

108TH CONGRESS
1ST SESSION

S. 489

To expand certain preferential trade treatment for Haiti.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2003

Mr. DEWINE (for himself, Mr. GRAHAM of Florida, Mr. LUGAR, Mr. DURBIN, Mr. CHAFEE, and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Finance

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 2003”.

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, in each 12-month pe-
4 riod beginning on October 1, 2003, apparel articles de-
5 scribed in subsection (b) that are imported directly into
6 the customs territory of the United States from Haiti shall
7 enter the United States free of duty, subject to the limita-
8 tions described in subsections (b) and (c), if Haiti has sat-
9 isfied the requirements set forth in subsection (d).

10 “(b) APPAREL ARTICLES DESCRIBED.—Apparel arti-
11 cles described in this subsection are apparel articles that
12 are wholly assembled or knit-to-shape in Haiti exclusively
13 from any combination of fabrics, fabric components, com-
14 ponents knit-to-shape, and yarns formed in one or more
15 of the following countries:

16 “(1) The United States.

17 “(2) Any country that, on January 1, 2003, is
18 party to a free trade agreement with the United
19 States.

20 “(3) Any country that enters into a free trade
21 agreement with the United States subject to the pro-
22 visions of title XXI of the Trade Act of 2002 (Public
23 Law 107–210).

24 “(4) Any country designated as a beneficiary
25 country under—

26 “(A) section 213(b)(5)(B) of this Act;

1 “(B) section 506A(a)(1) of the Trade Act
2 of 1974 (19 U.S.C. 2466a(a)(1)); or

3 “(C) section 204(b)(6)(B) of the Andean
4 Trade Preference Act (19 U.S.C.
5 3203(b)(6)(B)).

6 “(5) Any country, if the fabrics or yarns are
7 designated as not being commercially available in the
8 United States for the purposes of the NAFTA
9 (Annex 401), section 213(b)(2)(A)(v) of this Act,
10 section 112(b)(5) of the African Growth and Oppor-
11 tunity Act, or section 204(b)(3)(B)(i)(III) or (ii) of
12 the Andean Trade Preference Act.

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

15 “(1) during the 12-month period beginning on
16 October 1, 2003, to a quantity of apparel articles
17 that is equal to 1.5 percent of the aggregate square
18 meter equivalents of all apparel articles imported
19 into the United States during the 12-month period
20 beginning October 1, 2001; and

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

1 “(A) the percentage applicable during the
2 previous 12-month period plus 0.5 percent (but
3 not over 3.5 percent); and

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

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

12 “(1) has established, or is making continual
13 progress toward establishing—

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

20 “(B) the rule of law, political pluralism,
21 and the right to due process, a fair trial, and
22 equal protection under the law;

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

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

5 “(ii) the protection of intellectual
6 property; and

7 “(iii) the resolution of bilateral trade
8 and investment disputes;

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

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

21 “(F) protection of internationally recog-
22 nized worker rights, including the right of asso-
23 ciation, the right to organize and bargain collec-
24 tively, a prohibition on the use of any form of
25 forced or compulsory labor, a minimum age for

1 the employment of children, and acceptable con-
2 ditions of work with respect to minimum wages,
3 hours of work, and occupational safety and
4 health;

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

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

13 (b) EFFECTIVE DATE.—

14 (1) IN GENERAL.—The amendment made by
15 subsection (a) applies with respect to goods entered,
16 or withdrawn from warehouse for consumption, on
17 or after October 1, 2003.

18 (2) RETROACTIVE APPLICATION TO CERTAIN
19 ENTRIES.—Notwithstanding section 514 of the Tar-
20 iff Act of 1930 (19 U.S.C. 1514) or any other provi-
21 sion of law, upon proper request filed with the Cus-
22 toms Service before the 90th day after the date of
23 the enactment of this Act, any entry or withdrawal
24 from warehouse for consumption, of any goods de-
25 scribed in the amendment made by subsection (a)—

1 (A) that was made on or after October 1,
2 2003, and before the date of the enactment of
3 this Act, and

4 (B) with respect to which there would have
5 been no duty if the amendment made by sub-
6 section (a) applied to such entry or withdrawal,
7 shall be liquidated or reliquidated as though such
8 amendment applied to such entry or withdrawal.

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