

of March 27, 1975 [19 U.S.C. 2111 note], under section 135(c) of the Trade Act of 1974 [19 U.S.C. 2155(c)], in order to facilitate the goals and objectives of the African Growth and Opportunity Act [19 U.S.C. 3701 et seq.] 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.”

[Functions of President under section 13(c) of Pub. L. 108-274, set out above, assigned to Administrator of United States Agency for International Development, in collaboration with Secretary of Agriculture, see Ex. Ord. No. 13720, §1(c), Feb. 26, 2016, 81 F.R. 11089, set out as a note under section 2466a of this title.]

[Pub. L. 108-429, title II, §2004(j)(2), Dec. 3, 2004, 118 Stat. 2595, provided that:

“(A) IN GENERAL.—The amendment made by paragraph (1) [amending Pub. L. 108-274, set out above] shall take effect as if included in the enactment of section 8 of the AGOA Acceleration Act of 2004 [Pub. L. 108-274].

“(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 [Dec. 3, 2004]’ for ‘90 days after the date of the enactment of this Act.’”]

DEFINITIONS

Pub. L. 114-27, title I, §112, June 29, 2015, 129 Stat. 371, provided that: “In this title [see Short Title of 2015 Amendment note above]:

“(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 [19 U.S.C. 2466a(e)] (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 [19 U.S.C. 3706].”

§ 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;

(9) the accession of the countries in sub-Saharan Africa to the Organization for Economic Cooperation and Development (OECD) Conven-

tion on Combating Bribery of Foreign Public Officials in International Business Transactions; and

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

(Pub. L. 106-200, title I, §103, May 18, 2000, 114 Stat. 253; Pub. L. 114-27, title I, §106(a), June 29, 2015, 129 Stat. 368.)

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.