

[Roll No. 22]

YEAS—412

Abraham	Demings	Jordan
Adams	Denham	Joyce (OH)
Aderholt	Dent	Kaptur
Aguilar	DeSantis	Katko
Allen	DeSaulnier	Keating
Arrington	DesJarlais	Kelly (IL)
Babin	Deutch	Kelly (MS)
Bacon	Diaz-Balart	Kelly (PA)
Banks (IN)	Dingell	Kennedy
Barletta	Doggett	Khanna
Barr	Donovan	Kihuen
Barragán	Doyle, Michael	Kildee
Barton	F.	Kilmer
Bass	Duffy	King (IA)
Beatty	Duncan (SC)	King (NY)
Bera	Duncan (TN)	Kinzinger
Bergman	Dunn	Knight
Beyer	Ellison	Krishnamoorthi
Bilirakis	Emmer	Kuster (NH)
Bishop (GA)	Engel	Kustoff (TN)
Bishop (MI)	Eshoo	Labrador
Bishop (UT)	Españal	LaHood
Black	Estes (KS)	LaMalfa
Blackburn	Esty (CT)	Lamborn
Blum	Evans	Lance
Blumenauer	Farenthold	Langevin
Blunt Rochester	Faso	Larsen (WA)
Bonamici	Ferguson	Larson (CT)
Bost	Fitzpatrick	Latta
Boyle, Brendan	Fleischmann	Lawrence
F.	Flores	Lawson (FL)
Brady (PA)	Fortenberry	Lee
Brat	Foster	Levin
Bridenstine	Fox	Lewis (MN)
Brooks (IN)	Frankel (FL)	Lieu, Ted
Brown (MD)	Frelinghuysen	Lipinski
Brownley (CA)	Fudge	LoBiondo
Buchanan	Gabbard	Loeb
Buck	Gallagher	Loeb
Bucshon	Gallagher	Loeb
Budd	Garamendi	Love
Burgess	Garrett	Lowenthal
Bustos	Gianforte	Lowey
Butterfield	Gibbs	Lucas
Byrne	Gohmert	Luetkemeyer
Calvert	Gomez	Lujan Grisham,
Capuano	Gonzalez (TX)	M.
Carbajal	Goodlatte	Lujan, Ben Ray
Cárdenas	Gosar	Lynch
Carson (IN)	Gottheimer	MacArthur
Carter (GA)	Gowdy	Maloney,
Carter (TX)	Granger	Carolyn B.
Cartwright	Graves (GA)	Maloney, Sean
Castor (FL)	Graves (LA)	Marchant
Castro (TX)	Graves (MO)	Marino
Chabot	Green, Al	Marshall
Cheney	Green, Gene	Mast
Chu, Judy	Griffith	Matsui
Cicilline	Grijalva	McCarthy
Clark (MA)	Grothman	McCaul
Clarke (NY)	Guthrie	McClintock
Clay	Gutiérrez	McCollum
Cleaver	Hanabusa	McEachin
Clyburn	Handel	McGovern
Coffman	Harper	McHenry
Cohen	Harris	McKinley
Cole	Hartzler	McMorris
Collins (GA)	Hastings	Rodgers
Collins (NY)	Heck	McNerney
Comer	Hensarling	McSally
Comstock	Herrera Beutler	Meadows
Conaway	Hice, Jody B.	Meehan
Cannolly	Higgins (LA)	Meeks
Cook	Higgins (NY)	Meng
Cooper	Hill	Messer
Correa	Himes	Mitchell
Costa	Holding	Moolenaar
Costello (PA)	Hollingsworth	Mooney (WV)
Courtney	Hoyer	Moore
Cramer	Hudson	Moulton
Crawford	Huffman	Mullin
Crist	Huizenga	Murphy (FL)
Crowley	Hultgren	Nadler
Cuellar	Hunter	Napolitano
Culberson	Hurd	Neal
Curbeo (FL)	Issa	Newhouse
Curtis	Jackson Lee	Nolan
Davidson	Jayapal	Norcross
Davis (CA)	Jeffries	Norman
Davis, Danny	Jenkins (KS)	Nunes
Davis, Rodney	Jenkins (WV)	O'Halloran
DeFazio	Johnson (GA)	O'Rourke
DeGette	Johnson (LA)	Olson
Delaney	Johnson (OH)	Palazzo
DeLauro	Johnson, E. B.	Pallone
DeBene	Johnson, Sam	Palmer

Panetta	Ruppersberger	Thompson (PA)
Pascrell	Rush	Thornberry
Paulsen	Russell	Tipton
Payne	Rutherford	Titus
Pearce	Ryan (OH)	Tonko
Pelosi	Sánchez	Torres
Perlmutter	Sanford	Trott
Perry	Sarbanes	Tsongas
Peters	Schakowsky	Turner
Peterson	Schiff	Upton
Pingree	Schrader	Valadao
Pittenger	Schweikert	Vargas
Pocan	Scott (VA)	Veasey
Poliquin	Scott, Austin	Velázquez
Polis	Scott, David	Visclosky
Posey	Sensenbrenner	Wagner
Price (NC)	Serrano	Walberg
Quigley	Sessions	Walden
Raskin	Sewell (AL)	Walker
Ratcliffe	Shea-Porter	Walorski
Reed	Sherman	Walters, Mimi
Reichert	Shimkus	Walz
Renacci	Shuster	Wasserman
Rice (NY)	Simpson	Schultz
Rice (SC)	Sinema	Waters, Maxine
Richmond	Sires	Watson Coleman
Roby	Slaughter	Weber (TX)
Roe (TN)	Smith (MO)	Webster (FL)
Rogers (AL)	Smith (NE)	Welch
Rogers (KY)	Smith (NJ)	Wenstrup
Rohrabacher	Smith (WA)	Westerman
Rokita	Smucker	Williams
Rooney, Francis	Soto	Wilson (FL)
Rooney, Thomas	Speier	Wilson (SC)
J.	Stefanik	Wittman
Ros-Lehtinen	Stewart	Womack
Rosen	Stivers	Woodall
Roskam	Suozzi	Yarmuth
Ross	Swalwell (CA)	Yoder
Rothfus	Takano	Yoho
Rouzer	Taylor	Young (AK)
Roybal-Allard	Tenney	Young (IA)
Royce (CA)	Thompson (CA)	Zeldin
Ruiz	Thompson (MS)	

NAYS—5

Amash	Brooks (AL)	Massie
Biggs	Jones	

NOT VOTING—13

Amodei	Lewis (GA)	Schneider
Brady (TX)	Long	Smith (TX)
Cummings	Noem	Vela
Gaetz	Poe (TX)	
Kind	Scalise	

□ 1354

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRADY of Texas. Mr. Speaker, due to inclement weather, I am unavoidably prevented from voting on today's legislation. Had I been present, I would have voted "yea" on rollcall No. 20, "yea" on rollcall No. 21, and "yea" on rollcall No. 22.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 115-90)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days before the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process declared in Executive Order 12947 of January 23, 1995, is to continue in effect beyond January 23, 2018.

The crisis with respect to grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I have, therefore, determined that it is necessary to continue the national emergency declared in Executive Order 12947 with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the sanctions against them to respond to this threat.

DONALD J. TRUMP.
THE WHITE HOUSE, January 17, 2018.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

AFRICAN GROWTH AND OPPORTUNITY ACT AND MILLENNIUM CHALLENGE ACT MODERNIZATION ACT

Mr. ROYCE of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3445) to enhance the transparency and accelerate the impact of programs under the African Growth and Opportunity Act and the Millennium Challenge Corporation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “African Growth and Opportunity Act and Millennium Challenge Act Modernization Act” or the “AGOA and MCA Modernization Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—ENHANCEMENT OF THE AFRICAN GROWTH AND OPPORTUNITY ACT

- Sec. 101. Statement of policy.
- Sec. 102. Definitions.
- Sec. 103. Activities in support of transparency.
- Sec. 104. Activities in support of trade capacity building.

TITLE II—MODERNIZATION OF THE MILLENNIUM CHALLENGE CORPORATION

- Sec. 201. Candidacy status.
- Sec. 202. Carryover authority for private-sector members of board of directors.
- Sec. 203. Additional reporting to the board on the treatment of civil society in an eligible country.
- Sec. 204. Concurrent compacts under the Millennium Challenge Act of 2003.
- Sec. 205. Public notification of entering into a compact.
- Sec. 206. Disclosure.
- Sec. 207. Restriction on the use of assistance under section 616.
- Sec. 208. Study on subnational compacts.

TITLE I—ENHANCEMENT OF THE AFRICAN GROWTH AND OPPORTUNITY ACT**SEC. 101. STATEMENT OF POLICY.**

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

- (1) improve the rule of law, promote free and fair elections, strengthen and expand the private sector, and fight corruption in sub-Saharan Africa; and
- (2) promote the role of women in social, political, and economic development in sub-Saharan Africa.

SEC. 102. DEFINITIONS.

In this title—

(1) **AGOA WEBSITE.**—The term “AGOA Website” means the website established pursuant to section 103(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).

SEC. 103. 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.

SEC. 104. ACTIVITIES IN SUPPORT OF TRADE CAPACITY BUILDING.

The President should—

(1) develop and implement policies that—

(A) encourage and facilitate cross-boundary cooperation among eligible sub-Saharan African countries in order to facilitate trade; and

(B) encourage the provision of technical assistance to eligible sub-Saharan African countries to establish and sustain adequate trade capacity development;

(2) provide specific training for businesses in eligible sub-Saharan African countries and government trade officials of such countries on accessing the benefits under the African Growth and Opportunity Act and other trade preference programs;

(3) provide capacity building for African entrepreneurs and trade associations on production strategies, quality standards, formation of cooperatives, market research, and market development;

(4) provide capacity building training to promote diversification of African products and value-added processing; and

(5) provide capacity building and technical assistance funding for African businesses and institutions to help such businesses and institutions comply with United States counterterrorism initiatives and policies.

TITLE II—MODERNIZATION OF THE MILLENNIUM CHALLENGE CORPORATION**SEC. 201. CANDIDACY STATUS.**

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

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

(2) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: “FISCAL YEARS 2005 THROUGH 2012”; and

(B) by striking “fiscal year 2005 or a subsequent fiscal year” and inserting “each of fiscal years 2005 through 2012”;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

“(3) **FISCAL YEAR 2013 AND SUBSEQUENT FISCAL YEARS.**—A country shall be a candidate country for purposes of eligibility for assistance for fiscal year 2013 or a subsequent fiscal year if the country—

“(A) has a per capita income not greater than the lower middle income country threshold established by the International Bank for Reconstruction and Development for such fiscal year;

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

“(C) meets the requirements under paragraph (1)(B).”.

(b) **LOWER MIDDLE INCOME COUNTRIES.**—Section 606(b) of the Millennium Challenge Act of 2003 (22 U.S.C. 7705(b)) is amended—

(1) in paragraph (1)—

(A) by amending the paragraph heading to read as follows: “FISCAL YEARS 2006 THROUGH 2012”; and

(B) in the matter preceding subparagraph (A), by striking “fiscal year 2006 or a subsequent fiscal year” and inserting “fiscal years 2006 through 2012”;

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

(3) by inserting after paragraph (1) the following:

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

“(A) has a per capita income not greater than the lower middle income country threshold established by the International Bank for Reconstruction and Development for the fiscal year;

“(B) is not among the 75 countries identified by the International Bank for Reconstruction and Development as having the lowest per capita income; and

“(C) meets the requirements under subsection (a)(1)(B).”.

(c) **RECLASSIFICATION.**—Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

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

SEC. 202. CARRYOVER AUTHORITY FOR PRIVATE-SECTOR MEMBERS OF BOARD OF DIRECTORS.

Section 604(c)(4)(B) of the Millennium Challenge Act of 2003 (22 U.S.C. 7703(c)(4)(B)) is amended to read as follows:

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

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

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

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

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

“(II) the date that is one year after the expiration of his or her appointment or reappointment, as the case may be.”.

SEC. 203. ADDITIONAL REPORTING TO THE BOARD ON THE TREATMENT OF CIVIL SOCIETY IN AN ELIGIBLE COUNTRY.

Section 607 of the Millennium Challenge Act of 2003 (22 U.S.C. 7706) is amended—

(1) in subsection (a), by adding at the end the following: “A determination whether a country is eligible for a subsequent, non-concurrent Millennium Challenge Compact shall also be based, to the extent practicable, on significantly improved performance across the criteria in subsection (b) that, at a minimum, are relevant to the preceding Compact, compared to the country’s performance with respect to such criteria when selected for such preceding Compact.”

(2) in subsection (b)(1)—

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

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

(C) by adding at the end the following:

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

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(4) by inserting after subsection (c) the following:

“(d) **REPORTING ON TREATMENT OF CIVIL SOCIETY.**—For the 7-year period beginning on the date of the enactment of this subsection, before the Board selects an eligible country for a Compact under subsection (c), the Corporation shall provide information to the Board regarding the country’s treatment of civil society, including classified information, as appropriate. The information shall include an assessment and analysis of factors including—

“(1) any relevant laws governing the formation or establishment of a civil society organization, particularly laws intended to curb the activities of foreign civil society organizations;

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

“(3) laws relating to the legal status of civil society organizations, including laws which effectively discriminate against foreign civil society organizations as compared to similarly situated domestic organizations;

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

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

SEC. 204. CONCURRENT COMPACTS UNDER THE MILLENNIUM CHALLENGE ACT OF 2003.

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

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

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

(3) by inserting after subsection (j) the following:

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

“(1) one or both of the Compacts are or will be for purposes of regional economic integration, increased regional trade, or cross-border collaborations; and

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

(b) **CONFORMING AMENDMENT.**—Section 613(b)(2)(A) of such Act (22 U.S.C. 7712(b)(2)(A)) is amended by striking “the” before “Compact” and inserting “any”.

(c) **APPLICABILITY.**—The amendments made by this section apply with respect to Compacts entered into between the United States and an eligible country under the Millennium Challenge Act of 2003 before, on, or after the date of the enactment of this Act.

SEC. 205. PUBLIC NOTIFICATION OF ENTERING INTO A COMPACT.

Section 610 of the Millennium Challenge Act of 2003 (22 U.S.C. 7709) is amended to read as follows:

“SEC. 610. CONGRESSIONAL AND PUBLIC NOTIFICATION.

“(a) **CONGRESSIONAL CONSULTATIONS AND NOTIFICATIONS.**—

“(1) **IN GENERAL.**—The Board, acting through the Chief Executive Officer, shall consult with and notify the appropriate con-

gressional committees not later than 15 days before taking any of the actions described in paragraph (2).

“(2) **ACTIONS DESCRIBED.**—The actions described in this paragraph are—

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

“(B) commencing negotiations with an eligible country to provide assistance for—

“(i) a Compact under section 605; or

“(ii) an agreement under section 616;

“(C) signing such a Compact or agreement; and

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

“(3) **ECONOMIC JUSTIFICATION.**—Any notification relating to the intent to negotiate or sign a Compact shall include a report describing the projected economic justification for the Compact, including, as applicable—

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

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

“(C) a description of the impact on beneficiary populations;

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

“(E) any other applicable economic factors that justify each project to be funded under such a Compact to the extent practicable and appropriate.

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

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

“(i) the countries’ commitment to regional integration and cross-border cooperation and capacity to carry out commitments;

“(ii) political and policy risks, including risks that could affect country eligibility;

“(iii) risks associated with realizing economic returns;

“(iv) time and completion risks; and

“(v) cost and financial risks; and

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

“(i) securing other potential donors to finance projects or parts of projects as needed; and

“(ii) partnering with regional organizations to support and oversee effective cross-border cooperation.

“(b) **CONGRESSIONAL AND PUBLIC NOTIFICATION AFTER ENTERING INTO A COMPACT.**—Not later than 10 days after entering into a Compact with an eligible country, the Board, acting through the Chief Executive Officer, shall—

“(1) publish the text of the Compact on the website of the Corporation;

“(2) provide the appropriate congressional committees with a detailed summary of the Compact and, upon request, the text of the Compact; and

“(3) publish in the Federal Register a detailed summary of the Compact and a notice of availability of the text of the Compact on the website of the Corporation.”.

SEC. 206. DISCLOSURE.

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

(1) in the subsection heading, by inserting “TIMELY” before “DISCLOSURE”; and

(2) in the matter preceding paragraph (1)—

(A) by striking “The Corporation” and inserting “Not later than 90 days after the last day of each fiscal quarter, the Corporation”; and

(B) by striking “on at least a quarterly basis.”.

(b) **DISSEMINATION.**—Section 612(b) of the Millennium Challenge Act of 2003 (22 U.S.C. 7711(b)) is amended to read as follows:

“(b) **DISSEMINATION.**—The Board, acting through the Chief Executive Officer, shall make the information required to be disclosed under subsection (a) available to the public—

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

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

“(3) by any other methods that the Board determines to be appropriate.”.

SEC. 207. RESTRICTION ON THE USE OF ASSISTANCE UNDER SECTION 616.

Section 616(d) of the Millennium Challenge Act of 2003 (22 U.S.C. 7715(d)) is amended to read as follows:

“(d) **FUNDING.**—

“(1) **LIMITATION.**—Not more than 10 percent of the amounts made available to carry out this Act for a fiscal year may be made available to carry out this section.

“(2) **RESTRICTION RELATING TO ASSISTANCE.**—None of the funds authorized to carry out the purposes of this Act shall be available for assistance under this section to a country that does not qualify as a candidate country under section 606 for the fiscal year during which such assistance is provided.”.

SEC. 208. STUDY ON SUBNATIONAL COMPACTS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Board of the Millennium Challenge Corporation, acting through the Chief Executive Officer, shall submit a study to the appropriate congressional committees that assesses the feasibility and desirability of developing partnerships at the subnational level within candidate countries that would be complementary to, and, as applicable, concurrent with, any Millennium Challenge Corporation national-level or regional investments.

(b) **CONTENT.**—The study required under subsection (a) shall examine—

(1) the extent to which targeting investments at the subnational level might provide new opportunities for reducing poverty through economic growth;

(2) the extent to which traditional approaches to defining poverty may not adequately capture the nature of poverty within a country;

(3) the types of subnational entities that might be appropriate partners for subnational Millennium Challenge Corporation compacts;

(4) how candidates for subnational partners might best be identified; and

(5) what role each national government should play in creating or implementing a subnational partnership.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this subsection, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. SIREN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1400

Mr. ROYCE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been honored to serve as chairman of the House Foreign Affairs Committee for the past 5 years. Over this period, there has been no shortage of threats to our national security. But I must share with you, there have also been great opportunities—opportunities to make America safer, to make this country more prosperous through strategic investments in diplomacy, and also investments in development.

This bill before us today is one example. The African Growth and Opportunity Act and Millennium Challenge Act Modernization Act seeks to facilitate trade and private sector growth in poor but relatively well-governed countries. This is particularly true in sub-Saharan Africa.

Mr. Speaker, I would share with my colleagues the goal here is so that they can grow their own way out of poverty. What this legislation does is it seeks to help countries graduate from the need for foreign aid, while simultaneously opening doors for American businesses to break into the most promising emerging markets. For those of you who have followed this, you have watched trade double and then triple with sub-Saharan Africa.

Through AGOA—as we call this African Growth and Opportunity Act—goods produced in eligible African countries enter the United States on a duty-free basis. But to be eligible, countries must be committed to the rule of law, to eliminating barriers to U.S. trade and investment, to combating corruption, and to supporting counterterrorism activities.

So AGOA, as you can see, advances U.S. interests on so many different levels. I am proud to be a member of the AGOA coalition from the beginning. I was one of the original authors of the bill and I have witnessed its transformative impact.

So despite its benefits, AGOA does remain underutilized in too many countries. Prior to its reauthorization in 2015, I set out to learn why, and I traveled to many countries in southern and eastern Africa, where I met with U.S. and African trade officials, business leaders, and entrepreneurs. I visited garment factories and power stations. We saw trade hubs.

I heard a lot about poor infrastructure. I heard a lot about competition with China and burdensome U.S. regulations that are difficult to understand.

Then I walked into an artisan shop in Addis Ababa, and it was run by a remarkable woman. Her name was Sara Abera. I learned that she, in fact, had benefited from technical assistance through the U.S.-East Africa Trade and Investment Hub. She was now exporting to the United States through AGOA. I learned that she was, though, an exception to the rule. She is not the rule.

Other than Sara, there were very few businesses and very few business leaders and entrepreneurs that seemed to have the knowledge of how to access AGOA. To fix this, the bill before us today would make information about AGOA available to an easily accessible public website. This bill also urges U.S. Embassies in eligible countries to more consistently promote AGOA and trade hubs, and it seeks to bring greater transparency to commitments made at annual AGOA forums to followup on these commitments.

So this bill strengthens the Millennium Challenge Corporation, which is already one of our most effective tools for incentivizing policy reform and unlocking market-based growth in developing countries. It increases the MCC's flexibility to promote regional trade, collaboration, economic integration. It does this by allowing up to two simultaneous compacts with an eligible country. It also improves transparency and accountability. It does that by streamlining and strengthening congressional oversight.

Trade and free-market principles, frankly, if we think about it, have helped lift more than 1 billion people out of poverty over the last decade. But it is not just this humanitarian goal that leads us to invest in communities abroad. It is clear that investments targeted towards greater health, towards growing a healthier society, and towards growing a more sustainable society also helps advance U.S. security and economic interests.

It is, therefore, vital that we ensure that two of our most impactful development and trade facilitation tools—that is the African Growth and Opportunity Act, and our Millennium Challenge Corporation—are efficient, effective, and fully utilized. This bill will do exactly that.

Mr. Speaker, I urge Members to support this important measure, and I reserve the balance of my time.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 2017.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN BRADY: Thank you for consulting with the Foreign Affairs Committee and agreeing to forgo a sequential referral request on H.R. 3445, the AGOA and MCA Modernization Act, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future.

I will seek to place our letters on H.R. 3445 into the Congressional Record during floor consideration. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 14, 2017.

Hon. CHRISTOPHER H. SMITH,
Chairman, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Washington, DC.

DEAR CHAIRMAN SMITH: I am writing regarding H.R. 3445, the African Growth and Opportunity Act and Millennium Challenge Act Modernization Act, which the Committee on Foreign Affairs marked up on September 28, 2017.

As the author of H.R. 3445, the Chairman of the Committee on Foreign Affairs, and a legislator committed to the protection of life, I have confirmed that nothing in H.R. 3445, including the amendments made by this bill, alters existing statutory or policy prohibitions against the performance or promotion of abortion under section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b) or any other provision of law, which categorically prohibits the Millennium Challenge Corporation from utilizing U.S. foreign assistance dollars—including funds reserved for administrative expenses—to support the performance or promotion of abortion overseas. This includes longstanding prohibitions on the use of funds “to lobby for or against abortion,” most recently enacted in Title III of Division J of the Consolidated Appropriations Act, 2017 (P.L. 115-31), which preclude U.S. foreign assistance agencies, including MCC, from using their activities to promote changes in the abortion laws of foreign countries.

I will place this letter into the Congressional Record during Floor consideration of H.R. 3445, and thank you for your cosponsorship and support for this important legislation.

Sincerely,

EDWARD R. ROYCE,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 3, 2018.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR CHAIRMAN ROYCE: I am writing with respect to H.R. 3445, the “AGOA and MCA Modernization Act.” As a result of your having consulted with us on this legislation, I agree not to request a sequential referral on this bill so that it may proceed expeditiously to the House floor.

The Committee on Ways and Means takes this action with the mutual understanding that by forgoing formal consideration of H.R. 3445, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the

Congressional Record during floor consideration thereof.

Sincerely,

KEVIN BRADY,
Chairman.

Mr. SIRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this measure.

I would like to begin by thanking the chairman of the Foreign Affairs Committee, ED ROYCE; and the ranking member of the Africa, Global Health, Global Human Rights, and International Organizations Subcommittee, KAREN BASS, for their hard work on this legislation.

The Africa Growth and Opportunity Act, AGOA, first passed by Congress in the year 2000, has helped to foster a more robust trade relationship between the United States and the nations of sub-Saharan Africa. AGOA has helped to create economic opportunities for thousands of people in Africa, while also benefiting U.S. farmers, manufacturers, and small businesses by providing new markets for their goods.

The bill before us today will make AGOA even more effective. It requires the creation of a website to make information about AGOA benefits more readily available to both sub-Saharan partners and the American people, and it provides much-needed technical assistance to help eligible partners fully utilize the available trade benefits.

The legislation also provides new authorities for the Millennium Challenge Corporation, an independent agency that is charged with promoting economic growth, reducing poverty, and strengthening institutions in eligible countries. Specifically, it will give MCC the ability to enter into regional compacts by simultaneously engaging several countries to fund investments that could benefit all of them.

We know economies fail if they are isolated. Coordinated investments across the region will have an enormous beneficial impact on trade, development, regional stability, and international investment.

There are several good opportunities for regional compacts. In west Africa, MCC currently partners with 10 countries. In southern Africa, MCC partners with three countries.

Mr. Speaker, I urge my colleagues to support this bipartisan measure. The Africa Growth and Opportunity Act is a critical piece of legislation that increases ties and helps foster deeper relationships with partners throughout Africa.

Mr. Speaker, I urge my colleagues to support this measure, and I reserve the balance of my time.

Mr. ROYCE of California. Mr. Speaker, I reserve the balance of my time.

Mr. SIRES. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. BASS), the lead cosponsor of this legislation and the ranking member of the Foreign Affairs' Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations.

Ms. BASS. Mr. Speaker, I rise today in strong support of H.R. 3445, AGOA and MCA Modernization Act.

The African Growth and Opportunity Act and the Millennium Challenge Corporation have proven track records of spurring economic development. Expanding these programs advances our position as international leaders, strengthens our domestic job market and economy, while protecting our national security interests.

Trade and development go hand in hand. U.S. investments around the world increases trade opportunities and opens new markets for U.S. goods and services. Africa's consumer spending is expected to reach \$1 trillion.

We must act now in order to solidify this important trade relationship. If we fail to act, rest assured that other nations are ready, willing, and able to fill our void. We have the opportunity through AGOA and MCA to advance stability, security, and business growth on the continent and here at home.

This is in our best interest. That is why I joined my colleagues, Chairman ROYCE, Ranking Member ENGEL, and Representative SMITH, to introduce H.R. 3445, the AGOA and MCA Modernization Act earlier this year.

Moving developing countries away from foreign aid and towards trade also helps U.S. manufacturers, farmers, and small businesses. We are building long-term trading partners for our goods and services. By using trade, we can also address the root causes of violent extremism and terrorism. This legislation strengthens the AGOA and the MCA—key laws in the effort to promote U.S.-Africa trade.

For example, AGOA and MCA gives MCC greater flexibility to promote trade, collaboration, and economic integration by allowing up to two simultaneous compacts with an eligible country. This is important because, as most of us know, African countries are still grappling with the legacy of colonialism.

For example, only a few hundred miles separate Lagos, Nigeria, from Accra, Ghana. In the United States, traveling this distance would take a few hours. For traders on the continent, the same trip can take up to a full day. They have to contend with inadequate roads, arduous border checks, or high tariffs.

MCC recently signed a compact with Cote d'Ivoire, an economic and cultural hub in west Africa and a longtime strategic and economic partner of the U.S. This compact will diversify the nation's economy by targeting two constraints to growth: access to a skilled workforce and the mobility of goods and people in the nation's capital, Abidjan, Cote d'Ivoire's commercial capital.

The Transport Project will focus on rehabilitating key roads in the capital to enable people and goods to move freely throughout the busy city and its strategic port. With 20 percent of the nation's population living in the cap-

ital, unlocking congestion will create opportunities to buy and sell products, expand businesses, improve access to key services, and open up greater trade. This compact is expected to benefit more than 11 million people. In a country where more than half of the population is under the age of 24, it will help to shape a strong, stable future for Cote d'Ivoire.

This compact is all about creating opportunities and stabilities for citizens and businesses in Cote d'Ivoire, west Africa, and in the U.S. By making coordinated investments across countries, MCC could help these nations work together to grow regional markets and facilitate trade. Passage of this bill in the House is an important step toward increasing regional integration across Africa, advancing stability and security and opening new markets for trade.

I believe strongly that it is in our economic and political interest to expand our economic relationships with the nations of Africa. I have said this before and I will continue to reiterate this point. I also believe that the African Growth and Opportunity Act is the key to development of stronger, mutually beneficial economic relations between this country and African nations.

Mr. ROYCE of California. Mr. Speaker, I would like to close if the gentleman has no other speakers. I reserve the balance of my time.

□ 1415

Mr. SIRES. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from New Jersey for his leadership, and I thank Mr. ROYCE, Mr. ENGEL, Mr. SMITH, and Ms. BASS for establishing a real, viable African policy, a policy that I have had the privilege of being part of for all of the years that I have served in the United States Congress.

I remember making the first inaugural trip to do the research and to meet with heads of state in Africa on the question of the African Growth and Opportunity Act.

Over the years, we worked with the Bush administration on the Millennium Challenge Corporation. So I am delighted that we have a bill that improves the benefits.

It is even more important, in this time, to make sure that the policies of the United States toward Africa and the African countries are clear and precise. They are strong allies and a very viable trade partner.

This, of course, Mr. Speaker, is crucial in the backdrop of very vulgar statements that, unfortunately, have come from the Commander in Chief. Therefore, this is the policy that is real, an ongoing partnership, the fact that Africa represents a growing population of 1 billion people. When we last traveled with a President of the United States—which then was President

Barack Obama—and visited a number of African countries, in particular Kenya, we were there to look at the rising population of small- and medium-sized entrepreneurs, young millennials, and others who were eager to engage in business.

The African Growth and Opportunity Act will be a pathway for sub-Saharan African countries in that area that will create the pathway for trade for the goods of those produced on the continent.

Peace and the economy go together. If we have an economic engine partnership with the United States, looking at good quality investment, and if we have the work of the Millennium Challenge to challenge countries to become more democratic, to open the doors of opportunity, to have a better fiscal system, and to be a real partner in these improvements, that is a real African policy.

So I rise to support the underlying bill, H.R. 3445. I rise to support it because it is an advancement to the work that has been done over the years by the United States Congress and the many partners that we have had.

I am a student of Africa, having gone to school in Accra and Kumasi in Ghana and, of course, in Lagos and Ibadan in Nigeria. I have traveled often, and I understand the ingenuity, the eagerness, and the commitment to democratic principles and, of course, the opportunities for their young generation.

So I rise today to support the bill. I thank the sponsors for this very excellent legislation. It is good work.

Mr. Speaker, I don't know if it is appropriate, but I ask unanimous consent to cosponsor the legislation at this time.

The SPEAKER pro tempore. The gentleman's request to be added as a cosponsor cannot be entertained at this point on this bill.

Mr. SIREN. Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will sum up here. What this bill does is unlock a greater potential for AGOA, for the African Growth and Opportunity Act, so communities in Africa can strengthen their own economies and become U.S. trade partners rather than aid recipients. It also enhances the impact of MCC by accelerating regional economic integration.

It is good for American taxpayers. It is certainly good for job creators in the United States. It is good for our national security. It is good for Africa—for the people of Africa.

I think this legislation is the product of more than 2 years of negotiations. It enjoys very broad support. As I say, it doesn't cost the taxpayers anything.

I really want to thank some of the Members who worked hard on this. I thank Representative KAREN BASS for her good work, Congresswoman SHEILA

JACKSON LEE, Ranking Member ENGEL, and Representative CHRIS SMITH; Senators CORKER, CARDIN, ISAKSON, and COONS. I thank them for their help on my measure here today and for their continued commitment to reducing poverty through market-based economic growth.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of H.R. 3445, the African Growth and Opportunity Act and Millennium Challenge Act Modernization Act.

I am an original cosponsor of H.R. 3445, and as Chairman of the House Foreign Affairs Africa subcommittee, I want to applaud Chairman ROYCE, Ranking Member ELLIOT ENGEL, and the Ranking Member of my subcommittee, KAREN BASS, for their commitment to Africa and to enhancing trade, and all the benefits in terms of closer relationships that flow from trade, between the people of the United States and the people of Africa.

The original AGOA Act of 2000 has been called a "cornerstone" of our trade policy toward the continent, and it has served us well. Over the years, however, our subcommittee has had numerous hearings—not to mention meetings with African heads of state and ambassadors—on AGOA, increasing exports to Africa, and on cultivating the rule-of-law reforms necessary to attract business and investment to Africa. In past Congresses I introduced the Increasing American Jobs Through Greater Exports to Africa Act. It has become apparent that, as well as AGOA has served us, there is room for improvement and innovation.

H.R. 3445 marks a step toward that, by emphasizing capacity building and training and encouraging entrepreneurship in Africa. Importantly, it acknowledges that the world has changed since 2000, and that Africa has been targeted by radical extremists such as Boko Haram and al-Shabaab. Recognizing that we now live in a post-2001 world, H.R. 3445 fosters compliance with our counterterrorism initiatives by African businesses and institutions.

Africa, and much of the developing world, has also benefited from the Millennium Challenge Corporation since passage of the Millennium Challenge Act of 2003. MCC is a critical partner, for example, in our Global Food Security strategy, which fosters agriculture-led economic development.

Though MCC has played a key role, there are also room for improvements. Sometimes during the country selection process, narratives about a country become set, and there is not a fresh appraisal of evidence regarding improvements, or backsliding, in the conditions of that country.

I'd like to thank Chairman ROYCE for working to ensure that MCC remains a vehicle focused on assisting countries with development, and does not become diverted from its original mission.

I urge my colleagues to join me in support of H.R. 3445, the African Growth and Opportunity Act and Millennium Challenge Act Modernization Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 3445, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CYBER DIPLOMACY ACT OF 2017

Mr. ROYCE of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3776) to support United States international cyber diplomacy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cyber Diplomacy Act of 2017".

SEC. 2. FINDINGS.

Congress finds the following:

(1) *The stated goal of the United States International Strategy for Cyberspace, launched on May 16, 2011, is to "work internationally to promote an open, interoperable, secure, and reliable information and communications infrastructure that supports international trade and commerce, strengthens international security, and fosters free expression and innovation . . . in which norms of responsible behavior guide States' actions, sustain partnerships, and support the rule of law in cyberspace."*

(2) *The Group of Governmental Experts (GGE) on Developments in the Field of Information and Telecommunications in the Context of International Security, established by the United Nations General Assembly, concluded in its June 24, 2013, report "that State sovereignty and the international norms and principles that flow from it apply to States' conduct of [information and communications technology or ICT] related activities and to their jurisdiction over ICT infrastructure with their territory."*

(3) *On January 13, 2015, China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan proposed a troubling international code of conduct for information security which defines responsible State behavior in cyberspace to include "curbing the dissemination of information" and the "right to independent control of information and communications technology" when a country's political security is threatened.*

(4) *The July 22, 2015, GGE consensus report found that, "norms of responsible State behavior can reduce risks to international peace, security and stability."*

(5) *On September 25, 2015, the United States and China announced a commitment "that neither country's government will conduct or knowingly support cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of providing competitive advantages to companies or commercial sectors."*

(6) *At the Antalya Summit from November 15-16, 2015, the Group of 20 (G20) Leaders' Communiqué affirmed the applicability of international law to State behavior in cyberspace, called on States to refrain from cyber-enabled theft of intellectual property for commercial gain, and endorsed the view that all States should abide by norms of responsible behavior.*

(7) *The March 2016 Department of State International Cyberspace Policy Strategy noted that, "the Department of State anticipates a continued increase and expansion of our cyber-focused diplomatic efforts for the foreseeable future."*

(8) *On December 1, 2016, the Commission on Enhancing National Cybersecurity established*