

108TH CONGRESS
2D SESSION

H. R. 4889

To expand certain preferential trade treatment for Haiti.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2004

Mr. SHAW (for himself, Mr. PORTMAN, Mr. FOLEY, Ms. HARRIS, Mr. GOSS, Ms. ROS-LEHTINEN, Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To expand certain preferential trade treatment for Haiti.

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 “Haiti Economic Recov-
5 ery Opportunity Act of 2004”.

6 **SEC. 2. TRADE BENEFITS TO HAITI.**

7 (a) IN GENERAL.—The Caribbean Basin Economic
8 Recovery Act (19 U.S.C. 2701 et seq.) is amended by in-
9 serting after section 213 the following new section:

1 **“SEC. 213A. SPECIAL RULE FOR HAITI.**

2 “(a) IN GENERAL.—In addition to any other pref-
3 erential treatment under this Act, beginning on October
4 1, 2003, and in each of the 7 succeeding 1-year periods,
5 apparel articles described in subsection (b) that are im-
6 ported directly into the customs territory of the United
7 States from Haiti shall enter the United States free of
8 duty, subject to the limitations described in subsections
9 (b) and (c), if Haiti has satisfied the requirements set
10 forth in subsection (d).

11 “(b) APPAREL ARTICLES DESCRIBED.—Apparel arti-
12 cles described in this subsection are apparel articles that
13 are wholly assembled or knit-to-shape in Haiti from any
14 combination of fabrics, fabric components, components
15 knit-to-shape, and yarns without regard to the country of
16 origin of the fabrics, components, or yarns.

17 “(c) PREFERENTIAL TREATMENT.—The preferential
18 treatment described in subsection (a), shall be extended—

19 “(1) during the 12-month period beginning on
20 October 1, 2003, to a quantity of apparel articles
21 that is equal to 1.5 percent of the aggregate square
22 meter equivalents of all apparel articles imported
23 into the United States during the 12-month period
24 beginning October 1, 2002; and

1 “(2) during the 12-month period beginning on
2 October 1 of each succeeding year, to a quantity of
3 apparel articles that is equal to the product of—

4 “(A) the percentage applicable during the
5 previous 12-month period plus 0.5 percent (but
6 not over 3.5 percent); and

7 “(B) the aggregate square meter equiva-
8 lents of all apparel articles imported into the
9 United States during the 12-month period that
10 ends on September 30 of that year.

11 “(d) ELIGIBILITY REQUIREMENTS.—Haiti shall be
12 eligible for preferential treatment under this section if the
13 President determines and certifies to Congress that
14 Haiti—

15 “(1) has established, or is making continual
16 progress toward establishing—

17 “(A) a market-based economy that protects
18 private property rights, incorporates an open
19 rules-based trading system, and minimizes gov-
20 ernment interference in the economy through
21 measures such as price controls, subsidies, and
22 government ownership of economic assets;

23 “(B) the rule of law, political pluralism,
24 and the right to due process, a fair trial, and
25 equal protection under the law;

1 “(C) the elimination of barriers to United
2 States trade and investment, including by—

3 “(i) the provision of national treat-
4 ment and measures to create an environ-
5 ment conducive to domestic and foreign in-
6 vestment;

7 “(ii) the protection of intellectual
8 property; and

9 “(iii) the resolution of bilateral trade
10 and investment disputes;

11 “(D) economic policies to reduce poverty,
12 increase the availability of health care and edu-
13 cational opportunities, expand physical infra-
14 structure, promote the development of private
15 enterprise, and encourage the formation of cap-
16 ital markets through microcredit or other pro-
17 grams;

18 “(E) a system to combat corruption and
19 bribery, such as signing and implementing the
20 Convention on Combating Bribery of Foreign
21 Public Officials in International Business
22 Transactions; and

23 “(F) protection of internationally recog-
24 nized worker rights, including the right of asso-
25 ciation, the right to organize and bargain collec-

1 tively, a prohibition on the use of any form of
2 forced or compulsory labor, a minimum age for
3 the employment of children, and acceptable con-
4 ditions of work with respect to minimum wages,
5 hours of work, and occupational safety and
6 health;

7 “(2) does not engage in activities that under-
8 mine United States national security or foreign pol-
9 icy interests; and

10 “(3) does not engage in gross violations of
11 internationally recognized human rights or provide
12 support for acts of international terrorism and co-
13 operates in international efforts to eliminate human
14 rights violations and terrorist activities.

15 “(e) CONDITIONS REGARDING ENFORCEMENT OF
16 CIRCUMVENTION.—

17 “(1) IN GENERAL.—The preferential treatment
18 under subsection (b) shall not apply unless the
19 President certifies to Congress that Haiti is meeting
20 the following conditions:

21 “(A) Haiti has adopted an effective visa
22 system, domestic laws, and enforcement proce-
23 dures applicable to articles described in sub-
24 section (b) to prevent unlawful transshipment
25 of the articles and the use of counterfeit docu-

1 ments relating to the importation of the articles
2 into the United States.

3 “(B) Haiti has enacted legislation or pro-
4 mulgated regulations that would permit the Bu-
5 reau of Customs and Border Protection
6 verification teams to have the access necessary
7 to investigate thoroughly allegations of trans-
8 shipment through such country.

9 “(C) Haiti agrees to report, on a timely
10 basis, at the request of the Bureau of Customs
11 and Border Protection, on the total exports
12 from and imports into that country of articles
13 described in subsection (b), consistent with the
14 manner in which the records are kept by Haiti.

15 “(D) Haiti agrees to cooperate fully with
16 the United States to address and take action
17 necessary to prevent circumvention.

18 “(E) Haiti agrees to require all producers
19 and exporters of articles described in subsection
20 (b) in that country to maintain complete
21 records of the production and the export of the
22 articles, including materials used in the produc-
23 tion, for at least 2 years after the production or
24 export (as the case may be).

“(F) Haiti agrees to report, on a timely basis, at the request of the Bureau of Customs and Border Protection, documentation establishing the country of origin of articles described in subsection (b) as used by that country in implementing an effective visa system.

“(2) DEFINITIONS.—In this subsection:

“(A) CIRCUMVENTION.—The term ‘circumvention’ means any action involving the provision of a false declaration or false information for the purpose of, or with the effect of, violating or evading existing customs, country of origin labeling, or trade laws of the United States or Haiti relating to imports of textile and apparel goods, if such action results—

“(i) in the avoidance of tariffs, quotas, embargoes, prohibitions, restrictions, trade remedies, including anti-dumping or countervailing duties, or safeguard measures; or

“(ii) in obtaining preferential tariff treatment.

“(B) TRANSSHIPMENT.—The term ‘transshipment’ has the meaning given such term under section 213(b)(2)(D)(iii).”.

1 (b) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendment made by
3 subsection (a) applies with respect to goods entered,
4 or withdrawn from warehouse for consumption, on
5 or after October 1, 2003.

6 (2) RETROACTIVE APPLICATION TO CERTAIN
7 ENTRIES.—Notwithstanding section 514 of the Tar-
8 iff Act of 1930 (19 U.S.C. 1514) or any other provi-
9 sion of law, upon proper request filed with the
10 United States Customs Service before the 90th day
11 after the date of the enactment of this Act, any
12 entry or withdrawal from warehouse for consump-
13 tion, of any goods described in the amendment made
14 by subsection (a)—

15 (A) that was made on or after October 1,
16 2003, and before the date of the enactment of
17 this Act, and

18 (B) with respect to which there would have
19 been no duty if the amendment made by sub-
20 section (a) applied to such entry or withdrawal,
21 shall be liquidated or reliquidated as though
22 such amendment applied to such entry or with-
23 drawal.

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