

112TH CONGRESS  
1ST SESSION

# H. R. 913

To extend certain trade preference programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2011

Mr. ADERHOLT introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Appropriations and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To extend certain trade preference programs, 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. SHORT TITLE.**

4 This Act may be cited as the “Free and Fair Trade  
5 Act of 2011”.

1 **SEC. 2. EXTENSION OF GENERALIZED SYSTEM OF PREF-**  
2 **ERENCES.**

3 (a) EXTENSION.—Section 505 of the Trade Act of  
4 1974 (19 U.S.C. 2465) is amended by striking “December  
5 31, 2010” and inserting “June 30, 2012”.

6 (b) EFFECTIVE DATE.—

7 (1) IN GENERAL.—The amendment made by  
8 subsection (a) shall apply to goods entered on or  
9 after the 15th day after the date of the enactment  
10 of this Act.

11 (2) RETROACTIVE APPLICATION FOR CERTAIN  
12 LIQUIDATIONS AND RELIQUIDATIONS.—

13 (A) IN GENERAL.—Notwithstanding sec-  
14 tion 514 of the Tariff Act of 1930 (19 U.S.C.  
15 1514) or any other provision of law and subject  
16 to subparagraph (B), any entry of an article  
17 (other than an article described in section  
18 503(b)(5) of the Trade Act of 1974, as amend-  
19 ed by section 3(a) of this Act) to which duty-  
20 free treatment under title V of the Trade Act  
21 of 1974 would have applied if the entry had  
22 been made on December 31, 2010, that was  
23 made—

24 (i) after December 31, 2010; and

25 (ii) before the 15th day after the date  
26 of the enactment of this Act,

1 shall be liquidated or reliquidated as though  
2 such entry occurred on the date that is 15 days  
3 after the date of the enactment of this Act.

4 (B) REQUESTS.—A liquidation or reliqui-  
5 dation may be made under subparagraph (A)  
6 with respect to an entry only if a request there-  
7 for is filed with U.S. Customs and Border Pro-  
8 tection not later than 180 days after the date  
9 of the enactment of this Act that contains suffi-  
10 cient information to enable U.S. Customs and  
11 Border Protection—

12 (i) to locate the entry; or

13 (ii) to reconstruct the entry if it can-  
14 not be located.

15 (C) PAYMENT OF AMOUNTS OWED.—Any  
16 amounts owed by the United States pursuant to  
17 the liquidation or reliquidation of an entry of  
18 an article under subparagraph (A) shall be  
19 paid, without interest, not later than 90 days  
20 after the date of the liquidation or reliquidation  
21 (as the case may be).

22 (3) DEFINITION.—As used in this subsection,  
23 the term “entry” includes a withdrawal from ware-  
24 house for consumption.

1 **SEC. 3. INELIGIBILITY OF CERTAIN SLEEPING BAGS FOR**  
2 **PREFERENTIAL TREATMENT UNDER THE**  
3 **GENERALIZED SYSTEM OF PREFERENCES.**

4 (a) IN GENERAL.—Section 503(b) of the Trade Act  
5 of 1974 (19 U.S.C. 2463(b)) is amended by adding at the  
6 end the following:

7 “(5) CERTAIN SLEEPING BAGS.—An article  
8 classifiable under subheading 9404.30.80 of the  
9 Harmonized Tariff Schedule of the United States  
10 shall not be an eligible article for purposes of sub-  
11 section (a).”.

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

16 **SEC. 4. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.**

17 (a) EXTENSION.—Section 208(a) of the Andean  
18 Trade Preference Act (19 U.S.C. 3206(a)) is amended—

19 (1) in paragraph (1)(A), by striking “February  
20 12, 2011” and inserting “June 30, 2012”; and

21 (2) in paragraph (2), by striking “February 12,  
22 2011” and inserting “June 30, 2012”.

23 (b) TREATMENT OF CERTAIN APPAREL ARTICLES.—  
24 Section 204(b)(3) of the Andean Trade Preference Act  
25 (19 U.S.C. 3203(b)(3)) is amended—

26 (1) in subparagraph (B)—

1 (A) in clause (iii)—

2 (i) in subclause (II), by striking “8  
3 succeeding 1-year periods” and inserting  
4 “9 succeeding 1-year periods”; and

5 (ii) in subclause (III)(bb), by striking  
6 “and for the succeeding 3-year period” and  
7 inserting “and for the succeeding 4-year  
8 period”; and

9 (B) in clause (v)(II), by striking “7 suc-  
10 ceeding 1-year periods” and inserting “8 suc-  
11 ceeding 1-year periods”; and

12 (2) in subparagraph (E)(ii)(II), by striking  
13 “February 12, 2011” and inserting “June 30,  
14 2012”.

15 (c) EFFECTIVE DATE.—

16 (1) IN GENERAL.—The amendments made by  
17 this section shall apply to articles entered on or after  
18 the 15th day after the date of the enactment of this  
19 Act.

20 (2) RETROACTIVE APPLICATION FOR CERTAIN  
21 LIQUIDATIONS AND RELIQUIDATIONS.—

22 (A) IN GENERAL.—Notwithstanding sec-  
23 tion 514 of the Tariff Act of 1930 (19 U.S.C.  
24 1514) or any other provision of law and subject  
25 to subparagraph (B), any entry of an article to

1 which duty-free treatment or other preferential  
2 treatment under the Andean Trade Preference  
3 Act would have applied if the entry had been  
4 made on February 12, 2011, that was made—

5 (i) after February 12, 2011; and

6 (ii) before the 15th day after the date

7 of the enactment of this Act,

8 shall be liquidated or reliquidated as though  
9 such entry occurred on the date that is 15 days  
10 after the date of the enactment of this Act.

11 (B) REQUESTS.—A liquidation or reliqui-  
12 dation may be made under subparagraph (A)  
13 with respect to an entry only if a request there-  
14 for is filed with U.S. Customs and Border Pro-  
15 tection not later than 180 days after the date  
16 of the enactment of this Act that contains suffi-  
17 cient information to enable U.S. Customs and  
18 Border Protection—

19 (i) to locate the entry; or

20 (ii) to reconstruct the entry if it can-  
21 not be located.

22 (C) PAYMENT OF AMOUNTS OWED.—Any  
23 amounts owed by the United States pursuant to  
24 the liquidation or reliquidation of an entry of  
25 an article under subparagraph (A) shall be

1           paid, without interest, not later than 90 days  
2           after the date of the liquidation or reliquidation  
3           (as the case may be).

4           (3) DEFINITION.—As used in this subsection,  
5           the term “entry” includes a withdrawal from ware-  
6           house for consumption.

7 **SEC. 5. OFFSET.**

8           (a) IN GENERAL.—Notwithstanding any other provi-  
9           sion of law, of all unobligated Federal funds available,  
10          \$2,300,000,000 in appropriated discretionary unexpired  
11          funds are rescinded.

12          (b) IMPLEMENTATION.—Not later than 60 days after  
13          the date of the enactment of this Act, the Director of the  
14          Office of Management and Budget shall—

15                 (1) identify the accounts and amounts rescinded  
16                 to implement subsection (a); and

17                 (2) submit a report to the Secretary of the  
18                 Treasury and Congress of the accounts and amounts  
19                 identified under paragraph (1) for rescission.

20          (c) EXCEPTION.—This section shall not apply to the  
21          unobligated Federal funds of the Department of Defense  
22          or the Department of Veterans Affairs.

23 **SEC. 6. COMPLIANCE WITH PAYGO.**

24          The budgetary effects of this Act, for the purpose of  
25          complying with the Statutory Pay-As-You-Go Act of 2010,

1 shall be determined by reference to the latest statement  
2 titled “Budgetary Effects of PAYGO Legislation” for this  
3 Act, submitted for printing in the Congressional Record  
4 by the Chairman of the House Budget Committee, pro-  
5 vided that such statement has been submitted prior to the  
6 vote on passage.

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