

110TH CONGRESS  
2D SESSION

# H. R. 7222

To extend the Andean Trade Preference Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2008

Mr. RANGEL (for himself, Mr. MCCRERY, Mr. LEVIN, and Mr. HERGER) introduced the following bill; which was referred to the Committee on Ways and Means

SEPTEMBER 29, 2008

The Committee on Ways and Means discharged; considered and passed

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## A BILL

To extend the Andean Trade Preference Act, and for other purposes.

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. EXTENSION OF ANDEAN TRADE PREFERENCE**

4 **ACT.**

5 (a) EXTENSION.—Section 208 of the Andean Trade  
6 Preference Act (19 U.S.C. 3206) is amended by striking  
7 “December 31, 2008” and inserting “December 31,  
8 2009”.

1 (b) TREATMENT OF CERTAIN APPAREL ARTICLES.—  
2 Section 204(b)(3) of such Act (19 U.S.C. 3203(b)(3)) is  
3 amended—

4 (1) in subparagraph (B)—

5 (A) in clause (iii)—

6 (i) in subclause (II), by striking “6  
7 succeeding 1-year periods” and inserting  
8 “7 succeeding 1-year periods”; and

9 (ii) in subclause (III)(bb), by striking  
10 “and for the succeeding 1-year period” and  
11 inserting “and for the succeeding 2-year  
12 period”; and

13 (B) in clause (v)(II), by striking “5 suc-  
14 ceeding 1-year periods” and inserting “6 suc-  
15 ceeding 1-year periods”; and

16 (2) in subparagraph (E)(ii)(II), by striking  
17 “December 31, 2008” and inserting “December 31,  
18 2009”.

19 **SEC. 2. EARNED IMPORT ALLOWANCE PROGRAM.**

20 (a) IN GENERAL.—Title IV of the Dominican Repub-  
21 lic-Central America-United States Free Trade Agreement  
22 Implementation Act (Public Law 109–53; 119 Stat. 495)  
23 is amended by adding at the end the following:

24 **“SEC. 404. EARNED IMPORT ALLOWANCE PROGRAM.**

25 **“(a) PREFERENTIAL TREATMENT.—**

1           “(1) IN GENERAL.—Eligible apparel articles  
2 wholly assembled in an eligible country and imported  
3 directly from an eligible country shall enter the  
4 United States free of duty, without regard to the  
5 source of the fabric or yarns from which the articles  
6 are made, if such apparel articles are accompanied  
7 by an earned import allowance certificate that re-  
8 flects the amount of credits equal to the total square  
9 meter equivalents of fabric in such apparel articles,  
10 in accordance with the program established under  
11 subsection (b).

12           “(2) DETERMINATION OF QUANTITY OF SME.—  
13 For purposes of determining the quantity of square  
14 meter equivalents under paragraph (1), the conver-  
15 sion factors listed in ‘Correlation: U.S. Textile and  
16 Apparel Industry Category System with the Har-  
17 monized Tariff Schedule of the United States of  
18 America, 2008’, or its successor publications, of the  
19 United States Department of Commerce, shall apply.

20           “(b) EARNED IMPORT ALLOWANCE PROGRAM.—

21           “(1) ESTABLISHMENT.—The Secretary of Com-  
22 merce shall establish a program to provide earned  
23 import allowance certificates to any producer or enti-  
24 ty controlling production of eligible apparel articles

1 in an eligible country for purposes of subsection (a),  
2 based on the elements described in paragraph (2).

3 “(2) ELEMENTS.—The elements referred to in  
4 paragraph (1) are the following:

5 “(A) One credit shall be issued to a pro-  
6 ducer or an entity controlling production for  
7 every two square meter equivalents of qualifying  
8 fabric that the producer or entity controlling  
9 production can demonstrate that it has pur-  
10 chased for the manufacture in an eligible coun-  
11 try of articles like or similar to any article eligi-  
12 ble for preferential treatment under subsection  
13 (a). The Secretary of Commerce shall, if re-  
14 quested by a producer or entity controlling pro-  
15 duction, create and maintain an account for  
16 such producer or entity controlling production,  
17 into which such credits may be deposited.

18 “(B) Such producer or entity controlling  
19 production may redeem credits issued under  
20 subparagraph (A) for earned import allowance  
21 certificates reflecting such number of earned  
22 credits as the producer or entity may request  
23 and has available.

24 “(C) Any textile mill or other entity lo-  
25 cated in the United States that exports quali-

1           fying fabric to an eligible country may submit,  
2           upon such export or upon request, the Shipper’s  
3           Export Declaration, or successor documenta-  
4           tion, to the Secretary of Commerce—

5                   “(i) verifying that the qualifying fab-  
6                   ric was exported to a producer or entity  
7                   controlling production in an eligible coun-  
8                   try; and

9                   “(ii) identifying such producer or enti-  
10                  ty controlling production, and the quantity  
11                  and description of qualifying fabric ex-  
12                  ported to such producer or entity control-  
13                  ling production.

14               “(D) The Secretary of Commerce may re-  
15               quire that a producer or entity controlling pro-  
16               duction submit documentation to verify pur-  
17               chases of qualifying fabric.

18               “(E) The Secretary of Commerce may  
19               make available to each person or entity identi-  
20               fied in the documentation submitted under sub-  
21               paragraph (C) or (D) information contained in  
22               such documentation that relates to the purchase  
23               of qualifying fabric involving such person or en-  
24               tity.

1           “(F) The program shall be established so  
2           as to allow, to the extent feasible, the submis-  
3           sion, storage, retrieval, and disclosure of infor-  
4           mation in electronic format, including informa-  
5           tion with respect to the earned import allow-  
6           ance certificates required under subsection  
7           (a)(1).

8           “(G) The Secretary of Commerce may rec-  
9           oncile discrepancies in the information provided  
10          under subparagraph (C) or (D) and verify the  
11          accuracy of such information.

12          “(H) The Secretary of Commerce shall es-  
13          tablish procedures to carry out the program  
14          under this section by September 30, 2008, and  
15          may establish additional requirements to carry  
16          out the program.

17          “(c) DEFINITIONS.—For purposes of this section—

18               “(1) the term ‘appropriate congressional com-  
19               mittees’ means the Committee on Ways and Means  
20               of the House of Representatives and the Committee  
21               on Finance of the Senate;

22               “(2) the term ‘eligible apparel articles’ means  
23               the following articles classified in chapter 62 of the  
24               HTS (and meeting the requirements of the rules re-  
25               lating to chapter 62 of the HTS contained in gen-

1 eral note 29(n) of the HTS) of cotton (but not of  
2 denim): trousers, bib and brace overalls, breeches  
3 and shorts, skirts and divided skirts, and pants;

4 “(3) the term ‘eligible country’ means the Do-  
5 minican Republic; and

6 “(4) the term ‘qualifying fabric’ means woven  
7 fabric of cotton wholly formed in the United States  
8 from yarns wholly formed in the United States and  
9 certified by the producer or entity controlling pro-  
10 duction as being suitable for use in the manufacture  
11 of apparel items such as trousers, bib and brace  
12 overalls, breeches and shorts, skirts and divided  
13 skirts or pants, all the foregoing of cotton, except  
14 that—

15 “(A) fabric otherwise eligible as qualifying  
16 fabric shall not be ineligible as qualifying fabric  
17 because the fabric contains nylon filament yarn  
18 with respect to which section  
19 213(b)(2)(A)(vii)(IV) of the Caribbean Basin  
20 Economic Recovery Act applies;

21 “(B) fabric that would otherwise be ineli-  
22 gible as qualifying fabric because the fabric  
23 contains yarns not wholly formed in the United  
24 States shall not be ineligible as qualifying fabric  
25 if the total weight of all such yarns is not more

1 than 10 percent of the total weight of the fab-  
2 ric, except that any elastomeric yarn contained  
3 in an eligible apparel article must be wholly  
4 formed in the United States; and

5 “(C) fabric otherwise eligible as qualifying  
6 fabric shall not be ineligible as qualifying fabric  
7 because the fabric contains yarns or fibers that  
8 have been designated as not commercially avail-  
9 able pursuant to—

10 “(i) article 3.25(4) or Annex 3.25 of  
11 the Agreement;

12 “(ii) Annex 401 of the North Amer-  
13 ican Free Trade Agreement;

14 “(iii) section 112(b)(5) of the African  
15 Growth and Opportunity Act;

16 “(iv) section 204(b)(3)(B)(i)(III) or  
17 (ii) of the Andean Trade Preference Act;

18 “(v) section 213(b)(2)(A)(v) or  
19 213A(b)(5)(A) of the Caribbean Basin  
20 Economic Recovery Act; or

21 “(vi) any other provision, relating to  
22 determining whether a textile or apparel  
23 article is an originating good eligible for  
24 preferential treatment, of a law that imple-  
25 ments a free trade agreement entered into

1 by the United States that is in effect at  
2 the time the claim for preferential treat-  
3 ment is made.

4 “(d) REVIEW AND REPORT.—

5 “(1) REVIEW.—The United States Inter-  
6 national Trade Commission shall carry out a review  
7 of the program under this section annually for the  
8 purpose of evaluating the effectiveness of, and mak-  
9 ing recommendations for improvements in, the pro-  
10 gram.

11 “(2) REPORT.—The United States Inter-  
12 national Trade Commission shall submit to the ap-  
13 propriate congressional committees annually a report  
14 on the results of the review carried out under para-  
15 graph (1).

16 “(e) EFFECTIVE DATE AND APPLICABILITY.—

17 “(1) EFFECTIVE DATE.—The program under  
18 this section shall be in effect for the 10-year period  
19 beginning on the date on which the President cer-  
20 tifies to the appropriate congressional committees  
21 that sections A, B, C, and D of the Annex to Presi-  
22 dential Proclamation 8213 (December 20, 2007)  
23 have taken effect.

24 “(2) APPLICABILITY.—The program under this  
25 section shall apply with respect to qualifying fabric

1 exported to an eligible country on or after August 1,  
2 2007.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 for the Dominican Republic-Central America-United  
5 States Free Trade Agreement Implementation Act is  
6 amended by inserting after the item relating to section  
7 403 the following:

“Sec. 404. Earned import allowance program.”.

8 **SEC. 3. AFRICAN GROWTH AND OPPORTUNITY ACT.**

9 (a) IN GENERAL.—Section 112 of the African  
10 Growth and Opportunity Act (19 U.S.C. 3721) is amend-  
11 ed—

12 (1) in subsection (b)(6)(A), by striking “ethic”  
13 in the second sentence and inserting “ethnic”; and

14 (2) in subsection (c)—

15 (A) in paragraph (1), by striking “, and  
16 subject to paragraph (2),”;

17 (B) by striking paragraphs (2) and (3);

18 (C) in paragraph (4)—

19 (i) by striking “Subsection (b)(3)(C)”  
20 and inserting “Subsection (b)(3)(B)”;

21 (ii) by redesignating such paragraph  
22 (4) as paragraph (2); and

23 (D) by striking paragraph (5) and insert-  
24 ing the following:

1           “(3) DEFINITION.—In this subsection, the term  
2           ‘lesser developed beneficiary sub-Saharan African  
3           country’ means—

4                   “(A) a beneficiary sub-Saharan African  
5                   country that had a per capita gross national  
6                   product of less than \$1,500 in 1998, as meas-  
7                   ured by the International Bank for Reconstruc-  
8                   tion and Development;

9                   “(B) Botswana;

10                   “(C) Namibia; and

11                   “(D) Mauritius.”.

12           (b) APPLICABILITY.—The amendments made by sub-  
13           section (a) apply to goods entered, or withdrawn from  
14           warehouse for consumption, on or after the 15th day after  
15           the date of the enactment of this Act.

16           (c) REVIEW AND REPORTS.—

17                   (1) ITC REVIEW AND REPORT.—

18                           (A) REVIEW.—The United States Inter-  
19                           national Trade Commission shall conduct a re-  
20                           view to identify yarns, fabrics, and other textile  
21                           and apparel inputs that through new or in-  
22                           creased investment or other measures can be  
23                           produced competitively in beneficiary sub-Saha-  
24                           ran African countries.

1 (B) REPORT.—Not later than 7 months  
2 after the date of the enactment of this Act, the  
3 United States International Trade Commission  
4 shall submit to the appropriate congressional  
5 committees and the Comptroller General a re-  
6 port on the results of the review carried out  
7 under subparagraph (A).

8 (2) GAO REPORT.—Not later than 90 days  
9 after the submission of the report under paragraph  
10 (1)(B), the Comptroller General shall submit to the  
11 appropriate congressional committees a report that,  
12 based on the results of the report submitted under  
13 paragraph (1)(B) and other available information,  
14 contains recommendations for changes to United  
15 States trade preference programs, including the Af-  
16 rican Growth and Opportunity Act (19 U.S.C. 3701  
17 et seq.) and the amendments made by that Act, to  
18 provide incentives to increase investment and other  
19 measures necessary to improve the competitiveness  
20 of beneficiary sub-Saharan African countries in the  
21 production of yarns, fabrics, and other textile and  
22 apparel inputs identified in the report submitted  
23 under paragraph (1)(B), including changes to re-  
24 quirements relating to rules of origin under such  
25 programs.

1 (3) DEFINITIONS.—In this subsection—

2 (A) the term “appropriate congressional  
3 committees” means the Committee on Ways  
4 and Means of the House of Representatives and  
5 the Committee on Finance of the Senate; and

6 (B) the term “beneficiary sub-Saharan Af-  
7 rican countries” has the meaning given the  
8 term in section 506A(c) of the Trade Act of  
9 1974 (19 U.S.C. 2466a(c)).

10 (d) CLERICAL AMENDMENT.—Section 6002(a)(2)(B)  
11 of Public Law 109–432 is amended by striking “(B) by  
12 striking” and inserting “(B) in paragraph (3), by strik-  
13 ing”.

14 **SEC. 4. GENERALIZED SYSTEM OF PREFERENCES.**

15 Section 505 of the Trade Act of 1974 (19 U.S.C.  
16 2465) is amended by striking “December 31, 2008” and  
17 inserting “December 31, 2009”.

18 **SEC. 5. CUSTOMS USER FEES.**

19 (a) IN GENERAL.—Section 13031(j)(3) of the Con-  
20 solidated Omnibus Budget Reconciliation Act of 1985 (19  
21 U.S.C. 58c(j)(3)) is amended—

22 (1) in subparagraph (A), by striking “Novem-  
23 ber 14, 2017” and inserting “February 21, 2018”;  
24 and

