

107TH CONGRESS
2D SESSION

S. 3123

To expand certain preferential trade treatment for Haiti.

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2002

Mr. DEWINE 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 2002”.

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:

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

11 “(a) IN GENERAL.—In addition to any other pref-
12 erential treatment under this Act, in each 12-month pe-

1 riod beginning on October 1, 2002, apparel articles de-
2 scribed in subsection (b) that are imported directly into
3 the customs territory of the United States from Haiti shall
4 enter the United States free of duty, subject to the limita-
5 tions described in subsections (b) and (c), if Haiti has sat-
6 isfied the requirements set forth in subsection (d).

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

13 “(1) The United States.

14 “(2) Any country that is party to a free trade
15 agreement with the United States, on January 1,
16 2002.

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

21 “(4) Any country designated as a beneficiary
22 country under—

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

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

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

4 “(5) Any country, if the fabrics or yarns are
5 designated as not being commercially available in the
6 United States for the purposes of NAFTA (Annex
7 401), the Caribbean Basin Trade Partnership Act,
8 the African Opportunity and Growth Act, or the An-
9 dean Trade Promotion and Drug Eradication Act.

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

12 “(1) during the 12-month period beginning on
13 October 1, 2002, to a quantity of apparel articles
14 that is equal to 1.5 percent of the aggregate square
15 meter equivalents of all apparel articles imported
16 into the United States during the 12-month period
17 beginning October 1, 2001; and

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

21 “(A) the percentage applicable during the
22 previous 12-month period plus 0.5 percent (but
23 not over 3.5 percent); and

24 “(B) the aggregate square meter equiva-
25 lents of all apparel articles imported into the

1 United States during the 12-month period that
2 ends on September 30 of that year.

3 “(d) ELIGIBILITY REQUIREMENTS.—Haiti shall be
4 eligible for preferential treatment under this section if the
5 President determines and certifies to Congress that
6 Haiti—

7 “(1) has established, or is making continual
8 progress toward establishing—

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

15 “(B) the rule of law, political pluralism,
16 and the right to due process, a fair trial, and
17 equal protection under the law;

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

20 “(i) the provision of national treat-
21 ment and measures to create an environ-
22 ment conducive to domestic and foreign in-
23 vestment;

24 “(ii) the protection of intellectual
25 property; and

1 “(iii) the resolution of bilateral trade
2 and investment disputes;

3 “(D) economic policies to reduce poverty,
4 increase the availability of health care and edu-
5 cational opportunities, expand physical infra-
6 structure, promote the development of private
7 enterprise, and encourage the formation of cap-
8 ital markets through microcredit or other pro-
9 grams;

10 “(E) a system to combat corruption and
11 bribery, such as signing and implementing the
12 Convention on Combating Bribery of Foreign
13 Public Officials in International Business
14 Transactions; and

15 “(F) protection of internationally recog-
16 nized worker rights, including the right of asso-
17 ciation, the right to organize and bargain collec-
18 tively, a prohibition on the use of any form of
19 forced or compulsory labor, a minimum age for
20 the employment of children, and acceptable con-
21 ditions of work with respect to minimum wages,
22 hours of work, and occupational safety and
23 health;

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

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

9 (b) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendment made by
11 subsection (a) applies with respect to goods entered,
12 or withdrawn from warehouse for consumption, on
13 or after October 1, 2002.

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

22 (A) that was made on or after October 1,
23 2002, and before the date of the enactment of
24 this Act, and

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

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