

“(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.]

Executive Documents

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.

§ 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 Tomé and Príncipe (Sao Tomé and Príncipe).

Republic of Senegal (Senegal).

Republic of Seychelles (Seychelles).

Republic of Sierra Leone (Sierra Leone).

Somalia.

Republic of South Africa (South Africa).

Republic of South Sudan (South Sudan).

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).

(Pub. L. 106-200, title I, §107, May 18, 2000, 114 Stat. 256; Pub. L. 112-163, §1(b), Aug. 10, 2012, 126 Stat. 1274.)

Editorial Notes

AMENDMENTS

2012—Pub. L. 112-163 inserted item relating to the Republic of South Sudan.

§ 3707. Activities in support of transparency

(a) AGOA Website

(1) In general

The President shall establish a publicly available website for the collection and dissemination of information regarding the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(2) Contents

The President shall publish on the AGOA Website the information described in paragraph (1), including—

(A) information and technical assistance provided at United States Agency for International Development regional trade hubs; and

(B) a link to the websites of United States embassies located in eligible sub-Saharan African countries.

(3) Actions by United States embassies

The Secretary of State should direct United States embassies located in eligible sub-Saharan African countries to—

(A) encourage individuals and businesses in such countries to use the benefits available under the African Growth and Opportunity Act; and

(B) include a link to the AGOA Website on the websites of such diplomatic missions.

(b) AGOA Forum

After each meeting of the United States–Sub-Saharan Africa Trade and Economic Cooperation Forum, the President should publish on the AGOA Website the following:

(1) The outcomes of the meeting of the Forum, including any commitments made by member countries and the private sector.

(2) An assessment of progress made with respect to any commitments made by member countries and the private sector from the previous meeting of the Forum.

(c) Other information

The President should disseminate the information required under this section in a digital format to the public and publish such information on the AGOA Website.

(Pub. L. 115–167, title I, §103, Apr. 23, 2018, 132 Stat. 1277.)

Editorial Notes

REFERENCES IN TEXT

The African Growth and Opportunity Act, referred to in subsec. (a)(1), (3)(A), is title I of Pub. L. 106–200, May 18, 2000, 114 Stat. 252, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

CODIFICATION

Section was enacted as part of the African Growth and Opportunity Act and Millennium Challenge Act Modernization Act, also known as the AGOA and MCA Modernization Act, and not as part of the African Growth and Opportunity Act which enacted this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 115–167, title I, §102, Apr. 23, 2018, 132 Stat. 1277, provided that: “In this title [enacting this section and provisions set out as a note under section 3701 of this title]—

“(1) AGOA WEBSITE.—The term ‘AGOA Website’ means the website established pursuant to section 103(a) [19 U.S.C. 3707(a)].

“(2) ELIGIBLE SUB-SAHARAN AFRICAN COUNTRY.—The term ‘eligible sub-Saharan African country’ means a country that the President has determined meets the eligibility requirements set forth in section 104 of the African Growth and Opportunity Act (19 U.S.C. 3703).”

SUBCHAPTER II—TRADE BENEFITS

§ 3721. Treatment of certain textiles and apparel

(a) Preferential treatment

Textile and apparel articles described in subsection (b) that are imported directly into the

customs territory of the United States from a beneficiary sub-Saharan African country described in section 2466a(c)¹ 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), if the country has satisfied the requirements set forth in section 3722 of this title.

(b) Products covered

Subject to subsection (c), the preferential treatment described in subsection (a) 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, 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 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 in the United States or one or more beneficiary sub-Saharan African countries or former beneficiary sub-Saharan

¹ See References in Text note below.