

112TH CONGRESS  
1ST SESSION

# S. 433

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

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IN THE SENATE OF THE UNITED STATES

MARCH 2, 2011

Mr. SESSIONS introduced the following bill; which was read twice and referred to the Committee on Finance

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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”.

6 **SEC. 2. EXTENSION OF GENERALIZED SYSTEM OF PREF-**  
7 **ERENCES.**

8 (a) EXTENSION.—Section 505 of the Trade Act of  
9 1974 (19 U.S.C. 2465) is amended by striking “December  
10 31, 2010” and inserting “June 30, 2012”.

11 (b) EFFECTIVE DATE.—

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

5           (2) RETROACTIVE APPLICATION FOR CERTAIN  
6 LIQUIDATIONS AND RELIQUIDATIONS.—

7           (A) IN GENERAL.—Notwithstanding sec-  
8 tion 514 of the Tariff Act of 1930 (19 U.S.C.  
9 1514) or any other provision of law and subject  
10 to subparagraph (B), any entry of an article  
11 (other than an article described in section  
12 503(b)(5) of the Trade Act of 1974, as amend-  
13 ed by section 3(a) of this Act) to which duty-  
14 free treatment under title V of the Trade Act  
15 of 1974 would have applied if the entry had  
16 been made on December 31, 2010, that was  
17 made—

18                   (i) after December 31, 2010; and

19                   (ii) before the 15th day after the date  
20 of the enactment of this Act,

21 shall be liquidated or reliquidated as though  
22 such entry occurred on the date that is 15 days  
23 after the date of the enactment of this Act.

24           (B) REQUESTS.—A liquidation or reliqui-  
25 dation may be made under subparagraph (A)

1 with respect to an entry only if a request there-  
2 for is filed with U.S. Customs and Border Pro-  
3 tection not later than 180 days after the date  
4 of the enactment of this Act that contains suffi-  
5 cient information to enable U.S. Customs and  
6 Border Protection—

7 (i) to locate the entry; or

8 (ii) to reconstruct the entry if it can-  
9 not be located.

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

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

20 **SEC. 3. INELIGIBILITY OF CERTAIN SLEEPING BAGS FOR**  
21 **PREFERENTIAL TREATMENT UNDER THE**  
22 **GENERALIZED SYSTEM OF PREFERENCES.**

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

1           “(5) CERTAIN SLEEPING BAGS.—An article  
2           classifiable under subheading 9404.30.80 of the  
3           Harmonized Tariff Schedule of the United States  
4           shall not be an eligible article for purposes of sub-  
5           section (a).”.

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

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

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

13                   (1) in paragraph (1)(A), by striking “February  
14                   12, 2011” and inserting “June 30, 2012”; and

15                   (2) in paragraph (2), by striking “February 12,  
16                   2011” and inserting “June 30, 2012”.

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

20                   (1) in subparagraph (B)—

21                           (A) in clause (iii)—

22                                   (i) in subclause (II), by striking “8  
23                                   succeeding 1-year periods” and inserting  
24                                   “9 succeeding 1-year periods”; and

1 (ii) in subclause (III)(bb), by striking  
2 “and for the succeeding 3-year period” and  
3 inserting “and for the succeeding 4-year  
4 period”; and

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

8 (2) in subparagraph (E)(ii)(II), by striking  
9 “February 12, 2011” and inserting “June 30,  
10 2012”.

11 (c) EFFECTIVE DATE.—

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

16 (2) RETROACTIVE APPLICATION FOR CERTAIN  
17 LIQUIDATIONS AND RELIQUIDATIONS.—

18 (A) IN GENERAL.—Notwithstanding sec-  
19 tion 514 of the Tariff Act of 1930 (19 U.S.C.  
20 1514) or any other provision of law and subject  
21 to subparagraph (B), any entry of an article to  
22 which duty-free treatment or other preferential  
23 treatment under the Andean Trade Preference  
24 Act would have applied if the entry had been  
25 made on February 12, 2011, that was made—

1 (i) after February 12, 2011; and  
2 (ii) before the 15th day after the date  
3 of the enactment of this Act,  
4 shall be liquidated or reliquidated as though  
5 such entry occurred on the date that is 15 days  
6 after the date of the enactment of this Act.

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

15 (i) to locate the entry; or  
16 (ii) to reconstruct the entry if it can-  
17 not be located.

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

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

4 **SEC. 5. OFFSET.**

5           (a) IN GENERAL.—Notwithstanding any other provi-  
6           sion of law, of all unobligated Federal funds available,  
7           \$2,300,000,000 in appropriated discretionary unexpired  
8           funds are rescinded.

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

12                 (1) identify the accounts and amounts rescinded  
13                 to implement subsection (a); and

14                 (2) submit a report to the Secretary of the  
15                 Treasury and Congress of the accounts and amounts  
16                 identified under paragraph (1) for rescission.

17          (c) EXCEPTION.—This section shall not apply to the  
18          unobligated Federal funds of the Department of Defense  
19          or the Department of Veterans Affairs.

20 **SEC. 6. COMPLIANCE WITH PAYGO.**

21          The budgetary effects of this Act, for the purpose of  
22          complying with the Statutory Pay-As-You-Go Act of 2010,  
23          shall be determined by reference to the latest statement  
24          titled “Budgetary Effects of PAYGO Legislation” for this  
25          Act, submitted for printing in the Congressional Record

1 by the Chairman of the Senate Budget Committee, pro-  
2 vided that such statement has been submitted prior to the  
3 vote on passage.

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