

108TH CONGRESS
2^D SESSION

H. R. 4103

AN ACT

To extend and modify the trade benefits under the African Growth and Opportunity Act.

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To extend and modify the trade benefits under the African
Growth and Opportunity Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “AGOA Acceleration
3 Act of 2004”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) The African Growth and Opportunity Act
7 (in this section and section 3 referred to as “the
8 Act”) has helped to spur economic growth and bol-
9 ster economic reforms in the countries of sub-Saha-
10 ran Africa and has fostered stronger economic ties
11 between the countries of sub-Saharan Africa and the
12 United States; as a result, exports from the United
13 States to sub-Saharan Africa reached record levels
14 after the enactment of the Act, while exports from
15 sub-Saharan Africa to the United States have in-
16 creased considerably.

17 (2) The Act’s eligibility requirements have rein-
18 forced democratic values and the rule of law, and
19 have strengthened adherence to internationally rec-
20 ognized worker rights in eligible sub-Saharan Afri-
21 can countries.

22 (3) The Act has helped to bring about substan-
23 tial increases in foreign investment in sub-Saharan
24 Africa, especially in the textile and apparel sectors,
25 where tens of thousands of new jobs have been cre-
26 ated.

1 (4) As a result of the Agreement on Textiles
2 and Apparel of the World Trade Organization, under
3 which quotas maintained by WTO member countries
4 on textile and apparel products end on January 1,
5 2005, sub-Saharan Africa's textile and apparel in-
6 dustry will be severely challenged by countries whose
7 industries are more developed and have greater ca-
8 pacity, economies of scale, and better infrastructure.

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

12 (6) Regional integration establishes a founda-
13 tion on which sub-Saharan African countries can co-
14 ordinate and pursue policies grounded in African in-
15 terests and history to achieve sustainable develop-
16 ment.

17 (7) Expanded trade because of the Act has im-
18 proved fundamental economic conditions within sub-
19 Saharan Africa. The Act has helped to create jobs
20 in the poorest region of the world, and most sub-Sa-
21 haran African countries have sought to take advan-
22 tage of the opportunities provided by the Act.

23 (8) Agricultural biotechnology holds promise for
24 helping solve global food security and human health
25 crises in Africa and, according to recent studies, has

1 made contributions to the protection of the environ-
2 ment by reducing the application of pesticides, re-
3 ducing soil erosion, and creating an environment
4 more hospitable to wildlife.

5 (9) (A) One of the greatest challenges facing
6 African countries continues to be the HIV/AIDS epi-
7 demic, which has infected as many as one out of
8 every four people in some countries, creating tre-
9 mendous social, political, and economic costs. Afri-
10 can countries need continued United States financial
11 and technical assistance to combat this epidemic.

12 (B) More awareness and involvement by govern-
13 ments are necessary. Countries like Uganda, recog-
14 nizing the threat of HIV/AIDS, have boldly attacked
15 it through a combination of education, public aware-
16 ness, enhanced medical infrastructure and resources,
17 and greater access to medical treatment. An effec-
18 tive HIV/AIDS prevention and treatment strategy
19 involves all of these steps.

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

24 **SEC. 3. STATEMENT OF POLICY.**

25 The Congress supports—

1 (1) a continued commitment to increase trade
2 between the United States and sub-Saharan Africa
3 and increase investment in sub-Saharan Africa to
4 the benefit of workers, businesses, and farmers in
5 the United States and in sub-Saharan Africa, in-
6 cluding by developing innovative approaches to en-
7 courage development and investment in sub-Saharan
8 Africa;

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

15 (3) development of sub-Saharan Africa's phys-
16 ical and financial infrastructure;

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

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

22 (A) reducing poverty and increasing eco-
23 nomic growth;

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

1 (C) promoting African integration by deep-
2 ening linkages between African countries and
3 by accelerating Africa's economic and political
4 integration into the rest of the world;

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

7 (E) promoting trade and economic diver-
8 sification;

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

11 (G) improving transparency, good govern-
12 ance, and political accountability;

13 (H) expanding access to social services,
14 education, and health services with a high pri-
15 ority given to addressing HIV/AIDS, malaria,
16 tuberculosis, other infectious diseases, and
17 other public health problems;

18 (I) promoting the role of women in social
19 and economic development by reinforcing edu-
20 cation and training and by assuring their par-
21 ticipation in political and economic arenas; and

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

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

5 (7) the President seeking to negotiate, with in-
6 terested eligible sub-Saharan African countries, bi-
7 lateral trade agreements that provide investment op-
8 portunities, in accordance with section 2102(b)(3) of
9 the Trade Act of 2002 (19 U.S.C. 3802(b)(3));

10 (8) efforts by the President to negotiate with
11 the member countries of the Southern African Cus-
12 toms Union in order to provide the opportunity to
13 deepen and make permanent the benefits of the Act
14 while giving the United States access to the markets
15 of these African countries for United States goods
16 and services, by reducing tariffs and non-tariff bar-
17 riers, strengthening intellectual property protection,
18 improving transparency, establishing general dispute
19 settlement mechanisms, and investor-state and state-
20 to-state dispute settlement mechanisms in invest-
21 ment;

22 (9) a comprehensive and ambitious trade agree-
23 ment with the Southern African Customs Union,
24 covering all products and sectors, in order to mature
25 the economic relationship between sub-Saharan Afri-

1 can countries and the United States and because
2 such an agreement would deepen United States eco-
3 nomic and political ties to the region, lend momen-
4 tum to United States development efforts, encourage
5 greater United States investment, and promote re-
6 gional integration and economic growth;

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

10 (11) economic diversification in sub-Saharan
11 African countries and expansion of trade beyond tex-
12 tiles and apparel.

13 **SEC. 4. SENSE OF CONGRESS ON RECIPROCITY AND RE-**
14 **GIONAL ECONOMIC INTEGRATION.**

15 It is the sense of the Congress that—

16 (1) the preferential market access opportunities
17 for eligible sub-Saharan African countries will be
18 complemented and enhanced if those countries are
19 implementing actively and fully, consistent with any
20 remaining applicable phase-in periods, their obliga-
21 tions under the World Trade Organization, including
22 obligations under the Agreement on Trade-Related
23 Aspects of Intellectual Property, the Agreement on
24 the Application of Sanitary and Phytosanitary Meas-
25 ures, and the Agreement on Trade-Related Invest-

1 ment Measures, as well as the other agreements de-
2 scribed in section 101(d) of the Uruguay Round
3 Agreements Act (19 U.S.C. 3511(d));

4 (2) eligible sub-Saharan African countries
5 should participate in and support mutual trade liber-
6 alization in ongoing negotiations under the auspices
7 of the World Trade Organization, including by mak-
8 ing reciprocal commitments with respect to improv-
9 ing market access for industrial and agricultural
10 goods, and for services, recognizing that such com-
11 mitments may need to reflect special and differential
12 treatment for developing countries;

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

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

1 **SEC. 5. SENSE OF CONGRESS ON INTERPRETATION OF TEX-**
2 **TILE AND APPAREL PROVISIONS OF AGOA.**

3 It is the sense of the Congress that the executive
4 branch, particularly the Committee for the Implementa-
5 tion of Textile Agreements (CITA), the Bureau of Cus-
6 toms and Border Protection of the Department of Home-
7 land Security, and the Department of Commerce, should
8 interpret, implement, and enforce the provisions of section
9 112 of the African Growth and Opportunity Act, relating
10 to preferential treatment of textile and apparel articles,
11 broadly in order to expand trade by maximizing opportuni-
12 ties for imports of such articles from eligible sub-Saharan
13 African countries.

14 **SEC. 6. DEFINITION.**

15 In this Act, the term “eligible sub-Saharan African
16 country” means an eligible sub-Saharan African country
17 under the African Growth and Opportunity Act.

18 **SEC. 7. EXTENSION OF AFRICAN GROWTH AND OPPOR-**
19 **TUNITY ACT.**

20 (a) GENERALIZED SYSTEM OF PREFERENCES.—

21 (1) EXTENSION OF PROGRAM.—Section 506B
22 of the Trade Act of 1974 (19 U.S.C. 2466b) is
23 amended by striking “2008” and inserting “2015”.

24 (2) INPUTS FROM FORMER BENEFICIARY COUN-
25 TRIES.—Section 506A of the Trade Act of 1974 (19
26 U.S.C. 2466a) is amended—

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

4 (B) in subsection (c)—

5 (i) by striking “title, the terms” and
6 inserting “title—
7 “(1) the terms”; and

8 (ii) by adding at the end the fol-
9 lowing:

10 “(2) the term ‘former beneficiary sub-Saharan
11 African country’ means a country that, after being
12 designated as a beneficiary sub-Saharan African
13 country under the African Growth and Opportunity
14 Act, ceased to be designated as such a country by
15 reason of its entering into a free trade agreement
16 with the United States.”.

17 (b) APPAREL ARTICLES.—(1) Section 112(b)(1) of
18 the African Growth and Opportunity Act (19 U.S.C.
19 3721(b)(1)) is amended by striking “(including” and in-
20 serting “or both (including”.

21 (2) Section 112(b)(3) of the African Growth and Op-
22 portunity Act (19 U.S.C. 3721 (b)(3)) is amended—

23 (A) in the matter preceding subparagraph

24 (A)—

1 (i) by striking “either in the United States
2 or one or more beneficiary sub-Saharan African
3 countries” each place it appears and inserting
4 “in the United States or one or more bene-
5 ficiary sub-Saharan African countries or former
6 beneficiary sub-Saharan African countries, or
7 both”; and

8 (ii) by striking “subject to the following:”
9 and inserting “whether or not the apparel arti-
10 cles are also made from any of the fabrics, fab-
11 ric components formed, or components knit-to-
12 shape described in paragraph (1) or (2) (unless
13 the apparel articles are made exclusively from
14 any of the fabrics, fabric components formed, or
15 components knit-to-shape described in para-
16 graph (1) or (2)), subject to the following:”;
17 and

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

20 “(A) LIMITATIONS ON BENEFITS.—

21 “(i) IN GENERAL.—Preferential treat-
22 ment under this paragraph shall be ex-
23 tended in the 1-year period beginning Oc-
24 tober 1, 2003, and in each of the 11 suc-
25 ceeding 1-year periods, to imports of ap-

1 parel articles in an amount not to exceed
2 the applicable percentage of the aggregate
3 square meter equivalents of all apparel ar-
4 ticles imported into the United States in
5 the preceding 12-month period for which
6 data are available.

7 “(ii) APPLICABLE PERCENTAGE.—For
8 purposes of this subparagraph, the term
9 ‘applicable percentage’ means—

10 “(I) 4.747 percent for the 1-year
11 period beginning October 1, 2003, in-
12 creased in each of the 5 succeeding 1-
13 year periods by equal increments, so
14 that for the 1-year period beginning
15 October 1, 2007, the applicable per-
16 centage does not exceed 7 percent;
17 and

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

21 “(B) SPECIAL RULE FOR LESSER DEVEL-
22 OPED COUNTRIES.—

23 “(i) IN GENERAL.—Preferential treat-
24 ment under this paragraph shall be ex-
25 tended though September 30, 2007, for ap-

1 parel articles wholly assembled, or knit-to-
2 shape and wholly assembled, or both, in
3 one or more lesser developed beneficiary
4 sub-Saharan African countries, regardless
5 of the country of origin of the fabric or the
6 yarn used to make such articles, in an
7 amount not to exceed the applicable per-
8 centage of the aggregate square meter
9 equivalents of all apparel articles imported
10 into the United States in the preceding 12-
11 month period for which data are available.

12 “(ii) APPLICABLE PERCENTAGE.—For
13 purposes of the subparagraph, the term
14 ‘applicable percentage’ means—

15 “(I) 2.3571 percent for the 1-
16 year period beginning October 1,
17 2003;

18 “(II) 2.6428 percent for the 1-
19 year period beginning October 1,
20 2004;

21 “(III) 2.9285 percent for the 1-
22 year period beginning October 1,
23 2005; and

1 “(IV) 1.6071 percent for the 1-
2 year period beginning October 1,
3 2006.

4 “(iii) LESSER DEVELOPED BENE-
5 FICIARY SUB-SAHARAN AFRICAN COUN-
6 TRY.—For purposes of this subparagraph,
7 the term ‘lesser developed beneficiary sub-
8 Saharan African country’ means—

9 “(I) a beneficiary sub-Saharan
10 African country that had a per capita
11 gross national product of less than
12 \$1,500 in 1998, as measured by the
13 International Bank for Reconstruction
14 and Development;

15 “(II) Botswana; and

16 “(III) Namibia.”

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

20 “(A) IN GENERAL.—Apparel articles that
21 are both cut (or knit-to-shape) and sewn or oth-
22 erwise assembled in one or more beneficiary
23 sub-Saharan African countries, to the extent
24 that apparel articles of such fabrics or yarns
25 would be eligible for preferential treatment,

1 without regard to the source of the fabrics or
2 yarns, under Annex 401 to the NAFTA.”.

3 (c) HANDLOOMED, HANDMADE, FOLKLORE ARTI-
4 CLES AND ETHNIC PRINTED FABRICS.—Section
5 112(b)(6) of the African Growth and Opportunity Act (19
6 U.S.C. 3721(b)(6)) is amended to read as follows:

7 “(6) HANDLOOMED, HANDMADE, FOLKLORE
8 ARTICLES AND ETHNIC PRINTED FABRICS.—

9 “(A) IN GENERAL.—A handloomed, hand-
10 made, folklore article or an ethnic printed fab-
11 ric of a beneficiary sub-Saharan African coun-
12 try or countries that is certified as such by the
13 competent authority of such beneficiary country
14 or countries. For purposes of this section, the
15 President, after consultation with the bene-
16 ficiary sub-Saharan African country or coun-
17 tries concerned, shall determine which, if any,
18 particular textile and apparel goods of the coun-
19 try (or countries) shall be treated as being
20 handloomed, handmade, or folklore articles or
21 an ethnic printed fabric.

22 “(B) REQUIREMENTS FOR ETHNIC PRINT-
23 ED FABRIC.—Ethnic printed fabrics qualified
24 under this paragraph are—

1 “(i) fabrics containing a selvedge on
2 both edges, having a width of less than 50
3 inches, classifiable under subheading
4 5208.52.30 or 5208.52.40 of the Har-
5 monized Tariff Schedule of the United
6 States;

7 “(ii) of the type that contains designs,
8 symbols, and other characteristics of Afri-
9 can prints—

10 “(I) normally produced for and
11 sold on the indigenous African mar-
12 ket; and

13 “(II) normally sold in Africa by
14 the piece as opposed to being tailored
15 into garments before being sold in in-
16 digenous African markets;

17 “(iii) printed, including waxed, in one
18 or more eligible beneficiary sub-Saharan
19 countries; and

20 “(iv) fabrics formed in the United
21 States, from yarns formed in the United
22 States, or from fabric formed in one or
23 more beneficiary sub-Saharan African
24 country from yarn originating in either the

1 United States or one or more beneficiary
2 sub-Saharan African countries.”.

3 (d) REGIONAL AND U.S. SOURCES.—Section
4 112(b)(7) of the African Growth and Opportunity Act (19
5 U.S.C. 3721(b)(7)) is amended by inserting “or former
6 beneficiary sub-Saharan African countries” after “and one
7 or more beneficiary sub-Saharan African countries” each
8 place it appears.

9 (e) SPECIAL RULES.—

10 (1) CERTAIN COMPONENTS.—Section 112(d) of
11 the African Growth and Opportunity Act (19 U.S.C.
12 3721(d)) is amended by adding at the end the fol-
13 lowing:

14 “(3) CERTAIN COMPONENTS.—An article other-
15 wise eligible for preferential treatment under this
16 section will not be ineligible for such treatment be-
17 cause the article contains—

18 “(A) any collars or cuffs (cut or knit-to-
19 shape),

20 “(B) drawstrings,

21 “(C) shoulder pads or other padding,

22 “(D) waistbands,

23 “(E) belt attached to the article,

24 “(F) straps containing elastic, or

25 “(G) elbow patches,

1 that do not meet the requirements set forth in sub-
2 section (b), regardless of the country of origin of the
3 item referred to in the applicable subparagraph of
4 this paragraph.”.

5 (2) DE MINIMIS RULE.—Section 112(d)(2) of
6 the African Growth and Opportunity Act (19 U.S.C.
7 3721(d)(2)) is amended—

8 (A) by inserting “or former beneficiary
9 sub-Saharan African countries” after “coun-
10 tries”; and

11 (B) by striking “7 percent” and inserting
12 “10 percent”.

13 (f) DEFINITIONS.—Section 112(e) of the African
14 Growth and Opportunity Act (19 U.S.C. 3721(e)) is
15 amended by adding at the end the following:

16 “(4) FORMER SUB-SAHARAN AFRICAN COUN-
17 TRY.—The term ‘former sub-Saharan African coun-
18 try’ means a country that, after being designated as
19 a beneficiary sub-Saharan African country under
20 this Act, ceased to be designated as such a bene-
21 ficiary sub-Saharan country by reason of its entering
22 into a free trade agreement with the United
23 States.”.

1 **SEC. 8. ENTRIES OF CERTAIN APPAREL ARTICLES PURSU-**
2 **ANT TO THE AFRICAN GROWTH AND OPPOR-**
3 **TUNITY ACT.**

4 (a) **IN GENERAL.**—Notwithstanding section 514 of
5 the Tariff Act of 1930 (19 U.S.C. 1514) or any other pro-
6 vision of law, the Secretary of the Treasury shall liquidate
7 or reliquidate as free of duty and free of any quantitative
8 restrictions, limitations, or consultation levels entries of
9 articles described in subsection (d) made on or after Octo-
10 ber 1, 2000, and before the date of the enactment of this
11 Act.

12 (b) **REQUESTS.**—Liquidation or reliquidation may be
13 made under subsection (a) with respect to an entry de-
14 scribed in subsection (d) only if a request therefor is filed
15 with the Secretary of the Treasury within 90 days after
16 the date of the enactment of this Act and the request con-
17 tains sufficient information to enable the Secretary to lo-
18 cate the entry or reconstruct the entry if it cannot be lo-
19 cated.

20 (c) **PAYMENT OF AMOUNTS OWED.**—Any amounts
21 owed by the United States pursuant to the liquidation or
22 reliquidation of any entry under subsection (a) shall be
23 paid not later than 180 days after the date of such liquida-
24 tion or reliquidation.

25 (d) **ENTRIES.**—The entries referred to in subsection
26 (a) are entries of apparel articles that meet the require-

1 ments of section 112(b) of the African Growth and Oppor-
2 tunity Act, as amended by section 3108 of the Trade Act
3 of 2002 and this Act.

4 **SEC. 9. DEVELOPMENT STUDY AND CAPACITY BUILDING.**

5 (a) REPORTS.—The President shall, by not later than
6 1 year after the date of the enactment of this Act, conduct
7 a study on each eligible sub-Saharan African country,
8 that—

9 (1) identifies sectors of the economy of that
10 country with the greatest potential for growth, in-
11 cluding through export sales;

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

15 (3) makes recommendations on how the United
16 States Government and the private sector can pro-
17 vide technical assistance to that country to assist in
18 dismantling such barriers and in promoting invest-
19 ment in such sectors.

20 (b) DISSEMINATION OF INFORMATION.—The Presi-
21 dent shall disseminate information in each study con-
22 ducted under subsection (a) to the appropriate United
23 States agencies for the purpose of implementing rec-
24 ommendations on the provision of technical assistance and

1 in identifying opportunities for United States investors,
2 businesses, and farmers.

3 **SEC. 10. ACTIVITIES IN SUPPORT OF INFRASTRUCTURE TO**
4 **SUPPORT INCREASING TRADE CAPACITY AND**
5 **ECOTOURISM.**

6 (a) FINDINGS.—The Congress finds the following:

7 (1) Ecotourism, which consists of—

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

14 (B) promotion of conservation and provi-
15 sion for beneficial involvement of local popu-
16 lations, and

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

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

21 (2) Ecotourism will increase trade capacity by
22 sustaining otherwise unsustainable infrastructure,
23 such as road, port, water, energy, and telecommuni-
24 cation development.

1 (3) According to the United States Department
2 of State and the United Nations Environment Pro-
3 gramme, sustainable tourism, such as ecotourism,
4 can be an important part of the economic develop-
5 ment of a region, especially a region with natural
6 and cultural protected areas.

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

12 (5) National parks and reserves in sub-Saharan
13 Africa should be considered a basis for regional de-
14 velopment, involving communities living within and
15 adjacent to them and, given their strong inter-
16 national recognition, provide an advantage in
17 ecotourism marketing and promotion.

18 (6) Desert areas in sub-Saharan Africa rep-
19 resent complex ecotourism attractions, showcasing
20 natural, geological, and archaeological features, and
21 nomad and other cultures and traditions.

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

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

5 (9) Adequate capacity building is an essential
6 component of ecotourism development if local com-
7 munities are to be real stakeholders that can sustain
8 an equitable approach to ecotourism management.

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

15 (b) ACTION BY THE PRESIDENT.—The President
16 shall develop and implement policies to—

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

21 (2) encourage and facilitate transboundary co-
22 operation among sub-Saharan African countries in
23 order to facilitate trade;

24 (3) encourage the provision of technical assist-
25 ance to eligible sub-Saharan African countries to es-

1 establish and sustain adequate trade capacity develop-
2 ment; and

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

6 **SEC. 11. ACTIVITIES IN SUPPORT OF TRANSPORTATION,**
7 **ENERGY, AGRICULTURE, AND TELECOMMUNI-**
8 **CATIONS INFRASTRUCTURE.**

9 (a) FINDINGS.—The Congress finds the following:

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

15 (2) Vibrant economic growth requires a devel-
16 oped telecommunication and energy infrastructure.

17 (3) Sub-Saharan Africa is rich in exportable ag-
18 ricultural goods, but development of this industry re-
19 mains stymied because of an underdeveloped infra-
20 structure.

21 (b) ACTION BY THE PRESIDENT.—In order to en-
22 hance trade with Africa and to bring the benefits of trade
23 to African countries, the President shall develop and im-
24 plement policies to encourage investment in eligible sub-

1 Saharan African countries, particularly with respect to the
2 following:

3 (1) Infrastructure projects that support, in par-
4 ticular, development of land transport road and rail-
5 road networks and ports, and the continued upgrad-
6 ing and liberalization of the energy and tele-
7 communications sectors.

8 (2) The establishment and expansion of modern
9 information and communication technologies and
10 practices to improve the ability of citizens to re-
11 search and disseminate information relating to,
12 among other things, the economy, education, trade,
13 health, agriculture, the environment, and the media.

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

16 **SEC. 12. FACILITATION OF TRANSPORTATION.**

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

22 (1) increased coordination between customs
23 services at ports and airports in the United States
24 and such countries in order to reduce time in tran-
25 sit;

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

6 (3) coordination between chambers of com-
7 merce, freight forwarders, customs brokers, and oth-
8 ers involved in consolidating and moving freight; and

9 (4) trade through air service between airports
10 in the United States and such countries by increas-
11 ing frequency and capacity.

12 **SEC. 13. AGRICULTURAL TECHNICAL ASSISTANCE.**

13 (a) IDENTIFICATION OF COUNTRIES.—The President
14 shall identify not fewer than 10 eligible sub-Saharan Afri-
15 can countries as having the greatest potential to increase
16 marketable exports of agricultural products to the United
17 States and the greatest need for technical assistance, par-
18 ticularly with respect to pest risk assessments and com-
19 plying with sanitary and phytosanitary rules of the United
20 States.

21 (b) PERSONNEL.—The President shall assign at least
22 20 full-time personnel for the purpose of providing assist-
23 ance to the countries identified under subsection (a) to
24 ensure that exports of agricultural products from those
25 countries meet the requirements of United States law.

1 **SEC. 14. TRADE ADVISORY COMMITTEE ON AFRICA.**

2 The President shall convene the trade advisory com-
3 mittee on Africa established by Executive Order 11846 of
4 March 27, 1975, under section 135(c) of the Trade Act
5 of 1974, in order to facilitate the goals and objectives of
6 the African Growth and Opportunity Act and this Act, and
7 to maintain ongoing discussions with African trade and
8 agriculture ministries and private sector organizations on
9 issues of mutual concern, including regional and inter-
10 national trade concerns and World Trade Organization
11 issues.

Passed the House of Representatives June 14, 2004.

Attest:

Clerk.