

**Public Summary of Third Set of U.S. Text Proposals**  
**Under the U.S.-Kenya Strategic Trade and Investment Partnership**

**Customs, Trade Facilitation, and Enforcement**

The United States tabled proposed text on customs, trade facilitation, and enforcement that ensures transparency and predictability, streamlines border procedures, cuts red tape, and enhances customs enforcement. The proposal is designed to achieve these goals by focusing on online publication, automation, reducing formalities, requiring innovative border processes, and cooperation including on enforcement.

The proposed text sets out a number of obligations on transparency, including to publish online all information relating to international trade, to adopt and maintain mechanisms to communicate with interested persons, and to maintain enquiry points and answer enquiries free of charge. Predictability for traders is reflected in commitments to maintain uniform procedures on issuance of advance rulings, and to ensure access to administrative reviews and appeals on customs administration issues.

The proposed text seeks to streamline border procedures and cut red tape through the creation of a paperless border environment for trade in goods, reduction of formalities, and the adoption of a single window system that would enable electronic submission of all documentation required of a trader. For example, the proposed text requires customs authorities to provide, allow, and accept electronic forms and supporting documents, and to maintain a single window that enables electronic submission of these documents. Additionally, it commits customs authorities to adopt and maintain procedures to allow for immediate release of goods prior to a final determination of duties if all requirements and procedures have been fulfilled or conditioned on a security, and to provide an option for electronic payment. To address e-commerce, the United States also proposed to reduce formalities for express shipments and facilitate the return of goods across borders.

Furthermore, the proposal includes provisions focused on making trade across borders a fair and reliable experience. It sets out a number of obligations on penalties designed to ensure transparency and fairness, standards of conduct for officials engaged in trade, and protection of confidential business information.

Finally, the proposed text calls on the Parties to enhance cooperation between their respective customs authorities with regard to customs offenses. The proposed text also contains provisions to facilitate the exchange of confidential and non-confidential information between the Parties' respective customs administrations with regard to customs offenses. In addition, the proposed text contemplates each Party establishing a national committee on trade facilitation and enforcement to facilitate domestic implementation of the obligations in the text, including on customs enforcement.

## **Environment**

The United States has tabled proposed text for a chapter on environment. The proposed text includes provisions and initiatives that seek to deepen cooperation and joint approaches on trade and the environment between the United States and Kenya. The proposed text includes provisions that will meaningfully contribute to environmental protections and respond to common sustainability challenges, including climate change. The proposed text affirms that the two sides recognize that a healthy environment is essential for building inclusive, resilient, and strong economies, that sustainable management and continued availability of natural resources are foundational to the global economy, and that many environment- and climate-related challenges are global in nature and require a collective response.

The proposed text also addresses a number of environmental priorities shared by the United States and Kenya. In this regard, it includes novel provisions to address these matters, including with regard to climate and trade, clean energy and clean technologies, environmental goods and services, more resource efficient and circular economies, digital economy and environmental sustainability, responsible business conduct, and environmental justice.

The proposed text commits the two sides to continue to improve levels of environmental protection and to effectively enforce their respective environmental laws. It also commits the two sides not to weaken or reduce the protections afforded in domestic environmental laws in an effort to attract trade or investment.

The proposed text establishes opportunities for public participation, provides for public information and public awareness of relevant environmental laws and policies, and requires the use of consultative mechanisms regarding the implementation of the chapter. The proposed text also provides for the consideration of public submissions on matters relating to the chapter and establishes an Environment Committee to oversee the implementation of the commitments set forth in the chapter.

As previewed in the negotiating objectives, the proposed text reflects the two sides' commitments to take measures to strengthen and promote environmental protections, including natural resource conservation, and to tackle pressing environmental challenges. To that end, the proposed text includes provisions to address air quality, marine litter, and plastic pollution, to combat wildlife trafficking, to promote sustainable forest management, to conserve marine species, and to prevent the loss of biodiversity. The proposed text also includes provisions on fisheries-related matters, such as addressing illegal, unreported, and unregulated fishing and fisheries subsidies that contribute to overfishing and overcapacity.