

AMENDMENTS

2015—Par. (10). Pub. L. 114-27 added par. (10).

§ 3703. Eligibility requirements

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 for men and women, 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.

(Pub. L. 106-200, title I, §104, May 18, 2000, 114 Stat. 254; Pub. L. 114-27, title I, §§106(b), 111, June 29, 2015, 129 Stat. 368, 370.)

AMENDMENTS

2015—Pub. L. 114-27, §111, struck out subsec. (a) designation and heading before “The President is authorized” and struck out subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “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.”

Subsec. (a)(1)(A). Pub. L. 114-27, §106(b), inserted “for men and women” after “rights”.

§ 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-Saha-

ran 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.

(Pub. L. 106-200, title I, § 105, May 18, 2000, 114 Stat. 255.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c)(1) and (d), was in the original “this title”, meaning title I of Pub. L. 106-200, May 18, 2000, 114 Stat. 252, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 3701 of this title and Tables.

§ 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.

(Pub. L. 106-200, title I, § 106, May 18, 2000, 114 Stat. 256.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 106-200, May 18, 2000, 114 Stat. 252, which enacted this chapter and sections 2466a and 2466b of this title and amended section 2463 of this title and sections 2193 and 2293 of Title 22, Foreign Relations and Intercourse. For complete classification of title I to the Code, see Short Title note set out under section 3701 of this title and Tables.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to United States Trade Representative by section 1(b) of Ex. Ord. No. 13346, July 8, 2004, 69 F.R. 41905, set out as a note under section 301 of Title 3, The President.

REPORTS ON IMPLEMENTATION AND POTENTIAL TRADE AGREEMENTS

Pub. L. 114-27, title I, § 110, June 29, 2015, 129 Stat. 370, provided that:

“(a) IMPLEMENTATION REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [June 29, 2015], 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 [see Short Title of 2015 Amendment note set out under section 3701 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 [19 U.S.C. 3703] and the eligibility criteria set forth in section 502 of the Trade Act of 1974 [19 U.S.C. 2462].

“(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 a [sic] 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 [19 U.S.C. 3723(b)(2)].

“(c) TERMINATION.—The reporting requirements of this section shall cease to have any force or effect after September 30, 2025.”

[Functions of President under section 110(a) of Pub. L. 114-27, set out above, assigned to United States Trade Representative, in consultation with Secretary of State, see Ex. Ord. No. 13720, § 1(d), Feb. 26, 2016, 81 F.R. 11089, set out as a note under section 2466a of this title.]

[For definitions of “beneficiary sub-Saharan African country” and “sub-Saharan African country” as used in section 110 of Pub. L. 114-27, set out above, see section 112 of Pub. L. 114-27, set out as a note under section 3701 of this title.]

§ 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).