

112TH CONGRESS
1ST SESSION

H. R. 913

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

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

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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