

April 23, 2020

Edward Gresser Esquire
Chairman
Trade Policy Staff Committee
Office of the United States Trade Representative
600 17th Street, NW
Washington, DC 20508

[Agency/Docket Number: USTR-2020-0011](#)

Dear Chairman Gresser:

On behalf of more than 300,000+ human resource (HR) professionals of SHRM, the Society for Human Resource Management, and the more than 115 million employees they impact in 165 countries, we welcome the opportunity to respond to Federal Register Document USTR-2020-0011, issued by the Office of the United States Trade Representative (USTR) on its Request for Comments on Negotiating Objectives for a United States-Republic of Kenya Trade Agreement.

SHRM advocates for a modern workplace immigration system that allows employers to recruit and retain top global talent while protecting workers. Workplace immigration is a critical tool for America's economy that helps us address the skills gap facing our nation and makes enormous contributions to our workplaces, complementing the American workforce.

With Kenya being the largest economy in eastern and central Africa, a trade agreement will provide opportunities to strengthen economic and strategic relationships between our two countries. It will also help prepare individuals across the African continent and the world to enter, manage, and grow within the 21st century workforce.

A top priority within this agreement must be access to the knowledge, skills and abilities needed to develop a strong workforce that meets market needs. Today's workplace immigration system should encourage U.S. employers to be competitive and innovative, especially as we look to rebuild a world-class workforce in the wake of the COVID-19 pandemic. To this end, please find below some of the limitations we have encountered that not only constrain the potential of the Kenyan labor market, but the opportunity for American organizations like SHRM to contribute to creating a skilled workforce.

Our main barrier to market access in Kenya is directly related to the need to be recognized by the Human Resource Management Professionals Examination Board (HRMPEB), which limits our presence and constricts the level at which the Kenyan workforce is able to develop. For U.S. firms such as SHRM it would be beneficial for HRMPEB to establish a recognition system in the service sector.

Recommendations

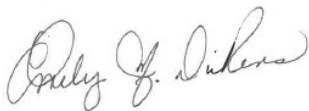
Additionally, SHRM recommends negotiators include applicable language from recent Free Trade Agreements, particularly that of the *U.S.-Mexico-Canada Agreement (USMCA)*. Specifically related to:

- **Market Access-** [Chapter 15](#)—Article 15.5: Market Access, Article 15.10: Small and Medium-Sized Enterprises, ANNEX 15-C Professional Services, and Appendix 1 Guidelines for Mutual Recognition Agreements or Arrangements for the Professional Services Sector.
- **Transparency-** USMCA also outlines *solid transparency provisions*, which should be included in a U.S.-Kenya FTA, ensuring licensing issues including fees and other areas of the licensing processes are addressed.
- **Intellectual Property-** A U.S.-Kenya FTA should also include *Intellectual Property and Digital Trade regulations* such as those included in USMCA, Chapters [19](#) and [20](#).

The economies of the African continent continue to grow rapidly, presenting vast opportunities for U.S. commercial, economic and professional development interests. With the region continuing to evolve toward greater integration, and having the highest global growth rates totaling a fifth of the world’s consumers by 2030—this agreement is key for the advancement of U.S. competitiveness in Africa and more opportunities for U.S. businesses in the Kenyan market. Our businesses will need local, trained, HR professionals to manage their largest bottom-line asset—people.

Again, thank you for the opportunity to provide comments on this important step toward U.S.-Kenya collaboration. We would be happy to provide clarification or further engage as you deem necessary, and we look forward to continued collaboration as the negotiations begin.

Respectfully,



Emily M. Dickens
Corporate Secretary, Chief of Staff and
Head, Government Affairs
Society for Human Resource Management