

111TH CONGRESS  
1ST SESSION

# H. R. 4392

To amend the Foreign Assistance Act of 1961 to provide assistance to expand, improve, support, and promote higher education in the countries of sub-Saharan Africa.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. PAYNE (for himself, Ms. WATSON, Mr. FATTAH, Mr. RUSH, Mr. LEWIS of Georgia, Ms. CLARKE, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. FUDGE, Mr. JACKSON of Illinois, Ms. LEE of California, and Mr. BISHOP of Georgia) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To amend the Foreign Assistance Act of 1961 to provide assistance to expand, improve, support, and promote higher education in the countries of sub-Saharan 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 “African Higher Edu-  
5 cation Expansion and Improvement Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The demand for higher education in Africa  
2 has been increasing at very high rates and is rapidly  
3 overtaking the capacity of current infrastructure and  
4 staffing capability.

5           (2) Africa’s challenges in higher education are  
6 substantial and have important social, economic, and  
7 stability dimensions.

8           (3) Despite increasing enrollments, sub-Saha-  
9 ran Africa’s gross enrollment ration is just 5 percent  
10 as compared to 11 percent in India, 20 percent in  
11 China, and 70 percent in high income countries.

12           (4) On average, institutions of higher education  
13 in Africa have only about 70 percent of the staff re-  
14 quired by their programs; staff development, nur-  
15 turing and retention are important elements of high-  
16 er education programming.

17           (5) In 2005, only 28 percent of African Univer-  
18 sity graduates completed their degrees in science  
19 and technology (STEM) fields—agriculture, engi-  
20 neering, health sciences, general sciences.

21           (6) African higher education institutions have  
22 addressed many critical development challenges in  
23 collaboration with regional and international coun-  
24 terparts, such as the United Nations, the Inter-

1 national Agricultural Research Centres, and bilateral  
2 and regional assistance agencies.

3 (7) Higher education has expanded to provide  
4 more opportunities for advanced education to grad-  
5 uates of the secondary school systems and it has  
6 sought new ways to achieve university collaboration  
7 across national and regional boundaries.

8 (8) Africa has made important strides as public  
9 universities have doubled from roughly 100 to 200  
10 from 1990 to 2007 and private tertiary institutions  
11 have increased from around 24 to an estimated 468  
12 during this same period.

13 (9) Historically, sub-Saharan Africa was  
14 marked by several centers of excellence in higher  
15 education. Linked to former European sponsors, in-  
16 stitutions such as Makerere University in Uganda,  
17 Kenyatta University in Kenya, Cheik Anta Diop  
18 University, Senegal, and the University of Ibadan in  
19 Nigeria graduated scholars and professionals that  
20 were highly prized around the globe and that served  
21 the interests of their respective nations well.

22 (10) These universities serve as “centres of ex-  
23 cellence” that also have major positive impacts on  
24 other universities in their respective regions, and are

1 currently making substantial progress in regaining  
2 their national and international prominence.

3 (11) Increasing rates of higher education in de-  
4 veloping countries is a critical component to long-  
5 term economic growth and stability and poverty re-  
6 duction.

7 (12) Estimates indicate that a 1-year increase  
8 in tertiary education stock would raise steady-state  
9 levels of African Gross Domestic Product per capita  
10 by 12.2 percent due to factor inputs, potentially  
11 boosting incomes by 3 percent after 5 years.

12 (13) Studies of 17 countries found that individ-  
13 uals with higher education levels were more likely to  
14 engage in entrepreneurial activity, and more edu-  
15 cated entrepreneurs created larger numbers of jobs  
16 than less educated entrepreneurs.

17 (14) Research has found a positive and statis-  
18 tically significant correlation between higher edu-  
19 cation enrollment rates and governance indicators,  
20 including absence of corruption, higher stands of  
21 rule of law, absence of ethnic tensions, increased bu-  
22 reaucratic quality, low risk of repudiation of con-  
23 tracts by governments, and low risk of appropriation  
24 abuse.

1           (15) A cadre of skilled, educated Africans is a  
2 necessary component to addressing every sector of  
3 development, whether it be poverty alleviation and  
4 economic growth, combating disease, improving gov-  
5 ernance, or rule of law and human rights, but such  
6 a cadre does not currently exist in large enough  
7 numbers to truly effect a sea-change in these areas  
8 in most of the countries in the region.

9           (16) Exchange programs which bring Africans  
10 to developed countries for training, while an essen-  
11 tial component of building intellectual capacity in  
12 Africa, will not by themselves reach enough students  
13 and scholars to have a transformational effect on Af-  
14 rican institutions of higher education.

15 **SEC. 3. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17           (1) support for primary and secondary edu-  
18 cation is vitally important to development in sub-Sa-  
19 haran Africa and such support should be increased;

20           (2) the United States and other donors must  
21 respond to the increased need for qualified teachers  
22 and demand for access to higher education created  
23 by expanded access to primary and secondary edu-  
24 cation on the continent by providing commensurate

1 assistance to colleges and universities in sub-Saha-  
2 ran Africa;

3 (3) partnerships between United States colleges  
4 and universities and colleges and universities in sub-  
5 Saharan Africa represent an important means  
6 through which access to quality tertiary education;

7 (4) members of the African Diaspora have a  
8 crucial role to play in improving the capacity of Afri-  
9 can colleges and universities;

10 (5) the international donor community must  
11 help build indigenous intellectual capacity in sub-Sa-  
12 haran Africa in order to expand and enhance the  
13 ability of Africans to achieve economic growth, im-  
14 prove social and political stability, and to address  
15 such challenges as the HIV/AIDS pandemic, climate  
16 change, conflict and governance; and

17 (6) the United States must commit to providing  
18 long-term assistance to build the capacity of higher  
19 education institutions in sub-Saharan Africa aimed  
20 at improving administrative capacity, physical infra-  
21 structure and curriculum to provide high quality  
22 education in fields such as the social, natural, bio-  
23 logical, agricultural, life, computer and health  
24 sciences; technology; business; engineering; mathe-  
25 matics; economics; and education; and improve the

1 ability of institutions in sub-Saharan Africa to sup-  
2 port and produce effective research, as well as high-  
3 er numbers of better trained undergraduate, grad-  
4 uate and post-graduate students and professionals to  
5 respond to the many challenges facing the region.

6 **SEC. 4. STATEMENT OF POLICY.**

7 It is the policy of the United States to provide long-  
8 term assistance to expand, improve, support, and promote  
9 higher education in Africa by building the capacity of Afri-  
10 can colleges and universities, through partnerships with  
11 colleges and universities in the United States to expand  
12 opportunities for students to obtain high quality  
13 undergraduate- and graduate-level degrees, as well as  
14 post-graduate training, at African colleges and univer-  
15 sities.

16 **SEC. 5. ASSISTANCE TO EXPAND AND IMPROVE HIGHER**  
17 **EDUCATION IN SUB-SAHARAN AFRICA.**

18 Chapter 1 of part I of the Foreign Assistance Act  
19 of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting  
20 after section 105 the following new section:

21 **“SEC. 105A. ASSISTANCE TO EXPAND AND IMPROVE HIGH-**  
22 **ER EDUCATION IN SUB-SAHARAN AFRICA.**

23 “(a) AUTHORIZATION.—The President, acting  
24 through the Director, is authorized to provide long-term

1 assistance to expand, improve, support, and promote high-  
2 er education in sub-Saharan Africa.

3 “(b) ACTIVITIES SUPPORTED.—Assistance provided  
4 under subsection (a) shall, to the maximum extent prac-  
5 ticable, be used to—

6 “(1) build the capacity of sub-Saharan African  
7 colleges and universities in the areas of—

8 “(A) professional and academic training  
9 and faculty development and technical expertise  
10 with particular emphasis on mentoring and re-  
11 tention of young and new faculty;

12 “(B) development and strengthening of  
13 educational administrative capacity;

14 “(C) undergraduate, graduate, and grad-  
15 uate curricula development;

16 “(D) improving infrastructure of academic  
17 facilities; and

18 “(E) technical capacity, especially in the  
19 areas of research and institutional development;

20 “(2) establish, expand, and promote linkages  
21 and partnerships between African colleges and uni-  
22 versities and United States colleges and universities,  
23 with special attention to the inclusion of historically  
24 Black colleges and universities in the United States;

1           “(3) assist with efforts to recruit and retain  
2 women as students, faculty, and administrators at  
3 African colleges and universities; and

4           “(4) establish an American University in West  
5 Africa.

6           “(c) DIRECTOR OF ASSISTANCE TO SUPPORT AND  
7 PROMOTE HIGHER EDUCATION IN SUB-SAHARAN AFRI-  
8 CA.—

9           “(1) IN GENERAL.—Not later than 60 days  
10 after the date of the enactment of this section, the  
11 Administrator shall designate a Director of Assist-  
12 ance to Support and Promote Higher Education in  
13 Sub-Saharan Africa, who shall report directly to the  
14 Administrator, and who shall to carry out the re-  
15 sponsibilities described in paragraph (2).

16           “(2) RESPONSIBILITIES.—The responsibilities  
17 referred to in paragraph (1) include—

18           “(A) ongoing consultations with African  
19 governments, particularly ministries of edu-  
20 cation, regional organizations, and relevant edu-  
21 cational institutions, teachers unions, and edu-  
22 cation and educators’ organizations with respect  
23 to carrying out the activities described in sub-  
24 section (b);

1           “(B) providing long-term assistance under  
2 subsection (a) to administer and support the  
3 activities described in subsection (b); and

4           “(C) coordinating with other bureaus with  
5 in the Agency, with other relevant United  
6 States Government agencies, with the United  
7 States and African private sectors, with the  
8 higher education community in the United  
9 States, and with other bilateral and multilateral  
10 donors to maximize the gains and impact of ac-  
11 tivities carried out under subsection (b)(1).

12           “(3) PLAN.—No later than one year after the  
13 enactment of this section, the Director shall submit  
14 to the Administrator a plan to establish an Amer-  
15 ican University in West Africa. In developing the  
16 plan, the Director shall—

17           “(A) review existing international Amer-  
18 ican University models in other countries, such  
19 as the American University in Cairo, the Amer-  
20 ican University in Beirut, the American Univer-  
21 sity in Nigeria, and others;

22           “(B) consult relevant local African non-  
23 governmental organizations, political and civic  
24 leaders, private and higher education sectors,  
25 and other stakeholders;

1           “(C) identify potential sources for sustain-  
2           able funding including foundations, the private  
3           sector, and other local, national, and multilat-  
4           eral donors;

5           “(D) identify key principles and features  
6           that would distinguish the American University  
7           in West Africa from existing institutions in the  
8           region for transforming the region’s social and  
9           economic development through institutional and  
10          capacity building;

11          “(E) develop a process and criteria for site  
12          selection, including an assessment of national  
13          legal framework for new universities, whereupon  
14          the institution shall be known as the American  
15          university in country name; and

16          “(F) outline a process for implementation.

17          “(d) SUB-SAHARAN AFRICAN HIGHER EDUCATION  
18          ADVISORY BOARD.—

19                 “(1) ESTABLISHMENT.—There is hereby estab-  
20                 lished within the Agency a Sub-Saharan African  
21                 Higher Education Advisory Board.

22                 “(2) MEMBERSHIP.—

23                         “(A) NUMBER AND APPOINTMENT.—The  
24                         Board shall be composed of members appointed  
25                         by the Administrator in consultation with the

1 Speaker and the minority leader of the House  
2 of Representatives and the majority and minor-  
3 ity leaders of the Senate.

4 “(B) QUALIFICATIONS.—The members of  
5 the Board shall be individuals from the private  
6 sector, three of whom shall have demonstrable  
7 knowledge of Africa, the field of higher edu-  
8 cation or higher education in Africa, three of  
9 whom shall be from higher education institu-  
10 tions from Africa from a list submitted by the  
11 Association of African Universities, and one of  
12 whom shall be a president of an historically  
13 Black college or university in the United States.

14 “(3) DUTIES.—The Board shall—

15 “(A) advise and assist the Director in car-  
16 rying out the responsibilities described in this  
17 section;

18 “(B) not less than twice a year, meet with  
19 senior officials of the Agency in order to fulfill  
20 the duty described in subparagraph (A); and

21 “(C) once a year, submit to the Director  
22 and Administrator a report, which shall be  
23 made publicly available, which—

1 “(i) describes and evaluates the imple-  
2 mentation of this section for the preceding  
3 year; and

4 “(ii) evaluates the implementation of  
5 this section for the preceding year, includ-  
6 ing the extent to which—

7 “(I) the requirement of sub-  
8 section (b)(2) with respect to partici-  
9 pation of historically Black colleges  
10 and universities in the United States  
11 was met; and

12 “(II) the requirement of sub-  
13 section (b)(3) was met.

14 “(e) PUBLIC PRIVATE PARTNERSHIPS.—The Direc-  
15 tor and the Board shall make every effort to leverage re-  
16 sources from the private sector in carrying out the respon-  
17 sibilities described in this section.

18 “(f) REPORTS TO CONGRESS.—

19 “(1) INITIAL REPORT.—Not later than 1 year  
20 after the date of the enactment of this section, the  
21 President shall transmit to the Committee on For-  
22 eign Affairs of the House of Representatives and the  
23 Committee on Foreign Relations of the Senate a re-  
24 port that contains—

1           “(A) benchmarks for measuring the long-  
2 term impact of activities carried out under this  
3 section;

4           “(B) a proposal for enhancing opportuni-  
5 ties for the African Diaspora to engage in ac-  
6 tivities to improve the capacity, on either an on-  
7 going or short-term basis, of colleges and uni-  
8 versities in their country of origin; and

9           “(C) plans for specific interventions to  
10 support the recruitment and retention of young  
11 and new professors, scholars, and researchers at  
12 African colleges and universities that identifies  
13 barriers to their recruitment and retention and  
14 details programmatic interventions undertaken  
15 to overcome such barriers.

16           “(2) ANNUAL REPORT.—Not later than 1 year  
17 after the date of transmission of the initial report  
18 under paragraph (1), and every year thereafter  
19 through fiscal year 2014, the President shall trans-  
20 mit to the congressional committees specified in  
21 paragraph (1) a report that contains a description of  
22 the activities carried out under this section for the  
23 preceding fiscal year and the progress made toward  
24 achieving the benchmarks outlined in the initial re-

1 port, and any program adjustments undertaken to  
2 improve efforts to achieve those benchmarks.

3 “(g) DEFINITIONS.—In this section—

4 “(1) the term ‘Administrator’ means the Ad-  
5 ministrator of the Agency;

6 “(2) the term ‘Agency’ means the United States  
7 Agency for International Development;

8 “(3) the term ‘Board’ means the Sub-Saharan  
9 African Higher Education Advisory Board estab-  
10 lished pursuant to subsection (d);

11 “(4) the term ‘Director’ means the Director of  
12 Assistance to Support and Promote Higher Edu-  
13 cation in Sub-Saharan Africa designated pursuant to  
14 subsection (c); and

15 “(5) the term ‘higher education’ means post-  
16 secondary undergraduate, graduate, and post-  
17 graduate academic training.

18 “(h) AUTHORIZATION OF APPROPRIATIONS.—To  
19 carry out this section, there are authorized to be appro-  
20 priated to the President such sums as may be necessary  
21 for each of the fiscal years 2010 through 2014. Of the  
22 amount appropriated pursuant to the authorization of ap-  
23 propriations under this subsection for a fiscal year, such  
24 sums as may be necessary are authorized to be provided  
25 for planning the Africa University in West Africa and such

1 sums as may be necessary for initial start up of the Uni-  
2 versity.”.

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