturing,
13 by increasing intracontinental manufacturing exports
14 by 110 percent, which will diversify African econo-
15 mies and decrease the reliance of such economies
16 upon extracting natural resources.

17 (3) The AfCFTA will also increase African
18 manufacturing exports to the rest of the world by 46
19 percent. As a result of the AfCFTA creating new
20 commercial opportunities and diversifying global
21 supply chains, the rest of the world's gross domestic
22 product is expected to increase by \$76,000,000,000.

23 **SEC. 3. STATEMENT OF POLICY.**

24 It is the policy of the United States to—

1 (1) support the African Union’s Agenda 2063
2 efforts to promote regional economic development,
3 diversification, and integration by stimulating great-
4 er trade and investment among African countries
5 and between Africa and the global trade partners of
6 Africa, notably including greater collaboration with
7 the United States;

8 (2) partner with the African Union Commis-
9 sion, African Union entities such as the African
10 Continental Free Trade Area Secretariat, regional
11 economic communities, and other intergovernmental
12 African organizations to bolster trade and invest-
13 ment at the regional, intracontinental, and inter-
14 national levels;

15 (3) increase opportunities for trade and invest-
16 ment between African countries and United States
17 businesses, including those owned by members of the
18 African diaspora, thereby contributing to potential
19 United States economic growth; and

20 (4) promote the goals of the African Conti-
21 nental Free Trade Area (AfCFTA), formed by the
22 Agreement Establishing the African Continental
23 Free Trade Area, done at Kigali, Rwanda on March
24 21, 2018, to simplify and expedite trade and invest-
25 ment among African countries and expand commer-

1 cial opportunities for underserved groups, women,
2 and youth entrepreneurs.

3 **SEC. 4. PRESIDENT'S STRATEGY TO PROMOTE THE AFRI-**
4 **CAN CONTINENTAL FREE TRADE AREA.**

5 (a) DEVELOPMENT OF STRATEGY.—

6 (1) UNITED STATES TRADE REPRESENTA-
7 TIVE.—The President shall, using existing inter-
8 agency trade policy development and coordination
9 authority and mechanisms, direct the United States
10 Trade Representative to develop a 10-year Federal
11 strategy to promote the AfCFTA to achieve the fol-
12 lowing goals:

13 (A) Improving the efficacy, efficiency, and
14 coordination of United States development aid
15 and technical assistance focusing on trade ca-
16 pacity building that is provided to African coun-
17 tries, regional communities, and intergovern-
18 mental or multinational entities, including to
19 the AfCFTA Secretariat.

20 (B) Implementing trade policy priorities of
21 the AfCFTA developed in coordination with
22 continental, regional, and country partners in
23 Africa.

1 (2) ELEMENTS.—The strategy developed pursu-
2 ant to paragraph (1) shall also include policy or pro-
3 gram plans to accomplish the following:

4 (A) Increasing the volume and velocity of
5 goods and services trade between African coun-
6 tries by improving customs operations, which
7 may include—

8 (i) providing support for increased au-
9 tomation or online processing of customs
10 and cross-border trade-related tasks; and

11 (ii) supporting efforts—

12 (I) to ensure adequate access to
13 reliable electrical power supplies and
14 internet access to foster digitalization
15 where necessary; and

16 (II) to provide paper-based or
17 other applicable technical alternatives
18 at border crossings where electricity
19 or internet access is unreliable or un-
20 available, including in coordination
21 with the United States Power Africa
22 initiative where applicable.

23 (B) Expanding trade capacities and sup-
24 porting trade-related infrastructure develop-

1 ment, prioritizing major intra-African trade cor-
2 ridors.

3 (C) Supporting the implementation and
4 success of the AfCFTA and its goals as identi-
5 fied in consultation with African counterparts
6 at the continental, regional, and country level,
7 including by—

8 (i) advancing African regional and
9 intracontinental alignment of trade-related
10 legal and administrative procedures;

11 (ii) strengthening the technical capac-
12 ity of the AfCFTA Secretariat; and

13 (iii) promoting the development and
14 expansion of African regional economic
15 communities as they pertain to fostering
16 trade, including through direct consulta-
17 tion and partnership with the AfCFTA
18 Secretariat.

19 (D) Improving the efficacy of United
20 States trade capacity building to support the
21 AfCFTA's implementation, as appropriate, by
22 preventing duplication of or incompatibility be-
23 tween the assistance activities of other major
24 donors (such as nongovernmental organizations,
25 other countries, and intergovernmental organi-

1 zations) and the policies and projects included
2 in the strategy.

3 (E) Enabling more effective and inclusive
4 participation of stakeholders, including those
5 representing workers, environmental sustain-
6 ability, women, youth, marginalized, or under-
7 represented groups, in the negotiation and im-
8 plementation of the AfCFTA.

9 (F) Increasing United States trade and in-
10 vestment to expand African regional value
11 chains, especially as it relates to increasing
12 manufacturing and production on the continent
13 in industries expected to grow with the imple-
14 mentation of the AfCFTA.

15 (G) Evaluating the industries in which the
16 United States has a comparative advantage in
17 Africa relative to other countries, and promote
18 trade and investment within those industries,
19 especially in industries expected to grow with
20 the implementation of the AfCFTA.

21 (3) PRIOR APPROVAL AND BIENNIAL UP-
22 DATES.—The strategy required by this subsection
23 may only be developed through prior consultation
24 with, and submitted with the approval of, the Trade
25 Policy Staff Committee established pursuant to sec-

1 tion 242(a) of the Trade Expansion Act of 1962 (19
2 U.S.C. 1872(a)). Such strategy shall also be updated
3 biennially with such prior consultation and pursuant
4 to such approval.

5 (4) CONSULTATION.—In developing the strat-
6 egy described in this subsection, the United States
7 Trade Representative shall, as appropriate and prac-
8 ticable, consult with—

9 (A) stakeholders in the United States and
10 in Africa from the private sector, civil society,
11 and African diaspora;

12 (B) relevant African Union entities such as
13 the AfCFTA Secretariat;

14 (C) State, local, and Tribal governments;
15 and

16 (D) United States development agencies
17 and entities not represented on the Trade Pol-
18 icy Staff Committee, such as the Prosper Africa
19 Initiative, Millennium Challenge Corporation
20 and Development Finance Corporation.

21 (b) INITIAL REPORT.—Not later than 270 days after
22 the date of the enactment of this Act, the President shall
23 (subject to the prior approval required under subsection
24 (a)(3)) submit to the relevant congressional committees an
25 initial report that includes the strategy developed pursu-

1 ant to subsection (a) and an implementation plan for such
2 strategy that includes each of the following:

3 (1) The rationale, objectives, and anticipated
4 manner of implementation of the strategy.

5 (2) The anticipated role of each agency rep-
6 resented in the interagency in the implementation of
7 such strategy.

8 (3) A summary of the current trade capacity-
9 building programs, projects, and activities of the
10 United States in support of the AfCFTA as of the
11 date of the submission of the report, and the rela-
12 tionships between such programs, projects, and ac-
13 tivities and the objectives of the strategy.

14 (4) Any gaps, inefficiencies, or unmet needs
15 identified in the course of preparing the summary
16 described in paragraph (3).

17 (5) Qualitative and quantitative goals and
18 metrics for the implementation of the strategy, in-
19 cluding the criteria to be used in monitoring and
20 evaluating progress towards the objectives of the
21 strategy.

22 (6) Recommendations, in consultation with the
23 Director of the Office of Management and Budget,
24 relating to programmatic or appropriations measures
25 that could potentially enhance the implementation of

1 the strategy including legislative or executive policy
2 changes for such enhanced implementation.

3 (c) BIENNIAL UPDATE AND REPORT.—Not later
4 than 2 years after the submission of the initial report re-
5 quired by subsection (b), and every two years thereafter
6 for 8 years, the President shall submit to the relevant con-
7 gressional committees a report containing revisions and
8 updates to the strategy required by subsection (a) and an
9 assessment of the progress made in implementing the
10 strategy as described in such initial report. Such biennial
11 progress reports shall also include each of the following:

12 (1) A description of the obligation and expendi-
13 ture of all amounts made available to carry out the
14 strategy during the preceding two fiscal years,
15 disaggregated by fiscal year, account, and activity.

16 (2) Notable successes and challenges relating to
17 the implementation of the strategy.

18 (3) An evaluation of the progress toward
19 achieving the qualitative and quantitative goals and
20 metrics included in the initial report pursuant to
21 subsection (b)(5).

22 (4) Any updates and revisions made to the cri-
23 teria described in subsection (b)(5) and included in
24 the initial report.

1 (5) Updated recommendations as described in
2 subsection (b)(7).

3 (d) FINAL REPORT.—Not later than 10 years after
4 the date of the submission of the initial report required
5 by subsection (b), the President shall submit to the rel-
6 evant congressional committees a report that assesses
7 progress over the preceding decade of the strategy. Such
8 report shall also include each of the following:

9 (1) An assessment of the progress made in the
10 implementation of the strategy over the preceding
11 decade with respect to each of the goals described in
12 subsection (a)(3), including with respect to the qual-
13 itative and quantitative goals and metrics included
14 in the initial report pursuant to subsection (b)(5)
15 and using the criteria described in such subsection
16 (b)(5).

17 (2) An assessment of the successes, challenges,
18 and effectiveness of the strategy.

19 (3) Recommended legislative or executive policy
20 changes relevant to addressing any gaps, policy or
21 program shortcomings, or other outstanding chal-
22 lenges relating to the goals of the strategy, along
23 with descriptions of prospective follow-up activities
24 necessary to address such challenges.

1 (4) Recommendations relating to fostering fur-
2 ther synergies between implementation of activities,
3 as relevant and appropriate, relating to the African
4 Growth and Opportunity Act (19 U.S.C. 3701 et
5 seq.), the AfCFTA, and any other United States
6 trade policy initiatives towards Africa, including
7 types of activities and expected outcomes based on
8 the implementation of the strategy.

9 (5) A detailed description of the expenditure of
10 all amounts authorized to implement the strategy
11 throughout the 10-year period, including amounts
12 appropriated pursuant to the authorization under
13 section 5(b), disaggregated by fiscal year, account,
14 and activity.

15 (e) PUBLICATION.—Each report required by this sec-
16 tion shall be submitted in unclassified form and may in-
17 clude a classified annex. The unclassified portion of each
18 such report shall be posted on publicly available websites
19 of the Office of the United States Trade Representative.

20 **SEC. 5. AFCFTA TRADE CAPACITY BUILDING PROGRAM.**

21 (a) TRADE CAPACITY BUILDING IMPLEMENTA-
22 TION.—The Administrator of the United States Agency
23 for International Development shall establish an AfCFTA
24 Trade Capacity Building Program to support the imple-
25 mentation of the strategy required by section 4 through

1 existing authorities granted by the Foreign Assistance Act
2 of 1961 (22 U.S.C. 2151 et seq.), in collaboration with
3 continental, regional, and country partners in Africa. In
4 carrying out such Program, the Administrator—

5 (1) may designate the Prosper Africa Initiative
6 to administer the AfCFTA Trade Capacity Building
7 Program;

8 (2) may support multi-year and renewable ac-
9 tivities with the AfCFTA Trade Capacity Building
10 Program;

11 (3) shall consult with the United States Trade
12 Representative in making programmatic decisions;
13 and

14 (4) shall receive approval from the Trade Policy
15 Staff Committee established pursuant to section
16 242(a) of the Trade Expansion Act of 1962 (19
17 U.S.C. 1872(a)) for all activities for which funds are
18 planned to be made available (including any trans-
19 fers to other Federal departments, agencies, or enti-
20 ties) in a fiscal year from the AfCFTA Trade Ca-
21 pacity Building Program before the start of such fis-
22 cal year.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated \$200,000,000 for each of
25 fiscal years 2025 through 2034 for the United States

1 Agency for International Development to carry out the
2 AfCFTA Trade Capacity Building Program described in
3 subsection (a). Amounts so authorized—

4 (1) shall be in addition to amounts otherwise
5 authorized for existing projects, programs, and ac-
6 tivities that support the goals of such Program;

7 (2) may also be made available for consulting
8 or technical services, equipment, new personnel, or
9 other project-related administrative expenses associ-
10 ated with the development, implementation, and re-
11 porting requirements of the President's strategy re-
12 quired by section 4(a); and

13 (3) are authorized to be transferred from the
14 United States Agency for International Development
15 to other appropriate Federal departments or agen-
16 cies to the extent provided in advance by appropria-
17 tions Acts.

18 **SEC. 6. RULE OF CONSTRUCTION.**

19 Nothing in this Act may be construed to—

20 (1) limit any authority or responsibility of the
21 United States Trade Representative relating to the
22 establishment or implementation of the trade policies
23 of the United States (including under section 141 of
24 the Trade Act of 1974 (19 U.S.C. 2171)); or

1 (2) transfer any such authority or responsibility
2 to the Administrator of the United States Agency
3 for International Development.

4 **SEC. 7. DEFINITIONS.**

5 In this Act:

6 (1) AfCFTA.—The term “AfCFTA” means the
7 African Continental Free Trade Area authorized to
8 be created under the Agreement Establishing the Af-
9 rican Continental Free Trade Area, adopted by its
10 African Union signatories in Kigali, Rwanda, on
11 March 21, 2018.

12 (2) RELEVANT CONGRESSIONAL COMMIT-
13 TEES.—The term “relevant congressional commit-
14 tees” means the following:

15 (A) The Committee on Foreign Affairs, the
16 Committee on Ways and Means, and the Com-
17 mittee on Appropriations of the House of Rep-
18 resentatives.

19 (B) The Committee on Foreign Relations,
20 the Committee on Finance, and the Committee
21 on Appropriations of the Senate.

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