

118TH CONGRESS
1ST SESSION

H. R. 5035

To modify the special rules for Haiti under the Caribbean Basin Economic Recovery Act, to extend preferential duty treatment program for Haiti under that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Ms. PLASKETT (for herself, Ms. SEWELL, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To modify the special rules for Haiti under the Caribbean Basin Economic Recovery Act, to extend preferential duty treatment program for Haiti under that 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. SHORT TITLE.**

4 This Act may be cited as the “Hemispheric Oppor-
5 tunity through Partnership Enhancement for Haitian
6 Prosperity Act of 2023” or the “HOPE for Haitian Pros-
7 perity Act of 2023”.

1 **SEC. 2. MODIFICATION OF SPECIAL RULES FOR HAITI**
2 **UNDER THE CARIBBEAN BASIN ECONOMIC**
3 **RECOVERY ACT.**

4 (a) **ELIGIBILITY REQUIREMENTS.**—Section
5 213A(d)(4) of the Caribbean Basin Economic Recovery
6 Act (19 U.S.C. 2703a(d)(4)) is amended—

7 (1) by striking “Any interested party” and in-
8 serting the following:

9 “(A) **IN GENERAL.**—Any interested party”;

10 (2) by striking “paragraph (1),” and inserting
11 “paragraph (1).”;

12 (3) by striking “and the President shall provide
13 for this purpose” and inserting the following:

14 “(C) **APPLICABLE PROCEDURES.**—The
15 President shall provide for the purpose of sub-
16 paragraph (A) and the purpose of subpara-
17 graph (B)”;

18 (4) by inserting after subparagraph (A) (as so
19 designated) the following:

20 “(B) **COMPLIANCE WITH CORE LABOR**
21 **STANDARDS AND WITH THE LABOR LAWS OF**
22 **HAITI.**—Any interested party may file a request
23 to have the status of individual producers re-
24 viewed with respect to compliance with core
25 labor standards and with the labor laws of
26 Haiti that directly relate to and are consistent

1 with core labor standards and with the labor
2 laws of Haiti that relate to acceptable condi-
3 tions of work with respect to minimum wages
4 and hours of work.”.

5 (b) TECHNICAL ASSISTANCE IMPROVEMENT AND
6 COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION
7 PROGRAM.—Section 213A(e)(4)(B) of the Caribbean
8 Basin Economic Recovery Act (19 U.S.C. 2703a(e)(4)(B))
9 is amended—

10 (1) in clause (i)—

11 (A) by striking “a biennial basis” and in-
12 serting “an annual basis”; and

13 (B) by adding at the end before the period
14 the following: “or with the labor laws of Haiti
15 that relate to acceptable conditions of work with
16 respect to minimum wages and hours of work”;

17 (2) in clause (ii)—

18 (A) in the first sentence, by adding at the
19 end before the period the following: “and with
20 the labor laws of Haiti that relate to acceptable
21 conditions of work with respect to minimum
22 wages and hours of work”; and

23 (B) by inserting after the first sentence
24 the following new sentence: “The President may
25 withdraw, suspend, or limit the application of

1 preferential treatment under subsection (b) to
2 articles of such producer during the period in
3 which assistance described in the preceding sen-
4 tence is being provided to the producer.”; and
5 (3) in clause (iii), by inserting after “and are
6 consistent with core labor standards” the following:
7 “and with the labor laws of Haiti that relate to ac-
8 ceptable conditions of work with respect to minimum
9 wages and hours of work”.

10 **SEC. 3. EXTENSION OF PREFERENTIAL DUTY TREATMENT**
11 **PROGRAM FOR HAITI.**

12 Section 213A of the Caribbean Basin Economic Re-
13 covery Act (19 U.S.C. 2703a) is amended—

14 (1) in subsection (a)(3)—

15 (A) in subparagraph (D), by striking
16 “and” at the end;

17 (B) in subparagraph (E), by striking the
18 period at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(F) a safe and healthy working environ-
21 ment.”;

22 (2) in subsection (b)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (B)(v)(I)—

1 (I) by striking “means” and all
2 that follows through “60 percent” and
3 inserting “means 60 percent”; and

4 (II) by striking “7 succeeding 1-
5 year periods” and inserting “17 suc-
6 ceeding 1-year periods”; and

7 (ii) in subparagraph (C)—

8 (I) in the table, by striking “16
9 succeeding 1-year periods” and insert-
10 ing “28 succeeding 1-year periods”;
11 and

12 (II) in the matter following the
13 table, by striking “2025” and insert-
14 ing “2035”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (A)(ii), by strik-
17 ing “16 succeeding 1-year periods” and in-
18 serting “26 succeeding 1-year periods”;
19 and

20 (ii) in subparagraph (B)(iii), by strik-
21 ing “16 succeeding 1-year periods” and in-
22 serting “26 succeeding 1-year periods”;

23 (3) in subsection (d)(1)(A)(vi), by striking “,
24 hours of work, and occupational safety and health”
25 and inserting “and hours of work”;

1 (4) in subsection (e)(3)—

2 (A) in subparagraph (B)(ii), by striking “,
3 hours of work, and occupational safety and
4 health” and inserting “and hours of work”; and

5 (B) in subparagraph and (E)(ii), by strik-
6 ing “, hours of work, and occupational safety
7 and health” and inserting “and hours of work”;
8 and

9 (5) in subsection (h), by striking “2025” and
10 inserting “2035”.

11 **SEC. 4. TECHNICAL ASSISTANCE TO INCREASE AND DIVER-**
12 **SIFY EXPORTS FROM HAITI TO THE UNITED**
13 **STATES.**

14 Section 213A of the Caribbean Basin Economic Re-
15 covery Act (19 U.S.C. 2703a), as amended by this Act,
16 is further amended by adding at the end the following:

17 “(i) TECHNICAL ASSISTANCE TO INCREASE AND DI-
18 VERSIFY EXPORTS FROM HAITI TO THE UNITED
19 STATES.—

20 “(1) IN GENERAL.—The United States Trade
21 Representative shall provide technical assistance to
22 the agencies, entities, and individuals specified in
23 clauses (i) through (v) of paragraph (2)(B), to in-
24 crease and diversify exports from Haiti to the
25 United States with the objectives of—

1 “(A) increasing and diversifying export-ori-
2 ented value chains in Haiti through measures
3 that enhance the competitiveness of firms in
4 Haiti;

5 “(B) reinforcing the capacity of trade sup-
6 port institutions to enhance the business cli-
7 mate in Haiti; and

8 “(C) developing utilization strategies for
9 Haiti to further explore export opportunities
10 under United States trade preference programs.

11 “(2) REQUIREMENTS.—The Trade Representa-
12 tive—

13 “(A) shall seek to coordinate with the
14 International Trade Center to develop and pro-
15 vide technical assistance;

16 “(B) shall establish a participatory process
17 to develop the technical assistance that in-
18 cludes—

19 “(i) appropriate agencies of the Gov-
20 ernment of Haiti;

21 “(ii) trade support institutions in
22 Haiti;

23 “(iii) employers in Haiti;

24 “(iv) workers in Haiti; and

25 “(v) labor unions in Haiti; and

1 “(C) shall consult with the Committee on
2 Ways and Means of the House of Representa-
3 tives and the Committee on Finance of the Sen-
4 ate regarding the development and provision of
5 technical assistance.

6 “(3) PRIORITY.—Technical assistance provided
7 pursuant to this subsection shall focus on—

8 “(A) developing agricultural processing ex-
9 ports to the United States;

10 “(B) improving competitiveness and labor
11 compliance in the apparel sector;

12 “(C) improving key services that support
13 the competitiveness of sectors with export po-
14 tential to the United States; and

15 “(D) providing the institutional capacity
16 for government, non-profit, and private sector
17 bodies to increase and diversify exports to the
18 United States.

19 “(4) REPORTS.—

20 “(A) IN GENERAL.—The President shall
21 include in each report required to be submitted
22 to Congress under section 163(a) of the Trade
23 Act of 1974 (19 U.S.C. 2213(a)) the following:

24 “(i) A description of the actions taken
25 to provide technical assistance during the

1 preceding calendar year, including metrics
2 related to the outcomes achieved through
3 such assistance.

4 “(ii) A description of the actions
5 taken regarding the participatory process
6 under paragraph (3)(B) during the pre-
7 ceding calendar year, including an identi-
8 fication of the agencies, entities, and indi-
9 viduals specified in clauses (i) through (v)
10 of paragraph (2)(B) that participated.

11 “(B) COORDINATION.—The President shall
12 seek to coordinate with the International Trade
13 Center in carrying out this paragraph.

14 “(5) DEFINITIONS.—In this subsection—

15 “(A) the term ‘International Trade Cen-
16 ter’—

17 “(i) means the joint agency of the
18 United Nations Conference on Trade and
19 Development and the World Trade Organi-
20 zation, originally established by the Con-
21 tracting Parties of the General Agreement
22 on Tariffs and Trade on March 19, 1964,
23 and from January 1, 1968, operated joint-
24 ly with the United Nations Conference on
25 Trade and Development; and

1 “(ii) includes any subdivision, instru-
2 mentality, or designee thereof; and

3 “(B) the term ‘trade support institutions’
4 means key actors that support the export-ori-
5 ented business climate, such as—

6 “(i) the Haitian Ministry of Com-
7 merce and Industry;

8 “(ii) the Haitian Chamber of Com-
9 merce and Industry; and

10 “(iii) trade promotion organizations.”.

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