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114TH CONGRESS
2D SESSION**H. R. 2845**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2016

Received; read twice and referred to the Committee on Foreign Relations

DECEMBER 7, 2016

Reported by Mr. CORKER, with an amendment

[Insert the part printed in italic]

AN ACT

To promote access to benefits under the African Growth
and Opportunity Act, and for other purposes.

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.**

4 This Act may be cited as the “AGOA Enhancement
5 Act of 2015”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It is the policy of the United States to support efforts
8 to—

- 1 (1) improve the rule of law, promote free and
2 fair elections, strengthen and expand the private sec-
3 tor, and fight corruption in sub-Saharan Africa; and
4 (2) promote the role of women in social, polit-
5 ical, and economic development in sub-Saharan Afri-
6 ca.

7 **SEC. 3. ACTIVITIES IN SUPPORT OF TRANSPARENCY.**

8 (a) AGOA WEBSITE.—

9 (1) IN GENERAL.—The President shall establish
10 a website for the collection and dissemination of in-
11 formation regarding the African Growth and Oppor-
12 tunity Act (in this section referred to as the “AGOA
13 website”).

14 (2) CONTENTS.—The President shall publish on
15 the AGOA website the information described in
16 paragraph (1), including—

17 (A) information and technical assistance
18 provided at United States Agency for Inter-
19 national Development regional trade hubs; and

20 (B) a link to websites of United States em-
21 bassies located in eligible sub-Saharan African
22 countries.

23 (3) ACTIONS BY UNITED STATES EMBASSIES.—

24 The Secretary of State should direct United States

1 embassies located in eligible sub-Saharan African
2 countries to—

3 (A) promote the use by such countries of
4 the benefits available under the African Growth
5 and Opportunity Act; and

6 (B) include on a publicly available Internet
7 website of such diplomatic missions a link to
8 the AGOA website.

9 (b) AGOA FORUM.—The President should, after
10 each meeting of the United States-Sub-Saharan Africa
11 Trade and Economic Cooperation Forum, publish on the
12 AGOA website established under subsection (a) the fol-
13 lowing:

14 (1) All outcomes of the meeting of the Forum,
15 including any commitments made by member coun-
16 tries and the private sector.

17 (2) An assessment of progress made with re-
18 spect to any commitments made by member coun-
19 tries and the private sector from the previous meet-
20 ing of the Forum.

21 (c) OTHER INFORMATION.—The President should
22 disseminate information required by this section in a dig-
23 ital format to the public and publish such information on
24 the AGOA website established under subsection (a).

1 (d) DEFINITION.—In this section, the term “eligible
2 sub-Saharan African country” means a country that the
3 President has determined meets the eligibility require-
4 ments set forth in section 104 of the African Growth and
5 Opportunity Act.

6 **SEC. 4. ACTIVITIES IN SUPPORT OF TRADE CAPACITY**
7 **BUILDING.**

8 (a) IN GENERAL.—The President should take the fol-
9 lowing actions:

10 (1) Develop and implement policies to—

11 (A) encourage and facilitate trans-bound-
12 ary cooperation among eligible sub-Saharan Af-
13 rican countries in order to facilitate trade; and

14 (B) encourage the provision of technical
15 assistance to eligible sub-Saharan African coun-
16 tries to establish and sustain adequate trade ca-
17 pacity development.

18 (2) Provide specific training for business in eli-
19 gible sub-Saharan African countries and government
20 trade officials of eligible sub-Saharan African coun-
21 tries on utilizing access to the benefits of the African
22 Growth and Opportunity Act and other trade pref-
23 erence programs.

24 (3) Provide capacity building for African entre-
25 preneurs and trade associations on production strat-

1 egies, quality standards, formation of cooperatives,
2 and market research and market development.

3 (4) Provide capacity building training to pro-
4 mote diversification of African products and value-
5 added processing.

6 (5) Provide capacity building and technical as-
7 sistance funding for African businesses and institu-
8 tions to help such businesses and institutions comply
9 with United States counter-terrorism initiatives and
10 policies.

11 (b) DEFINITION.—In this section, the term “eligible
12 sub-Saharan African country” means a country that the
13 President has determined meets the eligibility require-
14 ments set forth in section 104 of the African Growth and
15 Opportunity Act.

16 **SEC. 5. CONCURRENT COMPACTS UNDER THE MILLENNIUM**
17 **CHALLENGE ACT OF 2003.**

18 (a) IN GENERAL.—Section 609 of the Millennium
19 Challenge Act of 2003 (22 U.S.C. 7708) is amended—

20 (1) by striking the first sentence of subsection
21 (k);

22 (2) by redesignating subsection (k) (as so
23 amended) as subsection (l); and

24 (3) by inserting after subsection (j) the fol-
25 lowing:

1 “(k) CONCURRENT COMPACTS.—An eligible country
2 that has entered into and has in effect a Compact under
3 this section may enter into and have in effect at the same
4 time not more than one additional Compact in accordance
5 with the requirements of this title if—

6 “(1) one or both of the Compacts are or will be
7 for purposes of regional economic integration, in-
8 creased regional trade, or cross-border collabora-
9 tions; and

10 “(2) the Board determines that the country is
11 making considerable and demonstrable progress in
12 implementing the terms of the existing Compact and
13 supplementary agreements thereto.”.

14 (b) CONFORMING AMENDMENT.—Section
15 613(b)(2)(A) of such Act (22 U.S.C. 7712(b)(2)(A)) is
16 amended by striking “the” before “Compact” and insert-
17 ing “any”.

18 (c) APPLICABILITY.—The amendments made by this
19 section apply with respect to Compacts entered into be-
20 tween the United States and an eligible country under the
21 Millennium Challenge Act of 2003 before, on, or after the
22 date of the enactment of this Act.

1 **SEC. 6. MILLENNIUM CHALLENGE CORPORATION.**

2 (a) *SHORT TITLE.*—*This section may be cited as the*
 3 *“Millennium Compacts for Regional Economic Integration*
 4 *Act” or the “M-CORE Act”.*

5 (b) *PURPOSE.*—*The purpose of this section is to further*
 6 *enhance the transparency and accelerate the impact of the*
 7 *Millennium Challenge Corporation.*

8 (c) *CANDIDACY STATUS.*—

9 (1) *LOW INCOME COUNTRIES.*—*Section 606(a) of*
 10 *the Millennium Challenge Act of 2003 (22 U.S.C.*
 11 *7705(a)) is amended—*

12 (A) *in paragraph (1)(B), by striking “(3)”*
 13 *and inserting “(4)”;*

14 (B) *in paragraph (2)—*

15 (i) *by amending the paragraph head-*
 16 *ing to read as follows: “FISCAL YEARS 2005*
 17 *THROUGH 2012”; and*

18 (ii) *by striking “fiscal year 2005 or a*
 19 *subsequent fiscal year” and inserting “each*
 20 *of fiscal years 2005 through 2012”;*

21 (C) *by redesignating paragraph (3) as*
 22 *paragraph (4); and*

23 (D) *by inserting after paragraph (2) the fol-*
 24 *lowing:*

25 “(3) *FISCAL YEAR 2013 AND SUBSEQUENT FISCAL*
 26 *YEARS.*—*A country shall be a candidate country for*

1 *purposes of eligibility for assistance for fiscal year*
 2 *2013 or a subsequent fiscal year if the country—*

3 *“(A) has a per capita income equal to or*
 4 *less than the lower middle income country*
 5 *threshold established by the International Bank*
 6 *for Reconstruction and Development for such fis-*
 7 *cal year;*

8 *“(B) is among the 75 countries identified*
 9 *by the International Bank for Reconstruction*
 10 *and Development as having the lowest per capita*
 11 *income; and*

12 *“(C) meets the requirements under para-*
 13 *graph (1)(B).”.*

14 *(2) LOWER MIDDLE INCOME COUNTRIES.—Sec-*
 15 *tion 606(b) of the Millennium Challenge Act of 2003*
 16 *(22 U.S.C. 7705(b)) is amended—*

17 *(A) in paragraph (1)—*

18 *(i) by amending the paragraph head-*
 19 *ing to read as follows: “FISCAL YEARS 2006*
 20 *THROUGH 2012”; and*

21 *(ii) in the matter preceding subpara-*
 22 *graph (A), by striking “fiscal year 2006 or*
 23 *a subsequent fiscal year” and inserting “fis-*
 24 *cal years 2006 through 2012”;*

1 (B) by redesignating paragraph (2) as
2 paragraph (3); and

3 (C) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) *FISCAL YEAR 2013 AND SUBSEQUENT FISCAL*
6 *YEARS.—In addition to the countries described in*
7 *subsection (a), a country shall be a candidate country*
8 *for purposes of eligibility for assistance for fiscal year*
9 *2013 or a subsequent fiscal year if the country—*

10 “(A) *has a per capita income equal to or*
11 *less than the lower middle income country*
12 *threshold established by the International Bank*
13 *for Reconstruction and Development for the fis-*
14 *cal year;*

15 “(B) *is not among the 75 countries identi-*
16 *fied by the International Bank for Reconstruc-*
17 *tion and Development as having the lowest per*
18 *capita income; and*

19 “(C) *meets the requirements under sub-*
20 *section (a)(1)(B).”.*

21 (3) *RECLASSIFICATION.—Section 606 of the Mil-*
22 *lennium Challenge Act of 2003 (22 U.S.C. 7705) is*
23 *amended—*

24 (A) *by redesignating subsection (c) as sub-*
25 *section (d); and*

1 (B) by inserting after subsection (b) the fol-
 2 lowing:

3 “(c) *TREATMENT OF COUNTRIES WITH PER CAPITA*
 4 *INCOME CHANGES.*—A country qualifying for candidate
 5 status under this section with a per capita income that
 6 changes during the fiscal year such that the country would
 7 be reclassified from a low income country to a lower middle
 8 income country or from a lower middle income country to
 9 a low income country shall retain its candidacy status in
 10 its former income classification for such fiscal year and the
 11 two subsequent fiscal years.”.

12 (d) *CARRYOVER AUTHORITY FOR PRIVATE SECTOR*
 13 *MEMBERS OF BOARD OF DIRECTORS.*—Section
 14 604(c)(4)(B) of the Millennium Challenge Act of 2003 (22
 15 U.S.C. 7703(c)(4)(B)) is amended to read as follows:

16 “(B) *OTHER MEMBERS.*—Each member of
 17 the Board described in paragraph (3)(B)—

18 “(i) shall be appointed for a term of 3
 19 years;

20 “(ii) may be reappointed for a term of
 21 an additional 2 years; and

22 “(iii) may continue to serve in each
 23 such appointment until the earlier of—

24 “(I) the date on which his or her
 25 successor is appointed; or

1 “(II) the date that is one year
 2 after the expiration of his or her ap-
 3 pointment or reappointment, as the
 4 case may be.”.

5 (e) *PUBLIC NOTIFICATION OF ENTERING INTO A COM-*
 6 *PACT.—Section 610 of the Millennium Challenge Act of*
 7 *2003 (22 U.S.C. 7709(b)) is amended to read as follows:*

8 **“SEC. 610. CONGRESSIONAL AND PUBLIC NOTIFICATION.**

9 “(a) *CONGRESSIONAL CONSULTATIONS AND NOTIFICA-*
 10 *TIONS.—*

11 “(1) *IN GENERAL.—The Board, acting through*
 12 *the Chief Executive Officer, shall consult with and no-*
 13 *tify the appropriate congressional committees not*
 14 *later than 15 days before taking any of the actions*
 15 *described in paragraph (2).*

16 “(2) *ACTIONS DESCRIBED.—The actions de-*
 17 *scribed in this paragraph are—*

18 “(A) *providing assistance for an eligible*
 19 *country under section 609(g);*

20 “(B) *commencing negotiations with an eli-*
 21 *gible country to provide assistance for—*

22 “(i) *a Compact under section 605; or*

23 “(ii) *an agreement under section 616;*

24 “(C) *signing such a Compact or agreement;*

25 *and*

1 “(D) terminating assistance under such a
2 Compact or agreement.

3 “(3) *ECONOMIC JUSTIFICATION.*—Any notifica-
4 tion relating to the intent to negotiate or sign a Com-
5 pact shall include a report describing the projected
6 economic justification for the Compact, including, as
7 applicable—

8 “(A) the expected economic rate of return of
9 the Compact;

10 “(B) a cost-benefit analysis of the Compact;

11 “(C) a description of the impact on bene-
12 ficiary populations;

13 “(D) the likelihood that the investment will
14 catalyze private sector investments; and

15 “(E) any other applicable economic factors
16 that justify each project to be funded under such
17 a Compact to the extent practicable and appro-
18 priate.

19 “(4) *RISK MANAGEMENT PLAN.*—Not later than
20 60 days before signing each concurrent Compact, as
21 authorized under section 609, the Board, acting
22 through the Chief Executive Officer, shall consult with
23 and provide to the appropriate congressional commit-
24 tees—

1 “(A) an assessment and, as appropriate, the
 2 identification of potential measures to mitigate
 3 risks, of—

4 “(i) the countries’ commitment to re-
 5 gional integration and cross-border coopera-
 6 tion and capacity to carry out commit-
 7 ments;

8 “(ii) political and policy risks, includ-
 9 ing risks that could affect country eligi-
 10 bility;

11 “(iii) risks associated with realizing
 12 economic returns;

13 “(iv) time and completion risks; and

14 “(v) cost and financial risks; and

15 “(B) an assessment of measures to be taken
 16 to mitigate any identified risks, including—

17 “(i) securing other potential donors to
 18 finance projects or parts of projects as need-
 19 ed; and

20 “(ii) partnering with regional organi-
 21 zations to support and oversee effective
 22 cross-border cooperation.

23 “(b) CONGRESSIONAL AND PUBLIC NOTIFICATION
 24 AFTER ENTERING INTO A COMPACT.—Not later than 10
 25 days after entering into a Compact with an eligible coun-

1 *try, the Board, acting through the Chief Executive Officer,*
 2 *shall—*

3 “(1) *publish the text of the Compact on the*
 4 *Internet website of the Corporation;*

5 “(2) *provide the appropriate congressional com-*
 6 *mittees with a detailed summary of the Compact and,*
 7 *upon request, the text of the Compact; and*

8 “(3) *publish in the Federal Register a detailed*
 9 *summary of the Compact and a notice of availability*
 10 *of the text of the Compact on the Internet website of*
 11 *the Corporation.”.*

12 *(f) DISCLOSURE.—*

13 *(1) REQUIREMENT FOR TIMELY DISCLOSURE.—*
 14 *Section 612(a) of the Millennium Challenge Act of*
 15 *2003 (22 U.S.C. 7711(a)) is amended—*

16 *(A) in the subsection heading, by inserting*
 17 *“TIMELY” before “DISCLOSURE”; and*

18 *(B) in the matter preceding paragraph*
 19 *(1)—*

20 *(i) by striking “The Corporation” and*
 21 *inserting “Not later than 90 days after the*
 22 *last day of each fiscal quarter, the Corpora-*
 23 *tion”; and*

24 *(ii) by striking “on at least a quarterly*
 25 *basis,”.*

1 (2) *DISSEMINATION.*—Section 612(b) of the Mil-
 2 lennium Challenge Act of 2003 (22 U.S.C. 7711(b)) is
 3 amended to read as follows:

4 “(b) *DISSEMINATION.*—The Board, acting through the
 5 Chief Executive Officer, shall make the information re-
 6 quired to be disclosed under subsection (a) available to the
 7 public—

8 “(1) by publishing it on the Internet website of
 9 the Corporation;

10 “(2) by providing notice of the availability of
 11 such information in the Federal Register; and

12 “(3) by any other methods that the Board deter-
 13 mines to be appropriate.”.

14 (g) *RESTRICTION ON THE USE OF ASSISTANCE UNDER*
 15 *SECTION 616.*—Section 616(d) of the Millennium Challenge
 16 Act of 2003 (22 U.S.C. 7715(d)) is amended to read as fol-
 17 lows:

18 “(d) *FUNDING.*—

19 “(1) *FISCAL YEAR 2004.*—Not more than 10 per-
 20 cent of the amount appropriated pursuant to the au-
 21 thorization of appropriations under section 619(a) for
 22 fiscal year 2004 is authorized to be made available to
 23 carry out this section.

24 “(2) *RESTRICTION RELATING TO ASSISTANCE.*—
 25 None of the funds authorized to carry out the pur-

1 *poses of this Act shall be available for assistance*
 2 *under this section to a country that does not qualify*
 3 *as a candidate country under section 606 for the fis-*
 4 *cal year during which such assistance is provided.”.*

5 *(h) ADDITIONAL REPORTING TO THE BOARD ON THE*
 6 *TREATMENT OF CIVIL SOCIETY IN AN ELIGIBLE COUN-*
 7 *TRY.—Section 607 of the Millennium Challenge Act of 2003*
 8 *(22 U.S.C. 7706) is amended—*

9 *(1) in subsection (b)(1)—*

10 *(A) in subparagraph (D), by striking “and”*
 11 *at the end;*

12 *(B) in subparagraph (E), by adding “and”*
 13 *at the end; and*

14 *(C) by adding at the end the following:*

15 *“(F) the quality of the civil society enabling*
 16 *environment;”;*

17 *(2) by redesignating subsections (d) and (e) as*
 18 *subsections (e) and (f), respectively; and*

19 *(3) by inserting after subsection (c) the fol-*
 20 *lowing:*

21 *“(d) REPORTING ON TREATMENT OF CIVIL SOCIETY.—*
 22 *Before the Board selects an eligible country for a Compact*
 23 *under subsection (c), the Corporation shall provide informa-*
 24 *tion to the Board regarding the country’s treatment of civil*
 25 *society, including classified information, as appropriate.*

1 *The information shall include an assessment and analysis*
 2 *of factors including—*

3 “(1) *any relevant laws governing the formation*
 4 *or establishment of a civil society organization, par-*
 5 *ticularly laws intended to curb the activities of for-*
 6 *foreign civil society organizations;*

7 “(2) *any relevant laws governing the operations*
 8 *of a civil society organization, particularly those laws*
 9 *seeking to define or otherwise regulate the actions of*
 10 *foreign civil society organizations;*

11 “(3) *laws relating to the legal status of civil soci-*
 12 *ety organizations, including laws which effectively*
 13 *discriminate against foreign civil society organiza-*
 14 *tions as compared to similarly situated domestic or-*
 15 *ganizations;*

16 “(4) *laws regulating the freedom of expression*
 17 *and peaceful assembly; and*

18 “(5) *laws regulating the usage of the Internet,*
 19 *particularly by foreign civil society organizations.”.*

20 *(i) STUDY ON SUBNATIONAL COMPACTS.—*

21 “(1) *IN GENERAL.—Not later than 180 days after*
 22 *the date of the enactment of this Act, the Millennium*
 23 *Challenge Corporation shall submit a study to the ap-*
 24 *propriate congressional committees that assesses the*
 25 *feasibility and desirability of developing partnerships*

1 *at the subnational level within candidate countries*
2 *that would be complementary to, and, as applicable,*
3 *concurrent with, any Millennium Challenge Corpora-*
4 *tion national-level or regional investments.*

5 (2) *CONTENT.—The study required under para-*
6 *graph (1) shall examine—*

7 (A) *the extent to which targeting invest-*
8 *ments at the subnational level might provide new*
9 *opportunities for reducing poverty through eco-*
10 *nomie growth;*

11 (B) *the extent to which traditional ap-*
12 *proaches to defining poverty may not adequately*
13 *capture the nature of poverty within a country;*

14 (C) *the types of subnational entities that*
15 *might be appropriate partners for subnational*
16 *Millennium Challenge Corporation compacts;*

17 (D) *how candidates for subnational part-*
18 *ners might best be identified; and*

19 (E) *what role each national government*
20 *should play in creating or implementing a sub-*
21 *national partnership.*

22 (3) *DEFINED TERM.—In this subsection, the*
23 *term “appropriate congressional committees”*
24 *means—*

1 (A) *the Committee on Foreign Relations of*
2 *the Senate;*

3 (B) *the Committee on Appropriations of the*
4 *Senate;*

5 (C) *the Committee on Foreign Affairs of the*
6 *House of Representatives; and*

7 (D) *the Committee on Appropriations of the*
8 *House of Representatives.*

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AN ACT

To promote access to benefits under the African Growth and Opportunity Act, and for other purposes.

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