

Calendar No. _____

112TH CONGRESS
2^D SESSION

S. 3326

To amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2012

Mr. BAUCUS (for himself, Mr. HATCH, Mr. COONS, Mr. MCCONNELL, Mr. BLUNT, Mr. ISAKSON, Mr. BROWN of Massachusetts, Mr. THUNE, Mr. KERRY, Mr. WICKER, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Finance

_____, (legislative day, _____), _____

Reported by Mr. BAUCUS, without amendment

A BILL

To amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the

Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, 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. AMENDMENTS TO AFRICAN GROWTH AND OP-**
4 **PORTUNITY ACT.**

5 (a) EXTENSION OF THIRD-COUNTRY FABRIC PRO-
6 GRAM.—Section 112(c)(1) of the African Growth and Op-
7 portunity Act (19 U.S.C. 3721(c)(1)) is amended—

8 (1) in the paragraph heading, by striking
9 “2012” and inserting “2015”;

10 (2) in subparagraph (A), by striking “2012”
11 and inserting “2015”; and

12 (3) in subparagraph (B)(ii), by striking “2012”
13 and inserting “2015”.

14 (b) ADDITION OF SOUTH SUDAN.—Section 107 of
15 that Act (19 U.S.C. 3706) is amended by inserting after
16 “Republic of South Africa (South Africa).” the following:

17 “Republic of South Sudan (South Sudan).”.

18 (c) CONFORMING AMENDMENT.—Section 102(2) of
19 that Act (19 U.S.C. 3701(2)) is amended by striking
20 “48”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act.

4 **SEC. 2. MODIFICATIONS TO TEXTILE AND APPAREL RULES**
5 **OF ORIGIN FOR THE DOMINICAN REPUBLIC-**
6 **CENTRAL AMERICA-UNITED STATES FREE**
7 **TRADE AGREEMENT.**

8 (a) DEFINITIONS.—In this section:

9 (1) AGREEMENT.—The term “Agreement” has
10 the meaning given the term in section 3(1) of the
11 Dominican Republic-Central America-United States
12 Free Trade Agreement Implementation Act (Public
13 Law 109–53; 19 U.S.C. 4002(1)).

14 (2) CAFTA–DR COUNTRY.—The term
15 “CAFTA–DR country” has the meaning given the
16 term in section 3(2) of the Dominican Republic-Cen-
17 tral America-United States Free Trade Agreement
18 Implementation Act (Public Law 109–53; 19 U.S.C.
19 4002(2)).

20 (3) HTS.—The term “HTS” means the Har-
21 monized Tariff Schedule of the United States.

22 (4) TRADE REPRESENTATIVE.—The term
23 “Trade Representative” means the United States
24 Trade Representative.

1 (b) MODIFICATIONS TO THE TEXTILE AND APPAREL
2 RULES OF ORIGIN.—

3 (1) INTERPRETATION AND APPLICATION OF
4 RULES OF ORIGIN.—Subdivision (m)(viii) of general
5 note 29 of the HTS is amended as follows:

6 (A) The matter following subdivision
7 (A)(2) is amended by striking the second sen-
8 tence and inserting the following: “Any elas-
9 tomERIC yarn (except latex) contained in the
10 originating yarns referred to in subdivision
11 (A)(2) must be formed in the territory of one
12 or more of the parties to the Agreement.”.

13 (B) Subdivision (B) is amended—

14 (i) in the matter preceding subdivision
15 (B)(1), by striking “exclusive of collars
16 and cuffs where applicable,” and inserting
17 “exclusive of collars, cuffs and ribbed
18 waistbands (only if the ribbed waistband is
19 present in combination with cuffs and
20 identical in fabric construction to the
21 cuffs) where applicable,”;

22 (ii) in subdivision (B)(2), by inserting
23 “or knit to shape components” after “one
24 or more fabrics”;

1 (iii) by amending subdivision (B)(3)
2 to read as follows:

3 “(3) any combination of the fabrics re-
4 ferred to in subdivision (B)(1), the fabrics or
5 knit to shape components referred to in subdivi-
6 sion (B)(2), or one or more fabrics or knit to
7 shape components originating under this note.”;
8 and

9 (iv) in the matter following subdivi-
10 sion (B)(3), by striking the last sentence
11 and inserting the following: “Any elas-
12 tomeric yarn (except latex) contained in an
13 originating fabric or knit to shape compo-
14 nent referred to in subdivision (B)(3) must
15 be formed in the territory of one or more
16 of the parties to the Agreement.”.

17 (C) Subdivision (C) is amended—

18 (i) in subdivision (C)(2), by inserting
19 “or knit to shape components” after “one
20 or more fabrics”;

21 (ii) by amending subdivision (C)(3) to
22 read as follows:

23 “(3) any combination of the fabrics re-
24 ferred to in subdivision (C)(1), the fabrics or
25 knit to shape components referred to in subdivi-

1 sion (C)(2) or one or more fabrics or knit to
2 shape components originating under this note.”;
3 and

4 (iii) in the matter following subdivi-
5 sion (C)(3), by striking the second sen-
6 tence and inserting the following: “Any
7 elastomeric yarn (except latex) contained
8 in an originating fabric or knit to shape
9 component referred to in subdivision
10 (C)(3) must be formed in the territory of
11 one or more of the parties to the Agree-
12 ment.”.

13 (2) CHANGE IN TARIFF CLASSIFICATION
14 RULES.—Subdivision (n) of general note 29 of the
15 HTS is amended as follows:

16 (A) Chapter rule 4 to chapter 61 is amend-
17 ed—

18 (i) by striking “5401 or 5508” and
19 inserting “5401, or 5508 or yarn of head-
20 ing 5402 used as sewing thread,”; and

21 (ii) by inserting “or yarn” after “only
22 if such sewing thread”.

23 (B) The chapter rules to chapter 61 are
24 amended by inserting after chapter rule 5 the
25 following:

1 “Chapter rule 6: Notwithstanding chapter rules 1, 3,
2 4 or 5 to this chapter, an apparel good of chapter 61 shall
3 be considered originating regardless of the origin of any
4 visible lining fabric described in chapter rule 1 to this
5 chapter, narrow elastic fabrics as described in chapter rule
6 3 to this chapter, sewing thread or yarn of heading 5402
7 used as sewing thread described in chapter rule 4 to this
8 chapter or pocket bag fabric described in chapter rule 5
9 to this chapter, provided such material is listed in U.S.
10 note 20 to subchapter XXII of chapter 98 and the good
11 meets all other applicable requirements for preferential
12 tariff treatment under this note.”.

13 (C) Chapter rules 3, 4, and 5 to chapter
14 62 are each amended by striking “nightwear”
15 each place it appears and inserting
16 “sleepwear”.

17 (D) Chapter rule 4 to chapter 62 is
18 amended—

19 (i) by striking “5401 or 5508” and
20 inserting “5401, or 5508 or yarn of head-
21 ing 5402 used as sewing thread,”; and

22 (ii) by inserting “or yarn” after “only
23 if such sewing thread”.

1 (E) The chapter rules to chapter 62 are
2 amended by inserting after chapter rule 5 the
3 following:

4 “Chapter rule 6: Notwithstanding chapter rules 1, 3,
5 4 or 5 to this chapter, an apparel good of chapter 62 shall
6 be considered originating regardless of the origin of any
7 visible lining fabric described in chapter rule 1 to this
8 chapter, narrow elastic fabrics as described in chapter rule
9 3 to this chapter, sewing thread or yarn of heading 5402
10 used as sewing thread described in chapter rule 4 to this
11 chapter or pocket bag fabric described in chapter rule 5,
12 provided such material is listed in U.S. note 20 to sub-
13 chapter XXII of chapter 98 and the good meets all other
14 applicable requirements for preferential tariff treatment
15 under this note.”.

16 (F) Tariff classification rule 33 to chapter
17 62 is amended to read as follows:

18 “33. A change to pajamas and sleepwear of sub-
19 headings 6207.21 or 6207.22, tariff items 6207.91.30 or
20 6207.92.40, subheadings 6208.21 or 6208.22 or tariff
21 items 6208.91.30, 6208.92.00 or 6208.99.20 from any
22 other chapter, provided that the good is cut or knit to
23 shape, or both, and sewn or otherwise assembled in the
24 territory of one or more of the parties to the Agreement.”.

1 (G) Chapter rule 2 to chapter 63 is
2 amended—

3 (i) by striking “5401 or 5508” and
4 inserting “5401, or 5508 or yarn of head-
5 ing 5402 used as sewing thread,”; and

6 (ii) by inserting “or yarn” after “only
7 if such sewing thread”.

8 (H) The chapter rules to chapter 63 are
9 amended by inserting after chapter rule 2 the
10 following:

11 “Chapter rule 3: Notwithstanding chapter rule 2 to
12 this chapter, a good of this chapter shall be considered
13 originating regardless of the origin of sewing thread or
14 yarn of heading 5402 used as sewing thread described in
15 chapter rule 2 to this chapter, provided the thread or yarn
16 is listed in U.S. note 20 to subchapter XXII of chapter
17 98 and the good meets all other applicable requirements
18 for preferential tariff treatment under this note.”.

19 (3) EFFECTIVE DATE.—

20 (A) IN GENERAL.—The amendments made
21 by this subsection apply to goods of a CAFTA-
22 DR country that are entered, or withdrawn
23 from warehouse for consumption, on or after
24 the date that the Trade Representative deter-
25 mines is the first date on which the equivalent

1 amendments to the rules of origin of the Agree-
2 ment have entered into force in all CAFTA–DR
3 countries.

4 (B) PUBLICATION OF DETERMINATION.—
5 The Trade Representative shall promptly pub-
6 lish notice of the determination under subpara-
7 graph (A) in the Federal Register.

8 **SEC. 3. EXTENSION OF AND RENEWAL OF IMPORT RESTRIC-**
9 **TIONS UNDER BURMESE FREEDOM AND DE-**
10 **MOCRACY ACT OF 2003.**

11 (a) EXTENSION OF BURMESE FREEDOM AND DE-
12 MOCRACY ACT OF 2003.—Section 9(b)(3) of the Burmese
13 Freedom and Democracy Act of 2003 (Public Law 108–
14 61; 50 U.S.C. 1701 note) is amended by striking “nine
15 years” and inserting “twelve years”.

16 (b) RENEWAL OF IMPORT RESTRICTIONS.—

17 (1) IN GENERAL.—Congress approves the re-
18 newal of the import restrictions contained in section
19 3(a)(1) and section 3A (b)(1) and (c)(1) of the Bur-
20 mese Freedom and Democracy Act of 2003.

21 (2) RULE OF CONSTRUCTION.—This section
22 shall be deemed to be a “renewal resolution” for
23 purposes of section 9 of the Burmese Freedom and
24 Democracy Act of 2003.

1 (c) EFFECTIVE DATE.—This section and the amend-
2 ment made by this section shall take effect on the date
3 of the enactment of this Act or July 26, 2012, whichever
4 occurs first.

5 **SEC. 4. TIME FOR PAYMENT OF CORPORATE ESTIMATED**
6 **TAXES.**

7 Notwithstanding section 6655 of the Internal Rev-
8 enue Code of 1986—

9 (1) in the case of a corporation with assets of
10 not less than \$1,000,000,000 (determined as of the
11 end of the preceding taxable year), the amount of
12 any required installment of corporate estimated tax
13 which is otherwise due in July, August, or Sep-
14 tember of 2017 shall be 100.25 percent of such
15 amount; and

16 (2) the amount of the next required installment
17 after an installment referred to in paragraph (1)
18 shall be appropriately reduced to reflect the amount
19 of the increase by reason of such paragraph.

20 **SEC. 5. EXTENSION OF CUSTOMS USER FEES.**

21 Section 13031(j)(3) of the Consolidated Omnibus
22 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3))
23 is amended—

24 (1) in subparagraph (A), by striking “August 2,
25 2021” and inserting “October 22, 2021”;

1 (2) in subparagraph (B)(i), by striking “De-
2 cember 8, 2020” and inserting “October 29, 2021”;
3 and
4 (3) by striking subparagraphs (C) and (D).