

106TH CONGRESS
1ST SESSION

S. 666

To authorize a new trade and investment policy for sub-Saharan Africa.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 1999

Mr. LUGAR (for himself, Mr. GRAMM, Mr. MCCAIN, Mr. DEWINE, Mr. HAGEL, Mr. GRAMS, Mr. JEFFORDS, Ms. LANDRIEU, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To authorize a new trade and investment policy for sub-Saharan Africa.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “African Growth and Opportunity Act”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

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TITLE I—TRADE POLICY FOR SUB-SAHARAN AFRICA

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- Sec. 103. Eliminating trade barriers and encouraging exports.
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- Sec. 205. Expansion of the United States and foreign commercial service in Sub-Saharan Africa.
- Sec. 206. Donation of air traffic control equipment to eligible Sub-Saharan African countries.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that it is in the mutual economic
3 interest of the United States and sub-Saharan Africa to
4 promote stable and sustainable economic growth and de-
5 velopment in sub-Saharan Africa and that sustained eco-
6 nomic growth in sub-Saharan Africa depends in large
7 measure upon the development of a receptive environment
8 for trade and investment. To that end, the United States
9 seeks to facilitate market-led economic growth in, and
10 thereby the social and economic development of, the coun-
11 tries of sub-Saharan Africa. In particular, the United
12 States seeks to assist sub-Saharan African countries, and
13 the private sector in those countries, to achieve economic
14 self-reliance by—

1 (1) strengthening and expanding the private
2 sector in sub-Saharan Africa, especially women-
3 owned businesses;

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

6 (3) reducing tariff and nontariff barriers and
7 other trade obstacles;

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

10 (5) negotiating free trade areas;

11 (6) establishing a United States-Sub-Saharan
12 Africa Trade and Investment Partnership;

13 (7) focusing on countries committed to account-
14 able government, economic reform, and the eradi-
15 cation of poverty;

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

18 (9) continuing to support development assist-
19 ance for those countries in sub-Saharan Africa at-
20 tempting to build civil societies.

21 **SEC. 3. STATEMENT OF POLICY.**

22 The Congress supports economic self-reliance for sub-
23 Saharan African countries, particularly those committed
24 to—

25 (1) economic and political reform;

- 1 (2) market incentives and private sector growth;
- 2 (3) the eradication of poverty; and
- 3 (4) the importance of women to economic
- 4 growth and development.

5 **SEC. 4. ELIGIBILITY REQUIREMENTS.**

6 (a) IN GENERAL.—A sub-Saharan African country
7 shall be eligible to participate in programs, projects, or
8 activities, or receive assistance or other benefits under this
9 Act if the President determines that the country does not
10 engage in gross violations of internationally recognized
11 human rights and has established, or is making continual
12 progress toward establishing, a market-based economy,
13 such as the establishment and enforcement of appropriate
14 policies relating to—

15 (1) promoting free movement of goods and serv-
16 ices between the United States and sub-Saharan Af-
17 rica and among countries in sub-Saharan Africa;

18 (2) promoting the expansion of the production
19 base and the transformation of commodities and
20 nontraditional products for exports through joint
21 venture projects between African and foreign inves-
22 tors;

23 (3) trade issues, such as protection of intellec-
24 tual property rights, improvements in standards,

1 testing, labeling and certification, and government
2 procurement;

3 (4) the protection of property rights, such as
4 protection against expropriation and a functioning
5 and fair judicial system;

6 (5) appropriate fiscal systems, such as reducing
7 high import and corporate taxes, controlling govern-
8 ment consumption, participation in bilateral invest-
9 ment treaties, and the harmonization of such trea-
10 ties to avoid double taxation;

11 (6) foreign investment issues, such as the provi-
12 sion of national treatment for foreign investors, re-
13 moving restrictions on investment, and other meas-
14 ures to create an environment conducive to domestic
15 and foreign investment;

16 (7) supporting the growth of regional markets
17 within a free trade area framework;

18 (8) governance issues, such as eliminating gov-
19 ernment corruption, minimizing government inter-
20 vention in the market such as price controls and
21 subsidies, and streamlining the business license proc-
22 ess;

23 (9) supporting the growth of the private sector,
24 in particular by promoting the emergence of a new
25 generation of African entrepreneurs;

1 (10) encouraging the private ownership of gov-
2 ernment-controlled economic enterprises through di-
3 vestiture programs; and

4 (11) observing the rule of law, including equal
5 protection under the law and the right to due proc-
6 ess and a fair trial.

7 (b) ADDITIONAL FACTORS.—In determining whether
8 a sub-Saharan African country is eligible under subsection
9 (a), the President shall take into account the following fac-
10 tors:

11 (1) An expression by such country of its desire
12 to be an eligible country under subsection (a).

13 (2) The extent to which such country has made
14 substantial progress toward—

15 (A) reducing tariff levels;

16 (B) binding its tariffs in the World Trade
17 Organization and assuming meaningful binding
18 obligations in other sectors of trade; and

19 (C) eliminating nontariff barriers to trade.

20 (3) Whether such country, if not already a
21 member of the World Trade Organization, is actively
22 pursuing membership in that Organization.

23 (4) Where applicable, the extent to which such
24 country is in material compliance with its obligations

1 to the International Monetary Fund and other inter-
2 national financial institutions.

3 (5) The extent to which such country has a rec-
4 ognizable commitment to reducing poverty, increas-
5 ing the availability of health care and educational
6 opportunities, the expansion of physical infrastruc-
7 ture in a manner designed to maximize accessibility,
8 increased access to market and credit facilities for
9 small farmers and producers, and improved eco-
10 nomic opportunities for women as entrepreneurs and
11 employees, and promoting and enabling the forma-
12 tion of capital to support the establishment and op-
13 eration of micro-enterprises.

14 (6) Whether or not such country engages in ac-
15 tivities that undermine United States national secu-
16 rity or foreign policy interests.

17 (c) CONTINUING COMPLIANCE.—

18 (1) MONITORING AND REVIEW OF CERTAIN
19 COUNTRIES.—The President shall monitor and re-
20 view the progress of sub-Saharan African countries
21 in order to determine their current or potential eligi-
22 bility under subsection (a). Such determinations
23 shall be based on quantitative factors to the fullest
24 extent possible and shall be included in the annual
25 report required by section 106.

1 (2) INELIGIBILITY OF CERTAIN COUNTRIES.—A
 2 sub-Saharan African country described in paragraph
 3 (1) that has not made continual progress in meeting
 4 the requirements with which it is not in compliance
 5 shall be ineligible to participate in programs,
 6 projects, or activities, or receive assistance or other
 7 benefits, under this Act.

8 **SEC. 5. SUB-SAHARAN AFRICA DEFINED.**

9 For purposes of this Act, the terms “sub-Saharan Af-
 10 rica”, “sub-Saharan African country”, “country in sub-
 11 Saharan Africa”, and “countries in sub-Saharan Africa”
 12 refer to the following or any successor political entities:

13 Republic of Angola (Angola)
 14 Republic of Botswana (Botswana)
 15 Republic of Burundi (Burundi)
 16 Republic of Cape Verde (Cape Verde)
 17 Republic of Chad (Chad)
 18 Democratic Republic of Congo
 19 Republic of the Congo (Congo)
 20 Republic of Djibouti (Djibouti)
 21 State of Eritrea (Eritrea)
 22 Gabonese Republic (Gabon)
 23 Republic of Ghana (Ghana)
 24 Republic of Guinea-Bissau (Guinea-Bissau)
 25 Kingdom of Lesotho (Lesotho)

- 1 Republic of Madagascar (Madagascar)
- 2 Republic of Mali (Mali)
- 3 Republic of Mauritius (Mauritius)
- 4 Republic of Namibia (Namibia)
- 5 Federal Republic of Nigeria (Nigeria)
- 6 Democratic Republic of Sao Tomé and Príncipe
- 7 (Sao Tomé and Príncipe)
- 8 Republic of Sierra Leone (Sierra Leone)
- 9 Somalia
- 10 Kingdom of Swaziland (Swaziland)
- 11 Republic of Togo (Togo)
- 12 Republic of Zimbabwe (Zimbabwe)
- 13 Republic of Benin (Benin)
- 14 Burkina Faso (Burkina)
- 15 Republic of Cameroon (Cameroon)
- 16 Central African Republic
- 17 Federal Islamic Republic of the Comoros
- 18 (Comoros)
- 19 Republic of Côte d'Ivoire (Côte d'Ivoire)
- 20 Republic of Equatorial Guinea (Equatorial
- 21 Guinea)
- 22 Ethiopia
- 23 Republic of the Gambia (Gambia)
- 24 Republic of Guinea (Guinea)
- 25 Republic of Kenya (Kenya)

1 Republic of Liberia (Liberia)
2 Republic of Malawi (Malawi)
3 Islamic Republic of Mauritania (Mauritania)
4 Republic of Mozambique (Mozambique)
5 Republic of Niger (Niger)
6 Republic of Rwanda (Rwanda)
7 Republic of Senegal (Senegal)
8 Republic of Seychelles (Seychelles)
9 Republic of South Africa (South Africa)
10 Republic of Sudan (Sudan)
11 United Republic of Tanzania (Tanzania)
12 Republic of Uganda (Uganda)
13 Republic of Zambia (Zambia)

14 **TITLE I—TRADE POLICY FOR**
15 **SUB-SAHARAN AFRICA**

16 **SEC. 101. UNITED STATES-SUB-SAHARAN AFRICA TRADE**
17 **AND ECONOMIC COOPERATION FORUM.**

18 (a) DECLARATION OF POLICY.—The President shall
19 convene annual high-level meetings between appropriate
20 officials of the United States Government and officials of
21 the governments of sub-Saharan African countries in
22 order to foster close economic ties between the United
23 States and sub-Saharan Africa.

24 (b) ESTABLISHMENT.—Not later than 12 months
25 after the date of the enactment of this Act, the President,

1 after consulting with Congress and the governments con-
2 cerned, shall establish a United States-Sub-Saharan Afri-
3 ca Trade and Economic Cooperation Forum (in this sec-
4 tion referred to as the “Forum”).

5 (c) REQUIREMENTS.—In creating the Forum, the
6 President shall meet the following requirements:

7 (1) The President shall direct the Secretary of
8 Commerce, the Secretary of the Treasury, the Sec-
9 retary of State, and the United States Trade Rep-
10 resentative to host the first annual meeting with the
11 counterparts of such Secretaries from the govern-
12 ments of sub-Saharan African countries eligible
13 under section 4, the Secretary General of the Orga-
14 nization of African Unity, and government officials
15 from other appropriate countries in Africa, to dis-
16 cuss expanding trade and investment relations be-
17 tween the United States and sub-Saharan Africa
18 and the implementation of this Act including encour-
19 aging joint ventures between small and large busi-
20 nesses.

21 (2)(A) The President, in consultation with the
22 Congress, shall encourage United States nongovern-
23 mental organizations to host annual meetings with
24 nongovernmental organizations from sub-Saharan
25 Africa in conjunction with the annual meetings of

1 the Forum for the purpose of discussing the issues
2 described in paragraph (1).

3 (B) The President, in consultation with the
4 Congress, shall encourage United States representa-
5 tives of the private sector to host annual meetings
6 with representatives of the private sector from sub-
7 Saharan Africa in conjunction with the annual meet-
8 ings of the Forum for the purpose of discussing the
9 issues described in paragraph (1).

10 (3) The President shall, to the extent prac-
11 ticable, meet with the heads of governments of sub-
12 Saharan African countries eligible under section 4
13 not less than once every two years for the purpose
14 of discussing the issues described in paragraph (1).
15 The first such meeting should take place not later
16 than twelve months after the date of the enactment
17 of this Act.

18 (d) DISSEMINATION OF INFORMATION BY USIA.—In
19 order to assist in carrying out the purposes of the Forum,
20 the United States Information Agency shall disseminate
21 regularly, through multiple media, economic information
22 in support of the free market economic reforms described
23 in this Act.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated such sums as may be
 3 necessary to carry out this section.

4 (f) LIMITATION ON USE OF FUNDS.—None of the
 5 funds authorized under this section may be used to create
 6 or support any nongovernmental organization for the pur-
 7 pose of expanding or facilitating trade between the United
 8 States and sub-Saharan Africa.

9 **SEC. 102. UNITED STATES-SUB-SAHARAN AFRICA FREE**
 10 **TRADE AREA.**

11 (a) DECLARATION OF POLICY.—The Congress de-
 12 clares that a United States–Sub-Saharan Africa Free
 13 Trade Area should be established, or free trade agree-
 14 ments should be entered into, in order to serve as the cata-
 15 lyst for increasing trade between the United States and
 16 sub-Saharan Africa and increasing private sector develop-
 17 ment in sub-Saharan Africa.

18 (b) PLAN REQUIREMENT.—

19 (1) IN GENERAL.—The President, taking into
 20 account the provisions of the treaty establishing the
 21 African Economic Community and the willingness of
 22 the governments of sub-Saharan African countries to
 23 engage in negotiations to enter into free trade agree-
 24 ments, shall develop a plan for the purpose of enter-
 25 ing into one or more trade agreements with sub-Sa-

1 haran African countries eligible under section 4 in
2 order to establish a United States–Sub-Saharan Af-
3 rica Free Trade Area (in this section referred to as
4 the “Free Trade Area”).

5 (2) ELEMENTS OF PLAN.—The plan shall in-
6 clude the following:

7 (A) The specific objectives of the United
8 States with respect to the establishment of the
9 Free Trade Area and a suggested timetable for
10 achieving those objectives.

11 (B) The benefits to both the United States
12 and sub-Saharan Africa with respect to the
13 Free Trade Area.

14 (C) A mutually agreed-upon timetable for
15 establishing the Free Trade Area.

16 (D) The implications for and the role of
17 regional and sub-regional organizations in sub-
18 Saharan Africa with respect to the Free Trade
19 Area.

20 (E) Subject matter anticipated to be cov-
21 ered by the agreement for establishing the Free
22 Trade Area and United States laws, programs,
23 and policies, as well as the laws of participating
24 eligible African countries and existing bilateral
25 and multilateral and economic cooperation and

1 trade agreements, that may be affected by the
2 agreement or agreements.

3 (F) Procedures to ensure the following:

4 (i) Adequate consultation with the
5 Congress and the private sector during the
6 negotiation of the agreement or agree-
7 ments for establishing the Free Trade
8 Area.

9 (ii) Consultation with the Congress re-
10 garding all matters relating to implementa-
11 tion of the agreement or agreements.

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

14 (iv) Adequate consultations with the
15 relevant African governments and African
16 regional and subregional intergovernmental
17 organizations during the negotiations of
18 the agreement or agreements.

19 (c) REPORTING REQUIREMENT.—Not later than 12
20 months after the date of the enactment of this Act, the
21 President shall prepare and transmit to the Congress a
22 report containing the plan developed pursuant to sub-
23 section (b).

1 **SEC. 103. ELIMINATING TRADE BARRIERS AND ENCOUR-**
2 **AGING EXPORTS.**

3 (a) FINDINGS.—The Congress makes the following
4 findings:

5 (1) The lack of competitiveness of sub-Saharan
6 Africa in the global market, especially in the manu-
7 facturing sector, make it a limited threat to market
8 disruption and no threat to United States jobs.

9 (2) Annual textile and apparel exports to the
10 United States from sub-Saharan Africa represent
11 less than 1 percent of all textile and apparel exports
12 to the United States, which totaled \$54,001,863,000
13 in 1997.

14 (3) Sub-Saharan Africa has limited textile man-
15 ufacturing capacity. During 1999 and the suc-
16 ceeding 4 years, this limited capacity to manufacture
17 textiles and apparel is projected to grow at a modest
18 rate. Given this limited capacity to export textiles
19 and apparel, it will be very difficult for these exports
20 from sub-Saharan Africa, during 1999 and the suc-
21 ceeding 9 years, to exceed 3 percent annually of
22 total imports of textile and apparel to the United
23 States. If these exports from sub-Saharan Africa re-
24 main around 3 percent of total imports, they will not
25 represent a threat to United States workers, con-
26 sumers, or manufacturers.

1 (b) SENSE OF THE CONGRESS.—It is the sense of
2 the Congress that—

3 (1) it would be to the mutual benefit of the
4 countries in sub-Saharan Africa and the United
5 States to ensure that the commitments of the World
6 Trade Organization and associated agreements are
7 faithfully implemented in each of the member coun-
8 tries, so as to lay the groundwork for sustained
9 growth in textile and apparel exports and trade
10 under agreed rules and disciplines;

11 (2) reform of trade policies in sub-Saharan Af-
12 rica with the objective of removing structural im-
13 pediments to trade, consistent with obligations under
14 the World Trade Organization, can assist the coun-
15 tries of the region in achieving greater and greater
16 diversification of textile and apparel export commod-
17 ities and products and export markets; and

18 (3) the President should support textile and ap-
19 parel trade reform in sub-Saharan Africa by, among
20 other measures, providing technical assistance, shar-
21 ing of information to expand basic knowledge of how
22 to trade with the United States, and encouraging
23 business-to-business contacts with the region.

24 (c) TREATMENT OF QUOTAS.—

1 (1) KENYA AND MAURITIUS.—Pursuant to the
2 Agreement on Textiles and Clothing, the United
3 States shall eliminate the existing quotas on textile
4 and apparel exports to the United States—

5 (A) from Kenya within 30 days after that
6 country adopts an efficient visa system to guard
7 against unlawful transshipment of textile and
8 apparel goods and the use of counterfeit docu-
9 ments; and

10 (B) from Mauritius within 30 days after
11 that country adopts such a visa system.

12 The Customs Service shall provide the necessary
13 technical assistance to Kenya and Mauritius in the
14 development and implementation of those visa sys-
15 tems.

16 (2) OTHER SUB-SAHARAN COUNTRIES.—The
17 President shall continue the existing no quota policy
18 for countries in sub-Saharan Africa. The President
19 shall submit to the Congress, not later than March
20 31 of each year, a report on the growth in textiles
21 and apparel exports to the United States from coun-
22 tries in sub-Saharan Africa in order to protect
23 United States consumers, workers, and textile manu-
24 facturers from economic injury on account of the no
25 quota policy.

1 (d) CUSTOMS PROCEDURES AND ENFORCEMENT.—

2 (1) ACTIONS BY COUNTRIES AGAINST TRANS-
3 SHIPMENT AND CIRCUMVENTION.—The President
4 should ensure that any country in sub-Saharan Afri-
5 ca that intends to export textile and apparel goods
6 to the United States—

7 (A) has in place a functioning and effective
8 visa system and domestic laws and enforcement
9 procedures to guard against unlawful trans-
10 shipment of textile and apparel goods and the
11 use of counterfeit documents; and

12 (B) will cooperate fully with the United
13 States to address and take action necessary to
14 prevent circumvention, as provided in Article 5
15 of the Agreement on Textiles and Clothing.

16 (2) PENALTIES AGAINST EXPORTERS.—If the
17 President determines, based on sufficient evidence,
18 that an exporter has willfully falsified information
19 regarding the country of origin, manufacture, proc-
20 essing, or assembly of a textile or apparel article for
21 which duty-free treatment under section
22 503(a)(1)(C) of the Trade Act of 1974 is claimed,
23 then the President shall deny to such exporter, and
24 any successors of such exporter, for a period of 2

1 years, duty-free treatment under such section for
2 textile and apparel articles.

3 (3) APPLICABILITY OF UNITED STATES LAWS
4 AND PROCEDURES.—All provisions of the laws, regu-
5 lations, and procedures of the United States relating
6 to the denial of entry of articles or penalties against
7 individuals or entities for engaging in illegal trans-
8 shipment, fraud, or other violations of the customs
9 laws shall apply to imports from sub-Saharan coun-
10 tries.

11 (4) MONITORING AND REPORTS TO CON-
12 GRESS.—The Customs Service shall monitor and the
13 Commissioner of Customs shall submit to the Con-
14 gress, not later than March 31 of each year, a report
15 on the effectiveness of the visa systems described in
16 subsection (c)(1) and paragraph (1) of this sub-
17 section and on measures taken by countries in sub-
18 Saharan Africa which export textiles or apparel to
19 the United States to prevent circumvention as de-
20 scribed in Article 5 of the Agreement on Textiles
21 and Clothing.

22 (e) DEFINITION.—For purposes of this section, the
23 term “Agreement on Textiles and Clothing” means the
24 Agreement on Textiles and Clothing referred to in section

1 101(d)(4) of the Uruguay Round Agreements Act (19
2 U.S.C. 3511(d)(4)).

3 **SEC. 104. GENERALIZED SYSTEM OF PREFERENCES.**

4 (a) PREFERENTIAL TARIFF TREATMENT FOR CER-
5 TAIN ARTICLES.—Section 503(a)(1) of the Trade Act of
6 1974 (19 U.S.C. 2463(a)(1)) is amended—

7 (1) by redesignating subparagraph (C) as sub-
8 paragraph (D); and

9 (2) by inserting after subparagraph (B) the fol-
10 lowing:

11 “(C) ELIGIBLE COUNTRIES IN SUB-SAHA-
12 RAN AFRICA.—The President may provide duty-
13 free treatment for any article set forth in para-
14 graph (1) of subsection (b) that is the growth,
15 product, or manufacture of an eligible country
16 in sub-Saharan Africa that is a beneficiary de-
17 veloping country, if, after receiving the advice
18 of the International Trade Commission in ac-
19 cordance with subsection (e), the President de-
20 termines that such article is not import-sen-
21 sitive in the context of imports from eligible
22 countries in sub-Saharan Africa. This subpara-
23 graph shall not affect the designation of eligible
24 articles under subparagraph (B).”.

1 (b) RULES OF ORIGIN.—Section 503(a)(2) of the
2 Trade Act of 1974 (19 U.S.C. 2463(a)(2)) is amended by
3 adding at the end the following:

4 “(C) ELIGIBLE COUNTRIES IN SUB-SAHA-
5 RAN AFRICA.—For purposes of determining the
6 percentage referred to in subparagraph (A) in
7 the case of an article of an eligible country in
8 sub-Saharan Africa that is a beneficiary devel-
9 oping country—

10 “(i) if the cost or value of materials
11 produced in the customs territory of the
12 United States is included with respect to
13 that article, an amount not to exceed 15
14 percent of the appraised value of the arti-
15 cle at the time it is entered that is attrib-
16 uted to such United States cost or value
17 may be applied toward determining the
18 percentage referred to in subparagraph
19 (A); and

20 “(ii) the cost or value of the materials
21 included with respect to that article that
22 are produced in any beneficiary developing
23 country that is an eligible country in sub-
24 Saharan Africa shall be applied in deter-
25 mining such percentage.”.

1 (c) WAIVER OF COMPETITIVE NEED LIMITATION.—
 2 Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C.
 3 2463(c)(2)(D)) is amended to read as follows:

4 “(D) LEAST-DEVELOPED BENEFICIARY
 5 DEVELOPING COUNTRIES AND ELIGIBLE COUN-
 6 TRIES IN SUB-SAHARAN AFRICA.—Subpara-
 7 graph (A) shall not apply to any least-developed
 8 beneficiary developing country or any eligible
 9 country in sub-Saharan Africa.”.

10 (d) EXTENSION OF PROGRAM.—Section 505 of the
 11 Trade Act of 1974 (19 U.S.C. 2465) is amended to read
 12 as follows:

13 **“SEC. 505. DATE OF TERMINATION.**

14 “(a) COUNTRIES IN SUB-SAHARAN AFRICA.—No
 15 duty-free treatment provided under this title shall remain
 16 in effect after June 30, 2009, with respect to beneficiary
 17 developing countries that are eligible countries in sub-Sa-
 18 haran Africa.

19 “(b) OTHER COUNTRIES.—No duty-free treatment
 20 provided under this title shall remain in effect after June
 21 30, 1999, with respect to beneficiary developing countries
 22 other than those provided for in subsection (a).”.

23 (e) DEFINITION.—Section 507 of the Trade Act of
 24 1974 (19 U.S.C. 2467) is amended by adding at the end
 25 the following:

1 “(6) ELIGIBLE COUNTRY IN SUB-SAHARAN AF-
 2 RICA.—The terms ‘eligible country in sub-Saharan
 3 Africa’ and ‘eligible countries in sub-Saharan Africa’
 4 mean a country or countries that the President has
 5 determined to be eligible under section 4 of the Afri-
 6 can Growth and Opportunity Act.”.

7 (f) EFFECTIVE DATE.—The amendments made by
 8 this section take effect on July 1, 1999.

9 **SEC. 105. ASSISTANT UNITED STATES TRADE REPRESENTA-**
 10 **TIVE FOR SUB-SAHARAN AFRICA.**

11 (a) SENSE OF CONGRESS.—It is the sense of the Con-
 12 gress that the position of Assistant United States Trade
 13 Representative for African Affairs is integral to the
 14 United States commitment to increasing United States—
 15 sub-Saharan African trade and investment.

16 (b) MAINTENANCE OF POSITION.—The President
 17 shall maintain a position of Assistant United States Trade
 18 Representative for African Affairs within the Office of the
 19 United States Trade Representative to direct and coordi-
 20 nate interagency activities on United States-Africa trade
 21 policy and investment matters and serve as—

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

1 (2) the chief advisor to the United States Trade
2 Representative on issues of trade with Africa.

3 (c) FUNDING AND STAFF.—The President shall en-
4 sure that the Assistant United States Trade Representa-
5 tive for African Affairs has adequate funding and staff
6 to carry out the duties described in subsection (b), subject
7 to the availability of appropriations.

8 **SEC. 106. REPORTING REQUIREMENT.**

9 The President shall submit to the Congress, not later
10 than 1 year after the date of the enactment of this Act,
11 and not later than the end of each of the next 6 1-year
12 periods thereafter, a comprehensive report on the trade
13 and investment policy of the United States for sub-Saha-
14 ran Africa, and on the implementation of this Act. The
15 last report required by section 134(b) of the Uruguay
16 Round Agreements Act (19 U.S.C. 3554(b)) shall be con-
17 solidated and submitted with the first report required by
18 this section.

1 **TITLE II—INTERNATIONAL FI-**
 2 **NANCIAL AND FOREIGN RE-**
 3 **LATIONS POLICY FOR SUB-SA-**
 4 **HARAN AFRICA**

5 **SEC. 201. INTERNATIONAL FINANCIAL INSTITUTIONS AND**
 6 **DEBT REDUCTION.**

7 (a) BETTER MECHANISMS TO FURTHER GOALS FOR
 8 SUB-SAHARAN AFRICA.—It is the sense of the Congress
 9 that the Secretary of the Treasury should instruct the
 10 United States Executive Directors of the International
 11 Bank for Reconstruction and Development, the Inter-
 12 national Monetary Fund, and the African Development
 13 Bank to use the voice and votes of the Executive Directors
 14 to encourage vigorously their respective institutions to de-
 15 velop enhanced mechanisms which further the following
 16 goals in eligible countries in sub-Saharan Africa:

17 (1) Strengthening and expanding the private
 18 sector, especially among women-owned businesses.

19 (2) Reducing tariffs, nontariff barriers, and
 20 other trade obstacles, and increasing economic inte-
 21 gration.

22 (3) Supporting countries committed to account-
 23 able government, economic reform, the eradication of
 24 poverty, and the building of civil societies.

1 (4) Supporting deep debt reduction at the ear-
 2 liest possible date with the greatest amount of relief
 3 for eligible poorest countries under the “Heavily In-
 4 debted Poor Countries” (HIPC) debt initiative.

5 (b) SENSE OF CONGRESS.—It is the sense of the
 6 Congress that relief provided to countries in sub-Saharan
 7 Africa which qualify for the Heavily Indebted Poor Coun-
 8 tries debt initiative should primarily be made through
 9 grants rather than through extended-term debt, and that
 10 interim relief or interim financing should be provided for
 11 eligible countries that establish a strong record of macro-
 12 economic reform.

13 **SEC. 202. EXECUTIVE BRANCH INITIATIVES.**

14 (a) STATEMENT OF CONGRESS.—The Congress rec-
 15 ognizes that the stated policy of the executive branch in
 16 1997, the “Partnership for Growth and Opportunity in
 17 Africa” initiative, is a step toward the establishment of
 18 a comprehensive trade and development policy for sub-Sa-
 19 haran Africa. It is the sense of the Congress that this
 20 Partnership is a companion to the policy goals set forth
 21 in this Act.

22 (b) TECHNICAL ASSISTANCE TO PROMOTE ECO-
 23 NOMIC REFORMS AND DEVELOPMENT.—In addition to
 24 continuing bilateral and multilateral economic and devel-

1 opment assistance, the President shall target technical as-
 2 sistance toward—

3 (1) developing relationships between United
 4 States firms and firms in sub-Saharan Africa
 5 through a variety of business associations and net-
 6 works;

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

9 (A) liberalize trade and promote exports;

10 (B) bring their legal regimes into compli-
 11 ance with the standards of the World Trade Or-
 12 ganization in conjunction with membership in
 13 that Organization;

14 (C) make financial and fiscal reforms; and

15 (D) promote greater agribusiness linkages;

16 (3) addressing such critical agricultural policy
 17 issues as market liberalization, agricultural export
 18 development, and agribusiness investment in proc-
 19 essing and transporting agricultural commodities;

20 (4) increasing the number of reverse trade mis-
 21 sions to growth-oriented countries in sub-Saharan
 22 Africa;

23 (5) increasing trade in services; and

24 (6) encouraging greater sub-Saharan participa-
 25 tion in future negotiations in the World Trade Orga-

1 nization on services and making further commit-
 2 ments in their schedules to the General Agreement
 3 on Trade in Services in order to encourage the re-
 4 moval of tariff and nontariff barriers.

5 **SEC. 203. SUB-SAHARAN AFRICA INFRASTRUCTURE FUND.**

6 (a) INITIATION OF FUNDS.—It is the sense of the
 7 Congress that the Overseas Private Investment Corpora-
 8 tion should exercise the authorities it has to initiate an
 9 equity fund or equity funds in support of projects in the
 10 countries in sub-Saharan Africa, in addition to the exist-
 11 ing equity fund for sub-Saharan Africa created by the Cor-
 12 poration.

13 (b) STRUCTURE AND TYPES OF FUNDS.—

14 (1) STRUCTURE.—Each fund initiated under
 15 subsection (a) should be structured as a partnership
 16 managed by professional private sector fund man-
 17 agers and monitored on a continuing basis by the
 18 Corporation.

19 (2) CAPITALIZATION.—Each fund should be
 20 capitalized with a combination of private equity cap-
 21 ital, which is not guaranteed by the Corporation,
 22 and debt for which the Corporation provides guaran-
 23 ties.

24 (3) INFRASTRUCTURE FUND.—One or more of
 25 the funds, with combined assets of up to

1 \$500,000,000, should be used in support of infra-
 2 structure projects in countries of sub-Saharan
 3 Africa.

4 (4) EMPHASIS.—The Corporation shall ensure
 5 that the funds are used to provide support in par-
 6 ticular to women entrepreneurs and to innovative in-
 7 vestments that expand opportunities for women and
 8 maximize employment opportunities for poor individ-
 9 uals.

10 **SEC. 204. OVERSEAS PRIVATE INVESTMENT CORPORATION**
 11 **AND EXPORT-IMPORT BANK INITIATIVES.**

12 (a) OVERSEAS PRIVATE INVESTMENT CORPORA-
 13 TION.—

14 (1) ADVISORY COMMITTEE.—Section 233 of the
 15 Foreign Assistance Act of 1961 (22 U.S.C. 2193) is
 16 amended by adding at the end the following:

17 “(e) ADVISORY COMMITTEE.—The Board shall take
 18 prompt measures to increase the loan, guarantee, and in-
 19 surance programs, and financial commitments, of the Cor-
 20 poration in sub-Saharan Africa, including through the use
 21 of an advisory committee to assist the Board in developing
 22 and implementing policies, programs, and financial instru-
 23 ments with respect to sub-Saharan Africa. In addition, the
 24 advisory committee shall make recommendations to the
 25 Board on how the Corporation can facilitate greater sup-

1 port by the United States for trade and investment with
 2 and in sub-Saharan Africa. The advisory committee shall
 3 terminate 4 years after the date of the enactment of this
 4 subsection.”.

5 (2) REPORTS TO THE CONGRESS.—Within 6
 6 months after the date of the enactment of this Act,
 7 and annually for each of the 4 years thereafter, the
 8 Board of Directors of the Overseas Private Invest-
 9 ment Corporation shall submit to the Congress a re-
 10 port on the steps that the Board has taken to imple-
 11 ment section 233(e) of the Foreign Assistance Act
 12 of 1961 (as added by paragraph (1)) and any rec-
 13 ommendations of the advisory board established pur-
 14 suant to such section.

15 (b) EXPORT-IMPORT BANK.—

16 (1) ADVISORY COMMITTEE FOR SUB-SAHARAN
 17 AFRICA.—Section 2(b) of the Export-Import Bank
 18 Act of 1945 (12 U.S.C. 635(b)) is amended by in-
 19 serting after paragraph (12) the following:

20 “(13)(A) The Board of Directors of the Bank shall
 21 take prompt measures, consistent with the credit stand-
 22 ards otherwise required by law, to promote the expansion
 23 of the Bank’s financial commitments in sub-Saharan Afri-
 24 ca under the loan, guarantee, and insurance programs of
 25 the Bank.

1 “(B)(i) The Board of Directors shall establish and
2 use an advisory committee to advise the Board of Direc-
3 tors on the development and implementation of policies
4 and programs designed to support the expansion described
5 in subparagraph (A).

6 “(ii) The advisory committee shall make rec-
7 ommendations to the Board of Directors on how the Bank
8 can facilitate greater support by United States commercial
9 banks for trade with sub-Saharan Africa.

10 “(iii) The advisory committee shall terminate 4 years
11 after the date of the enactment of this subparagraph.”.

12 (2) REPORTS TO THE CONGRESS.—Within 6
13 months after the date of the enactment of this Act,
14 and annually for each of the 4 years thereafter, the
15 Board of Directors of the Export-Import Bank of
16 the United States shall submit to the Congress a
17 report on the steps that the Board has taken to im-
18 plement section 2(b)(13)(B) of the Export-Import
19 Bank Act of 1945 (as added by paragraph (1)) and
20 any recommendations of the advisory committee es-
21 tablished pursuant to such section.

1 **SEC. 205. EXPANSION OF THE UNITED STATES AND FOR-**
2 **EIGN COMMERCIAL SERVICE IN SUB-SAHA-**
3 **RAN AFRICA.**

4 (a) FINDINGS.—The Congress makes the following
5 findings:

6 (1) The United States and Foreign Commercial
7 Service (hereafter in this section referred to as the
8 “Commercial Service”) plays an important role in
9 helping United States businesses identify export op-
10 portunities and develop reliable sources of informa-
11 tion on commercial prospects in foreign countries.

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

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

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

1 (5) The Congress has, on several occasions, en-
2 couraged the Commercial Service to focus its re-
3 sources and efforts in countries or regions in Europe
4 or Asia to promote greater United States export ac-
5 tivity in those markets.

6 (6) Because market information is not widely
7 available in many sub-Saharan African countries,
8 the presence of additional Commercial Service Offi-
9 cers and resources can play a significant role in as-
10 sisting United States businesses in markets in those
11 countries.

12 (b) APPOINTMENTS.—Subject to the availability of
13 appropriations, by not later than December 31, 2000, the
14 Secretary of Commerce, acting through the Assistant Sec-
15 retary of Commerce and Director General of the United
16 States and Foreign Commercial Service, shall take steps
17 to ensure that—

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

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

23 (c) COMMERCIAL SERVICE INITIATIVE FOR SUB-SA-
24 HARAN AFRICA.—In order to encourage the export of
25 United States goods and services to sub-Saharan African

1 countries, the Commercial Service shall make a special ef-
2 fort to—

3 (1) identify United States goods and services
4 which are not being exported to sub-Saharan African
5 countries but which are being exported to those
6 countries by competitor nations;

7 (2) identify, where appropriate, trade barriers
8 and noncompetitive actions, including violations of
9 intellectual property rights, that are preventing or
10 hindering sales of United States goods and services
11 to, or the operation of United States companies in,
12 sub-Saharan Africa;

13 (3) present, periodically, a list of the goods and
14 services identified under paragraph (1), and any
15 trade barriers or noncompetitive actions identified
16 under paragraph (2), to appropriate authorities in
17 sub-Saharan African countries with a view to secur-
18 ing increased market access for United States ex-
19 porters of goods and services;

20 (4) facilitate the entrance by United States
21 businesses into the markets identified under para-
22 graphs (1) and (2); and

23 (5) monitor and evaluate the results of efforts
24 to increase the sales of goods and services in such
25 markets.

(d) REPORTS TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and each year thereafter for five years, the Secretary of Commerce, in consultation with the Secretary of State, shall report to the Congress on actions taken to carry out subsections (b) and (c). Each report shall specify—

(1) in what countries full-time Commercial Service Officers are stationed, and the number of such officers placed in each such country;

(2) the effectiveness of the presence of the additional Commercial Service Officers in increasing United States exports to sub-Saharan African countries; and

(3) the specific actions taken by Commercial Service Officers, both in sub-Saharan African countries and in the United States, to carry out subsection (c), including identifying a list of targeted export sectors and countries.

SEC. 206. 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 4

1 of this Act) air traffic control equipment that is no longer
2 in use, including appropriate related reimbursable tech-
3 nical assistance.

