

109TH CONGRESS
1ST SESSION

H. R. 4211

To expand certain preferential trade treatment for Haiti.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2005

Mr. MEEK of Florida 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”.

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, beginning on October

1 1, 2004, and in each of the 7 succeeding 1-year periods,
2 apparel articles described in subsection (b) that are im-
3 ported directly into the customs territory of the United
4 States from Haiti shall enter the United States free of
5 duty, subject to the limitations described in subsections
6 (b) and (c), if Haiti has satisfied the requirements and
7 conditions set forth in subsections (d) and (e).

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

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

16 “(1) during the 12-month period beginning on
17 October 1, 2004, to a quantity of apparel articles
18 that is equal to 1.5 percent of the aggregate square
19 meter equivalents of all apparel articles imported
20 into the United States during the 12-month period
21 beginning October 1, 2003; and

22 “(2) during the 12-month period beginning on
23 October 1 of each succeeding year, to a quantity of
24 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 Haiti
11 is meeting the conditions of subsection (e) and that
12 Haiti—

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

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

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

24 “(C) the elimination of barriers to United
25 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 “(e) CONDITIONS REGARDING ENFORCEMENT OF
14 CIRCUMVENTION.—

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

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

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

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

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

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

23 “(F) Haiti agrees to report, on a timely
24 basis, at the request of the Bureau of Customs
25 and Border Protection, documentation estab-

lishing 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 antidumping 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).”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered,

1 or withdrawn from warehouse for consumption, on
2 or after October 1, 2004.

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

12 (A) that was made on or after October 1,
13 2004, and before the date of the enactment of
14 this Act, and

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

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