



AFRICA GROWTH AND OPPORTUNITY ACT (AGOA AS AMENDED)

REQUEST FOR A WAIVER

The following communication, dated 16 July 2015, is being circulated at the request of the delegation of the United States of America.

SPECIAL UNITED STATES TRADE ARRANGEMENTS FOR COUNTRIES OF SUB-SAHARAN AFRICA

Pursuant to Article IX:3 of the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement), the United States hereby requests Members to waive its obligations under paragraph 1 of Article I and paragraphs 1 and 2 of Article XIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994) through 30 September 2025, to the extent necessary to permit it to provide duty-free treatment to eligible products originating in beneficiary sub-Saharan African countries ("beneficiary countries") designated pursuant to the African Growth and Opportunity Act (AGOA).¹

1 DESCRIPTION OF THE MEASURE

The AGOA provides for non-reciprocal preferential trade benefits through 30 September 2025, for certain U.S. imports from sub-Saharan African countries that meet specific eligibility criteria.² The text of the AGOA is attached as Annex I.

¹ For the purposes of this request, "African Growth and Opportunity Act" and "AGOA" mean Title I of the Trade and Development Act of 2000 (Public Law 106-200) as amended by Section 3108 of the Trade Act of 2002 (Public Law 107-210), the AGOA Acceleration Act of 2004 (Public Law 108-274), the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429), and the Trade Preferences Extension Act of 2015, (Public Law 114-27).

² In accordance with Section 107 of the AGOA (19 U.S.C. § 3706, as amended), "sub-Saharan Africa" refers to the following countries or any successor political entities of these countries: Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cabo Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Republic of the Congo, Côte d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, and Zimbabwe.

As of 1 January 2015, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cabo Verde, Chad, Comoros, Republic of the Congo, Côte d'Ivoire, Djibouti, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa, Tanzania, Togo, Uganda, and Zambia are currently eligible beneficiary countries. Sections 104 and 111(a)(1) (19 U.S.C. §§ 3703 and 2466a(a)(1), as amended) of the AGOA describe the eligibility criteria countries must meet to be designated as a beneficiary country.

In general, an article that is otherwise eligible for preferential treatment under AGOA will remain eligible even if it contains inputs from a country that ceased to be a beneficiary sub-Saharan African country because it entered into a free trade agreement with the United States.

Since 1976, the United States has granted tariff preferences to developing countries under the Generalized System of Preferences (GSP) program. AGOA expanded these tariff preferences to make an additional 1,835 products eligible for duty-free treatment. A list of these items has been previously circulated. Section 103 of the Trade Preferences Extension Act of 2015 (Public Law 114-27) extends the AGOA preferences to beneficiary countries through 30 September 2025.³

The AGOA also makes beneficiary countries that adopt certain procedures, listed in section 113 of the AGOA (19 U.S.C. § 3722), to prevent illegal transshipment eligible to receive duty-free treatment for textile and apparel products provided for in section 112 of the AGOA (19 U.S.C. § 3721).⁴ In particular, section 112 of the AGOA provides for duty-free treatment for apparel assembled in eligible beneficiary countries from: 1) fabrics formed in the United States from U.S. yarns and cut in the United States; 2) components knit-to-shape in the United States from U.S. yarns; 3) fabrics formed in the United States from U.S. yarns, cut in the region, and sewn with U.S. thread; 4) a combination of U.S. and regional components, whether from components cut in the United States and the region from fabrics formed in the United States from U.S. yarns or components knit-to-shape in the United States and the region from U.S. yarn, sewn with U.S. thread; and 5) fabrics or yarns from third party sources, if those inputs are determined to be in "short supply" in the United States. The AGOA also provides for duty-free treatment for certain sweaters, handloomed, handmade, and folklore textiles or apparel, and ethnic printed fabrics. Subject to an annual quantitative limit, the AGOA provides for duty-free treatment for apparel assembled from fabric formed or components knit-to-shape in the region from U.S. or regional yarns, or both, or apparel formed on seamless knitting machines from U.S. or regional yarns. Through 30 September 2025, a lower annual quantitative limit applies to duty-free treatment of apparel made in countries designated "lesser developed" under the AGOA, regardless of the source of the fabric or yarn.⁵

Section 111(a)(2) of the AGOA (19 U.S.C. § 2466a(a)(2)) requires the President to determine annually which beneficiary countries are eligible for benefits. Under section 111(a)(3) of the AGOA (19 U.S.C. § 2466a(a)(3)), the President may terminate the designation of a beneficiary country if the country does not meet the eligibility criteria. However, even if a country loses AGOA benefits, that does not alter the benefits the United States provides under its GSP program to this country.

2 SPECIFIC POLICY OBJECTIVES OF THE MEASURE

The AGOA is designed to alleviate poverty and promote stability and sustainable economic development in sub-Saharan Africa by fostering increased trade and investment between the United States and beneficiary countries. The AGOA is also intended to encourage regional economic integration and help beneficiary countries participate more fully in the global economy. It complements efforts by other Members to promote growth and development in the region.

3 CIRCUMSTANCES JUSTIFYING THE WAIVER

Because of the severe and pressing development challenges facing sub-Saharan Africa, these policy objectives cannot be fully achieved through measures consistent with U.S. obligations under GATT 1994. More than 400 million people in sub-Saharan Africa live on less than \$1.25 a day, and regional GNI per capita was less than \$1,700 in 2013. Average annual GDP growth in the region was 4.1 percent in 2013.

³ Section 201 of the Trade Preferences Extension Act of 2015 extended U.S. GSP preferences for other developing countries to December 31, 2017.

⁴ The beneficiary countries currently eligible for duty-free treatment of certain textile and apparel products are: Benin, Botswana, Burkina Faso, Cameroon, Cabo Verde, Chad, Côte d'Ivoire, Ethiopia, The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda, and Zambia.

⁵ The President has designated the following countries as lesser developed sub-Saharan African beneficiary countries: Angola, Benin, Burkina Faso, Cameroon, Cabo Verde, Central African Republic, Chad, Republic of Congo, Djibouti, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Nigeria, Rwanda, São Tomé and Príncipe, Senegal, Sierra Leone, Swaziland, Tanzania, Uganda, and Zambia. Congress designated Botswana and Namibia as lesser developed sub-Saharan African beneficiary countries and designated Mauritius as a lesser developed sub-Saharan country through September 2015.

Sub-Saharan African countries traditionally have been marginalized in international commerce, which has caused a steady decline in the region's role in global trade. The region's share of world exports was 3.1 percent in 1955, but its trade share dropped to 1.2 percent during the 1990s and has remained at about 2.3 percent over the past 5 years. Moreover, sub-Saharan African countries face the burdens of high debt and pandemic disease. Sub-Saharan Africa is home to 33 of the 39 developing countries that are currently classified as Heavily Indebted Poor Countries by the World Bank. About 24.7 million Africans are currently living with HIV/AIDS, and sub-Saharan Africa accounts for almost 70 percent of the global total of new HIV infections.

4 CONCLUSION

Pursuant to Article IX:3 of the WTO Agreement, the United States requests a waiver of its obligations under paragraph 1 of Article I and paragraphs 1 and 2 of Article XIII of the GATT 1994 through September 30, 2025, to the extent necessary to permit it to provide duty-free treatment under the AGOA to eligible products originating in beneficiary countries.

The United States requests the Council for Trade in Goods to give this application for a waiver expeditious and favourable consideration. In the meantime, the United States will promptly enter into consultations, on request, with any interested Member with respect to any difficulty or matter that may arise as a result of the preferential treatment provided under the AGOA.

UNITED STATES – AFRICAN GROWTH AND OPPORTUNITY ACT

Decision of _____

The General Council,

Conducting the function of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the WTO Agreement;

Having regard to paragraphs 1, 3 and 4 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement"), the Guiding Principles to be followed in considering applications for waivers adopted on 1 November 1956 (BISD 5S/25), and the Understanding in Respect to Waivers of Obligations under the General Agreement on Tariffs and Trade 1994 (the "Understanding");

Taking note of the request of the United States, pursuant to paragraph 3 of Article IX of the WTO Agreement, for a waiver of its obligations under paragraph 1 of Article I and paragraphs 1 and 2 of Article XIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994) through 30 September 2025, to the extent necessary to permit it to provide duty-free treatment to eligible products originating in beneficiary sub-Saharan African countries ("beneficiary countries") designated pursuant to the African Growth and Opportunity Act (AGOA);

Bearing in mind also the 1979 Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries and the 1994 Decision on Measures in Favour of Least-Developed Countries;

Considering the exceptional situation of the beneficiary countries of the AGOA, and the stated objective of the AGOA to alleviate poverty and promote stability and sustainable economic development in sub-Saharan Africa by fostering increased trade and investment between the United States and beneficiary countries, and to encourage regional economic integration and help beneficiary countries participate more fully in the global economy;

Considering further that the preferential treatment provided under the AGOA is designed to promote the expansion of trade and economic development of beneficiary countries in a manner consistent with the objectives expressed in paragraphs 1, 2, and 3 of the Preamble to the WTO Agreement;

Considering further that the preferential treatment provided under the AGOA will not alter benefits provided under the U.S. Generalized System of Preferences to other developing countries;

Considering, moreover, that the duty-free treatment provided under AGOA should not prejudice the interests of other Members not benefiting from such treatment, and that it is expected that the extension of such duty-free treatment will not cause a significant diversion of United States imports of products eligible under AGOA originating in Members who are not beneficiary countries;

Considering that the duty-free treatment provided under AGOA by the United States shall not constitute an impediment to the reduction or elimination of tariffs and other restrictions to trade on a most-favoured-nation basis;

Noting the assurances given by the United States that it will promptly enter into consultations, on request, with any interested Member with respect to any difficulty or matter that may arise as a result of the preferential treatment provided under the AGOA;

Decides, in view of these exceptional circumstances, as follows:

1. Subject to the terms and conditions set out hereunder, paragraph 1 of Article I and paragraphs 1 and 2 of Article XIII shall be waived through 30 September 2025, to the extent necessary to permit the United States to provide duty-free treatment to eligible products originating in beneficiary countries designated pursuant to the AGOA.

2. The United States shall submit to the General Council an annual report on the implementation of the trade-related provisions of the AGOA with a view to facilitating the annual review provided for in paragraph 4 of Article IX of the WTO Agreement.

3. The United States shall promptly notify the General Council of any trade-related measures taken under AGOA, in particular, any changes in the designation of beneficiary countries, as well as any modification being considered in the list of eligible products and the duty-free treatment thereof, and shall furnish it with all the information it may deem appropriate relating to such action. The United States shall consult with regard to any modification being considered in the list of eligible products.

4. Such duty-free treatment shall be designed to facilitate and promote the trade of beneficiary countries and not to raise barriers to or create undue difficulties for the trade of any other Members.

5. The United States shall promptly enter into consultations, on request, with any interested Member with respect to any difficulty or matter that may arise as a result of the preferential treatment provided under the AGOA. If a Member considers that any benefit accruing to it under the GATT 1994 may be or is being impaired unduly as a result of such implementation, such consultation shall examine the possibility of action for a satisfactory resolution of the matter.

6. This Decision does not affect Members' rights as set forth in the Understanding in Respect of Waivers of Obligations under the GATT 1994.

ANNEX I.A

PUBLIC LAW 106-200 AS AMENDED BY PUBLIC LAW 107-210

CHAPTER 12 - TRADE ACT OF 1974

SUBCHAPTER V - GENERALIZED SYSTEM OF PREFERENCES

Sec. 2466a. Designation of sub-Saharan African countries for certain benefits

(a) Authority to designate

(1) In general

Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 3706 of this title as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b) of this section-

(A) if the President determines that the country meets the eligibility requirements set forth in section 3703 of this title, as such requirements are in effect on May 18, 2000; and

(B) subject to the authority granted to the President under subsections (a), (d), and (e) of section 2462 of this title, if the country otherwise meets the eligibility criteria set forth in section 2462 of this title.

(2) Monitoring and review of certain countries

The President shall monitor, review, and report to Congress annually on the progress of each country listed in section 3706 of this title in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country for purposes of this section. The President's determinations, and explanations of such determinations, with specific analysis of the eligibility requirements described in paragraph (1)(A), shall be included in the annual report required by section 3705 of this title.

(3) Continuing compliance

If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

(b) Preferential tariff treatment for certain articles

(1) In general

The President may provide duty-free treatment for any article described in section 2463 (b)(1)(B) through (G) of this title that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a) of this section, if, after receiving the advice of the International Trade Commission in accordance with section 2463 (e) of this title, the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

(2) Rules of origin

The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 2463 (a)(2) of this title, except that-

(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 2463 (a)(2) of this title; and

(B) the cost or value of the materials included with respect to that article that are produced in one or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

(c) Beneficiary sub-Saharan African countries, etc.

For purposes of this subchapter, the terms "beneficiary sub-Saharan African country" and "beneficiary sub-Saharan African countries" mean a country or countries listed in section 3706 of this title that the President has determined is eligible under subsection (a) of this section.

Sec. 2466b. Termination of benefits for sub-Saharan African countries

In the case of a beneficiary sub-Saharan African country, as defined in section 2466a (c) of this title, duty-free treatment provided under this subchapter shall remain in effect through September 30, 2008.

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Sec. 3701. Findings

Congress finds that -

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced the strengthening of democracy as countries in sub-Saharan Africa have taken steps to encourage broader participation in the political process;

(5) certain countries in sub-Saharan Africa have increased their economic growth rates, taken significant steps towards liberalizing their economies, and made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages approximately \$500 annually;

(7) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for encouraging broader participation in a political process in which political freedom can flourish;

(8) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(9) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(10) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

Sec. 3702. Statement of policy

Congress supports -

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade;

(3) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and the countries of sub-Saharan Africa;

(5) focusing on countries committed to the rule of law, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa, especially enterprises owned by women and small businesses;

(7) facilitating the development of civil societies and political freedom in sub-Saharan Africa;

(8) establishing a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum; and

(9) the accession of the countries in sub-Saharan Africa to the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

Sec. 3703. Eligibility requirements

(a) In general

The President is authorized to designate a sub-Saharan African country as an eligible sub-Saharan African country if the President determines that the country –

(1) has established, or is making continual progress toward establishing -

(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

(C) the elimination of barriers to United States trade and investment, including by -

(i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

(ii) the protection of intellectual property; and

(iii) the resolution of bilateral trade and investment disputes;

(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through micro-credit or other programs;

(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(2) does not engage in activities that undermine United States national security or foreign policy interests; and

(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.

(b) Continuing compliance

If the President determines that an eligible sub-Saharan African country is not making continual progress in meeting the requirements described in subsection (a)(1) of this section, the President shall terminate the designation of the country made pursuant to subsection (a) of this section.

Sec. 3704. United States-Sub-Saharan Africa Trade and Economic Cooperation Forum

(a) Declaration of policy

The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) Establishment

Not later than 12 months after May 18, 2000, the President, after consulting with Congress and the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum (in this section referred to as the "Forum").

(c) Requirements

In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with their counterparts from the governments of sub-Saharan African countries eligible under section 3703 of this title, and those sub-Saharan African countries that the President determines are taking substantial positive steps towards meeting the eligibility requirements in section 3703 of this title. The purpose of the meeting shall be to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this chapter including encouraging joint ventures between small and large businesses. The President shall also direct the Secretaries and the United States Trade Representative to invite to the meeting representatives from appropriate sub-Saharan African regional organizations and government officials from other appropriate countries in sub-Saharan Africa.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 3703 of this title, and those sub-Saharan African countries that the President determines are taking substantial positive steps toward meeting the eligibility requirements in section 3703 of this title, not less than once every 2 years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than 12 months after May 18, 2000.

(d) Dissemination of information by USIS

In order to assist in carrying out the purposes of the Forum, the United States Information Service shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this chapter.

(e) HIV/AIDS effect on the sub-Saharan African workforce

In selecting issues of common interest to the United States-Sub-Saharan Africa Trade and Economic Cooperation Forum, the President shall instruct the United States delegates to the Forum to promote a review by the Forum of the HIV/AIDS epidemic in each sub-Saharan African country and the effect of the HIV/AIDS epidemic on economic development in each country.

Sec. 3705. Reporting requirement

The President shall submit to the Congress, not later than 1 year after May 18, 2000, and annually thereafter through 2008, a comprehensive report on the trade and investment policy of the United States for sub-Saharan Africa, and on the implementation of this chapter and the amendments made by this chapter.

Sec. 3706. Sub-Saharan Africa defined

For purposes of this chapter, the terms "sub-Saharan Africa", "sub-Saharan African country", "country in sub-Saharan Africa", and "countries in sub-Saharan Africa" refer to the following or any successor political entities:

- Republic of Angola (Angola).
- Republic of Benin (Benin).
- Republic of Botswana (Botswana).
- Burkina Faso (Burkina).
- Republic of Burundi (Burundi).
- Republic of Cameroon (Cameroon).
- Republic of Cape Verde (Cape Verde).
- Central African Republic.
- Republic of Chad (Chad).
- Federal Islamic Republic of the Comoros (Comoros).
- Democratic Republic of Congo.
- Republic of the Congo (Congo).
- Republic of Côte d'Ivoire (Côte d'Ivoire).
- Republic of Djibouti (Djibouti).

Republic of Equatorial Guinea (Equatorial Guinea).
 State of Eritrea (Eritrea).
 Ethiopia.
 Gabonese Republic (Gabon).
 Republic of the Gambia (Gambia).
 Republic of Ghana (Ghana).
 Republic of Guinea (Guinea).
 Republic of Guinea-Bissau (Guinea-Bissau).
 Republic of Kenya (Kenya).
 Kingdom of Lesotho (Lesotho).
 Republic of Liberia (Liberia).
 Republic of Madagascar (Madagascar).
 Republic of Malawi (Malawi).
 Republic of Mali (Mali).
 Islamic Republic of Mauritania (Mauritania).
 Republic of Mauritius (Mauritius).
 Republic of Mozambique (Mozambique).
 Republic of Namibia (Namibia).
 Republic of Niger (Niger).
 Federal Republic of Nigeria (Nigeria).
 Republic of Rwanda (Rwanda).
 Democratic Republic of Sao TomeAE1 and Principe (Sao TomeAE1 and Principe).
 Republic of Senegal (Senegal).
 Republic of Seychelles (Seychelles).
 Republic of Sierra Leone (Sierra Leone).
 Somalia.
 Republic of South Africa (South Africa).
 Republic of Sudan (Sudan).
 Kingdom of Swaziland (Swaziland).
 United Republic of Tanzania (Tanzania).
 Republic of Togo (Togo).
 Republic of Uganda (Uganda).
 Republic of Zambia (Zambia).
 Republic of Zimbabwe (Zimbabwe).

Sec. 3721. Treatment of certain textiles and apparel

(a) Preferential treatment

Textile and apparel articles described in subsection (b) of this section that are imported directly into the customs territory of the United States from a beneficiary sub-Saharan African country described in section 2466a(c) of this title, shall enter the United States free of duty and free of any quantitative limitations in accordance with the provisions set forth in subsection (b) of this section, if the country has satisfied the requirements set forth in section 3722 of this title.

(b) Products covered

The preferential treatment described in subsection (a) of this section shall apply only to the following textile and apparel products:

(1) Apparel articles assembled in one or more beneficiary sub-Saharan African countries

Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in the United States) that are -

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

(2) Other apparel articles assembled in one or more beneficiary sub-Saharan African countries

Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan

African countries with thread formed in the United States from fabrics wholly formed in the United States and cut in one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or from components knit-to-shape in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed in the United States).

(3) Apparel articles from regional fabric or yarns

Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary sub-Saharan African countries from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries (including fabrics not formed from yarns, if such fabrics are classified under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed in one or more beneficiary sub-Saharan African countries), or from components knit-to-shape in one or more beneficiary sub-Saharan African countries from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries, or apparel articles wholly formed on seamless knitting machines in a beneficiary sub-Saharan African country from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries, subject to the following:

(A) Limitations on benefits

(i) In general

Preferential treatment under this paragraph shall be extended in the 1-year period beginning on October 1, 2000, and in each of the seven succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

(ii) Applicable percentage

For purposes of this subparagraph, the term "applicable percentage" means 1.5 percent for the 1-year period beginning October 1, 2000, increased in each of the seven succeeding 1-year periods by equal increments, so that for the period beginning October 1, 2007, the applicable percentage does not exceed 3.5 percent.

(B) Special rule for lesser developed countries

(i) In general

Subject to subparagraph (A), preferential treatment under this paragraph shall be extended through September 30, 2004, for apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric or the yarn used to make such articles.

(ii) Lesser developed beneficiary sub-Saharan African country

For purposes of clause (i), the term "lesser developed beneficiary sub-Saharan African country" means -

(I) a beneficiary sub-Saharan African country that had a per capita gross national product of less than \$1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

(II) Botswana; and

(III) Namibia.

(C) Surge mechanism

(i) Import monitoring

The Secretary of Commerce shall monitor imports of articles described in this paragraph on a monthly basis to determine if there has been a surge in imports of such articles. In order to permit public access to preliminary international trade data and to facilitate the early identification of potentially disruptive import surges, the Director of the Office of Management and Budget may grant an exception to the publication dates established for the release of data on United States international trade in covered articles, if the Director notifies Congress of the early release of the data.

(ii) Determination of damage or threat thereof

Whenever the Secretary of Commerce determines, based on the data described in clause (i), or pursuant to a written request made by an interested party, that there has been a surge in imports of an article described in this paragraph from a beneficiary sub-Saharan African country, the Secretary shall determine whether such article from such country is being imported in such increased quantities as to cause serious damage, or threat thereof, to the domestic industry producing a like or directly competitive article. If the Secretary's determination is affirmative, the President shall suspend the duty-free treatment provided for such article under this paragraph. If the inquiry is initiated at the request of an interested party, the Secretary shall make the

determination within 60 days after the date of the request.

(iii) Factors to consider

In determining whether a domestic industry has been seriously damaged, or is threatened with serious damage, the Secretary shall examine the effect of the imports on relevant economic indicators such as domestic production, sales, market share, capacity utilization, inventories, employment, profits, exports, prices, and investment.

(iv) Procedure

(I) Initiation

The Secretary of Commerce shall initiate an inquiry within 10 days after receiving a written request and supporting information for an inquiry from an interested party. Notice of initiation of an inquiry shall be published in the Federal Register.

(II) Participation by interested parties

The Secretary of Commerce shall establish procedures to ensure participation in the inquiry by interested parties.

(III) Notice of determination

The Secretary shall publish the determination described in clause (ii) in the Federal Register.

(IV) Information available

If relevant information is not available on the record or any party withholds information that has been requested by the Secretary, the Secretary shall make the determination on the basis of the facts available. When the Secretary relies on information submitted in the inquiry as facts available, the Secretary shall, to the extent practicable, corroborate the information from independent sources that are reasonably available to the Secretary.

(v) Interested party

For purposes of this subparagraph, the term "interested party" means any producer of a like or directly competitive article, a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or sale in the United States of a like or directly competitive article, a trade or business association representing producers or sellers of like or directly competitive articles, producers engaged in the production of essential inputs for like or directly competitive articles, a certified union or group of workers which is representative of an industry engaged in the manufacture, production, or sale of essential inputs for the like or directly competitive article, or a trade or business association representing companies engaged in the manufacture, production, or sale of such essential inputs.

(4) Sweaters knit-to-shape from cashmere or merino wool

(A) Cashmere

Sweaters, in chief weight of cashmere, knit-to-shape in one or more beneficiary sub-Saharan African countries and classifiable under subheading 6110.10 of the Harmonized Tariff Schedule of the United States.

(B) Merino wool

Sweaters, 50 percent or more by weight of wool measuring 21.5 microns in diameter or finer, knit-to-shape in one or more beneficiary sub-Saharan African countries.

(5) Apparel articles wholly assembled from fabric or yarn not available in commercial quantities in the United States

(A) In general

Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries, from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn, under Annex 401 to the NAFTA.

(B) Additional apparel articles

At the request of any interested party and subject to the following requirements, the President is authorized to proclaim the treatment provided under subparagraph (A) for yarns or fabrics not described in subparagraph (A) if -

(i) the President determines that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner;

(ii) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 2155 of this title and the United States International Trade Commission;

(iii) within 60 calendar days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth -

(I) the action proposed to be proclaimed and the reasons for such action; and

- (II) the advice obtained under clause (ii);
- (iv) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclauses (I) and (II) of clause (iii), has expired; and
- (v) the President has consulted with such committees regarding the proposed action during the period referred to in clause (iii).

(6) Handloomed, handmade, and folklore articles

A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore articles.

(7) Apparel articles assembled in one or more beneficiary sub-Saharan African countries from United States and beneficiary sub-Saharan African country components

Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States from components cut in the United States and one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, or from components knit-to-shape in the United States and one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States).

(c) Treatment of quotas on textile and apparel imports from Kenya and Mauritius

The President shall eliminate the existing quotas on textile and apparel articles imported into the United States -

(1) from Kenya within 30 days after that country adopts an effective visa system to prevent unlawful transshipment of textile and apparel articles and the use of counterfeit documents relating to the importation of the articles into the United States; and

(2) from Mauritius within 30 days after that country adopts such a visa system. The Customs Service shall provide the necessary technical assistance to Kenya and Mauritius in the development and implementation of the visa systems.

(d) Special rules

(1) Findings and trimmings

(A) General rule

An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if the value of such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled article. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, "bow buds", decorative lace trim, elastic strips, and zippers, including zipper tapes and labels. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and used in the production of brassieres.

(B) Certain interlinings

(i) General rule

An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

(ii) Interlinings described

Interlinings eligible for the treatment described in clause (i) include only a chest type plate, a "hymo" piece, or "sleeve header", of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

(iii) Termination of treatment

The treatment described in this subparagraph shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

(C) Exception

In the case of an article described in subsection (b)(2) of this section, sewing thread shall not be treated as findings or trimmings under subparagraph (A).

(2) De minimis rule

An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains fibers or yarns not wholly formed in the United States or one or more beneficiary sub-Saharan African countries if the total weight of all such fibers and yarns is not more than 7 percent of the total weight of the article.

(e) Definitions

In this section and section 3722 of this title:

(1) Agreement on textiles and clothing

The term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 3511(d)(4) of this title.

(2) Beneficiary sub-Saharan African country, etc.

The terms "beneficiary sub-Saharan African country" and "beneficiary sub-Saharan African countries" have the same meaning as such terms have under section 2466a(c) of this title.

(3) NAFTA

The term "NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(f) Effective date

This section takes effect on October 1, 2000, and shall remain in effect through September 30, 2008.

Sec. 3722. Protections against transshipment

(a) Preferential treatment conditioned on enforcement measures

(1) In general

The preferential treatment under section 3721(a) of this title shall not be provided to textile and apparel articles that are imported from a beneficiary sub-Saharan African country unless that country -

(A) has adopted an effective visa system, domestic laws, and enforcement procedures applicable to covered articles to prevent unlawful transshipment of the articles and the use of counterfeit documents relating to the importation of the articles into the United States;

(B) has enacted legislation or promulgated regulations that would permit United States Customs Service verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country;

(C) agrees to report, on a timely basis, at the request of the United States Customs Service, on the total exports from and imports into that country of covered articles, consistent with the manner in which the records are kept by that country;

(D) will cooperate fully with the United States to address and take action necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing;

(E) agrees to require all producers and exporters of covered articles in that country to maintain complete records of the production and the export of covered articles, including materials used in the production, for at least 2 years after the production or export (as the case may be); and

(F) agrees to report, on a timely basis, at the request of the United States Customs Service, documentation establishing the country of origin of covered articles as used by that country in implementing an effective visa system.

(2) Country of origin documentation

For purposes of paragraph (1)(F), documentation regarding the country of origin of the covered articles includes documentation such as production records, information relating to the place of production, the number and identification of the types of machinery used in production, the number of workers employed in production, and certification from both the manufacturer and the exporter.

(b) Customs procedures and enforcement

(1) In general

(A) Regulations

Any importer that claims preferential treatment under section 3721 of this title shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

(B) Determination

(i) In general

In order to qualify for the preferential treatment under section 3721 of this title and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in clause (ii) -

(I) has implemented and follows; or

(II) is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

(ii) Country described

A country is described in this clause if it is a beneficiary sub-Saharan African country -

(I) from which the article is exported; or

(II) in which materials used in the production of the article originate or in which the article or such materials, undergo production that contributes to a claim that the article is eligible for preferential treatment.

(2) Certificate of Origin

The Certificate of Origin that otherwise would be required pursuant to the provisions of paragraph (1) shall not be required in the case of an article imported under section 3721 of this title if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

(3) Penalties for exporters

If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment as defined in paragraph (4), then the President shall deny for a period of 5 years all benefits under section 3721 of this title to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter.

(4) Transshipment described

Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under this chapter has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under section 3721 of this title.

(5) Monitoring and reports to Congress

The Customs Service shall monitor and the Commissioner of Customs shall submit to Congress, not later than March 31 of each year, a report on the effectiveness of the visa systems and the implementation of legislation and regulations described in subsection (a) of this section and on measures taken by countries in sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in Article 5 of the Agreement on Textiles and Clothing.

(c) Customs Service enforcement

The Customs Service shall -

(1) make available technical assistance to the beneficiary sub-Saharan African countries

(A) in the development and implementation of visa systems, legislation, and regulations described in subsection (a)(1)(A) of this section; and

(B) to train their officials in anti-transshipment enforcement;

(2) send production verification teams to at least four beneficiary sub-Saharan African countries each year; and

(3) to the extent feasible, place beneficiary sub-Saharan African countries on the Electronic Visa (ELVIS) program.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out subsection (c) of this section the sum of \$5,894,913.

Sec. 3723. Free trade agreements with sub-Saharan African countries

(a) Declaration of policy

Congress declares that free trade agreements should be negotiated, where feasible, with interested countries in sub-Saharan Africa, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector investment in sub-Saharan Africa.

(b) Plan requirement

(1) In general

The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of negotiating and entering into one or more trade agreements with interested beneficiary sub-Saharan African countries.

(2) Elements of plan

The plan shall include the following:

(A) The specific objectives of the United States with respect to negotiations described in

paragraph (1) and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and the relevant sub-Saharan African countries with respect to the applicable free trade agreement or agreements.

(C) A mutually agreed-upon timetable for the negotiations.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to such free trade agreement or agreements.

(E) Subject matter anticipated to be covered by the negotiations and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiations.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiation of the agreement or agreements.

(c) Reporting requirement

Not later than 12 months after May 18, 2000, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b) of this section.

Sec. 3724. Assistant United States Trade Representative for African Affairs

It is the sense of the Congress that -

(1) the position of Assistant United States Trade Representative for African Affairs is integral to the United States commitment to increasing United States-sub-Saharan African trade and investment;

(2) the position of Assistant United States Trade Representative for African Affairs should be maintained within the Office of the United States Trade Representative to direct and coordinate interagency activities on United States-Africa trade policy and investment matters and serve as -

(A) a primary point of contact in the executive branch for those persons engaged in trade between the United States and sub-Saharan Africa; and

(B) the chief advisor to the United States Trade Representative on issues of trade and investment with Africa; and

(3) the United States Trade Representative should have adequate funding and staff to carry out the duties of the Assistant United States Trade Representative for African Affairs described in paragraph (2), subject to the availability of appropriations.

Sec. 3731. Sense of the Congress regarding comprehensive debt relief for the world's poorest countries

(a) Findings

Congress makes the following findings:

(1) The burden of external debt has become a major impediment to economic growth and poverty reduction in many of the world's poorest countries.

(2) Until recently, the United States Government and other official creditors sought to address this problem by rescheduling loans and in some cases providing limited debt reduction.

(3) Despite such efforts, the cumulative debt of many of the world's poorest countries continued to grow beyond their capacity to repay.

(4) In 1997, the Group of Seven, the World Bank, and the International Monetary Fund adopted the Heavily Indebted Poor Countries Initiative (HIPC), a commitment by the international community that all multilateral and bilateral creditors, acting in a coordinated and concerted fashion, would reduce poor country debt to a sustainable level.

(5) The HIPC Initiative is currently undergoing reforms to address concerns raised about country conditionality, the amount of debt forgiven, and the allocation of savings realized through the debt forgiveness program to ensure that the Initiative accomplishes the goals of economic growth and poverty alleviation in the world's poorest countries.

(b) Sense of the Congress

It is the sense of the Congress that -

(1) Congress and the President should work together, without undue delay and in concert with the international community, to make comprehensive debt relief available to the world's poorest countries in a manner that promotes economic growth and poverty alleviation;

(2) this program of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) this program of debt relief should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these debt relief agreements should be designed and implemented in a transparent manner and with the broad participation of the citizenry of the debtor country and should ensure that country circumstances are adequately taken into account;

(5) no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in conflict or spends excessively on its military; and

(6) in order to prevent adverse impact on a key industry in many developing countries, the International Monetary Fund must mobilize its own resources for providing debt relief to eligible countries without allowing gold to reach the open market, or otherwise adversely affecting the market price of gold.

Sec. 3732. Executive branch initiatives

(a) Statement of the Congress

The Congress recognizes that the stated policy of the executive branch in 1997, the "Partnership for Growth and Opportunity in Africa" initiative, is a step toward the establishment of a comprehensive trade and development policy for sub-Saharan Africa. It is the sense of the Congress that this Partnership is a companion to the policy goals set forth in this chapter.

(b) Technical assistance to promote economic reforms and development

In addition to continuing bilateral and multilateral economic and development assistance, the President shall target technical assistance toward -

(1) developing relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks;

(2) providing assistance to the governments of sub-Saharan African countries to -

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization;

(C) make financial and fiscal reforms; and

(D) promote greater agribusiness linkages;

(3) addressing such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities;

(4) increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa;

(5) increasing trade in services; and

(6) encouraging greater sub-Saharan African participation in future negotiations in the World Trade Organization on services and making further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers.

Sec. 3733. Overseas Private Investment Corporation initiatives

(a) Initiation of funds

It is the sense of the Congress that the Overseas Private Investment Corporation should exercise the authorities it has to initiate an equity fund or equity funds in support of projects in the countries in sub-Saharan Africa, in addition to the existing equity fund for sub-Saharan Africa created by the Corporation.

(b) Structure and types of funds

(1) Structure

Each fund initiated under subsection (a) of this section should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) Capitalization

Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) Infrastructure fund

One or more of the funds, with combined assets of up to \$500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa.

(4) Emphasis

The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

(c) Overseas Private Investment Corporation

(1) Omitted

(2) Reports to Congress

Within 6 months after May 18, 2000, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to Congress a report on the steps that the Board has taken to implement section 2193(e) of title 22 and any recommendations of the investment advisory council established pursuant to such section.

Sec. 3734. Export-Import Bank initiatives

(a) Sense of the Congress

It is the sense of the Congress that the Board of Directors of the Bank shall continue to take comprehensive measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee and insurance programs of the Bank.

(b) Sub-Saharan Africa Advisory Committee

The sub-Saharan Africa Advisory Committee (SAAC) is to be commended for aiding the Bank in advancing the economic partnership between the United States and the nations of sub-Saharan Africa by doubling the number of sub-Saharan African countries in which the Bank is open for traditional financing and by increasing by tenfold the Bank's support for sales to sub-Saharan Africa from fiscal year

1998 to fiscal year 1999. The Board of Directors of the Bank and its staff shall continue to review carefully the sub-Saharan Africa Advisory Committee recommendations on the development and implementation of new and innovative policies and programs designed to promote the Bank's expansion in sub-Saharan Africa.

Sec. 3735. Expansion of the United States and Foreign Commercial Service in sub-Saharan Africa

(a) Findings

The Congress makes the following findings:

(1) The United States and Foreign Commercial Service (hereafter in this section referred to as the "Commercial Service") plays an important role in helping United States businesses identify export opportunities and develop reliable sources of information on commercial prospects in foreign countries.

(2) During the 1980s, the presence of the Commercial Service in sub-Saharan Africa consisted of 14 professionals providing services in eight countries. By early 1997, that presence had been reduced by half to seven professionals in only four countries.

(3) Since 1997, the Department of Commerce has slowly begun to increase the presence of the Commercial Service in sub-Saharan Africa, adding five full-time officers to established posts.

(4) Although the Commercial Service Officers in these countries have regional responsibilities, this kind of coverage does not adequately service the needs of United States businesses attempting to do business in sub-Saharan Africa.

(5) The Congress has, on several occasions, encouraged the Commercial Service to focus its resources and efforts in countries or regions in Europe or Asia to promote greater United States export activity in those markets, and similar encouragement should be provided for countries in sub-Saharan Africa as well.

(6) Because market information is not widely available in many sub-Saharan African countries, the presence of additional Commercial Service Officers and resources can play a significant role in assisting United States businesses in markets in those countries.

(b) Appointments

Subject to the availability of appropriations, by not later than December 31, 2001, the

Secretary of Commerce, acting through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, shall take steps to ensure that -

(1) at least 20 full-time Commercial Service employees are stationed in sub-Saharan Africa; and

(2) full-time Commercial Service employees are stationed in not less than 10 different sub-Saharan African countries.

(c) Initiative for sub-Saharan Africa

In order to encourage the export of United States goods and services to sub-Saharan African countries, the International Trade Administration shall make a special effort to -

(1) identify United States goods and services which are the best prospects for export by United States companies to sub-Saharan Africa;

(2) identify, where appropriate, tariff and non-tariff barriers that are preventing or hindering sales of United States goods and services to, or the operation of United States companies in, sub-Saharan Africa;

(3) hold discussions with appropriate authorities in sub-Saharan Africa on the matters described in paragraphs (1) and (2) with a view to securing increased market access for United States exporters of goods and services;

(4) identify current resource allocations and personnel levels in sub-Saharan Africa for the Commercial Service and consider plans for the deployment of additional resources or personnel to that region; and

(5) make available to the public, through printed and electronic means of communication, the information derived pursuant to paragraphs (1) through (4) for each of the 4 years after May 18, 2000.

Sec. 3736. Donation of air traffic control equipment to eligible sub-Saharan African countries

It is the sense of the Congress that, to the extent appropriate, the United States Government should make every effort to donate to governments of sub-Saharan African countries determined to be eligible under section 3703 of this title air traffic control equipment that is no longer in use, including appropriate related reimbursable technical assistance.

Sec. 3737. Additional authorities and increased flexibility to provide assistance under the Development Fund for Africa

(a) Use of sustainable development assistance to support further economic growth

It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) Declarations of policy

The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this chapter and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Supporting democratization, good governance and civil society and conflict resolution efforts.

(D) Increasing food security by promoting the expansion of agricultural and agriculture-

based industrial production and productivity and increasing real incomes for poor individuals.

(E) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(F) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(G) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(H) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this chapter.

Sec. 3738. Assistance from United States private sector to prevent and reduce HIV/AIDS in sub-Saharan Africa

It is the sense of the Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, United States businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.

Sec. 3739. Sense of the Congress relating to HIV/AIDS crisis in sub-Saharan Africa

(a) Findings

The Congress finds the following:

(1) Sustained economic development in sub-Saharan Africa depends in large measure upon successful trade with and foreign assistance to the countries of sub-Saharan Africa.

(2) The HIV/AIDS crisis has reached epidemic proportions in sub-Saharan Africa, where more than 21,000,000 men, women, and children are infected with HIV.

(3) Eighty-three percent of the estimated 11,700,000 deaths from HIV/AIDS worldwide have been in sub-Saharan Africa.

(4) The HIV/AIDS crisis in sub-Saharan Africa is weakening the structure of families and societies.

(5)(A) The HIV/AIDS crisis threatens the future of the workforce in sub-Saharan Africa.

(B) Studies show that HIV/AIDS in sub-Saharan Africa most severely affects individuals between the ages of 15 and 49 – the age group that provides the most support for the economies of sub-Saharan African countries.

(6) Clear evidence demonstrates that HIV/AIDS is destructive to the economies of sub-Saharan African countries.

(7) Sustained economic development is critical to creating the public and private sector resources in sub-Saharan Africa necessary to fight the HIV/AIDS epidemic.

(b) Sense of the Congress

It is the sense of the Congress that -

(1) addressing the HIV/AIDS crisis in sub-Saharan Africa should be a central component of United States foreign policy with respect to sub-Saharan Africa;

(2) significant progress needs to be made in preventing and treating HIV/AIDS in sub-Saharan Africa in order to sustain a mutually beneficial trade relationship between the United States and sub-Saharan African countries; and

(3) the HIV/AIDS crisis in sub-Saharan Africa is a global threat that merits further attention through greatly expanded public, private, and joint public-private efforts, and through appropriate United States legislation.

Sec. 3740. Study on improving African agricultural practices

(a) In general

The Secretary of Agriculture, in consultation with American Land Grant Colleges and Universities and not-for-profit international organizations, is authorized to conduct a 2-year study on ways to improve the flow of American farming techniques and practices to African farmers. The study shall include an examination of ways of improving or utilizing -

- (1) knowledge of insect and sanitation procedures;
- (2) modern farming and soil conservation techniques;
- (3) modern farming equipment (including maintaining the equipment);
- (4) marketing crop yields to prospective purchasers; and
- (5) crop maximization practices.

The Secretary of Agriculture shall submit the study to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives not later than September 30, 2001.

(b) Land Grant Colleges and not-for-profit institutions

In conducting the study under subsection (a) of this section, the Secretary of Agriculture is encouraged to consult with American Land Grant Colleges and not-for-profit international organizations that have firsthand knowledge of current African farming practices.

Sec. 3741. Sense of the Congress regarding efforts to combat desertification in Africa and other countries

(a) Findings

The Congress finds that -

- (1) desertification affects approximately one-sixth of the world's population and one-quarter of the total land area;
- (2) over 1,000,000 hectares of Africa are affected by desertification;
- (3) dryland degradation is an underlying cause of recurrent famine in Africa;
- (4) the United Nations Environment Programme estimates that desertification costs the world \$42,000,000,000 a year, not including incalculable costs in human suffering; and
- (5) the United States can strengthen its partnerships throughout Africa and other countries affected by desertification, help alleviate social and economic crises caused by misuse of natural resources, and reduce dependence on foreign aid, by taking a leading role to combat desertification.

(b) Sense of the Congress

It is the sense of the Congress that the United States should expeditiously work with the international community, particularly Africa and other countries affected by desertification, to -

- (1) strengthen international cooperation to combat desertification;
- (2) promote the development of national and regional strategies to address desertification and increase public awareness of this serious problem and its effects;
- (3) develop and implement national action programs that identify the causes of desertification and measures to address it; and
- (4) recognize the essential role of local governments and nongovernmental organizations in developing and implementing measures to address desertification.

ANNEX I.B

PUBLIC LAW 108-274

AGOA Acceleration Act of 2004

SECTION 1. SHORT TITLE.

This Act may be cited as the 'AGOA Acceleration Act of 2004'.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The African Growth and Opportunity Act (in this section and section 3 referred to as 'the Act') has helped to spur economic growth and bolster economic reforms in the countries of sub-Saharan Africa and has fostered stronger economic ties between the countries of sub-Saharan Africa and the United States; as a result, exports from the United States to sub-Saharan Africa reached record levels after the enactment of the Act, while exports from sub-Saharan Africa to the United States have increased considerably.

(2) The Act's eligibility requirements have reinforced democratic values and the rule of law, and have strengthened adherence to internationally recognized worker rights in eligible sub-Saharan African countries.

(3) The Act has helped to bring about substantial increases in foreign investment in sub-Saharan Africa, especially in the textile and apparel sectors, where tens of thousands of new jobs have been created.

(4) As a result of the Agreement on Textiles and Apparel of the World Trade Organization, under which quotas maintained by WTO member countries on textile and apparel products end on January 1, 2005, sub-Saharan Africa's textile and apparel industry will be severely challenged by countries whose industries are more developed and have greater capacity, economies of scale, and better infrastructure.

(5) The underdeveloped physical and financial infrastructure in sub-Saharan Africa continues to discourage investment in the region.

(6) Regional integration establishes a foundation on which sub-Saharan African countries can coordinate and pursue policies grounded in African interests and history to achieve sustainable development.

(7) Expanded trade because of the Act has improved fundamental economic conditions within sub-Saharan Africa. The Act has helped to create jobs in the poorest region of the world, and most sub-Saharan African countries have sought to take advantage of the opportunities provided by the Act.

(8) Agricultural biotechnology holds promise for helping solve global food security and human health crises in Africa and, according to recent studies, has made contributions to the protection of the environment by reducing the application of pesticides, reducing soil erosion, and creating an environment more hospitable to wildlife.

(9) (A) One of the greatest challenges facing African countries continues to be the HIV/AIDS epidemic, which has infected as many as one out of every four people in some countries, creating tremendous social, political, and economic costs. African countries need continued United States financial and technical assistance to combat this epidemic.

(B) More awareness and involvement by governments are necessary. Countries like Uganda, recognizing the threat of HIV/AIDS, have boldly attacked it through a combination of education, public awareness, enhanced medical infrastructure and resources, and greater access to medical treatment. An effective HIV/AIDS prevention and treatment strategy involves all of these steps.

(10) African countries continue to need trade capacity assistance to establish viable economic capacity, a well-grounded rule of law, and efficient government practices.

SEC. 3. STATEMENT OF POLICY.

The Congress supports--

(1) a continued commitment to increase trade between the United States and sub-Saharan Africa and increase investment in sub-Saharan Africa to the benefit of workers, businesses, and farmers in the United States and in sub-Saharan Africa, including by developing innovative approaches to encourage development and investment in sub-Saharan Africa;

(2) a reduction of tariff and nontariff barriers and other obstacles to trade between the countries of sub-Saharan Africa and the United States, with particular emphasis on reducing barriers to trade in emerging sectors of the economy that have the greatest potential for development;

(3) development of sub-Saharan Africa's physical and financial infrastructure;

(4) international efforts to fight HIV/AIDS, malaria, tuberculosis, other infectious diseases, and serious public health problems;

(5) many of the aims of the New Partnership for African Development (NEPAD), which include--

(A) reducing poverty and increasing economic growth;

(B) promoting peace, democracy, security, and human rights;

(C) promoting African integration by deepening linkages between African countries and by accelerating Africa's economic and political integration into the rest of the world;

(D) attracting investment, debt relief, and development assistance;

(E) promoting trade and economic diversification;

(F) broadening global market access for United States and African exports;

(G) improving transparency, good governance, and political accountability;

(H) expanding access to social services, education, and health services with a high priority given to addressing HIV/AIDS, malaria, tuberculosis, other infectious diseases, and other public health problems;

(I) promoting the role of women in social and economic development by reinforcing education and training and by assuring their participation in political and economic arenas; and

(J) building the capacity of governments in sub-Saharan Africa to set and enforce a legal framework, as well as to enforce the rule of law;

(6) negotiation of reciprocal trade agreements between the United States and sub-Saharan African countries, with the overall goal of expanding trade across all of sub-Saharan Africa;

(7) the President seeking to negotiate, with interested eligible sub-Saharan African countries, bilateral trade agreements that provide investment opportunities, in accordance with section 2102(b)(3) of the Trade Act of 2002 (19 U.S.C. 3802(b)(3));

(8) efforts by the President to negotiate with the member countries of the Southern African Customs Union in order to provide the opportunity to deepen and make permanent the benefits of the Act while giving the United States access to the markets of these African countries for United States goods and services, by reducing tariffs and non-tariff barriers, strengthening intellectual property protection, improving transparency, establishing general dispute settlement mechanisms, and investor-state and state-to-state dispute settlement mechanisms in investment;

(9) a comprehensive and ambitious trade agreement with the Southern African Customs Union, covering all products and sectors, in order to mature the economic relationship between sub-Saharan African countries and the United States and because such an agreement would deepen United States economic and political ties to the region, lend momentum to United States development efforts, encourage greater United States investment, and promote regional integration and economic growth;

(10) regional integration among sub-Saharan African countries and business partnerships between United States and African firms; and

(11) economic diversification in sub-Saharan African countries and expansion of trade beyond textiles and apparel.

SEC. 4. SENSE OF CONGRESS ON RECIPROCITY AND REGIONAL ECONOMIC INTEGRATION.

It is the sense of the Congress that--

(1) the preferential market access opportunities for eligible sub-Saharan African countries will be complemented and enhanced if those countries are implementing actively and fully, consistent with any remaining applicable phase-in periods, their obligations under the World Trade Organization, including obligations under the Agreement on Trade-Related Aspects of Intellectual Property, the Agreement on the Application of Sanitary and Phytosanitary Measures, and the Agreement on Trade-Related Investment Measures, as well as the other agreements described in section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d));

(2) eligible sub-Saharan African countries should participate in and support mutual trade liberalization in ongoing negotiations under the auspices of the World Trade Organization, including by making reciprocal commitments with respect to improving market access for industrial and agricultural goods, and for services, recognizing that such commitments may need to reflect special and differential treatment for developing countries;

(3) some of the most pernicious trade barriers against exports by developing countries are the trade barriers maintained by other developing countries; therefore, eligible sub-Saharan African countries will benefit from the reduction of trade barriers in other developing countries, especially in developing countries that represent some of the greatest potential markets for African goods and services; and

(4) all countries should make sanitary and phytosanitary decisions on the basis of sound science.

SEC. 5. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS OF AGOA .

It is the sense of the Congress that the executive branch, particularly the Committee for the Implementation of Textile Agreements (CITA), the Bureau of Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should interpret, implement, and enforce the provisions of section 112 of the African Growth and Opportunity Act, relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of such articles from eligible sub-Saharan African countries.

SEC. 6. DEFINITION.

In this Act, the term 'eligible sub-Saharan African country' means an eligible sub-Saharan African country under the African Growth and Opportunity Act.

SEC. 7. EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) Generalized System of Preferences--

(1) Extension of program- Section 506B of the Trade Act of 1974 (19 U.S.C. 2466b) is amended by striking '2008' and inserting '2015'.

(2) Inputs from former beneficiary countries- Section 506A of the Trade Act of 1974 (19 U.S.C. 2466a) is amended--

(A) in subsection (b)(2)(B), by inserting 'or former beneficiary sub-Saharan African countries' after 'countries'; and

(B) in subsection (c)--

(i) by striking 'title, the terms' and inserting 'title--

'(1) the terms'; and

(ii) by adding at the end the following:

'(2) the term 'former beneficiary sub-Saharan African country' means a country that, after being designated as a beneficiary sub-Saharan African country under the African Growth and Opportunity Act, ceased to be designated as such a country by reason of its entering into a free trade agreement with the United States.'.

(b) Apparel Articles- (1) Section 112(b)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(1)) is amended by striking `(including' and inserting `or both (including'.

(2) Section 112(b)(3) of the African Growth and Opportunity Act (19 U.S.C. 3721 (b)(3)) is amended--

(A) in the matter preceding subparagraph (A)--

(i) by striking `either in the United States or one or more beneficiary sub-Saharan African countries' each place it appears and inserting `in the United States or one or more beneficiary sub-Saharan African countries or former beneficiary sub-Saharan African countries, or both'; and

(ii) by striking `subject to the following:' and inserting `whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2) (unless the apparel articles are made exclusively from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2)), subject to the following:'; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

`(A) Limitations on benefits-

`(i) In general- Preferential treatment under this paragraph shall be extended in the 1-year period beginning October 1, 2003, and in each of the 11 succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

`(ii) Applicable percentage- For purposes of this subparagraph, the term `applicable percentage' means--

`(I) 4.747 percent for the 1-year period beginning October 1, 2003, increased in each of the 5 succeeding 1-year periods by equal increments, so that for the 1-year period beginning October 1, 2007, the applicable percentage does not exceed 7 percent; and

`(II) for each succeeding 1-year period until September 30, 2015, not to exceed 7 percent.

`(B) Special rule for lesser developed countries-

`(i) In general- Preferential treatment under this paragraph shall be extended though September 30, 2007, for apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric or the yarn used to make such articles, in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

`(ii) Applicable percentage- For purposes of the subparagraph, the term `applicable percentage' means--

`(I) 2.3571 percent for the 1-year period beginning October 1, 2003;

`(II) 2.6428 percent for the 1-year period beginning October 1, 2004;

`(III) 2.9285 percent for the 1-year period beginning October 1, 2005; and

`(IV) 1.6071 percent for the 1-year period beginning October 1, 2006.

`(iii) Lesser developed beneficiary sub-saharan african country- For purposes of this subparagraph, the term `lesser developed beneficiary sub-Saharan African country' means--

- `(I) a beneficiary sub-Saharan African country that had a per capita gross national product of less than \$1,500 in 1998, as measured by the International Bank for Reconstruction and Development;
- `(II) Botswana; and
- `(III) Namibia.'

(3) Section 112(b)(5)(A) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(5)(A)) is amended to read as follows:

`(A) In general- Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 to the NAFTA.'

(c) Handloomed, Handmade, Folklore Articles and Ethnic Printed Fabrics- Section 112(b)(6) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(6)) is amended to read as follows:

`(6) Handloomed, handmade, folklore articles and ethnic printed fabrics-

`(A) In general- A handloomed, handmade, folklore article or an ethnic printed fabric of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this section, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore articles or an ethnic printed fabric.

`(B) Requirements for ethnic printed fabric- Ethnic printed fabrics qualified under this paragraph are--

`(i) fabrics containing a selvedge on both edges, having a width of less than 50 inches, classifiable under subheading 5208.52.30 or 5208.52.40 of the Harmonized Tariff Schedule of the United States;

`(ii) of the type that contains designs, symbols, and other characteristics of African prints--

`(I) normally produced for and sold on the indigenous African market; and

`(II) normally sold in Africa by the piece as opposed to being tailored into garments before being sold in indigenous African markets;

`(iii) printed, including waxed, in one or more eligible beneficiary sub-Saharan countries; and

`(iv) fabrics formed in the United States, from yarns formed in the United States, or from fabric formed in one or more beneficiary sub-Saharan African country from yarn originating in either the United States or one or more beneficiary sub-Saharan African countries.'

(d) Regional and U.S. Sources- Section 112(b)(7) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(7)) is amended by inserting `or former beneficiary sub-Saharan African countries' after `and one or more beneficiary sub-Saharan African countries' each place it appears.

(e) Special Rules-

(1) Certain components- Section 112(d) of the African Growth and Opportunity Act (19 U.S.C. 3721(d)) is amended by adding at the end the following:

`(3) Certain components- An article otherwise eligible for preferential treatment under this section will not be ineligible for such treatment because the article contains--

`(A) any collars or cuffs (cut or knit-to-shape),

- ` (B) drawstrings,
- ` (C) shoulder pads or other padding,
- ` (D) waistbands,
- ` (E) belt attached to the article,
- ` (F) straps containing elastic, or
- ` (G) elbow patches,

that do not meet the requirements set forth in subsection (b), regardless of the country of origin of the item referred to in the applicable subparagraph of this paragraph.'

(2) De minimis rule- Section 112(d)(2) of the African Growth and Opportunity Act (19 U.S.C. 3721(d)(2)) is amended--

(A) by inserting `or former beneficiary sub-Saharan African countries' after `countries'; and

(B) by striking `7 percent' and inserting `10 percent'.

(f) Definitions- Section 112(e) of the African Growth and Opportunity Act (19 U.S.C. 3721(e)) is amended by adding at the end the following:

`(4) Former sub-saharan african country- The term `former sub-Saharan African country' means a country that, after being designated as a beneficiary sub-Saharan African country under this Act, ceased to be designated as such a beneficiary sub-Saharan country by reason of its entering into a free trade agreement with the United States.'

SEC. 8. ENTRIES OF CERTAIN APPAREL ARTICLES PURSUANT TO THE AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) In General- Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall liquidate or reliquidate as free of duty and free of any quantitative restrictions, limitations, or consultation levels entries of articles described in subsection (d) made on or after October 1, 2000, and before the date of the enactment of this Act.

(b) Requests- Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Secretary of the Treasury within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Secretary to locate the entry or reconstruct the entry if it cannot be located.

(c) Payment of Amounts Owed- Any amounts owed by the United States pursuant to the liquidation or reliquidation of any entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) Entries- The entries referred to in subsection (a) are entries of apparel articles that meet the requirements of section 112(b) of the African Growth and Opportunity Act, as amended by section 3108 of the Trade Act of 2002 and this Act.

SEC. 9. DEVELOPMENT STUDY AND CAPACITY BUILDING.

(a) Reports- The President shall, by not later than 1 year after the date of the enactment of this Act, conduct a study on each eligible sub-Saharan African country, that--

(1) identifies sectors of the economy of that country with the greatest potential for growth, including through export sales;

(2) identifies barriers, both domestically and internationally, that are impeding growth in such sectors; and

(3) makes recommendations on how the United States Government and the private sector can provide technical assistance to that country to assist in dismantling such barriers and in promoting investment in such sectors.

(b) Dissemination of Information- The President shall disseminate information in each study conducted under subsection (a) to the appropriate United States agencies for the purpose of implementing recommendations on the provision of technical assistance and in identifying opportunities for United States investors, businesses, and farmers.

SEC. 10. ACTIVITIES IN SUPPORT OF INFRASTRUCTURE TO SUPPORT INCREASING TRADE CAPACITY AND ECOTOURISM.

(a) Findings- The Congress finds the following:

(1) Ecotourism, which consists of--

(A) responsible and sustainable travel and visitation to relatively undisturbed natural areas in order to enjoy and appreciate nature (and any accompanying cultural features, both past and present) and animals, including species that are rare or endangered,

(B) promotion of conservation and provision for beneficial involvement of local populations, and

(C) visitation designed to have low negative impact upon the environment,

is expected to expand 30 percent globally over the next decade.

(2) Ecotourism will increase trade capacity by sustaining otherwise unsustainable infrastructure, such as road, port, water, energy, and telecommunication development.

(3) According to the United States Department of State and the United Nations Environment Programme, sustainable tourism, such as ecotourism, can be an important part of the economic development of a region, especially a region with natural and cultural protected areas.

(4) Sub-Saharan Africa enjoys an international comparative advantage in ecotourism because it features extensive protected areas that host a variety of ecosystems and traditional cultures that are major attractions for nature-oriented tourism.

(5) National parks and reserves in sub-Saharan Africa should be considered a basis for regional development, involving communities living within and adjacent to them and, given their strong international recognition, provide an advantage in ecotourism marketing and promotion.

(6) Desert areas in sub-Saharan Africa represent complex ecotourism attractions, showcasing natural, geological, and archaeological features, and nomad and other cultures and traditions.

(7) Many natural zones in sub-Saharan Africa cross the political borders of several countries; therefore, transboundary cooperation is fundamental for all types of ecotourism development.

(8) The commercial viability of ecotourism is enhanced when small and medium enterprises, particularly microenterprises, successfully engage with the tourism industry in sub-Saharan Africa.

(9) Adequate capacity building is an essential component of ecotourism development if local communities are to be real stakeholders that can sustain an equitable approach to ecotourism management.

(10) Ecotourism needs to generate local community benefits by utilizing sub-Saharan Africa's natural heritage, parks, wildlife reserves, and other protected areas that can play a significant role in encouraging local economic development by sourcing food and other locally produced resources.

(b) Action by the President- The President shall develop and implement policies to--

(1) encourage the development of infrastructure projects that will help to increase trade capacity and a sustainable ecotourism industry in eligible sub-Saharan African countries;

(2) encourage and facilitate transboundary cooperation among sub-Saharan African countries in order to facilitate trade;

(3) encourage the provision of technical assistance to eligible sub-Saharan African countries to establish and sustain adequate trade capacity development; and

(4) encourage micro-, small-, and medium-sized enterprises in eligible sub-Saharan African countries to participate in the ecotourism industry.

SEC. 11. ACTIVITIES IN SUPPORT OF TRANSPORTATION, ENERGY, AGRICULTURE, AND TELECOMMUNICATIONS INFRASTRUCTURE.

(a) Findings- The Congress finds the following:

(1) In order to increase exports from, and trade among, eligible sub-Saharan African countries, transportation systems in those countries must be improved to increase transport efficiencies and lower transport costs.

(2) Vibrant economic growth requires a developed telecommunication and energy infrastructure.

(3) Sub-Saharan Africa is rich in exportable agricultural goods, but development of this industry remains stymied because of an underdeveloped infrastructure.

(b) Action by the President- In order to enhance trade with Africa and to bring the benefits of trade to African countries, the President shall develop and implement policies to encourage investment in eligible sub-Saharan African countries, particularly with respect to the following:

(1) Infrastructure projects that support, in particular, development of land transport road and railroad networks and ports, and the continued upgrading and liberalization of the energy and telecommunications sectors.

(2) The establishment and expansion of modern information and communication technologies and practices to improve the ability of citizens to research and disseminate information relating to, among other things, the economy, education, trade, health, agriculture, the environment, and the media.

(3) Agriculture, particularly in processing and capacity enhancement.

SEC. 12. FACILITATION OF TRANSPORTATION.

In order to facilitate and increase trade flows between eligible sub-Saharan African countries and the United States, the President shall foster improved port-to-port and airport-to-airport relationships. These relationships should facilitate--

(1) increased coordination between customs services at ports and airports in the United States and such countries in order to reduce time in transit;

(2) interaction between customs and technical staff from ports and airports in the United States and such countries in order to increase efficiency and safety procedures and protocols relating to trade;

(3) coordination between chambers of commerce, freight forwarders, customs brokers, and others involved in consolidating and moving freight; and

(4) trade through air service between airports in the United States and such countries by increasing frequency and capacity.

SEC. 13. AGRICULTURAL TECHNICAL ASSISTANCE.

(a) Identification of Countries- The President shall identify not fewer than 10 eligible sub-Saharan African countries as having the greatest potential to increase marketable exports of agricultural products to the United States and the greatest need for technical assistance, particularly with respect to pest risk assessments and complying with sanitary and phytosanitary rules of the United States.

(b) Personnel- The President shall assign at least 20 full-time personnel for the purpose of providing assistance to the countries identified under subsection (a) to ensure that exports of agricultural products from those countries meet the requirements of United States law.

SEC. 14. TRADE ADVISORY COMMITTEE ON AFRICA.

The President shall convene the trade advisory committee on Africa established by Executive Order 11846 of March 27, 1975, under section 135(c) of the Trade Act of 1974, in order to facilitate the goals and objectives of the African Growth and Opportunity Act and this Act, and to maintain ongoing discussions with African trade and agriculture ministries and private sector organizations on issues of mutual concern, including regional and international trade concerns and World Trade Organization issues.

ANNEX I.C

PUBLIC LAW 108-429

Miscellaneous Trade and Technical Corrections Act of 2004

Sec. 2004

(j) RETROACTIVITY FOR CERTAIN AGOA PROVISIONS-

(1) IN GENERAL- Section 8(d) of the AGOA Acceleration Act of 2004 (Public Law 108-274) is amended by striking `section 112(b)' and inserting `section 112'.

(2) APPLICABILITY-

(A) IN GENERAL- The amendment made by paragraph (1) shall take effect as if included in the enactment of section 8 of the AGOA Acceleration Act of 2004.

(B) REQUESTS FOR RETROACTIVE APPLICATION- Section 8(b) of the AGOA Acceleration Act of 2004 shall be applied with respect to the amendment made by paragraph (1) by substituting `90 days after the date of the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004' for `90 days after the date of the enactment of this Act'.

(k) MAURITIUS -

(1) IN GENERAL- Section 112(b)(3)(B) of the African Growth and Opportunity Act (19 U.S.C. 3271(b)(3)(B)) is amended by adding at the end the following new clause:

`(iv) SEPARATE LIMITATION FOR MAURITIUS - For the 1-year period beginning October 1, 2004--

`(I) the term `lesser developed beneficiary sub-Saharan African country' includes Mauritius ; and

`(II) the applicable percentage with respect to Mauritius shall be 5 percent of the applicable percentage described in clause (ii)(II).'

ANNEX I.D

PUBLIC LAW 109-432

TAX RELIEF AND HEALTH CARE ACT OF 2006

SEC. 6001. SHORT TITLE.

This title may be referred to as the "Africa Investment Incentive Act of 2006".

SEC. 6002. PREFERENTIAL TREATMENT OF APPAREL PRODUCTS OF LESSER DEVELOPED COUNTRIES.

(a) In General.--Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended--

(1) by redesignating subsections (c) through (f) as subsections (d) through (g);

(2) in subsection (b)--

(A) in the matter preceding paragraph (1), by striking "The" and inserting "Subject to subsection (c), the" ; and

(B) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(3) by inserting after subsection (b) the following new subsection:

"(c) Lesser Developed Countries.--

"(1) Preferential treatment of products through September 30, 2012.--

"(A) Products covered.--In addition to the products described in subsection (b), and subject to paragraph (2), the preferential treatment described in subsection (a) shall apply through September 30, 2012, to apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric or the yarn used to make such articles, in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

"(B) Applicable percentage.--For purposes of subparagraph (A), the term 'applicable percentage' means--

"(i) 2.9285 percent for the 1-year period beginning on October 1, 2005; and"

(ii) 3.5 percent for the 1-year period beginning on October 1, 2006, and each 1-year period thereafter through September 30, 2012.

"(2) Special rules for products in commercial quantities in Africa.--

"(A) Petition process.--Upon a petition filed by an interested party (which may include a foreign manufacturer), the Commission shall determine whether a fabric or yarn produced in beneficiary sub-Saharan African countries is available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries.

"(B) Effect of affirmative determination.--

"(i) Determination of quantity available.--If the Commission determines under subparagraph (A) that a fabric or yarn produced in beneficiary sub-Saharan African countries is available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries, the Commission shall determine the quantity of the fabric or yarn that will be so available in lesser developed beneficiary sub-Saharan African countries in the applicable 1-year period beginning after the determination is made.

"(ii) Determinations.--In each case in which the Commission determines that a fabric or yarn is available in commercial quantities under subparagraph (A) for an applicable 1-year period, the Commission shall determine, before the end of that applicable 1-year period--

"(I) whether the fabric or yarn produced in beneficiary sub-Saharan African countries will be available in commercial quantities in the succeeding applicable 1-year period; and

"(II) if so, the quantity of the fabric or yarn that will be so available in that succeeding 1-year period, subject to clause (iii).

(iii) Determination regarding imported articles.--After the end of each applicable 1-year period for which a determination under clause (i) is in effect, the Commission shall determine to what extent the quantity of the fabric or yarn determined under clause (i) to be available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries was used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period. To the extent that the quantity so determined was not so used, then the Commission shall add to the quantity of that fabric or yarn determined to be available in the next applicable 1-year period the quantity not so used in the preceding applicable 1-year period.

"(C) Denim.--Denim articles provided for in subheading 5209.42.00 of the Harmonized Tariff Schedule of the United States shall be deemed to have been determined to be in abundant supply under subparagraph (A) in an amount of 30,000,000 square meter equivalents for the 1-year period beginning October 1, 2006.

"(D) Presidential authority to restrict imports.—

"(i) In general.--Subject to clause (ii), the President may by proclamation provide that apparel articles otherwise eligible for preferential treatment under paragraph (1) that contain a fabric or yarn determined to be available in commercial quantities under subparagraph (A) may not receive such preferential treatment in an applicable 1-year period unless--

"(I) the fabric or yarn in such articles was produced in 1 or more beneficiary sub-Saharan African countries; or

"(II) the Commission has determined that the quantity of the fabric or yarn determined under subparagraph (B) (or (C), as the case may be) to be available in lesser developed beneficiary sub-Saharan African countries for that applicable 1-year period has already been used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period.

"(ii) Mandatory restriction.--If a fabric or yarn is determined to be available in commercial quantities under subparagraph (A) in an applicable 1-year period, and for 2 consecutive applicable 1-year periods the quantities determined to be so available are not used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered during those 2 applicable 1-year periods, then beginning in the succeeding applicable 1-year period, apparel articles containing that fabric or yarn are ineligible for preferential treatment under paragraph (1) in any succeeding applicable 1-year period unless the Commission has determined that the quantity of the fabric or yarn determined under subparagraph (B) (or (C), as the case may be) to be available in lesser developed beneficiary sub-Saharan African countries for that applicable 1-year period has already been used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period.

"(E) Procedures.--The Commission shall use the procedures prescribed in subsection (b)(3)(C)(iv) for the Secretary of Commerce in making determinations under this paragraph.

"(3) Removal of designation of fabrics or yarns not available in commercial quantities.--If the President determines that--

"(A) any fabric or yarn described in paragraph (2)(A) was determined to be eligible for preferential treatment, or

"(B) any fabric or yarn described in paragraph (2)(B) was designated as not being available in commercial quantities, on the basis of fraud, the President may remove the eligibility or designation (as the case may be) of that fabric or yarn with respect to articles entered after such removal.

"(4) Applicability of other provisions.--Subsection (b)(3)(C) applies to apparel articles eligible for preferential treatment under this subsection to the same extent as that subsection applies to apparel articles eligible for preferential treatment under subsection (b)(3).

"(5) Definitions.--In this subsection:

"(A) Applicable 1-year period.--The term 'applicable 1-year period' means each of the 12-month periods beginning on October 1 of each year and ending on September 30 of the following year.

"(B) Commission.--The term 'Commission' means the United States International Trade Commission.

"(C) Enter; entry.--The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

"(D) Lesser developed beneficiary sub-Saharan African country.--The term 'lesser developed beneficiary sub-Saharan African country' means—

"(i) a beneficiary sub-Saharan African country that had a per capita gross national product of less than \$1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

"(ii) Botswana; and

"(iii) Namibia."

(b) Additional Preferential Treatment.--Section 112(b) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)) is amended by adding at the end the following new paragraph:

"(8) Textile articles originating entirely in one or more lesser developed beneficiary sub-Saharan African countries.—Textile and textile articles classifiable under chapters 50 through 60 or chapter 63 of the Harmonized Tariff Schedule of the United States that are products of a lesser developed beneficiary sub-Saharan African country and are wholly formed in one or more such countries from fibers, yarns, fabrics, fabric components, or components knit-to-shape that are the product of one or more such countries."

(c) Technical Amendment.--Section 112(e)(3) of the African Growth and Opportunity Act (as redesignated by subsection (a)(1) of this section) is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

SEC. 6003. TECHNICAL CORRECTIONS.

Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended as follows:

(1) Subsection (b)(5) is amended by adding at the end the following new subparagraph:

"(C) Removal of designation of fabrics or yarns not available in commercial quantities.-- If the President determines that any fabric or yarn was determined to be eligible for preferential treatment under subparagraph (A) on the basis of fraud, the President is authorized to remove that designation from that fabric or yarn with respect to articles entered after such removal."

(2) Subsection (f), as redesignated by section 6002(a)(1), is amended by adding at the end the following:

"(5) Enter; entered.--The terms 'enter' and 'entered' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States."

SEC. 6004. EFFECTIVE DATE FOR AGOA.

Subsection (g) of section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721), as redesignated by section 6002(a)(1), is amended by striking "2008" and inserting "2015".

ANNEX I.E

PUBLIC LAW 110-436

Andean Trade Preference Extension Act

SEC. 3. AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) IN GENERAL.—Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended—

(1) in subsection (b)(6)(A), by striking “ethnic” in the second sentence and inserting “ethnic”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “, and subject to paragraph (2),”;

(B) by striking paragraphs (2) and (3);

(C) in paragraph (4)—

(i) by striking “Subsection (b)(3)(C)” and inserting “Subsection (b)(3)(B)”;

and

(ii) by redesignating such paragraph (4) as paragraph (2); and

(D) by striking paragraph (5) and inserting the following:

“(3) DEFINITION.—In this subsection, the term ‘lesser developed beneficiary sub-Saharan African country’ means—

“(A) a beneficiary sub-Saharan African country that had a per capita gross national product of less than \$1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

“(B) Botswana;

“(C) Namibia; and

“(D) Mauritius.”.

(b) APPLICABILITY.—The amendments made by subsection (a) apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(c) REVIEW AND REPORTS.—

(1) ITC REVIEW AND REPORT.—

(A) REVIEW.—The United States International Trade Commission shall conduct a review to identify yarns, fabrics, and other textile and apparel inputs that through new or increased investment or other measures can be produced competitively in beneficiary sub-Saharan African countries.

(B) REPORT.—Not later than 7 months after the date of the enactment of this Act, the United States International Trade Commission shall submit to the appropriate congressional committees and the Comptroller General a report on the results of the review carried out under subparagraph (A).

(2) GAO REPORT.—Not later than 90 days after the submission of the report under paragraph (1)(B), the Comptroller General shall submit to the appropriate congressional committees a report that, based on the results of the report submitted under paragraph (1)(B) and other available information, contains recommendations for changes to United States trade preference programs, including the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.) and the amendments made by that Act, to provide incentives to increase investment and other measures necessary to improve the competitiveness of beneficiary sub-Saharan African countries in the production of yarns, fabrics, and other textile and apparel inputs identified in the report submitted under paragraph (1)(B), including changes to requirements relating to rules of origin under such programs.

(3) DEFINITIONS.—In this subsection—(A) the term “appropriate congressional committees” means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and (B) the term “beneficiary sub-Saharan African countries” has the meaning given the term in section 506A(c) of the Trade Act of 1974 (19 U.S.C. 2466a(c)).

(d) CLERICAL AMENDMENT.—Section 6002(a)(2)(B) of Public Law 109–432 is amended by striking “(B) by striking” and inserting “(B) in paragraph (3), by striking”.

ANNEX I.F

PUBLIC LAW 112-163

African Growth and Opportunity Amendments

SECTION 1. AMENDMENTS TO AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) Extension of Third-Country Fabric Program.--Section 112(c)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(c)(1)) is amended—

- (1) in the paragraph heading, by striking "2012" and inserting "2015";
- (2) in subparagraph (A), by striking "2012" and inserting "2015"; and
- (3) in subparagraph (B)(ii), by striking "2012" and inserting "2015".

(b) Addition of South Sudan.--Section 107 of that Act (19 U.S.C. 3706) is amended by inserting after "Republic of South Africa (South Africa)." the following:

"Republic of South Sudan (South Sudan)."

(c) Conforming Amendment.--Section 102(2) of that Act (19 U.S.C. 3701(2)) is amended by striking "48".

(d) Effective Date.--The amendments made by this section shall take effect on the date of the enactment of this Act.

ANNEX I.G

PUBLIC LAW 114-27

Trade Preferences Extension Act of 2015

TITLE I--EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "AGOA Extension and Enhancement Act of 2015".

SEC. 102. FINDINGS.

Congress finds the following:

(1) Since its enactment, the African Growth and Opportunity Act has been the centerpiece of trade relations between the United States and sub-Saharan Africa and has enhanced trade, investment, job creation, and democratic institutions throughout Africa.

(2) Trade and investment, as facilitated by the African Growth and Opportunity Act, promote economic growth, development, poverty reduction, democracy, the rule of law, and stability in sub-Saharan Africa.

(3) Trade between the United States and sub-Saharan Africa has more than tripled since the enactment of the African Growth and Opportunity Act in 2000, and United States direct investment in sub-Saharan Africa has grown almost sixfold.

(4) It is in the interest of the United States to engage and compete in emerging markets in sub-Saharan African countries, to boost trade and investment between the United States and sub-Saharan African countries, and to renew and strengthen the African Growth and Opportunity Act.

(5) The long-term economic security of the United States is enhanced by strong economic and political ties with the fastest-growing economies in the world, many of which are in sub-Saharan Africa.

(6) It is a goal of the United States to further integrate sub-Saharan African countries into the global economy, stimulate economic development in Africa, and diversify sources of growth in sub-Saharan Africa.

(7) To that end, implementation of the Agreement on Trade Facilitation of the World Trade Organization would strengthen regional integration efforts in sub-Saharan Africa and contribute to economic growth in the region.

(8) The elimination of barriers to trade and investment in sub-Saharan Africa, including high tariffs, forced localization requirements, restrictions on investment, and customs barriers, will create opportunities for workers, businesses, farmers, and ranchers in the United States and sub-Saharan African countries.

(9) The elimination of such barriers will improve utilization of the African Growth and Opportunity Act and strengthen regional and global integration, accelerate economic growth in sub-Saharan Africa, and enhance the trade relationship between the United States and sub-Saharan Africa.

SEC. 103. EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) In General.--Section 506B of the Trade Act of 1974 (19 U.S.C. 2466b) is amended by striking "September 30, 2015" and inserting "September 30, 2025".

(b) African Growth and Opportunity Act.--

(1) In general.--Section 112(g) of the African Growth and Opportunity Act (19 U.S.C. 3721(g)) is amended by striking "September 30, 2015" and inserting "September 30, 2025".

(2) Extension of regional apparel article program.--Section 112(b)(3)(A) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(3)(A)) is amended--

(A) in clause (i), by striking "11 succeeding" and inserting "21 succeeding"; and

(B) in clause (ii)(II), by striking "September 30, 2015" and inserting "September 30, 2025".

(3) Extension of third-country fabric program.--Section 112(c)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(c)(1)) is amended—

(A) in the paragraph heading, by striking “September 30, 2015” and inserting “September 30, 2025”;

(B) in subparagraph (A), by striking “September 30, 2015” and inserting “September 30, 2025”; and

(C) in subparagraph (B)(ii), by striking “September 30, 2015” and inserting “September 30, 2025”.

SEC. 104. MODIFICATIONS OF RULES OF ORIGIN FOR DUTY-FREE TREATMENT FOR ARTICLES OF BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) In General.--Section 506A(b)(2) of the Trade Act of 1974 (19 U.S.C. 2466a(b)(2)) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) the direct costs of processing operations performed in one or more such beneficiary sub-Saharan African countries or former beneficiary sub-Saharan African countries shall be applied in determining such percentage.”.

(b) Applicability to Articles Receiving Duty-Free Treatment Under Title V of Trade Act of 1974.--Section 506A(b) of the Trade Act of 1974 (19 U.S.C. 2466a(b)) is amended by adding at the end the following:

“(3) Rules of origin under this title.--The exceptions set forth in subparagraphs (A), (B), and (C) of paragraph (2) shall also apply to any article described in section 503(a)(1) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country for purposes of any determination to provide duty-free treatment with respect to such article.”.

(c) Modifications to the Harmonized Tariff Schedule.--The President may proclaim such modifications as may be necessary to the Harmonized Tariff Schedule of the United States (HTS) to add the special tariff treatment symbol “D” in the “Special” subcolumn of the HTS for each article classified under a heading or subheading with the special tariff treatment symbol “A” or “A*” in the “Special” subcolumn of the HTS.

(d) Effective Date.--The amendments made by subsections (a) and (b) take effect on the date of the enactment of this Act and apply with respect to any article described in section 503(b)(1)(B) through (G) of the Trade Act of 1974 that is the growth, product, or manufacture of a beneficiary sub-Saharan African country and that is imported into the customs territory of the United States on or after the date that is 30 days after such date of enactment.

SEC. 105. MONITORING AND REVIEW OF ELIGIBILITY UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) Continuing Compliance.--Section 506A(a)(3) of the Trade Act of 1974 (19 U.S.C. 2466a(a)(3)) is amended—

(1) by striking “If the President” and inserting the following:

“(A) In general.--If the President”; and

(2) by adding at the end the following:

“(B) Notification.--The President may not terminate the designation of a country as a beneficiary sub-Saharan African country under subparagraph (A) unless, at least 60 days before the termination of such designation, the President notifies Congress and notifies the country of the President's intention to terminate such designation, together with the considerations entering into the decision to terminate such designation.”.

(b) Withdrawal, Suspension, or Limitation of Preferential Tariff Treatment.--Section 506A of the Trade Act of 1974 (19 U.S.C. 2466a) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) Withdrawal, Suspension, or Limitation of Preferential Tariff Treatment.—

(1) In general.--The President may withdraw, suspend, or limit the application of duty-free treatment provided for any article described in subsection (b)(1) of this section or section 112 of the African Growth and Opportunity Act with respect to a beneficiary sub-Saharan African country if the President determines that withdrawing, suspending, or limiting such duty-free treatment would be more effective in promoting compliance by the country with the requirements described in subsection (a)(1) than terminating the designation of the country as a beneficiary sub-Saharan African country for purposes of this section.

“(2) Notification.--The President may not withdraw, suspend, or limit the application of duty-free treatment under paragraph (1) unless, at least 60 days before such withdrawal, suspension, or limitation, the President notifies Congress and notifies the country of the President's intention to withdraw, suspend, or limit such duty-free treatment, together with the considerations entering into the decision to terminate such designation.”.

(c) Review and Public Comments on Eligibility Requirements.—Section 506A of the Trade Act of 1974 (19 U.S.C. 2466a), as so amended, is further amended--

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) Review and Public Comments on Eligibility Requirements.--

“(1) In general.--In carrying out subsection (a)(2), the President shall publish annually in the Federal Register a notice of review and request for public comments on whether beneficiary sub-Saharan African countries are meeting the eligibility requirements set forth in section 104 of the African Growth and Opportunity Act and the eligibility criteria set forth in section 502 of this Act.

“(2) Public hearing.--The United States Trade Representative shall, not later than 30 days after the date on which the President publishes the notice of review and request for public comments under paragraph (1)—

“(A) hold a public hearing on such review and request for public comments; and

“(B) publish in the Federal Register, before such hearing is held, notice of—

“(i) the time and place of such hearing; and

“(ii) the time and place at which such public comments will be accepted.

“(3) Petition process.—

“(A) In general.--Not later than 60 days after the date of the enactment of this subsection, the President shall establish a process to allow any interested person, at any time, to file a petition with the Office of the United States Trade Representative with respect to the compliance of any country listed in section 107 of the African Growth and Opportunity Act with the eligibility requirements set forth in section 104 of such Act and the eligibility criteria set forth in section 502 of this Act.

“(B) Use of petitions.--The President shall take into account all petitions filed pursuant to subparagraph (A) in making determinations of compliance under subsections (a)(3)(A) and (c) and in preparing any reports required by this title as such reports apply with respect to beneficiary sub-Saharan African countries.

“(4) Out-of-cycle reviews.—

“(A) In general.--The President may, at any time, initiate an out-of-cycle review of whether a beneficiary sub-Saharan African country is making continual progress in meeting the requirements described in paragraph (1). The President shall give due consideration to petitions received under paragraph (3) in determining whether to initiate an out-of-cycle review under this subparagraph.

“(B) Congressional notification.--Before initiating an out-of-cycle review under subparagraph (A), the President shall notify and consult with Congress.

“(C) Consequences of review.--If, pursuant to an out-of-cycle review conducted under subparagraph (A), the President determines that a beneficiary sub-Saharan African country does not meet the requirements set forth in section 104(a) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)), the President shall, subject to the requirements of subsections (a)(3)(B) and (c)(2), terminate the designation of the country as a beneficiary sub-Saharan African country or withdraw, suspend, or limit the application of duty-free treatment with respect to articles from the country.

(D) Reports.--After each out-of-cycle review conducted under subparagraph (A) with respect to a country, the President shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the review and any determination of the President to terminate the designation of the country as a beneficiary sub-Saharan African country or withdraw, suspend, or limit the application of duty-free treatment with respect to articles from the country under subparagraph (C).

“(E) Initiation of out-of-cycle reviews for certain countries.--Recognizing that concerns have been raised about the compliance with section 104(a) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)) of some beneficiary sub-Saharan African countries, the President shall initiate an out-of-cycle review under subparagraph (A) with respect to South Africa, the most developed of the beneficiary sub-Saharan African countries, and other beneficiary countries as appropriate, not later than 30 days after the date of the enactment of the Trade Preferences Extension Act of 2015.”.

SEC. 106. PROMOTION OF THE ROLE OF WOMEN IN SOCIAL AND ECONOMIC DEVELOPMENT IN SUB-SAHARAN AFRICA.

(a) Statement of Policy.--Section 103 of the African Growth and Opportunity Act (19 U.S.C. 3702) is amended—

(1) in paragraph (8), by striking “; and” and inserting a semicolon;

(2) in paragraph (9), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(10) promoting the role of women in social, political, and economic development in sub-Saharan Africa.”.

(b) Eligibility Requirements.--Section 104(a)(1)(A) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)(1)(A)) is amended by inserting “for men and women” after “rights”.

SEC. 107. BIENNIAL AGOA UTILIZATION STRATEGIES.

(a) In General.--It is the sense of Congress that—

(1) beneficiary sub-Saharan African countries should develop utilization strategies on a biennial basis in order to more effectively and strategically utilize benefits available under the African Growth and Opportunity Act (in this section referred to as “AGOA utilization strategies”);

(2) United States trade capacity building agencies should work with, and provide appropriate resources to, such sub-Saharan African countries to assist in developing and implementing biennial AGOA utilization strategies; and

(3) as appropriate, and to encourage greater regional integration, the United States Trade Representative should consider requesting the Regional Economic Communities to prepare biennial AGOA utilization strategies.

(b) Contents.--It is further the sense of Congress that biennial AGOA utilization strategies should identify strategic needs and priorities to bolster utilization of benefits available under the African Growth and Opportunity Act. To that end, biennial AGOA utilization strategies should—

(1) review potential exports under the African Growth and Opportunity Act and identify opportunities and obstacles to increased trade and investment and enhanced poverty reduction efforts;

(2) identify obstacles to regional integration that inhibit utilization of benefits under the African Growth and Opportunity Act;

(3) set out a plan to take advantage of opportunities and address obstacles identified in paragraphs (1) and (2), improve awareness of the African Growth and Opportunity Act as a program that enhances exports to the United States, and utilize United States Agency for International Development regional trade hubs;

(4) set out a strategy to promote small business and entrepreneurship; and

(5) eliminate obstacles to regional trade and promote greater utilization of benefits under the African Growth and Opportunity Act and establish a plan to promote full regional implementation of the Agreement on Trade Facilitation of the World Trade Organization.

(c) Publication.--It is further the sense of Congress that--

(1) each beneficiary sub-Saharan African country should publish on an appropriate Internet website of such country public versions of its AGOA utilization strategy; and

(2) the United States Trade Representative should publish on the Internet website of the Office of the United States Trade Representative public versions of all AGOA utilization strategies described in paragraph (1).

SEC. 108. DEEPENING AND EXPANDING TRADE AND INVESTMENT TIES BETWEEN SUB-SAHARAN AFRICA AND THE UNITED STATES.

It is the policy of the United States to continue to—

(1) seek to deepen and expand trade and investment ties between sub-Saharan Africa and the United States, including through the negotiation of accession by sub-Saharan African countries to the World Trade Organization and the negotiation of trade and investment framework agreements, bilateral investment treaties, and free trade agreements, as such agreements have the potential to catalyze greater trade and investment, facilitate additional investment in sub-Saharan Africa, further poverty reduction efforts, and promote economic growth;

(2) seek to negotiate agreements with individual sub-Saharan African countries as well as with the Regional Economic Communities, as appropriate;

(3) promote full implementation of commitments made under the WTO Agreement (as such term is defined in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)) because such actions are likely to improve utilization of the African Growth and Opportunity Act and promote trade and investment and because regular review to ensure continued compliance helps to maximize the benefits of the African Growth and Opportunity Act; and

(4) promote the negotiation of trade agreements that cover substantially all trade between parties to such agreements and, if other countries seek to negotiate trade agreements that do not cover substantially all trade, continue to object in all appropriate forums.

SEC. 109. AGRICULTURAL TECHNICAL ASSISTANCE FOR SUB-SAHARAN AFRICA.

Section 13 of the AGOA Acceleration Act of 2004 (19 U.S.C. 3701 note) is amended--

(1) in subsection (a)--

(A) by striking "shall identify not fewer than 10 eligible sub-Saharan African countries as having the greatest" and inserting ", through the Secretary of Agriculture, shall identify eligible sub-Saharan African countries that have"; and

(B) by striking "and complying with sanitary and phytosanitary rules of the United States" and inserting ", complying with sanitary and phytosanitary rules of the United States, and developing food safety standards";

(2) in subsection (b)--

(A) by striking "20" and inserting "30"; and

(B) by inserting after "from those countries" the following: ", particularly from businesses and sectors that engage women farmers and entrepreneurs,"; and

(3) by adding at the end the following:

(c) Coordination.--The President shall take such measures as are necessary to ensure adequate coordination of similar activities of agencies of the United States Government relating to agricultural technical assistance for sub-Saharan Africa.”.

SEC. 110. REPORTS.

(a) Implementation Report.--

(1) In general.--Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the President shall submit to Congress a report on the trade and investment relationship between the United States and sub-Saharan African countries and on the implementation of this title and the amendments made by this title.

(2) Matters to be included.--The report required by paragraph (1) shall include the following:

(A) A description of the status of trade and investment between the United States and sub-Saharan Africa, including information on leading exports to the United States from sub-Saharan African countries.

(B) Any changes in eligibility of sub-Saharan African countries during the period covered by the report.

(C) A detailed analysis of whether each such beneficiary sub-Saharan African country is continuing to meet the eligibility requirements set forth in section 104 of the African Growth and Opportunity Act and the eligibility criteria set forth in section 502 of the Trade Act of 1974.

(D) A description of the status of regional integration efforts in sub-Saharan Africa.

(E) A summary of United States trade capacity building efforts.

(F) Any other initiatives related to enhancing the trade and investment relationship between the United States and sub-Saharan African countries.

(b) Potential Trade Agreements Report.--Not later than 1 year after the date of the enactment of this Act, and every 5 years thereafter, the United States Trade Representative shall submit to Congress a report that--

(1) identifies sub-Saharan African countries that have expressed an interest in entering into a free trade agreement with the United States;

(2) evaluates the viability and progress of such sub-Saharan African countries and other sub-Saharan African countries toward entering into a free trade agreement with the United States; and

(3) describes a plan for negotiating and concluding such agreements, which includes the elements described in subparagraphs (A) through (E) of section 116(b)(2) of the African Growth and Opportunity Act.

(c) Termination.--The reporting requirements of this section shall cease to have any force or effect after September 30, 2025.

SEC. 111. TECHNICAL AMENDMENTS.

Section 104 of the African Growth and Opportunity Act (19 U.S.C. 3703), as amended by section 106, is further amended—

(1) in subsection (a), by striking “(a) In General.—”; and

(2) by striking subsection (b).

SEC. 112. DEFINITIONS.

In this title:

(1) Beneficiary Sub-Saharan African country.--The term “beneficiary sub-Saharan African country” means a beneficiary sub-Saharan African country described in subsection (e) of section 506A of the Trade Act of 1974 (as redesignated by this Act).

(2) Sub-Saharan African country.--The term “sub-Saharan African country” has the meaning given the term in section 107 of the African Growth and Opportunity Act.
