

Fourteenth Report to Congress on the Operation of the Caribbean Basin Economic Recovery Act



United States Trade Representative
December 31, 2021

This report was prepared by:

Project Leader

Magaly Clavijo García

Contributors

USTR Functional Offices, Office for Trade Policy and Economics, and the Office of General Counsel

U.S. State Department Embassies in the Caribbean and Central America

Project Assistant

Angelica Cruz

Under the direction of

Daniel Watson, Assistant U.S. Trade Representative for the Western Hemisphere

Table of Contents

Abbreviations and Acronyms	iii
Executive Summary.....	vi
Introduction	8
I. Description of Caribbean Basin Initiative.....	11
Key Product Eligibility Provisions	11
Beneficiary Countries	14
Safeguard Provisions	16
Rum Provisions	17
Tax Provisions.....	17
Reports	17
Meetings with Caribbean Basin Trade Ministers.....	18
Other Provisions	19
II. U.S. Trade in Goods with CBI Countries.....	20
U.S. Imports	20
CBI Tariff Preferences: Top Sources of U.S. Imports.....	22
U.S. Exports.....	23
III. Utilization Potential.	26
Utilization Gap.....	26
Highlights of products from the Caribbean traded with the United States.....	27
IV. Eligibility Criteria.....	29
CBERA “Mandatory” Criteria.....	29
CBERA “Discretionary” Factors	31
CBTPA Eligibility Criteria.....	32
V. Country Reports: Compliance with Eligibility Criteria	34
Antigua and Barbuda	34
Aruba	39
The Bahamas	43
Barbados.....	48
Belize.....	51
British Virgin Islands	56
Curaçao	59
Dominica.....	62
Grenada.....	65
Guyana.....	69
Haiti.....	74

Jamaica.....	79
Montserrat.....	84
St. Kitts and Nevis.....	86
Saint Lucia.....	90
St. Vincent and the Grenadines.....	94
Trinidad and Tobago.....	98
VI. Summary of Public Comments.....	101
Appendix.....	103

Figures

Figure 1: U.S. imports under CBERA, by major product categories.....	8
Figure 2: U.S. Imports from CBERA beneficiary countries.....	9

Tables

Table 1: CBERA and CBTPA beneficiary countries and territories.....	15
Table 2: U.S. Trade with CBI beneficiary countries.....	20
Table 3: U.S. Imports from CBI Countries by Program.....	21
Table 4: U.S. exports to CBI Countries.....	23
Table 5: U.S. imports of CBI-eligible tariff lines by beneficiary country.....	26

Abbreviations and Acronyms

Acronyms	Term
AML	Anti-Money Laundering
ATPA	Andean Trade Preference Act
BEA	Bureau of Economic Analysis (U.S. Department of Commerce)
BRI	Belt and Road Initiative
BVI	British Virgin Islands
CAFTA-DR	Central America-United States-Dominican Republic Free Trade Agreement
CARICOM	Caribbean Community
CARIFORUM	Caribbean Forum
CBERA	Caribbean Basin Economic Recovery Act
CBEREA	Caribbean Basin Economic Recovery Expansion Act
CBI	Caribbean Basin Initiative
CBP	U.S. Customs and Border Protection
CBSI	Caribbean Basin Security Initiative
CBTPA	Caribbean Basin Trade Partnership Act
CCJ	Caribbean Court of Justice
CICAD	Inter-American Drug Abuse Control Commission
CRC	UN Convention on the Rights of the Child
CSM	CARICOM Single Market
CSME	CARICOM Single Market and Economy
CTF	Countering Terrorism Financing
DEA	U.S. Drug Enforcement Agency
DHS	U.S. Department of Homeland Security
DOL	U.S. Department of Labor
EB	Bureau of Economic and Business Affairs (U.S. Department of State)
ECCB	Eastern Caribbean Central Bank
ECCU	Eastern Caribbean Currency Union
ECLAC	Economic Commission for Latin America and the Caribbean (United Nations)
EIA	U.S. Energy Information Agency (U.S. Department of Energy)
EIAP	Earned Import Allowance Program
EITI	Extractive Industry Transparency Initiative
EIU	Economist Intelligence Unit
EPA	Economic Partnership Agreement
EU	European Union
FAS	Free Alongside Ship
FATF	Financial Action Task Force
FDI	Foreign Direct Investment
FOL	Forward Operating Location
FTA	Free Trade Agreement
GAO	U.S. Government Accountability Office

Acronyms	Term
GDP	Gross Domestic Product
GPA	WTO Agreement on Government Procurement
GSP	Generalized System of Preferences
HELP Act	Haiti Economic Lift Program Act of 2010
HOPE Acts	HOPE I and HOPE II (see below)
HOPE I	Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006
HOPE II	Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008
HPAI	Highly Pathogenic Avian Influenza
HS	Harmonized System (global tariff schedule)
HTS	Harmonized Tariff Schedule of the United States
IACAC	Inter-American Convention against Corruption
IBERS	Institute of Social Welfare and Research
ICSID	International Center for Settlement of Investment Disputes
ILO	International Labor Organization
IMF	International Monetary Fund
INCSR	International Narcotics Control Strategy Report
INL	Bureau of International Narcotics and Law Enforcement (U.S. Department of State)
IP	intellectual property
IPR	intellectual property rights
ITA	International Trade Administration (U.S. Department of Commerce)
IRA	Industrial Relations Act
LNG	Liquefied Natural Gas
MFN	Most-Favored-Nation
MLAT	Mutual Legal Assistance Treaty
MSME	Micro, Small, and Medium-Sized Enterprises
MTBE	Methyl Tertiary-Butyl Ether
MW	megawatt
NAFTA	North American Free Trade Agreement
NCTO	National Council of Textile Organizations
n.e.s.o.i.	not elsewhere specified or included
NIR	Net International Reserves
NTR	Normal Trade Relations (U.S. term; same as MFN elsewhere)
OAS	Organization of American States
OECS	Organization of Eastern Caribbean States
OSH	Occupational Safety and Health
OTEXA	Office of Textiles and Apparel (U.S. Department of Commerce)
PCT	Patent Cooperation Treaty
PPE	Personal Protective Equipment
PRC	People's Republic of China
RSS	Regional Security System
S&P	Standard & Poor
SBDC	Small Business Development Centre

Acronyms	Term
SME	Small and Medium-Sized Enterprises
SOE	State Owned Enterprises
SPS	Sanitary and Phytosanitary Measures
TAICNAR	Technical Assistance Improvement and Compliance Needs Assessment and Remediation
TDA	Trade and Development Act of 2000
TFA	WTO Trade Facilitation Agreement
TIC	Trade and Investment Council
TIP	Trafficking in Persons
TPEA	Trade Preferences Extension Act of 2015
TRIMS	Trade-Related Investment Measures
TRIPS	Trade-Related Aspects of Intellectual Property Rights Agreement
TRQ	Tariff-Rate Quota
UN	United Nations
UNCTAD	UN Conference on Trade and Development
UNDP	United Nations Development Program
USAF	U.S. Air Force
USAID	U.S. Agency for International Development
USD	U.S. Dollar
USDOC	U.S. Department of Commerce
USDOE	U.S. Department of Energy
USDOS	U.S. Department of State
USITC	U.S. International Trade Commission
USMCA	United States-Mexico-Canada Agreement
USTR	Office of the U.S. Trade Representative
WCT	WIPO Copyright Treaty
WIPO	World Intellectual Property Organization (United Nations)
WPPT	WIPO Performances and Phonograms Treaty
WTO	World Trade Organization

Executive Summary

- The U.S. trade preferences programs for the Caribbean and Central American region were launched in 1983 by the Caribbean Basin Economic Recovery Act (CBERA) and are known collectively as the Caribbean Basin Initiative (CBI). CBI benefits were expanded through the enactment of the Caribbean Basin Trade Partnership Act (CBTPA) in 2000, relevant provisions in the Trade Act of 2002, the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (HOPE Act), the HOPE II Act of 2008, the Haitian Economic Lift Program Act of 2010 (HELP Act), and the Trade Preferences Extension Act of 2015.
- Combined with economic reform and other actions taken by beneficiary countries¹ to liberalize their trade regimes, the trade benefits of CBI have both helped beneficiary countries and dependent territories in the region diversify their exports and have contributed to their economic growth.
- CBI exporters from certain eligible countries and U.S. companies importing from those countries continue to use the CBTPA provisions extensively. The eligibility criteria contained in the CBI statutes, including the revised factors outlined in the 2000 CBTPA, were designed to advance U.S. policy objectives supported by Congress and past administrations.
- In 2020, CBI beneficiary countries supplied \$5.1 billion of U.S. imports, ranking 49th among U.S. import suppliers. U.S. imports from CBI beneficiaries decreased for a second consecutive year from \$6.1 billion in 2018 to \$5.6 billion in 2019 and \$5.1 billion in 2020, which represented declines of 8.2 percent and 8.9 percent, respectively. This is largely attributed to disruptions caused by the COVID-19 pandemic.
- U.S. imports under the CBI tariff preferences increased to \$1.2 billion in 2020, from \$1.1 billion in 2019 and \$1 billion in 2018. The increase in 2020, 7.7 percent, was preceded by an increase of 11.6 percent in 2019. The rise in 2020 was primarily driven by a higher value of U.S. imports of petroleum products—from Trinidad and Tobago and more significantly from Guyana—to \$547.5 million, an 86.7 percent increase from \$293.3 million in 2019.
- U.S. export growth to the region has been a corollary benefit of the CBI throughout the history of the program. During this past reporting period, however, U.S. exports decreased likely due to disruptions related to the COVID-19 pandemic. In 2020, the value of total U.S. exports to CBI countries amounted to \$11.1 billion, a 20.0 percent decrease from the previous year. In 2019, U.S. exports were \$13.9 billion, a 3.3 percent increase from 2018. Collectively, the CBI region ranked 24th among U.S. export destinations in 2020 and absorbed 0.9 percent of total U.S. exports to the world.
- U.S. total goods trade (total exports plus general imports) with the CBI countries was \$16.2 billion in 2020. The U.S. goods trade surplus with the CBI countries reached \$6 billion in 2020.

¹ This report uses the term “beneficiary countries” to refer to the sovereign countries and dependent territories that receive preferential access to the U.S. market in accordance with the provisions of the CBERA, the CBTPA, or both.

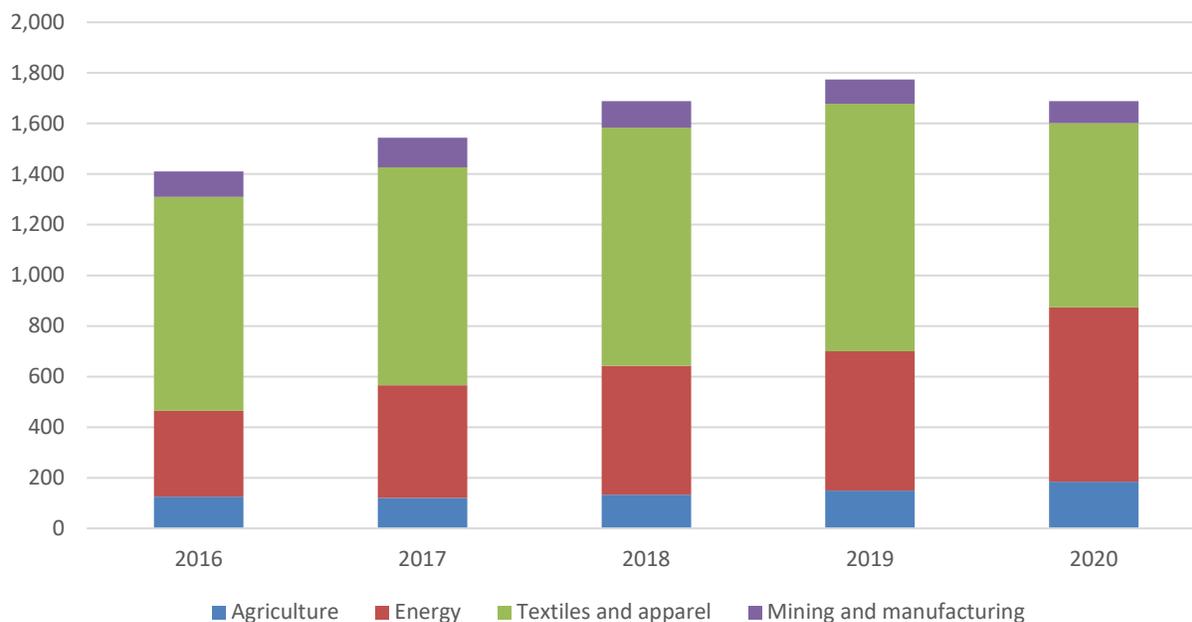
- Although the effect of CBI on the U.S. economy generally was negligible during this reporting period, 2019-2020, and is likely to remain so, CBI continues to have a positive impact on a number of Caribbean Basin economies. Haiti has been the largest beneficiary of CBI trade preferences in recent years. CBI also has encouraged the development of niche product manufacturing in several other countries, such as polystyrene from The Bahamas and fruit juice from Belize.
- The Office of the United States Trade Representative (USTR) engages with CBI beneficiary trading partners under the CBI framework and the United States-CARICOM Trade and Investment Council (TIC). Along with inter-agency partners, USTR is working with beneficiary countries to increase awareness of the program and compliance across all program obligations.
- During the reporting period, engagement under the CBI framework and the United States - CARICOM TIC was limited due to the COVID-19 pandemic. However, engagement did advance the adoption of the Patent and Design Act in early 2020 by Jamaica's legislature. Jamaica was removed from USTR's Special 301 Watch List in 2020 after passing this Act, which replaces the outdated Patent Act of 1857 and Designs Act of 1937, in an effort to modernize its patent and industrial designs regime and to implement its international obligations.
- The last edition of this report published in 2019 included data on the rates of utilization of the program by beneficiary countries. Several products were highlighted that were not claiming the duty-free benefit. There have been notable improvements since then, including an increase in utilization from one third to 100 percent of plastic household goods from The Bahamas and an increase from 4 percent to 100 percent of measuring instruments from St. Kitts and Nevis. USTR will continue to engage with beneficiary countries to improve utilization rates in 2022.
- Haiti's apparel exports to the United States maintain one of the highest utilization rates of CBI preferences. Approximately 95 percent of Haitian exports to the United States are apparel exports. The Association of Haitian Industries estimates that, thanks to the CBI preference programs, over 54,000 garment factory jobs have been created in Haiti as of the end of calendar year 2020.

Introduction

The CBI is a collection of programs that are important elements in U.S. economic relations with its neighbors in the Caribbean and Central America. The CBI was initially launched in 1983 with the passage of CBERA and substantially expanded in 2000 with the CBTPA and later with the Trade Act of 2002. The HOPE Act, the HOPE II Act of 2008, and the HELP Act provided additional benefits for textile and apparel products from Haiti. As of 2021, the CBI provides 17 countries and dependent territories with duty-free access to the U.S. market for most goods.

The CBI was initially envisioned as a program to facilitate economic development, increase production, and export diversification of the Caribbean Basin economies. After more than three decades, it is clear that CBI has also established a framework for engagement with the region in a number of trade policy areas and led to meaningful outcomes for the United States and its trading partners in the Caribbean and Central America.

Figure 1: U.S. imports under CBERA, by major product categories, 2016-2020 (million USD)



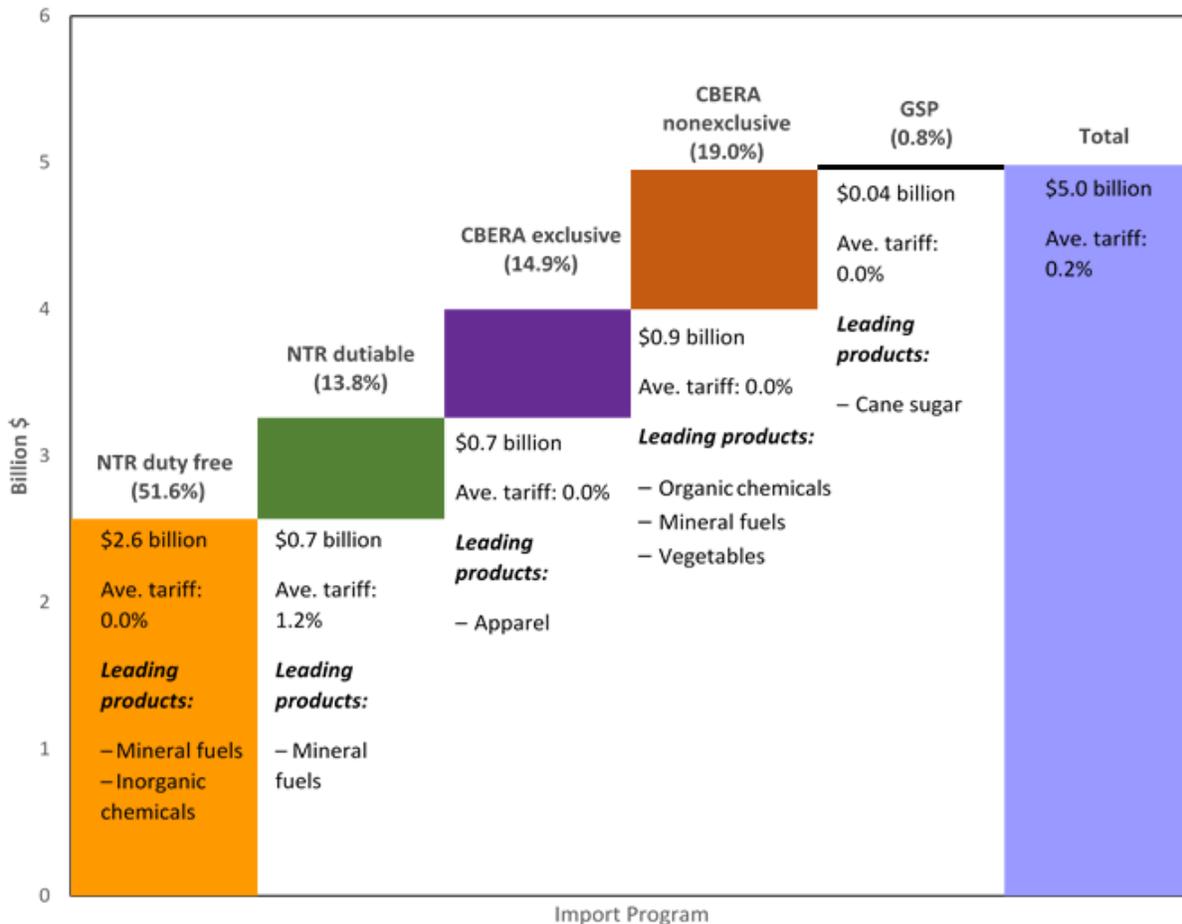
Source: USITC DataWeb/Census, accessed April 12, 2021 and USITC, Caribbean Basin Economic Recovery Act: Impact on U.S. Industries and Consumers and on Beneficiary Countries, 24th Report, September 2019.

Note: "Textiles and apparel" includes imports from Haiti under CBTPA, HOPE, and HELP. Data for 2016 and 2017 are from the CBERA report published in 2019. Underlying data for this figure can be found in appendix table E.3. CBERA data in 2019 incorporate USITC estimates to account for the misclassification of certain imports of methanol as not having received duty preferences under CBERA when in fact they did. These data will be subject to a forthcoming revision from the U.S. Census Bureau, U.S. government representative email message to USITC staff, July 20, 2021. Data available through USITC's DataWeb or the Census Bureau's USA Trade Online will not incorporate these revisions until the Census Bureau releases its annual revisions in June of 2022.

CBERA and CBTPA cover close to 5,800 tariff lines at the HTS8 level for products from Antigua and Barbuda, Aruba, The Bahamas, Barbados, Belize, the British Virgin Islands, Curacao, Dominica, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, St. Vincent

and the Grenadines, and Trinidad and Tobago. While CBI covers several industries throughout the Caribbean, Chapter III of this report includes an appraisal regarding opportunities for greater use of the program.

Figure 2: U.S. Imports from CBERA beneficiary countries, by import program and as a share of total imports from those countries, 2020



Source: USITC DataWeb/USDOC, accessed April 12, 2021.

Notes: NTR refers to normal trade relations (otherwise known as most-favored-nation, or MFN). Imports entering the United States may be either duty free or dutiable, depending on the product. “CBERA-exclusive” imports are imports of products that can receive preferential entry only under CBERA. “CBERA-nonexclusive” imports are imports of products that entered the United States under CBERA but were also eligible for duty-free entry under the Generalized System of Preferences (GSP). “Avg. tariff” is the ad valorem equivalent tariff collected on entry—that is, the total of the duties collected, divided by the customs value of the imports. Mineral fuels refer to HTS chapter 27. CBERA data in 2019 incorporate USITC estimates to account for the misclassification of certain imports of methanol as not having received duty preferences under CBERA when in fact they did. These data will be subject to a forthcoming revision from the U.S. Census Bureau, U.S. government representative email message to USITC staff, July 20, 2021. Data available through USITC’s DataWeb or the Census Bureau’s USA Trade Online will not incorporate these revisions until the Census Bureau releases its annual revisions in June of 2022. Underlying data for this figure can be found in appendix table ES.1.

CBI beneficiary countries are subject to eligibility criteria set out in the various statutes. These criteria, and the performance of CBI eligible countries and dependent territories in addressing them, are discussed in detail in Chapters IV and V.

Pursuant to section 212(f) of the CBERA, on a biennial basis the United States Trade Representative (USTR) is required to submit a report to Congress with the results of the general review of beneficiary countries and their performance under the eligibility criteria. This is USTR's fourteenth report covering CBERA and encompasses the period 2019-20. The report describes the different provisions of the CBI and the eligibility criteria of the program, assesses trade flows between the United States and beneficiary countries, notes utilization gaps throughout the region, reviews compliance of each country with CBI eligibility criteria, and summarizes public comments submitted for the preparation of this report.

I. Description of Caribbean Basin Initiative

Key Product Eligibility Provisions

CBERA

CBERA, enacted in 1983, allows the President to grant unilateral duty-free treatment for imports of eligible articles from CBI beneficiary countries.² In order to receive benefits, products generally must: a) be imported directly from a CBI beneficiary country into the U.S. customs territory; b) be wholly the growth, product or manufacture of a CBI beneficiary country or be substantially transformed into a new or different article in the CBI beneficiary country; and c) contain a minimum of 35 percent local content of one or more CBI beneficiary countries (15 percent of the minimum content may be from the United States).

In 1990, the CBERA was amended to provide an increase in market access to the United States and to make the CBERA permanent. These amendments expanded the trade and tax benefits of the original statute, including: a 20 percent tariff reduction on certain leather products; duty-free treatment for products produced in Puerto Rico and further processed and imported from CBI beneficiary countries; and duty-free treatment from CBI beneficiary countries for products made from 100 percent U.S. components.

In addition, the list of products eligible for duty-free treatment was expanded through two Presidential proclamations. In 1991, 94 tariff categories were provided new or expanded duty-free treatment, and in 1992, 28 tariff categories were provided new or expanded duty-free treatment. These proclamations make the scope of the CBERA parallel the Generalized System of Preferences (GSP). Textile and apparel articles, and petroleum and certain products derived from petroleum were excluded from duty-free treatment under the original CBERA.

CBTPA

In October 2000, the United States enacted the CBTPA to enhance existing CBERA preferences.³ The CBTPA recognized the significance of apparel as a component of CBI exports to the United States and expanded the degree of preferential treatment applied to U.S. imports of apparel made in the Caribbean Basin region. CBTPA has been renewed several times since it was enacted in 2000. It was most recently renewed in October 2020 and is set to expire September 30, 2030.

Under the CBTPA, duty- and quota-free treatment is provided for apparel assembled in CBI countries from U.S. fabrics formed from U.S. yarns and cut in the United States. If the U.S. fabrics used in the production of such apparel are cut into parts in the CBTPA beneficiary countries rather than in the United States, the apparel must also be sewn together with U.S. thread in order to qualify for preferential treatment. Duty- and quota-free treatment is also available for certain knit apparel made in CBTPA beneficiary countries from fabrics formed in the Caribbean

² Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 201, 97 Stat. 384 (1983).

³ Caribbean Basin Trade Partnership Act, Pub. L. No. 106-200, § 211, 114 Stat. 276 (2000).

Basin region, provided that the fabric is formed from U.S. yarns. This “regional fabric” benefit for knit apparel is subject to an annual quantitative limit, with a separate limit provided for t-shirts. Duty- and quota-free treatment is also available for certain brassieres, certain textile luggage, apparel made in CBI countries from fabrics determined not to be available in commercial quantities in the United States, and designated “hand-loomed, handmade, or folklore” articles.

In addition to these apparel preferences, the CBTPA provides tariff treatment equivalent to that extended to Mexican products under the North American Free Trade Agreement (NAFTA) and the current United States-Mexico-Canada Agreement (USMCA) for certain items previously excluded from duty-free treatment under the CBI program. These products are: footwear, canned tuna, petroleum products, certain watches and watch parts, certain handbags, luggage, flat goods, work gloves and leather wearing apparel.

Trade Act of 2002

The Trade Act of 2002 amended the CBERA to grant additional benefits to Caribbean Basin apparel products.⁴ Specifically, these changes permit the use of U.S. and regional knit-to-shape components in eligible apparel articles. The Trade Act of 2002 also grants preferences to “hybrid articles,” which are articles that contain U.S. and regional components, and specified that both fabric and knit-to-shape components may be used in eligible articles. In addition, the Trade Act of 2002 substantially increases the annual quantitative limit for eligible knit apparel articles and nearly doubles the separate limits for t-shirts. The Act also requires that for apparel assembled in the region from U.S. knit or woven fabrics, all dyeing, printing, and finishing of the fabric must be done in the United States.

HOPE Act

The United States enacted the HOPE Act of 2006 to make Haiti eligible for further trade benefits.⁵ Under the CBTPA, apparel imports from Haiti only qualify for duty-free treatment if they are made from yarns and/or fabric from the U.S., Haiti, and in some cases certain former beneficiary countries (i.e. current CAFTA-DR partner countries). The HOPE Act expanded duty-free benefits for Haitian-made apparel to allow the use of yarns and fabrics from other countries. Under the value-added quota program, apparel imports from Haiti qualify for duty-free treatment as long as a threshold percentage (currently 60 percent⁶) of the value of inputs and processing costs is from any combination of United States, FTA partner countries, and regional preference program partner countries; the quota level, calculated on an annual basis, is 1.25 percent of total U.S. apparel imports, and has historically been underutilized.

The HOPE Act also introduced a quota program (up to 70 million square meter equivalents annually) for woven apparel, so that as long as the apparel is wholly assembled or knit-to-shape in Haiti, the apparel can be made of yarns and fabrics from any country. Finally, the HOPE Act

⁴ Trade Act of 2002, Pub. L. No. 107-210, § 101, 116 Stat. 933 (2002).

⁵ Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, Pub. L. No. 109-432, § 5001, 120 Stat. 3180 (2006).

⁶ 19 U.S.C. Sec. 2703a(b)(1)(B)(v)(I).

allows automotive wire harnesses imported from Haiti that contain at least 50 percent by value of materials produced in Haiti, United States, FTA partner countries, or regional preference program beneficiary countries to qualify for duty-free treatment.

The HOPE Act requires that in order to receive benefits, Haiti must demonstrate that it is improving 1) its market-based economy; 2) the rule of law, political pluralism, and due process; 3) the elimination of barriers to U.S. trade and investment; 4) economic policies to reduce poverty, increase the availability of health care and education and promote private enterprise; 5) its system to combat corruption; and 6) the protection of internationally recognized worker rights. Haiti will also lose benefits if it undermines U.S. foreign policy interests, engages in gross violations of human rights, or provides support for acts of international terrorism.

HOPE II Act

The HOPE II Act of 2008 maintained and expanded the original HOPE Act.⁷ Similar to the woven apparel quota program established in HOPE, the HOPE II Act provides for duty-free access for up to 70 million square meter equivalents of knit apparel (with some t-shirt and sweatshirt exclusions) annually. The HOPE II Act also provides for duty-free treatment of any kind of apparel under an earned import allowance program that provides allowances for the purchase or manufacture of qualifying fabric (sourced from the United States or certain trade partner countries) shipped to Haiti for production of apparel. Those allowances may be used to obtain duty-free treatment on Haitian made apparel regardless of the source of the fabric. The HOPE II Act also provides for duty-free treatment for certain brassieres, luggage, headgear, and certain sleepwear. The HOPE II Act allows these Haitian goods to enter the United States duty-free if shipped either directly from Haiti or through the Dominican Republic.

To meet the labor requirements that Congress included in the HOPE II Act, in 2009 Haiti established an independent labor ombudsman's office and, in cooperation with the International Labor Organization (ILO), established a Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) Program. Haiti also implemented an electronic visa system that acts as a registry of Haitian producers of articles eligible for duty-free treatment and has made participation in the TAICNAR Program a condition of using this visa system.

Under the HOPE II Act, the President must identify producers on a biennial basis who have failed to comply with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with such standards, and seek to assist such producers with coming into compliance with core labor standards and related Haitian laws. The President has delegated to the Secretary of Labor, in consultation with the USTR, his authority to identify any such producers and provide remediation assistance to them. For the two-year period ending in December 2019, the U.S. Department of Labor (DOL) and USTR did not identify any producers in Haiti as noncompliant. Since the last report, DOL has continued to provide compliance assistance to at-risk factories.

⁷ Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, Pub. L. No. 110-246, § 15401, 122 Stat. 2289 (2008).

The HOPE II Act also requires an annual report to the House Ways and Means Committee and Senate Finance Committee on implementation of the Act's requirements on the Labor Ombudsman and the TAICNAR Program. The report must include: (i) the efforts of Haiti, the President, and the ILO to carry out the provisions in the Act relating to labor, (ii) a summary of the biannual TAICNAR reports, and (iii) any identification of producers who have failed to comply with core labor standards and related Haitian labor laws and any reinstatement of preferential treatment if it has been previously suspended. The President has delegated authority to the USTR to submit this report. The most recent report was submitted to Congress on June 18, 2021 and is available on USTR's website <https://ustr.gov/sites/default/files/files/reports/2021/Annual%20Haiti%20Hope%20II%202021%20Report%20to%20Congress.pdf>

HELP Act

In May 2010, President Obama signed the HELP Act.⁸ The HELP Act further expanded existing preferences for apparel (namely, providing for an increase in quota levels for the knit and woven apparel quotas from 70 to 200 million square meter equivalents) and established new preferences for certain non-apparel textile goods. With the exception of the value-added tariff rate quota, the HELP Act extended all of CBTPA's and the HOPE/HOPE II preference programs through September 2020.

Trade Preferences Extension Act of 2015

The Trade Preferences Extension Act of 2015 (TPEA) extends duty-free benefit programs for Haiti for an additional five years, until September 30, 2025.⁹ The TPEA lengthens special duty-free preferences provided under the HOPE Act, HOPE II Act, and the HELP Act for textiles and apparel, assembled in Haiti and imported to the United States from Haiti or the Dominican Republic. The TPEA also extends the value-added quota for apparel articles wholly assembled or knit-to-shape in Haiti for an additional seven years ending December 19, 2025, with the quota level remaining at 1.25 percent of total U.S. apparel imports.

Beneficiary Countries

As of 2021, 17 countries and dependent territories receive benefits under CBERA, CBTPA, or both. Chapter 3 discusses the CBERA and CBTPA eligibility criteria and provides a summary of CBI country compliance with these criteria on the part of CBI countries. The President is authorized to terminate a country's designation, or to limit, suspend, or withdraw CBI benefits if conditions change with regard to performance in connection with the statutory eligibility criteria. CBERA identified 20 countries and dependent territories as eligible to receive CBERA benefits on January 1, 1984: Antigua and Barbuda, Barbados, Belize, British Virgin Islands, Costa Rica, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Montserrat, Netherlands Antilles, Panama, St. Kitts and Nevis, Saint Lucia, St. Vincent and the

⁸ Haiti Economic Lift Program Act of 2010, Pub. L. No. 111-171, § 1, 124 Stat. 1194 (2010).

⁹ Trade Preferences Extension Act of 2015, Pub. L. No. 114-27, § 101, 129 Stat. 361 (2015).

Grenadines, and Trinidad and Tobago. The Bahamas was designated on March 14, 1985. On April 11, 1986, Aruba was designated as a beneficiary country effective January 1, 1986, upon becoming independent of the Netherlands Antilles. Guyana was designated effective November 24, 1988, and Nicaragua was designated as a beneficiary country effective November 13, 1990. This brought the total number of beneficiary countries to 24.

Based on the criteria described in Chapter IV of this report, on October 2, 2000, President Clinton designated all 24 of the then-existing CBERA beneficiary countries as eligible beneficiaries under the CBTPA. The CBTPA requires an additional determination that countries and dependent territories have implemented or are making substantial progress toward implementing certain customs procedures based on those contained in the NAFTA. As of the date of this report, eight countries have satisfied this requirement and have been designated as fully eligible to receive the enhanced benefits of the CBTPA: Barbados, Belize, Curaçao, Guyana, Haiti, Jamaica, Saint Lucia, and Trinidad and Tobago. The United States may designate additional CBTPA eligible beneficiaries in the future, provided that they satisfy the customs-related requirements.

Eight countries are no longer eligible for benefits due to free trade agreements with the United States. In particular, on August 5, 2004, the United States signed the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR). The CAFTA-DR entered into force for El Salvador on March 1, 2006; for Honduras on April 1, 2006; for Nicaragua on April 1, 2006; for Guatemala on July 1, 2006; for the Dominican Republic on March 1, 2007; and for Costa Rica on January 1, 2009. When the CAFTA-DR entered into force for each of these countries, the country ceased to be designated as a CBERA and CBTPA beneficiary country.

On October 12, 2011, the Congress passed legislation approving the United States-Panama Trade Promotion Agreement and President Obama signed the legislation on October 21, 2011. This agreement entered into force on October 31, 2012, and Panama ceased to be designated as a CBERA and CBTPA beneficiary country.

Table 1: CBERA and CBTPA beneficiary countries and territories

Current CBERA-eligible countries and territories, and their dates of designation if not original beneficiaries:	Current CBTPA-eligible countries and territories:
Antigua and Barbuda	Barbados
Aruba (April 11, 1986)	Belize
The Bahamas (March 14, 1985)	Curaçao
Barbados	Guyana
Belize	Haiti
British Virgin Islands	Jamaica
Curaçao (December 23, 2013)	Saint Lucia
Dominica	Trinidad and Tobago
Grenada	
Guyana (November 24, 1988)	

Haiti	
Jamaica	
Montserrat	
St. Kitts and Nevis	
Saint Lucia	
St. Vincent and the Grenadines	
Trinidad and Tobago	

Congress also identified Anguilla, Cayman Islands, Suriname, and Turks and Caicos Islands in the CBERA legislation as eligible for benefits. Of these countries, only Suriname requested beneficiary status, in 2009.

Sint Maarten, which had previously been eligible for CBERA and CBTPA benefits as part of the Netherlands Antilles, did not seek to continue independently as a beneficiary country.

Anti-Transshipment Provisions

The CBTPA includes provisions intended to guard against the illegal transshipment of non-qualifying goods through CBI countries. CBTPA beneficiaries are required to implement and follow, or make substantial progress toward implementing and following, certain customs procedures based on those contained in Chapter 5 of the NAFTA in order to receive benefits. Beneficiary countries must provide the USTR with commitments regarding, among other things: use of appropriate certificate of origin documents; cooperation with U.S. Customs and Border Protection in conducting origin verification visits under certain conditions; implementation of legislation or regulations to ensure the enforcement of these customs procedures; imposition of appropriate penalties in cases of non-compliance; and regular updates on progress in implementing the customs requirements established under the CBTPA.

The CBTPA also provides that, if a CBI exporter is determined to have engaged in illegal shipment of textile or apparel products, the President shall deny all benefits under the CBTPA to that exporter for two years. In addition, where a beneficiary country has been requested by the United States to take action to prevent transshipment and the country has failed to do so, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from that beneficiary country by three times the quantity of articles transshipped.

Safeguard Provisions

The President may suspend duty-free treatment under the CBI programs if temporary import relief is determined to be necessary due to serious injury to domestic producers. The CBI provides special rules governing emergency relief from imports of perishable agricultural products from beneficiary countries.

Rum Provisions

An excise tax of \$13.50 per proof gallon is imposed under section 5001(a)(1) of the Internal Revenue Code of 1986 (the Code) on distilled spirits, including rum, produced in or imported into the United States. The CBERA requires that excise taxes (minus the estimated amount necessary for payment of refunds and drawbacks) on all rum imported into the United States, including rum from the CBERA countries, be transferred (covered over) to the Treasuries of Puerto Rico and the Virgin Islands (section 7652(e)(1) of the Code). Rum brought into the United States from Puerto Rico and the Virgin Islands is subject to the same rate of tax. Amounts collected are also covered over to those insular Treasuries (section 7652(a)(3) and (b)(3), respectively, of the Code) minus certain amounts necessary for refunds, duty drawback, or administrative expenses. For distilled spirits imported to the United States after June 30, 1999 and before January 1, 2022, the rate at which the amounts transferred are calculated is \$13.25 per proof gallon (section 7652(f) of the Code).

The CBERA provides that if the amounts transferred to Puerto Rico or the Virgin Islands are lower than the amount that would have been transferred if the imported rum had been produced in Puerto Rico or the Virgin Islands, the President shall consider compensation measures and may withdraw the duty-free treatment of rum produced in CBI countries. This provision—intended to provide a remedy should the amounts carried over to Puerto Rico and the Virgin Islands fall below such amounts transferred under prior law—has never been invoked.

Tax Provisions

U.S. taxpayers can deduct legitimate business expenses incurred in attending a business meeting or convention in a qualifying CBERA beneficiary country, or Bermuda, without regard to the more stringent requirements usually applied to foreign convention expenses. To qualify, a CBERA beneficiary country must have a qualifying tax information exchange agreement in effect with the United States, and the tax laws in the CBERA beneficiary country may not discriminate against conventions held in the United States.

As of June 2016 (latest Internal Revenue Service review), the following current CBERA beneficiaries have satisfied all of the requirements for benefiting from this provision: Antigua and Barbuda, Aruba, The Bahamas, Barbados, Curaçao, Dominica, Grenada, Guyana, Jamaica, Saint Lucia, and Trinidad and Tobago.¹⁰

Reports

In addition to this biennial USTR Report on the general operation of the CBERA and compliance with eligibility criteria, the CBERA and other trade preference legislation require the following reports.

¹⁰ See IRS Revenue Ruling 2016-16 or any successor guidance.

USITC Economic Effects Report: Section 215 of the CBERA requires the U.S. International Trade Commission (USITC) to report biennially to the Congress with an assessment of the actual and probable future effects of the CBERA on the U.S. economy generally, on U.S. consumers, and on U.S. industries. Since 2001, the USITC has also been required to address the economic impact of the CBI programs on beneficiary countries. The USITC submitted its 25th report on the impact of the CBERA to the President and Congress in September 2021¹¹. The USITC concluded that CBERA continues to have a positive effect on a number of Caribbean Basin countries, despite a two year decrease in CBERA exports, and a negligible impact on U.S. imports, producers, and consumers. For U.S. industries in particular, the overall effect of the program on domestic production, employment, and operating profits was also negligible. The USITC concluded that the future effect of the CBERA on the United States will likely remain negligible.

Findings on the Worst Forms of Child Labor Report: The Trade and Development Act of 2000 (TDA) requires that a country implement its commitments to eliminate the worst forms of child labor for the President of the United States to consider in designating the country a beneficiary developing country under the Generalized System of Preferences (GSP) program. The TDA also mandates that the President submit annually to the United States Congress the Secretary of Labor’s findings with respect to each “beneficiary country’s implementation of its international commitments to eliminate the worst forms of child labor.” The DOL published the most recent report in September 2021.¹² The *Findings on the Worst Forms of Child Labor* report contains country profiles for many CBI beneficiary countries. USTR utilizes these profiles to closely monitor CBI beneficiary country efforts to eliminate the worst forms of child labor.

Meetings with Caribbean Basin Trade Ministers

The CBTPA directs the President to convene a meeting with the trade ministers of Caribbean Basin countries in order to establish a schedule of regular meetings of the region’s trade ministers and the USTR. As indicated in the CBTPA, the purpose of the meetings is to advance consultations between the United States and CBI countries concerning the possible initiation of advantageous trade agreements with the United States.

In May 2013, the United States signed a Trade and Investment Framework Agreement with the Caribbean Community and Common Market (CARICOM). USTR is looking forward to convening the tenth Trade and Investment Committee meeting under the CARICOM Trade and Investment Framework Agreement in 2022 in the Caribbean.

¹¹ USITC Publication 5231, available at [Caribbean Basin Economic Recovery Act: Impact on U.S. Industries and Consumers and on Beneficiary Countries, 25th, Report, September 2021 \(usitc.gov\)](https://www.usitc.gov/publications/5231).

¹² The latest report is available at https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2020/2020_TDA_BigBook_Online_optimized.pdf.

Other Provisions

Under U.S. antidumping and countervailing duty laws, imports from two or more countries subject to investigation may be aggregated, or “cumulated,” for the purpose of determining whether the unfair trade practice causes material injury to a U.S. industry. The 1990 amendments to the CBERA created an exception to this general cumulation rule for imports from CBI beneficiary countries. If imports from a CBI country are under investigation in an anti-dumping or countervailing duty case, imports from that country may not be aggregated with imports from non-CBI countries under investigation for purposes of determining whether the imports from the CBI country are causing, or threatening to cause, material injury to a U.S. industry. They may, however, be aggregated with imports from other CBI countries under investigation.

II. U.S. Trade in Goods with CBI Countries

U.S. Imports

Detailed information on U.S. imports from CBI countries is presented in Appendix 1 of this report.

At their peak in 2005, U.S. imports for consumption¹³ from CBI countries were \$32.0 billion, and CBI countries combined constituted the 12th-largest supplier of U.S. imports, ahead of Italy and just behind Venezuela. In 2020, CBI beneficiary countries supplied \$5.1 billion of U.S. imports, ranking 49th among U.S. import suppliers, ahead of Finland and behind Slovakia. In 2005, CBI beneficiary countries supplied nearly 2 percent of total imports into the United States, but the share decreased to 0.2 percent in 2020, primarily due to the exit of the CAFTA-DR beneficiaries, the Netherlands Antilles, and Panama from the CBI program (see Table 2).¹⁴ U.S. imports from CBI beneficiaries decreased for a second consecutive year from \$6.1 billion in 2018 to \$5.6 billion in 2019 and \$5.1 billion in 2020, which represented declines of 8.2 percent and 8.9 percent, respectively.

Table 2: U.S. Trade with CBI beneficiary countries, 2016-2020 and January-August of 2020 and 2021

Year	U.S. Total Exports to World ²	U.S. Exports to CBI Countries		U.S. Total Imports from World ³	U.S. Total Imports from CBI Countries		U.S. Trade Balance with CBI Countries ⁴
	Million \$	Million \$	Percent of U.S. Total	Million \$	Million \$	Percent of U.S. Total	Million \$
2016	1,226,925.6	10,475.5	0.9	2,172,182.6	5,339.9	0.2	5,135.6
2017	1,308,394.9	12,204.4	0.9	2,327,152.8	5,876.5	0.3	6,327.9
2018	1,413,178.7	13,476.7	1.0	2,547,786.7	6,093.6	0.2	7,383.2
2019 ⁵	1,392,400.8	13,923.5	1.0	2,497,787.9	5,567.5	0.2	8,356.0
2020	1,200,814.7	11,142.8	0.9	2,336,047.5	5,099.5	0.2	6,043.2
Jan-Aug 2020	771,620.6	7,534.6	1.0	1,480,541.6	3,198.3	0.2	4,336.3
Jan-Aug 2021	953,729.3	7,837.1	0.8	1,814,953.7	5,515.0	0.3	2,322.1

¹³ Data in this report reflect the trade between eligible CBI countries and the United States. Import data in this report refer to imports for consumption, unless otherwise noted; while exports are domestic exports (excludes re-exports), free alongside ship (F.A.S.) value.

¹⁴ Netherlands Antilles ceased to be a beneficiary when it was dissolved as a political entity in October 2010. Panama ceased to be a CBI beneficiary upon the entry into force of the United States-Panama Trade Promotion Agreement on October 31, 2012. Curaçao is one of the successor entities of the Netherlands Antilles and was designated a CBERA beneficiary effective January 1, 2014 and designated a CBTPA beneficiary on August 18, 2015. U. S. imports from CBI countries reflect the exit and entry of these countries from the CBERA program (see Table 2).

¹Values for U.S. trade with CBERA countries include individual country trade data only for those months in the period during which those countries were eligible for CBERA benefits.

²Domestic exports (excludes re-exports), free alongside ship (FAS) value.

³Imports for consumption, customs value.

⁴Trade balance is domestic exports minus imports for consumption.

⁵Data for U.S. imports and exports for 2019 and 2020 have been updated as of July 1, 2019 based on the latest official revisions from the Census Bureau (the first official revisions for 2019 data will not be available until June 2020).

Source: Compiled from official statistics of the U.S. Department of Commerce (USDOC) (Accessed November 12, 2021). Data reflect all official USDOC revisions for 2016-2020 as of this date.

U.S. imports under the CBI tariff preferences (not including HOPE) increased to \$1.2 billion in 2020, from \$1.1 billion in 2019 and \$1 billion in 2018 (see Table 3). Energy products (petroleum products and methanol) represent 64 percent of U.S. imports under CBI preferences. This increase in 2020, 7.7 percent, was preceded by an increase of 11.6 percent in 2019. The rise in 2020 was primarily driven by a higher value of U.S. imports of petroleum products—from Trinidad and Tobago and most notably Guyana—to \$547.5 million, an 86.7 percent increase from \$293.3 million in 2019. There were no U.S. imports under CBI preferences from Guyana in 2018 and 2019 but then increased to \$263 million in 2020. Apparel imports from Haiti accounted for 15 percent of U.S. imports under CBI preferences (and 42 percent of U.S. imports when including the HOPE Acts). Apparel products from Haiti under the HOPE Acts, declined by 21.7 percent in 2020 to \$576.9 million from \$737.1 million in 2019 (see Table 3). The decline was primarily due to disruptions related to the COVID-19 pandemic. Apparel imports from Haiti under the CBI preferences and the HOPE Acts represent 91 percent of U.S. imports from Haiti, with cotton T-shirts accounting for 28 percent of such imports. The remaining U.S. imports under the CBI preferences were agricultural products, 15 percent, and mining and manufacturing products, 6 percent.

Table 3: U.S. Imports from CBI Countries by Program, 2018-2020 and January-August of 2020 and 2021¹

Import Program	2018	2019	2020	2020 Jan - Aug	20219 Jan - Aug	Change	Change	Change
						2018- 2019	2019- 2020	Jan - Aug
Million \$						Percent		
CBI	1,030.9	1,150.9	1,239.1	816.7	923.5	11.6	7.7	13.1
CBERA	686.8	597.9	512.1	357.1	539.5	-12.9	-14.4	51.1
CBTPA	344.1	553.0	727.1	459.6	384.0	60.7	31.5	-16.4
GSP	32.0	17.9	38.2	21.2	5.4	-44.1	114.0	-74.5
HOPE Acts	661.4	737.1	576.9	341.3	482.3	11.4	-21.7	41.3
Otherwise duty-free	2,934.7	2,835.3	2,406.4	1,484.5	2,670.7	-3.4	-15.1	79.9
Dutiable imports	816.1	406.9	555.7	325.6	1,190.1	-50.1	36.6	265.5
Total	5,475.1	5,148.0	4,816.3	2,989.3	5,272.0	-6.0	-6.4	76.4

¹ Imports for consumption, customs value. U.S. Virgin Islands imports are not included. CBERA data in 2019 incorporate USITC estimates to account for the misclassification of certain imports of methanol as not having received duty

preferences under CBERA when in fact they did. These data will be subject to a forthcoming revision from the U.S. Census Bureau, U.S. government representative email message to USITC staff, July 20, 2021. Data available through USITC's DataWeb or the Census Bureau's USA Trade Online will not incorporate these revisions until the Census Bureau releases its annual revisions in June 2022.

Source: USITC DataWeb/USDOC, accessed November 8, 2021.

CBI Tariff Preferences: Top Sources of U.S. Imports

Trinidad and Tobago has been the leading source of U.S. imports under CBI tariff preferences since 2005 (when excluding HOPE). In 2020, the United States imported \$579.1 million from Trinidad and Tobago under CBI tariff preferences, a decrease of 16.9 percent from 2019 (Appendix 1). Methanol (\$248.6 million), and petroleum and petroleum-related products (\$284.6 million) dominated these imports. In 2020, approximately 96 percent of U.S. imports of methanol (methyl alcohol) from Trinidad entered under CBI provisions. U.S. imports of petroleum and petroleum-related products from Trinidad and Tobago under CBI preferences declined by 3 percent, which was due to lower import volumes and prices.

Haiti has been the second leading source of U.S. imports under CBI tariff preferences since 2009. U.S. imports from Haiti consisted mostly of apparel. In 2020, apparel imports amounted to \$179.6 million under CBI provisions and \$576.9 million under the HOPE Acts (two HOPE Acts and HELP). Apparel accounted for 91 percent of U.S. imports from Haiti and almost all of those imports entered under CBTPA or the HOPE Acts. Such imports together declined by 23.1 percent mostly due to the disruptions related to the COVID-19 pandemic. In 2020, much of the decline in U.S. imports of apparel from Haiti was attributable to decreased imports under the HOPE Acts preferences, which nevertheless once again surpassed apparel imports under CBTPA provisions (Appendix). In 2020, U.S. imports that entered free of duty under the HOPE Acts accounted for about 76 percent of total U.S. duty-free imports of apparel from Haiti.

Guyana was the third leading supplier of U.S. imports under the CBI tariff preferences in 2020. U.S. imports from Guyana under the CBI preferences amounted to \$265.4 million in 2020 (Appendix I). The very large increase in imports from Guyana in 2020 was driven exclusively by petroleum products (crude petroleum oils and oil from bituminous minerals). Imports from Guyana were between \$0.9 and \$4.4 million in 2016 to 2019 and then soared to \$265.4 million in 2020. This large increase in petroleum products is related to the oil discovery and ExxonMobil beginning oil production in December of 2019.

Utilization of CBI preferences varies significantly by beneficiary country. In 2020, imports under CBERA as a share of total U.S. imports from each country ranged from nearly zero percent (British Virgin Islands, Montserrat, and Curaçao) to as high as 93.4 percent (Haiti)¹⁵. In addition to petroleum and other energy-related products and apparel, products such as polystyrene (The Bahamas), electrical equipment (St. Kitts and Nevis), orange juice (Belize), and guavas and mangos (Haiti) were imported in significant amounts under CBI tariff preferences.

¹⁵ Includes both U.S. imports under CBI preferences and the HOPE Acts.

U.S. Exports

Although the CBI program was initially envisioned as a program to facilitate the economic development and export diversification of the Caribbean Basin economies, U.S. export growth to the region has been a corollary benefit. Since the CBI program took effect on January 1, 1984, U.S. domestic exports¹⁶ to the region increased from \$6.1 billion (2.8 percent of U.S. total exports) to a peak of \$26.1 billion (3.2 percent of U.S. total exports) in 2005. Since that time, however, U.S. exports to the region have fallen significantly. Most of the decrease was due to the exit of the countries that joined the CAFTA-DR and the U.S.-Panama TPA;¹⁷ these countries received 68.4 percent of U.S. exports to CBI beneficiaries in 2005, valued at \$18 billion. In 2020, the value of total U.S. exports to CBI countries amounted to \$11.1 billion, a 20.0 percent decrease from the previous year. In 2019, U.S. exports were \$13.9 billion, a 3.3 percent increase from 2018 (see Table 4). Collectively, the CBI region ranked 24th among U.S. export destinations in 2020 and absorbed 0.9 percent of total U.S. exports to the world (see Table 2).

The leading markets for U.S. exports to the CBI region in 2020 were The Bahamas, Trinidad and Tobago, Jamaica, Haiti, and Guyana. These five countries accounted for over 74 percent of U.S. exports to the region in 2020. The leading export categories included refined petroleum products; medical and pharmaceutical donations; rice; civilian aircraft, engines, and parts; wheat; and used vehicles.

Table 4: U.S. exports to CBI Countries, 2016-2020 and January-August of 2020 and 2021 (million USD)

Country	2016	2017	2018	2019	2020	2020 Jan- Aug	2021 Jan- Aug
Antigua Barbuda	233.8	379.6	491.0	464.3	263.4	167.9	307.3
Aruba	737.2	879.4	544.2	488.2	263.3	180.9	240.3
The Bahamas	2,016.8	2,948.2	2,908.9	3,206.1	2,574.4	1,728.1	1,585.5
Barbados	383.2	416.9	466.5	450.4	429.9	264.7	351.8
Belize	246.5	278.3	391.7	391.5	381.2	244.8	248.9
British Virgin Islands	229.9	313.8	681.0	457.4	267.6	193.4	139.3
Curaçao	827.9	652.9	690.3	358.6	312.8	206.1	213.4
Dominica	46.7	152.2	153.4	235.1	92.3	56.1	255.0
Grenada	78.4	94.4	109.7	107.5	89.0	61.7	59.9
Guyana	409.8	348.4	491.2	591.8	601.4	393.2	573.0
Haiti	1,034.5	1,355.1	1,365.3	1,158.4	1,356.0	881.6	854.9
Jamaica	1,507.9	1,969.5	2,463.4	2,323.9	1,537.2	1,030.8	1,169.5

¹⁶ As previously noted, export data in this report refer to domestic exports (FAS) value, unless otherwise noted.

¹⁷ Those countries (and date of entry into force of CAFTA-DR) were El Salvador (March 1, 2006); Honduras and Nicaragua (April 1, 2006); Guatemala (July 1, 2006); the Dominican Republic (March 1, 2007); and Costa Rica (January 1, 2009). Panama ceased to be a designated CBERA beneficiary country with the entry into force on October 31, 2012 of the U.S.-Panama Trade Promotion Agreement.

Montserrat	8.6	8.4	16.8	14.1	10.9	8.6	7.4
St Kitts and Nevis	128.5	223.8	188.1	173.9	121.4	78.4	78.5
Saint Lucia	416.9	537.0	574.8	800.5	597.8	446.5	277.8
St Vincent and the Grenadines	82.9	76.9	78.6	97.5	71.8	42.0	54.3
Trinidad and Tobago	2,086.0	1,569.6	1,862.0	2,604.2	2,172.6	1,549.6	1,420.3
Total	10,475.5	12,204.4	13,476.7	13,923.5	11,142.8	7,534.6	7,837.1

¹Domestic exports, free alongside ship (FAS) value.

Source: Compiled from official statistics of the U.S. Department of Commerce (USDOC) (accessed November 12, 2021).
Data reflect all official USDOC revisions for 2016-2021 as of this date.

CBI Contributions to COVID Efforts

Trade under the CBI played a role in U.S. efforts to combat the COVID-19 pandemic. Medical supplies and medicines were imported from CBI-eligible countries in greater numbers during 2019 and 2020. Measuring this increase was difficult prior to 2020, because many related HTS-10 statistical reporting numbers for COVID related products were basket categories that covered more than one product. Since 2020, there have been several HTS-10 statistical breakouts for COVID-related goods that have made it easier to identify Personal Protective Equipment (PPE) and medical goods.

Below is a table that contains a mix of top COVID and non-COVID-related supplies exported from CBI beneficiary countries. Haiti in particular supplied a large amount of PPE and medical goods to the United States, supporting COVID mitigation efforts. As with all other CBI-eligible imports, a high percentage of these products did not claim a preference program.

Country	Product	All U.S. Imports (CBI-eligible)		U.S. Imports Under CBI	
		2019	2020	2019 CBERA	2020 CBERA
Aruba	Medical consumables and hospital supplies (3401.20.0000)	3,258,070	1,739,122	0	0
The Bahamas	Medicines (2501.00.0000)	18,911,406	22,513,563	0	0
Barbados	PPE (3926.20.1020, 4015.19.1010, 6210.10.5000)	0	723,153	0	0
Curacao	Medicines (2941.90.5000)	6,428,646	0	0	0
Haiti	Apparel, including medical apparel* (6204.62.8021, 6204.63.9010, 6206.30.3041, 6206.40.3030, 6211.42.1056, 6211.43.1060)	29,191,990	37,996,836	29,191,461	37,947,082
Haiti	PPE (6210.10.5000, 6211.42.1081, 6307.90.9889, 6505.00.0100, 6505.00.9089, 9020.00.6000)	1,346,830	5,450,170	1,294,700	1,902,488

* Tariff lines include some apparel that does not fall in the category of medical apparel but the data does not allow disaggregation between medical versus non-medical applications.

Source: USITC DataWeb/Census, accessed November 11, 2021: Data series are imports for consumption over USD \$500 thousand for select countries and import programs.

III. Utilization Potential

Utilization Gap

CARICOM’s use of CBI for exports to the United States continues to be limited. This can be attributed to a rise in competition from other markets and, more importantly, from a lack of awareness by beneficiary countries and their exporting firms of the preferences. The table below captures CBI eligible imports to the United States – the portion that claimed the duty-free preference and the portion that did not. While Barbados, Grenada, and Jamaica claimed CBI preferences on over 90% of eligible goods in 2020, the British Virgin Islands, Montserrat, and St. Vincent and the Grenadines did not use the programs at all when exporting eligible goods.

Table 5: U.S. imports of CBI-eligible tariff lines by beneficiary country, 2020

	CBI	Other Preference Programs	No Program Claimed	Total Imports
Antigua Barbuda	\$35,796	\$9,000	\$1,375,042	\$1,419,838
Aruba	\$31,686	\$0	\$344,045	\$375,731
The Bahamas	\$56,751,037	\$36,165	\$20,811,339	\$77,598,541
Barbados	\$7,217,619	\$0	\$565,642	\$7,783,261
Belize	\$15,439,014	\$9,384,717	\$4,176,299	\$29,000,030
Br Virgin Is	\$0	\$0	\$795,195	\$795,195
Curacao	\$155,058	\$0	\$3,624,063	\$3,779,121
Dominica	\$49,739	\$16,638	\$85,165	\$151,542
Grenada	\$2,484,948	\$76,422	\$68,706	\$2,630,076
Guyana	\$265,394,098	\$17,433,858	\$267,723,007	\$550,550,963
Haiti	\$19,278,969	\$3,667,835	\$29,861,648	\$52,808,452
Jamaica	\$108,842,915	\$7,959,039	\$2,027,756	\$118,829,710
Montserrat	\$0	\$0	\$261,309	\$261,309
St. Kitts-Nevis	\$3,215,612	\$5,784	\$3,180,838	\$6,402,234
Saint Lucia	\$533,822	\$149,086	\$235,150	\$918,058
St. Vincent & the Grenadines	\$0	\$54,710	\$32,016	\$86,726
Trinidad & Tobago	\$579,078,616	\$395,436	\$346,471,149	\$925,945,201

Source: Compiled from official statistics of the U.S. Department of Commerce (USDOC) (accessed December 3, 2021).

Below are select products eligible for CBI preferences that did not claim a preference program during the reporting period.

Margarine and pump parts from Trinidad and Tobago: In 2020, 40 percent (\$255,416) of margarine (USHTS 1517.10.00) exports from Trinidad and Tobago did not claim a preference program. The rest of the total \$639,088 exports entered under CBERA provisions.

Trinidad and Tobago exported \$420,922 of parts of fuel-injection pumps (under USHTS 8413.91.10) to the United States in 2020 and did not claim CBI preferences on any.

Prepared potatoes from Antigua and Barbuda: In 2020, Antigua and Barbuda exported \$236,034 of potatoes (not Solano), prepared or preserved (USHTS 2004.10.80) to the United States. Despite being eligible under CBERA, none of these exports claimed preferences.

Stators and rotors from St Kitts and Nevis: In 2020, the United States imported \$2.3 million of stators and rotors for electric motors (USHTS 8503.00.35, 8503.00.65, 8503.00.95) eligible for CBERA/CBTPA under no preference program. Only \$6,221 in this category claimed CBI preferences.

Electrical transformers from Haiti: The United States imported \$1.3 million of electrical transformers (USHTS 8504.31.40) from Haiti in 2020. Only \$480,414 (or 37 percent) claimed CBERA preferences.

Non-silver jewelry from CBERA beneficiaries: In 2020 CBERA beneficiaries exported a total of \$295,918 of non-silver jewelry (USHTS 7113.19.50) to the United States, most of which did not claim CBI preferences. Only \$45,495 from St Kitts and Nevis and \$11,480 from Antigua and Barbuda claimed CBI preferences. None of the exports from the other beneficiaries claimed preferences, including \$42,049 from Jamaica, \$55,616 from Aruba, and \$52,624 from Barbados.

Since the last time this report highlighted goods not claiming preferences, there have been notable improvements.

- In The Bahamas, plastic household goods were not claiming preferences on two thirds of exports to the United States. In 2019-2020, all imports entered under CBERA provisions.
- In Belize, a quarter of dried kidney beans entering the United States were not claiming preferences. In 2019-2020, 98 percent claimed a preference program.
- In Guyana, over 72 percent of chilled or frozen fish fillets were imported into the United States under no preference program. In 2019 and 2020, 88 percent and 77 percent, respectively, entered the country under CBERA provisions.
- In Jamaica, 86 percent of rum exports were not claiming a preference program during the previous reporting period. In 2020, all eligible rum entered under CBERA.
- In St. Kitts and Nevis, 96 percent of measuring instruments were being exported to the United States under no program. In 2019, all exports came in under CBERA provisions.

Highlights of products from the Caribbean traded with the United States

There are several CBI-eligible products for which there is a significant market demand in the United States. The CBI makes these products particularly competitive from beneficiary countries.

1. Cocoa and Haiti

Cocoa is grown in tropical regions and typically shipped as either whole roasted beans or semi-processed products such as cocoa powder, press cake, or liquor. The cocoa is then further processed to become finished chocolate products. Due to the specific growing conditions necessary, the United States lacks the ability to grow cocoa to satisfy domestic demand. While cocoa beans have an MFN duty of free, processed cocoa generally has an MFN duty¹⁸ making CBI beneficiary exports more competitive than those from countries without preferential access. Haiti is the largest source of U.S. imports of cocoa beans and processed cocoa from CBERA countries. During this reporting period, CBERA countries supplied only 0.04% of total imports of processed cocoa in the United States.

2. Rum and Barbados, Guyana, and Jamaica

Rum is an alcoholic beverage distilled from the fermented juice of sugar cane, sugar cane syrup, sugar cane molasses or other sugar cane by-products. The U.S. produces a small quantity of rum and imports large volumes (HS 2208.40), with total imports of \$144.3 million in 2020. Caribbean nations are the primary sources of total U.S. rum imports, led by Jamaica (\$18.3 million), Barbados (\$13.8 million), and Guyana (\$9.0 million). U.S. rum imports are classified by container size and value per proof liter.

The majority of rum imported by the United States, worth \$123.5 million and accounting for 86 percent of total U.S. rum imports in 2020, is classified as higher value rum on a per proof liter basis, valued at more than \$3 per proof liter and in containers of 4 liters or less.¹⁹ Jamaica and Barbados are the largest and fourth largest suppliers of this rum import category, respectively accounting for \$16.8 million (14 percent) and \$12.4 million (10 percent) in 2020.

The second largest category of U.S. rum imports, worth \$12.5 million and accounting for 8.7 percent of total U.S. rum imports in 2020, is in larger containers (over 4 liters) valued at more than 69 cents per proof liter.²⁰ Within this category, the leading suppliers among CBERA beneficiaries - Guyana and Barbados - supplied \$2.3 million (19 percent) and \$1.2 million (10 percent) of U.S. imports in 2020.

The remaining two categories of U.S. rum imports, both of which represent lower value rum, accounted for a smaller overall share of total U.S. rum imports (a total of 5.8 percent in 2020). Jamaica supplied \$0.8 million (10 percent) of \$7.8 million U.S. imports in this category in 2020.

¹⁸ Many subheadings are subject to dairy or sugar quotas.

IV. Eligibility Criteria

The trade preferences made available under CBI represent a unilateral, non-reciprocal grant of benefits to U.S. trading partners in Central America and the Caribbean. In enacting the CBERA and CBTPA, as well as the HOPE and HELP Acts, the Congress established eligibility criteria for the receipt of these trade preferences. This section reviews the CBERA and CBTPA eligibility criteria, as well as the recent performance of CBI beneficiary countries in meeting these criteria.

The eligibility criteria for the CBI programs fall within three broad categories:

- “mandatory” factors defined in Title II, Section 212 of CBERA as precluding the President from initially designating a country or dependent territory as a CBERA beneficiary;²¹
- additional, discretionary factors also defined in Title II, Section 212 of CBERA, which the President is required to take into account in determining whether to designate countries or dependent territories as beneficiaries under CBERA²²; and
- further criteria, outlines in the CBTPA, which the President is required to take into account in designating beneficiary countries or dependent territories for purposes of receiving the enhanced trade preferences of the CBTPA.²³

CBERA “Mandatory” Criteria

Communist Country:

A country cannot be designated as a CBERA beneficiary country “if such country is a Communist country.”²⁴ No Communist country has requested designation, and none of the current CBI countries is a Communist country.

Nationalization/Expropriation:

The CBERA stipulates that a country is ineligible for CBI benefits if it has expropriated or nationalized property of U.S. citizens, unless the President determines that the country is taking steps to resolve any claims, or if such country has taken steps to repudiate or nullify any existing contracts or agreements as well as any patent, trademark, or other intellectual property under specified conditions.²⁵ The United States is closely monitoring activity with respect to certain beneficiaries, as described in the country reports that follow, and will raise appropriate concerns with relevant countries. At this time, the Administration has not determined that any countries are ineligible under this criterion.

²¹ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(b), 97 Stat. 385 (1983).

²² Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c), 97 Stat. 386 (1983).

²³ Caribbean Basin Trade Partnership Act, Pub. L. No. 106-200, § Sec 211(b)(5)(B), 114 Stat. 284 (2000).

²⁴ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(b)(1), 97 Stat. 385 (1983).

²⁵ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(b)(2), 97 Stat. 385-86 (1983).

Arbitral Awards:

If a country fails to act in good faith in recognizing as binding or enforcing arbitral awards in favor of U.S. citizens or corporations owned by U.S. citizens, such country cannot be designated as a CBERA beneficiary.²⁶ The United States is currently evaluating questions that have been raised with respect to certain beneficiaries, as described in the country reports that follow, and will consider action where appropriate. At this time, the Administration has not determined that any countries are ineligible under this criterion.

Reverse Preferences:

If a country affords preferential treatment to the products of a developed country other than the United States that has or is likely to have a significant adverse effect on U.S. commerce, it is ineligible for designation as a CBERA beneficiary.²⁷

Since 2007, the European Commission has had an Economic Partnership Agreement (EPA) with Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, the Dominican Republic, Grenada, Jamaica, Saint Lucia, St. Vincent and the Grenadines, Saint Kitts and Nevis, Suriname, and Trinidad and Tobago (the CARIFORUM countries). Guyana and Haiti joined the agreement in 2008 and 2009 respectively.

Although the CBERA countries account for a relatively small share of U.S. exports, the Administration will continue to monitor trade flows and evaluate the effects of the EPA on U.S. commerce.

Expropriation of Intellectual Property:

The CBERA excludes from designation any countries that allow the broadcast of copyrighted material, including films or television material belonging to United States copyright owners without their express consent.²⁸ A pervasive problem throughout much of the Caribbean Basin is the unlicensed and unremunerated interception and retransmission of U.S. broadcast and cable programming by local cable operators, which are in some cases government-run. The United States is closely monitoring developments in the intellectual property area with respect to certain beneficiaries, as described in the country reports that follow, and intends to explore ways to address these issues.

Extradition:

The CBERA requires that a country be a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of U.S. citizens.²²

²⁶ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(b)(3), 97 Stat. 386 (1983).

²⁷ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(b)(4), 97 Stat. 386 (1983).

²⁸ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(b)(5), 97 Stat. 386 (1983).

²² Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(b)(7), 97 Stat. 386 (1983).

²³ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c)(8), 97 Stat. 387 (1983).

Worker Rights:

The CBERA excludes from designation any country which “has not or is not taking steps to afford internationally recognized worker rights . . . to workers in the country.” The President is also authorized to consider whether a country has taken or is taking steps to afford workers internationally recognized worker rights.²³ These factors were modified and broadened in the context of country designation criteria under the CBTPA (see below).

CBERA “Discretionary” Factors

Desire to Be Designated:

The CBERA authorizes the President, in designating beneficiary countries, to take into account an expression of a country’s desire to be so designated.²⁹

Economic Conditions:

As part of the initial designation of CBERA beneficiaries, the President is authorized to consider economic conditions and living standards in potential CBI countries.²⁵ The United States maintains a strong interest in conditions of economic development in the Caribbean and Central American countries. The country reports contained in this chapter briefly review current conditions in CBI beneficiary countries.

Market Access/WTO Rules:

The CBERA authorizes the President to consider the extent to which a country has assured the United States that it will provide equitable and reasonable access to the markets and basic commodity resources of the country and the degree to which the country follows the international trade rules of the WTO.³⁰ The eligibility criteria of the CBTPA elaborate on these factors, with a focus on implementation of WTO commitments and participation in negotiations to create a Free Trade Area of the Americas. These factors are examined in the country reports which follow.

Use of Export Subsidies:

The CBERA authorizes the President to consider “the degree to which a [beneficiary country] uses export subsidies or imposes export performance requirements or local content requirements which distort international trade.”³¹ This is examined in the country reports which follow.

Contribution to Regional Revitalization:

The CBERA authorizes the President to consider the degree to which the trade policies of an individual CBI country contribute to the revitalization of the region as a whole.³² Countries in the Caribbean Basin have continued, for the most part, to implement policies that have advanced

²⁹ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c)(1), 97 Stat. 386 (1983).

²⁵ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c)(2), 97 Stat. 386 (1983).

³⁰ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c)(3)-(4), 97 Stat. 386-87 (1983).

³¹ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c)(5), 97 Stat. 387 (1983).

³² Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c)(6), 97 Stat. 387 (1983).

regional economic development and growth. With few exceptions, countries have continued to reform their economies and liberalize trade and investment regimes.

Self-Help Measures:

The CBERA's eligibility criteria requires countries in the region to take steps to advance their own economic development.³³ With varying degrees of success, all current CBI countries appear to be pursuing policies intended to improve the economic prospects of their citizens.

Intellectual Property/Broadcast Copyright Violations:

The CBERA authorizes the President to take into account "the extent to which a country provides adequate and effective legal means for foreign nationals to secure, exercise, and enforce exclusive rights in intellectual property, including patent, trademark, and copyright rights"³⁴ and the extent to which a country prohibits its nationals from broadcasting copyrighted materials, including film and television material, belonging to U.S. copyright owners without their express consent.³⁵ The United States is closely monitoring issues that have been raised with respect to certain beneficiaries, as described in the country reports that follow, and will consider whether further action may be appropriate.

Cooperation in Administration of the CBERA:

The CBERA's eligibility criteria included that CBERA beneficiaries cooperate in the administration of CBI preferences when requested by the U.S. government.³⁶ The CBERA beneficiaries have done so.

CBTPA Eligibility Criteria

In considering the eligibility of the CBI countries and dependent territories that have expressed an interest in receiving the enhanced preferences of the CBTPA, the President is required to take into account the existing eligibility criteria of the CBERA, as well as several additional or revised criteria elaborated in the CBTPA. These additional criteria are:

- whether the beneficiary country has demonstrated a commitment to undertake its obligations to the WTO on or ahead of schedule and participate in the negotiations toward the completion of a free trade agreement and the Free Trade Area of the Americas;³⁷
- the extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the TRIPS Agreement;³⁸

³³ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c)(7), 97 Stat. 387 (1983).

³⁴ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c)(9)-(10), 97 Stat. 387 (1983).

³⁵ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c)(9)-(10), 97 Stat. 387 (1983).

³⁶ Caribbean Basin Economic Recovery Act, Pub. L. No. 98-67, § 212(c)(11), 97 Stat. 387 (1983).

³⁷ Caribbean Basin Trade Partnership Act, Pub. L. No. 106-200, § Sec 211(b)(5)(B)(i), 114 Stat. 284 (2000).

³⁸ Caribbean Basin Trade Partnership Act, Pub. L. No. 106-200, § 211(b)(5)(B)(ii), 114 Stat. 284 (2000).

- the extent to which the country provides internationally recognized worker rights, including:
 - the right of association;
 - the right to organize and bargain collectively;
 - a prohibition on the use of any form of forced or compulsory labor;
 - a minimum age for the employment of children; and
 - acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;³⁴
- whether the country has implemented its commitments³⁹ to eliminate the worst forms of child labor;⁴⁰
- the extent to which the country has met U.S. counter-narcotics certification criteria³⁷ under the Foreign Assistance Act of 1961;⁴¹
- the extent to which the country has taken steps to become a party to and implement the Inter-American Convention against Corruption (IACAC);⁴² and
- the extent to which the country applies transparent, nondiscriminatory and competitive procedures in government procurement and contributes to efforts in international fora to develop and implement rules on transparency in government procurement.⁴³

³⁹ These commitments are defined in 29 U.S.C. § 2467(6).

⁴⁰ Caribbean Basin Trade Partnership Act, Pub. L. No. 106-200, § 211(b)(5)(B)(iv)-(iv), 114 Stat. 285 (2000).

⁴¹ The Narcotics Certification Process was modified as a result of the Foreign Relations Authorization Act, FY 2003 (FRAA), signed into law on September 30, 2002. As a result, the President has the option of submitting a consolidated report identifying all major illicit drug-producing and drug-transit countries and designating those countries that have failed to comply with specified criteria. The President also retains the option to use the previous system involving an affirmative certification of cooperation.

⁴² Caribbean Basin Trade Partnership Act, Pub. L. No. 106-200, § 211(b)(5)(B)(vi), 114 Stat. 285 (2000).

⁴³ Caribbean Basin Trade Partnership Act, Pub. L. No. 106-200, § 211(b)(5)(B)(vi), 114 Stat. 285 (2000).

V. Country Reports: Compliance with Eligibility Criteria

The country reports contained in this section focus particular attention on current performance of CBI beneficiary countries with respect to the eligibility criteria reflected in the CBTPA, as CBTPA is the most recent expression by Congress of U.S. policy objectives linked to the extension of CBI benefits.⁴⁴ The pre-existing eligibility criteria of the CBERA are also reflected in the country reports, where relevant. The United States is carefully monitoring compliance with eligibility criteria and will continue to engage bilaterally with relevant countries to resolve outstanding issues and take action where needed.

Unless otherwise noted, population, gross domestic product (GDP), and per capita GDP figures are drawn from The World Bank DataBank. Trade data are cited in U.S. dollars (customs basis) and are compiled from official statistics of the U.S. Department of Commerce.

Antigua and Barbuda

Economic Review: Antigua and Barbuda is a member of the Organization of Eastern Caribbean States (OECS) and the Eastern Caribbean Currency Union (ECCU). Antigua and Barbuda's 2020 estimated GDP was \$1.38 billion. This represents an approximate 18 percent drop from 2019 due to the impact of COVID-19 on the country's tourism-dependent economy. Short-term forecasts project a sluggish recovery throughout 2021, with the country not projected to return to pre-pandemic levels of growth and tourism until 2024. The economy might struggle to hit its forecasted growth of around 3.4 percent in 2021, and in fact may contract by an additional 10 percent. Unanticipated spending on pandemic response measures, coupled with sharp declines in government revenues, forced the government to increase borrowing in 2020. The country's debt-to-GDP ratio rose from 67 percent at the end of 2019 to 89 percent at the end of 2020.

Indicator	Latest Data
Population*	97,928 (2020)
GDP*	\$1,415,000,000 (2020)
GDP per capita*	\$14,450.00 (2020)
U.S. Exports**	\$291,908,523 (2020)
U.S. Imports**	\$5,254,731 (2020)
Trade Balance**	\$286,653,792 (2020)

Source: The World Bank*; Department of Commerce**

Commitment to Undertake WTO Obligations: Antigua and Barbuda has been a WTO member since 1995 and generally demonstrates a commitment to fulfill its WTO obligations on schedule.

Antigua and Barbuda ratified the WTO Trade Facilitation Agreement (TFA) in 2017 and has already implemented several TFA requirements.

⁴⁴ Criteria for some beneficiary countries are not addressed due to insufficient information.

Market Access/WTO Rules: Antigua and Barbuda treats foreign and local investors equally with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.

Reverse Preferences: During the reporting period, Antigua and Barbuda did not afford preferential treatment to the products of a developed country, other than the United States. Antigua and Barbuda is a member of CARIFORUM, and party to the European Union (EU)–CARIFORUM Economic Partnership Agreement (EPA). CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: Antigua and Barbuda is party to the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The country formally accepted the 2005 Protocol amending the TRIPS Agreement in May 2021. Antigua and Barbuda has an extensive legislative framework that supports IPR protection, but enforcement efforts are inconsistent.

Antigua and Barbuda is a member of the United Nations World Intellectual Property Organization (WIPO). It is a signatory to the Paris Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, and the Berne Convention for the Protection of Literary and Artistic Works.

Antigua and Barbuda has previously sought authorization to retaliate against the United States on intellectual property rights in connection with a WTO Appellate Body ruling. The United States is in strong disagreement with any government decision to violate intellectual property rights.

Intellectual Property/Broadcast Copyright Violations: The United States is unaware of any cases where government-owned entities have broadcast copyrighted material belonging to U.S. copyright-holders without their express consent during the reporting period.

Provision of Internationally Recognized Worker Rights: Antigua and Barbuda has ratified all eight of the ILO core labor conventions. The law provides for the right of public-sector and private-sector workers to form and join independent unions. The law also provides for the right to bargain collectively and conduct legal strikes, but it imposes several restrictions on the right to strike.

Antigua and Barbuda's labor code gives the Minister of Labor the authority to issue orders, which have the force of law, to establish a minimum wage. The law provides that workers are not required to work more than a 48-hour, six-day workweek and be paid for overtime work at 1.5 times the employee's basic hourly wage after exceeding 40 hours in the workweek. The Ministry of Labor puts few limitations on overtime, allowing it in temporary or occasional cases, but it does not allow employers to make regular overtime compulsory.

The law includes occupational safety and health (OSH) provisions. The Ministry of Labor reported that workers are allowed to remove themselves from unsafe situations that endanger their health or safety without jeopardizing their employment. The ministry has the authority to require special safety measures, not otherwise defined in the law, for worker safety.

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced the law when specific complaints were filed. The law prescribes penalties of 20-30 years' imprisonment and significant fines. Antigua and Barbuda remained on Tier 2 of the State Department's 2021 Trafficking in Persons (TIP) Report, due to its efforts to eliminate trafficking.

Antiguan and Barbudan law stipulates a minimum working age of 16 years, although work prohibitions do not apply to family businesses. No list of hazardous work exists for the protection of those younger than 18. In some circumstances, children under 16 are eligible for employment with restrictions, such as working only during non-school hours and working only a certain number of hours. Persons under 18 may not work past 10 p.m., except in certain sectors, and in some cases must have a medical clearance to obtain employment.

Commitments to Eliminate the Worst Forms of Child Labor: Laws contain definitions that collectively constitute the worst forms of child labor, but specific details such as on penalties are not provided in any single statute. Government enforcement of these laws is considered to be effective.

Transparency in Government Procurement: Antigua and Barbuda is not a signatory of the WTO Government Procurement Agreement (GPA). As a member of the OECS, Antigua and Barbuda maintains open and transparent government policies that come under the purview of the Procurement Administration Act 2011. The United States is not aware of any non-competitive bidding procedures. Antigua and Barbuda participates in the development of the Framework for Regional Integration of Public Procurement, which upon implementation, makes provisions for the use of standard bidding documents and standard operating procedures within the Caribbean Community.

Arbitral Awards: The United States is not aware of any cases where Antigua and Barbuda failed to act in good faith in recognizing arbitral awards in favor of U.S. citizens during the reporting period.

Nationalization/Expropriation: There is an unresolved dispute regarding the 2007 expropriation of an American-owned property, the Half Moon Bay Hotel. Following the expropriation, the owners initiated legal action to enforce their rights under Antigua and Barbuda's Land Acquisition Act. A 2014 Privy Council court decision ordered the Government of Antigua and Barbuda to pay the former property owners \$39.8 million in compensation. As of June 2021, the government only paid about \$20 million and the property owners have continued to pursue multiple legal remedies to compel the government to pay the outstanding balance. Antigua and Barbuda appealed a 2018 court decision in favor of the claimants and legal proceedings are ongoing. The claimants continue to pursue recourse in other jurisdictions and in Antigua and Barbuda, with the latest legal filings submitted in 2020.

Extradition: The United States and Antigua and Barbuda have signed a treaty regarding the extradition of citizens, including those from the United States. Both parties are also signatories to a Mutual Legal Assistance Treaty.

Implementation of the Inter-American Convention against Corruption (IACAC): Antigua and Barbuda has ratified the IACAC. Antiguan and Barbudan law provides criminal penalties for corruption by officials, and the government generally implements these laws if corruption is proven. The Integrity in Public Life Act requires all public officials to disclose all income, assets (including those of spouses and children), and personal gifts received while in public office. An independent Integrity Commission, established by the act and appointed by the Governor General, receives and investigates complaints regarding noncompliance with or violations of this law or of the Prevention of Corruption Act. The Office of National Drug and Money Laundering Control Policy is the independent law enforcement agency with specific authority to investigate reports of suspicious activity concerning specified offenses and the proceeds of crime. The Freedom of Information Act gives citizens the statutory right to access official documents from public authorities and agencies and created a commissioner to oversee the process. The Act created a special unit mandated to monitor and verify disclosures. By law, the disclosures are not public. There are criminal and administrative sanctions for noncompliance

Counternarcotics Cooperation: Antigua and Barbuda is not identified as a major drug transit or major illicit drug producing country under the provisions of the Foreign Assistance Act of 1961. Antigua and Barbuda has a working relationship with the United States on counternarcotics operations, resulting in major drug confiscations and maritime interdictions.

As a substantial offshore center with a large financial sector compared to other countries in the Eastern Caribbean, Antigua and Barbuda does continue to be vulnerable to money laundering and other financial crimes. In addition, drug trafficking appears to be increasing. The Office of National Drug and Money Laundering Control Policy has a four-pronged approach to combatting narcotics trafficking and money laundering via the reporting of financial intelligence and investigation, AML/CFT compliance, anti-drug strategy, and counter-narcotics operations. The Royal Police Force of Antigua and Barbuda is responsible for investigating drug trafficking, money laundering, terrorist financing, and other financial crimes.

The United States supports a wide range of efforts designed to address crime and violence affecting citizens of Antigua and Barbuda, primarily through the Caribbean Basin Security Initiative (CBSI). CBSI is a security partnership between the United States and Caribbean countries that seeks to substantially reduce illicit trafficking, advance public safety and citizen security, and promote social justice. Antigua and Barbuda has extradition and mutual legal assistance treaties in force with the United States. Antigua and Barbuda has ratified the Inter-American Convention on Extradition and the Inter-American Convention on Mutual Assistance in Criminal Matters. The United States maintains bilateral agreements with Antigua and Barbuda to suppress illicit traffic by sea.

Export Subsidies: Export subsidies are addressed in the Customs Duties (Dumping and Subsidies) Act of 1959, which was notified to the WTO in 2002. An update to this law is currently under the review by the Ministry of Legal Affairs. Antigua and Barbuda does not mandate

employment of its citizens by foreign investors. The provisions of the Labor Code, however, outline requirements for acquiring a work permit and prohibit anyone who is not a citizen of Antigua and Barbuda (or the OECS) to work without a work permit. As a WTO Member, Antigua and Barbuda is party to the Agreement to the Trade Related Investment Measures. There are no requirements for participation either by nationals or by the government in foreign investment projects. There is no requirement that enterprises must purchase a fixed percentage of goods or technology from local sources, but the government encourages local sourcing.

Self-Help Measures: Diversification of the economy remains a priority and Antigua and Barbuda strongly encourages foreign direct investment (FDI), particularly in industries that create jobs, enhance economic activity, earn foreign currency, and have a positive impact on its citizens. The government remains committed to improving the business climate to attract more foreign investment.

Contribution to Regional Revitalization: Antigua and Barbuda encourages investments that will create jobs and increase exports and foreign exchange earnings. Antigua and Barbuda's trade policies, and in particular those within the OECS and CARICOM, seek to contribute to the revitalization of the CBI region.

Cooperation in Administration of the CBERA: Antigua and Barbuda continues to cooperate with the United States in the administration of CBERA.

Aruba

Economic Review: Aruba has an open economy that encourages free enterprise and competition, maintaining a clear distinction between the public and private sectors. Due to its small scale, minimal manufacturing and the absence of commercially exploitable mineral resources, the island is heavily dependent on imports, and therefore engages in foreign trade on a large scale. Aruba has historically been one of the most developed Caribbean economies with high GDP per capita.

Indicator	Latest Data
Population*	106,766 (2020)
GDP*	\$3,202,000,000 (2020)
GDP per capita*	\$30,253.28 (2018)
U.S. Exports**	\$308,565,433 (2020)
U.S. Imports**	\$34,124,575 (2020)
Trade Balance**	\$274,440,858 (2020)

Source: The World Bank*; Department of Commerce**

COVID-19 has caused unprecedented disruption to economic activity, triggering Aruba's deepest recession in history, but the policy response was swift. Tourism came to a complete halt during in 2020 causing ripple effects across the economy. Real GDP is estimated to have shrunk by 25.5 percent in 2020, with considerable strain to the labor market and business sector. The Central Bank of Aruba eased monetary and macroprudential policies, supporting private credit despite the deep output contraction. Financial loan packages from the Netherlands kept the economy afloat.

The economic constraints are largely explained by a lack of diversification of the economy. In a normal year, tourism accounts for 86.5 percent of Aruba's GDP and 87 percent of employment (42,000 jobs). Tourism is the only sector experiencing growth, with cruise tourism leading. Stay-over tourism from the United States is rebounding fast after the initial halt and is reaching pre-COVID numbers. Despite some positive signs for tourism, the Aruban government had depended on a restart of its oil refinery to both provide increased non-tourism employment and much needed tax revenue to help alleviate their budget deficit. Over one million tourists per year visit Aruba on average, with a large majority of those from the United States.

Commitment to Undertake WTO Obligations: In 1995, the Kingdom of the Netherlands accepted the WTO Treaty on behalf of Aruba but the Government of Aruba has not finalized its WTO accession process. Aruba entered the WTO Agreement on Government Procurement (GPA) which came into force on July 4, 2014. Aruba enjoys an autonomous status under the Statute of the Kingdom of the Netherlands, as modified with respect to Aruba in 1986. Aruba does not form part of the European territory of the Kingdom of the Netherlands. The Kingdom of the Netherlands is a member state of the European Economic Community, but the Treaty establishing the European Economic Community applies fully only with respect to its territory in Europe. Aruba has also not sought free trade agreements other than with its fellow Dutch Caribbean islands. Since foreign relations fall under "Kingdom affairs," only the Kingdom of the Netherlands can conclude treaties.

Market Access/WTO Rules: Aruba's long-standing customs duties on all imports are high.

Reverse Preferences: Preferential treatment is not afforded to the products of a developed country, other than the United States.

Protection of Intellectual Property: Aruba is a party to the Paris Convention for the Protection of Industrial Property and to other treaties related to IP, such as the Patent Cooperation Treaty and the Berne Convention for the Protection of Literary and Artistic Works. Aruba is additionally a contracting party of the Nice Agreement and the Vienna Agreement. The Government of Aruba has drafted an Industrial Design Act, and artistic works are protected by Aruba's Copyright Act and the Berne Convention.

Aruba's Bureau of Intellectual Property (IPR) registers trademarks and copyrights and includes a patent division.

Intellectual Property/Broadcast Copyright Violations: The United States is not aware of IP/broadcast copyright violations occurring in Aruba during the reporting period. The Government of Aruba Telecommunications Bureau monitors media to protect U.S. right holders and to ensure royalties are paid if warranted.

Provision of Internationally Recognized Worker Rights: Employees are free to associate with workers' organizations and trade unions. The statutory limit on working hours is 8½ hours per day or 48 hours per week. Each employee is legally entitled to paid holidays of at least 15 workdays per year. As of May 1, 2019, the minimum wage is 1,815.35 Aruban florins (U.S. \$1,019.85) per month or 423.40 Aruban florins (U.S. \$237.85) per week.

The Technical Inspection Service promotes safety in the broadest sense by optimizing working conditions of employees in companies and examining unsafe situations and accidents. Employers are required to insure employees against workplace accidents so that they receive financial compensation if they suffer injury at work.

Aruba's laws prohibit all forms of forced or compulsory labor, and labor trafficking is criminalized with sufficiently stringent penalties. However, for the second consecutive year, Aruba remained on the Tier 2 Watch List in the State Department's 2021 TIP Report, due in part to the lack of prosecutions and convictions of traffickers during the reporting period. The minimum working age in Aruba is 15 years.

Commitments to Eliminate the Worst Forms of Child Labor: The Kingdom of the Netherlands is responsible for safeguarding fundamental human rights and freedoms in its territories. Child labor is prohibited. Inspectors of the Ministry of Education, Sport and Culture enforce laws and policies to protect children. The United States is not aware of any reports of child labor during the reporting period. Since 2012, education is compulsory for all children and minors in Aruba up to 18 years of age.

Transparency in Government Procurement: Aruba is a signatory to the WTO GPA.

Arbitral Awards: The United States is not aware of any case where Aruba failed to act in good faith in recognizing arbitral awards in favor of U.S. citizens during the reporting period. Aruba's judicial system, which is derived mainly from the Dutch system, operates independently. Jurisdiction lies with the Joint Court of Justice of Aruba and the Supreme Court of Justice in the Netherlands.

Nationalization/Expropriation: The United States is not aware of any cases where the government of Aruba nationalized or expropriated the property of U.S. citizens or corporations during the reporting period.

Extradition: Aruba is party to the extradition treaty between the Kingdom of the Netherlands and the U.S. signed in The Hague in 1980.

Implementation of the Inter-American Convention against Corruption (IACAC): While Aruba is not a signatory of the IACAC (responsibility for international agreements is legally held by the Kingdom of the Netherlands), Aruba pursues an active anticorruption policy in coordination with the Kingdom of the Netherlands. Aruban laws provide criminal penalties for official corruption. There were isolated reports of government corruption over recent years and all of these cases have gone to court and most led to a conviction or are still under investigation. There are no laws requiring financial disclosure; however, for most senior positions, each organization has its own regulations to avoid conflicts of interest. Aruba has no Ombudsman.

Counternarcotics Cooperation: Aruba is a partner in U.S. counternarcotics activities. The Aruban police force, Korps Politie Aruba, is one of the strongest regional partners in the fight against narcotics trafficking. They regularly conduct operations and cooperate with U.S. law enforcement agencies to counter the flow of illicit drugs in the Caribbean to Europe and the U.S. The obligations of the Netherlands as a party to the 1961 UN Single Convention on Narcotic Drugs, as amended, and the UN Convention against Transnational Organized Crime and its three Protocols apply to Aruba, Curaçao, and Sint Maarten. Aruba and Curaçao have demonstrated their commitment to the counter narcotics effort by continued support for a USAF Forward Operating Location (FOL) at the Curacao Hato International Airport as well as a smaller FOL at Reina Beatrix International Airport in Aruba. Under the agreement, signed in 2000, U.S. military aircraft conduct counter narcotics detection and monitoring flights over both the source and transit zones from commercial ramp space. Aruba also hosts the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) preclearance personnel at Reina Beatrix airport. These officers occupy facilities financed and built by the Government of Aruba. CBP Aruba is regularly involved in significant seizures of cocaine.

Export Subsidies: The Government of Aruba does not offer export subsidies or impose trade-distorting export performance or local content requirements.

Self-Help Measures: The Government of Aruba has a six-point plan to diversify the economy which includes construction of a new airport and the promotion of new niche tourism markets, innovation, agriculture, logistics, and the creative arts. Aruba promotes entrepreneurship and small business activity by means of conferences and specific workshops geared towards increasing business knowledge and business tools.

Aruba is currently in negotiations with U.S. consortium Quanten to restart a major refinery. Financial supervision is exercised by the Kingdom Council of Ministers, which is comprised of the Dutch cabinet plus the Ministers Plenipotentiary of Curaçao, Aruba, and Sint Maarten.

Contribution to Regional Revitalization: Aruba trades with regional partners for a broad spectrum of merchandise. Aruba's open trade policies stimulate trade within and outside the region.

Cooperation in Administration of the CBERA: Aruba continues to cooperate with the United States in the administration of the CBERA and its Department of Economic Affairs regularly promotes CBERA to the business community.

The Bahamas

Economic Review: The World Bank recognizes The Bahamas as a high-income, developed country. The statistics are driven by a small percentage of high-net-worth individuals while most Bahamians earn far less. The Bahamian economy continues to grapple with the dual economic crises of Hurricane Dorian in

Indicator	Latest Data
Population*	393,284 (2020)
GDP*	\$11,250,000,000 (2020)
GDP per capita*	\$28,607.90 (2020)
U.S. Exports**	\$2,804,911,165 (2020)
U.S. Imports**	\$275,089,186 (2020)
Trade Balance**	\$2,529,821,979 (2020)
Source: The World Bank*; Department of Commerce**	

September 2019 and the global COVID-19 pandemic. According to Standard & Poor's (S&P), following a decline in GDP of 16 percent in 2020, representing a loss of more than \$2 billion in real GDP, a return to growth is expected in 2021. S&P lowered the country's credit rating at the end of 2020 to BB- from BB due to deeper than expected financial shocks to tourism and growing debt concerns. Unemployment projections range between 35 and 45 percent.

With few natural resources and a limited industrial sector, the Bahamian economy is heavily dependent on tourism, including tourism-related construction and financial services. The government encourages Foreign Direct Investment (FDI) and these sectors have traditionally attracted the most financing. Tourism and related services contribute approximately 70 percent of the country's GDP and employ just over half of the workforce. Prior to the COVID-19 pandemic, more than seven million tourists, 80 percent American, visited the country annually. Although tourism is on rebound, the sector continues to feel the impact of the pandemic, impacting the country's main source of revenue. Financial services constitute the second most important sector of the economy, accounting for up to 15 percent of GDP.

The COVID-19 pandemic has renewed debate about the country's dependence on tourism and vulnerability to external shocks, leading to calls for economic diversification, including development of light manufacturing, agriculture, and renewable energy. Grand Bahama, the most northern Bahamian island, depends less on tourism and has the most diversified economic activity of any island in the country. The city of Freeport on Grand Bahama is a free trade zone, and its industrial sector includes a container port, shipyard, oil refining, storage and transshipment, and cement and pharmaceutical manufacturing. Many U.S.-based businesses operate in these industrial sectors.

The Bahamas' economic recovery remains tied to the successful revival of the tourism industry, managing debt obligations, and maintaining fiscal responsibility. The FY2021/2022 national budget increases spending in response to COVID-19 and includes historic levels of borrowing and tax concessions. As a result, the Government estimated a \$1.37 billion deficit in the FY2021/2022 budget with total debt reaching nearly \$10 billion or 83 percent of GDP.

Commitment to Undertake WTO Obligations: The Bahamas is one of the only countries in the Western Hemisphere that is not in the WTO and has had a protracted accession process since first applying for membership in 2001. In 2018, the government set a goal of WTO accession by the

end of 2019, however The Bahamas later confirmed it was unlikely to happen before 2025. The Bahamas continues to review various policies and legislation to ensure their alignment with international best practices. Although no trade-related legislation has been enacted during the reporting period, the government confirms WTO-complaint legislation and regulations have been drafted to satisfy obligations under *The Agreement on the Application of Sanitary and Phytosanitary Measures* (SPS Agreement), *The Agreement on Technical Barriers to Trade* (TBT Agreement), *The Agreement on Trade-Related Investment Measures* (TRIMS), *The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*, *The Agreement on Import Licensing Procedures*, and TRIPS.

Market Access/WTO Rules: The Bahamas reserves 15 sectors of the economy for Bahamian investors: wholesale and retail operations (although international investors may engage in the wholesale distribution of any product they produce locally); agencies engaged in import or export; real estate agencies and domestic property management; domestic newspapers and magazine publications; domestic advertising and public relations firms; nightclubs and restaurants except specialty, gourmet, and ethnic restaurants, and those operating in a hotel, resort or tourist attraction; security services; domestic distribution of building supplies; construction companies except for special structures requiring foreign expertise; personal cosmetic or beauty establishments; commercial fishing including both deep water fishing and shallow water fishing of crustaceans, mollusks, fish, and sponges; auto and appliance services; public transportation including boat charters; and domestic gaming. The government does make exceptions to this policy on a case-by-case basis, and the United States is aware that the Bahamian government regularly grants foreign investors full market access in these sectors.

Except for these reserved sectors, the Bahamian government does not give preferential treatment to investors based on nationality. Investors have equal access to incentives, including land grants, tax concessions, and direct marketing and budgetary support. The government provides guidelines for investment through its National Investment Policy, administered by the Bahamas Investment Authority, and through the Commercial Enterprises Act administered by the Ministry of Financial Services, Trade & Industry and Immigration.

Reverse preferences: During the reporting period, The Bahamas did not afford preferential treatment to the products of a developed country, other than the United States. The Bahamas is a member of CARIFORUM, and party to the EU–CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: The Bahamas has not ratified the TRIPS Agreement since it is not a Member of the WTO. It has been a Member of WIPO since 1977 but has not ratified the WIPO Internet treaties. In 2015, The Bahamas passed legislation to establish a new Intellectual Property Rights (IPR) framework.

As part of its protracted WTO accession process and in response to pressure from the business community, the government is taking steps to strengthen its IP regime to protect local and foreign

investors. These new regulations will cover patents, trademarks, copyrights, integrated circuits, false trade descriptions, protection of new plant varieties, and geographic indicators. The government anticipates the new regulations implement obligations under the TRIPS Agreement.

The Bahamas' intellectual property registry is maintained by the Department of the Registrar General and enforcement responsibility is coordinated by the Royal Bahamas Police Force with support from Bahamas Customs. The Copyright Royalty Tribunal is responsible for royalty-related activities, such as collecting and distributing royalties. In late 2020, the government announced plans to develop a functional and efficient Intellectual Property/Copyright Legislative Department and accelerate the digitization of intellectual property registration and interconnectivity of government agency systems.

Provision of Internationally Recognized Workers Rights: The Bahamas is a party to ILO conventions related to the rights of association, collective bargaining, and the prohibition on the use of compulsory and child labor. The law provides for the right of workers to form and join independent unions, participate in collective bargaining, and conduct legal strikes. The law prohibits anti-union discrimination.

The minimum wage of USD/BSD \$5.25 per hour is above the established poverty income level. The law provides for a 40-hour workweek, a 24-hour rest period, and time-and-a-half payment for hours worked beyond the standard workweek. The law prohibits compulsory overtime but does not place a cap on overtime. Workers do not have the right to refuse to work under hazardous conditions.

The law prohibits all forms of forced or compulsory labor. The Bahamas remained on Tier 1 of the State Department's 2021 TIP Report for its efforts to eliminate trafficking.

Child labor laws are in line with international standards, as the minimum age for work is 14, and the minimum age for hazardous work is 18. However, the types of hazardous work prohibited for children have not been identified.

Commitments to Eliminate the Worst Forms of Child Labor: Bahamian law prohibits the worst forms of child labor. The government generally enforced its child labor laws, periodically inspecting grocery stores and other establishments known to employ minors to ensure the enforcement of laws governing child labor. Nevertheless, some children in The Bahamas have become victims of child labor, particularly among undocumented migrant communities. The Bahamian Department of Labour received no reports of significant violations of child labor laws during the reporting period.

Transparency in Government Procurement: The Bahamas is not a signatory of the WTO GPA. Although international and domestic investments remain relatively consistent, the Bahamian government does not have modern procurement legislation. U.S. and domestic companies have reported perceived corruption in government procurement and in the FDI approvals process as obstacles. These companies complain the tender process for public contracts is inconsistent, and it is difficult to obtain information on the status of bids.

To increase levels of accountability and transparency, the government launched an e-procurement and suppliers registry system in 2019 and passed a Public Procurement Bill in March 2021. The Public Procurement Bill will be fully enacted on September 1, 2021 and will overhaul the government contracting process. The government promotes the legislation as “a standard bearer of modern, progressive procurement standards.”

Nationalization/Expropriation: Property rights are protected under Article 27 of the Bahamian constitution, which prohibits the deprivation of property without prompt and adequate compensation. The United States is not aware of any cases where the government nationalized or expropriated the property of a U.S. citizen or corporation during the reporting period.

Extradition: The Bahamas and the United States cooperate closely on extradition matters. The Bahamas ratified the 1987 Treaty on Mutual Legal Assistance in Criminal Matters and the 1990 Extradition Treaty with the United States.

Implementation of the Inter-American Convention against Corruption (IACAC): The Bahamas ratified the IACAC in 2000, and has been a party to the mechanism for follow-up on the implementation on the IACAC since 2001. The Bahamas has national anti-corruption and anti-bribery laws in place, including criminal penalties for corruption by public officials including a fine of up to \$10,000, a prison term of up to four years, or both. However, there was limited enforcement of conflicts of interest related to government contracts and isolated reports of officials engaged in corrupt practices, including by accepting small-scale “bribes of convenience”. The political system is beleaguered by reports of corruption, including allegations of widespread patronage, the routine directing of contracts to political supporters, and favorable treatment for wealthy or politically connected individuals.

In May 2017, the previous government won the national election on a platform to end corruption. Early in the administration, the government charged several former officials with crimes including extortion and bribery, theft by reason of employment, and defrauding the government. These cases were either dismissed, ended in acquittals, or are ongoing. The government reported no new cases of corruption in the executive, legislative, or judicial branches during 2020. Nevertheless, three Cabinet Ministers resigned in the first three years of the previous administration under allegations of corruption, including the Deputy Prime Minister, the Minister of Financial Services, and the Minister of Youth, Sports and Culture.

Counternarcotics Cooperation: The Bahamas is a party to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and has cooperated extensively with the United States on counternarcotics and law enforcement issues. The island is identified as a major drug transit or major illicit drug producing country under the provisions of the Foreign Assistance Act of 1961, but continues to meet certification criteria under the Act.

To counter drug trafficking concerns, U.S. Government assistance aims to increase the Royal Bahamas Police Force law enforcement and counternarcotic capabilities to enhance its ability to participate in Operation Bahamas, Turks and Caicos (OPBAT), a multi-national, interagency security effort, which maintains a 24/7 watch over the northern Caribbean basin from its small operations center inside the U.S. Embassy in Nassau. OPBAT operations in The Bahamas

employ DEA, U.S. Coast Guard, and CBP resources in conjunction with local law enforcement to intercept shipments of illegal drugs and conduct investigations into possible shipment efforts. The Bahamas has partnered with the other Caribbean nations and the United States under the CBSI.

Export Subsidies: The United States is not aware of any export subsidies or trade-distorting practices during the reporting period. To enhance food security, promote economic diversification, and ensure market access for local producers, the Bahamian government recently announced 40 percent of food items purchased by hotels and restaurants must come from local farmers and fishers. This policy is not yet supported by legislation, although several international companies have complied as part of their corporate social responsibility initiatives

Self-Help Measures: The Bahamas regularly enacts economic legislation with the goals of creating jobs, earning foreign exchange, transferring technology, enhancing skills, and contributing to economic growth. The government continues to focus on the diversification of the economy to accelerate economic recovery and transform development.

In 2018, the government launched the Small Business Development Centre (SBDC) to provide business advisory services, training, professional development opportunities, incubation services, access to capital, and advocacy for small and medium enterprises, which represent 85 percent of registered businesses. In response to the pandemic, in mid-2020 the government earmarked \$250 million over five years for loans and grants to local small and medium enterprises. In April 2020, the government appointed the Economic Recovery Committee, a public-private coalition to develop recommendations for government policies to address the economic impact of the COVID-19 pandemic and transform the Bahamian economy.

Contribution to Regional Revitalization: There is limited trade between The Bahamas and other CBI beneficiary countries. However, CBI remains important for The Bahamas as its most significant export, polystyrene pellets, receives preferential access under the program.

Cooperation with the United States in the administration of CBERA: The Bahamas government and select members of the private sector cooperate in the administration of CBERA.

Barbados

Economic Review: Barbados remains the largest economy in the Eastern Caribbean. Barbados’s GDP was 4.63 billion USD in 2020. The economy contracted by 11.6 percent in 2020 due to the impact of COVID-19 on the country’s tourism-dependent economy. Short-term forecasts project a slow recovery throughout 2021, with a gradual return to pre-pandemic levels by 2024. The economy has been further rattled by the impact of the ashfall from the April 2021 eruptions of neighboring La Soufriere volcano in St. Vincent and the July 2021 damage caused by the passage of Hurricane Elsa.

Indicator	Latest Data
Population*	287,371 (2020)
GDP*	\$4,365,000,000 (2020)
GDP per capita*	\$15,191.16 (2020)
U.S. Exports**	\$504,736,218 (2020)
U.S. Imports**	\$47,920,960 (2020)
Trade Balance**	\$456,815,258 (2020)

Source: The World Bank*; Department of Commerce**

The government of Barbados entered a standby arrangement with the IMF in late 2018. The \$290 million USD Barbados Economic Recovery and Transformation (BERT) program aims to decrease the debt-to-GDP ratio, strengthen the balance of payments, and stimulate growth. While the government was on track to meet its IMF targets pre-pandemic, the program dampened income and spending power due to public sector layoffs, the introduction of new indirect taxes, and a decline in the construction sector. The impact of the pandemic required the IMF to adjust the program targets downwards several times. The IMF approved additional lending in 2020 and 2021.

Commitment to Undertake WTO Obligations: Barbados has been a member of the WTO since 1995, and it has generally demonstrated a commitment to fulfill its WTO obligations on schedule. Barbados ratified the WTO TFA in 2018 and has begun implementing TFA requirements.

Reverse Preferences: During the reporting period, Barbados did not afford preferential treatment to the products of a developed country, other than the United States. Barbados is a member of CARIFORUM, and party to the EU–CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: Barbados is party to the TRIPS Agreement. Barbados formally accepted the 2005 Protocol amending the TRIPS Agreement in April 2020. The island remains a WIPO member and party to relevant treaties, including the Berne Convention on Literary and Artistic Works and the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks. Barbados’s domestic legislation covers a wide range of rights, including patents, trademarks, industrial designs, copyrights, integrated circuit topographies, plant breeders’ rights, geographical indications, and unfair competition.

Barbados remains on the Watch List in the USTR's 2021 Special 301 report because of concerns about the unauthorized retransmission of U.S. broadcasts and cable programming by local cable operators in Barbados, particularly state-owned broadcasters, without adequate compensation to U.S. right holders. The United States also has continuing concerns about the refusal of Barbadian TV and radio broadcasters and cable and satellite operators to pay for public performances of music.

Provision of Internationally Recognized Worker Rights: Barbados has ratified all eight of the ILO's core conventions. The law of Barbados provides for the right of workers to form and join unions and conduct legal strikes, but it does not specifically recognize the right to collective bargaining. Moreover, the law does not obligate employers to recognize unions or to accept collective bargaining. The law prohibits antiunion discrimination and protects workers engaged in union activity.

The minimum wage for household workers and shop assistants increased to USD \$4.25 per hour in April 2021. The standard legal workweek is 40 hours in five days. The law requires overtime payment of time-and-a-half for hours worked in excess of the legal standard and prescribes that all overtime must be voluntary. The law does not set a maximum number of overtime hours. The government set occupational safety and health standards that were current and appropriate for its industries.

The constitution prohibits all forms of forced or compulsory labor, and labor trafficking is criminalized. However, for the third consecutive year, Barbados remained on the Tier 2 Watch List in the State Department's 2021 TIP Report, due in part to minimal efforts to prosecute trafficking cases.

The Employment Act sets the minimum employment age at 16 for certain sectors, including mines, quarries, manufacturing, construction, and demolition work. The minimum age for hazardous work is set at 18, but the types of prohibited hazardous work are not identified.

Commitments to Eliminate the Worst Forms of Child Labor: Barbados practices a no-tolerance policy relating to child labor, in accordance with its Constitution of 1966 and ILO conventions. Barbados has laws prohibiting the worst forms of child labor. The Ministry of Labor is responsible for enforcing child labor laws.

Transparency in Government Procurement: Barbados is not a signatory to the WTO GPA. The Public Procurement Act of 2018 governs public procurement and promotes transparency, integrity, efficiency, value for money, and fair competition. The General Tenders Committee follows competitive bidding standards for most contracts and acquisitions, and it oversees the procurement process with respect to goods and services above specified limits. The Cabinet of Barbados is the approving authority for procurement below the specified limits for the GTC. The Drug Tenders Committee oversees the procurement of drugs and pharmaceuticals. The Public Procurement Act also establishes a tribunal for complaints against the public procurement process. Barbados recently announced that a new Public Procurement Bill will be introduced before the end of 2021. Barbados is party to the development of the Framework for Regional Integration of Public Procurement and the negotiation of the CARICOM Protocol on Public

Procurement, which upon implementation will regulate the use of Standard Bidding Documents and Standard Operating Procedures within the Caribbean Community (CARICOM).

Nationalization/Expropriation: The United States is not aware of any expropriation cases against U.S. citizens or corporations during the reporting period. Civil law protects physical property and mortgage claims. The Barbados constitution and the Companies Act (Chap. 308) contain provisions permitting the government to acquire property for public use upon prompt payment of compensation at fair market value.

Implementation of the Inter-American Convention against Corruption (IACAC): Barbados has signed and ratified the IACAC. Barbados provides criminal penalties for official corruption, and the government generally implements these laws effectively. In 2012, Barbados enacted the Prevention of Corruption Act, which includes standards of integrity in public life. In addition, the Integrity in Public Life Bill of 2018, currently pending in parliament, seeks to establish an integrity commission, to promote the integrity of government officials, and strengthen measures for the prevention, detection, investigation, and prosecution of acts of corruption.

Counternarcotics Cooperation: Barbados is not identified as a major drug transit or major illicit drug producing country under the provision of the Foreign Assistance Act of 1961. The Barbados Police Service has a Drug Squad focusing on the policies, goals, strategies, and legislation to combat narcotics trafficking. Barbados is a regional financial center with a sizeable international banking company presence. The country's susceptibility to money laundering is primarily associated with the domestic sale of illegal narcotics and the laundering of foreign criminal proceeds.

The United States supports a wide range of efforts designed to address crime and violence affecting citizens of Barbados, primarily through the CBSI. The United States enjoys strong operational cooperation with Barbados on drug control matters and maintains bilateral agreements with Barbados to combat illicit traffic by sea.

Belize

Economic Review: Belize is a small, open economy whose primary sectors are agriculture, tourism, and services. The country has the lowest population density in Central America, which impedes economies of scale. Given its limited domestic market, trade is particularly important to the economy, but poor infrastructure adds to the cost of transportation to both domestic and international markets.

Indicator	Latest Data
Population*	397,621 (2020)
GDP*	\$1,764,000,000 (2020)
GDP per capita*	\$4,435.62 (2020)
U.S. Exports**	\$395,103,774 (2020)
U.S. Imports**	\$51,352,794 (2020)
Trade Balance**	\$343,750,980 (2020)
Source: The World Bank*; Department of Commerce**	

Belize's economy is vulnerable to internal and external shocks. Recent shocks included the COVID-19 pandemic, floods and natural disasters, drops in commodity prices, and agricultural disease, all of which have negatively impacted the economy in the last several years. Additionally, Belize's economy was among the hardest hit in the region by the pandemic. The outbreak of COVID-19 and related mitigation measures further aggravated the country's economic deterioration, particularly in the services sector. GDP fell by 14.1 percent in 2020, with lower output across all major sectors of the economy.

The CBI continues to be a highly beneficial trade program for the Government of Belize and the Belizean private sector. Under the CBI, Belize enjoys duty-free access for a substantial part of its agricultural exports to the United States. In 2020, Belize exported 48.66 million USD and imported 316.96 million USD from the United States. Exports to the U.S. market increased by almost ten percent between 2019 and the pandemic year of 2020, which indicates a high level of confidence in the market demand of the United States and the established linkages between Belizean and U.S. businesses.

In 2016, the United Kingdom overtook the United States as Belize's largest export market. The reasons for this shift include increased market access for Belizean products through the EPAs with the European Union and recently with the United Kingdom. Additionally, traditional exports, including petroleum, papaya, farmed shrimp and other marine products, destined for the United States have fallen since 2016. Belize's foreign investment regime is generally open, with 100 percent foreign ownership permitted in most sectors.

Belize maintains its long-standing exchange rate pegged to the U.S. dollar.

Commitment to Undertake WTO Obligations: Belize has been a WTO Member since 1995. It completed a Trade Policy Review in 2017 and has generally demonstrated a commitment to fulfill its WTO obligations on schedule.

Market Access/WTO Rules: U.S. firms have identified challenges in participating and competing in areas related to the bidding, procurement, and dispute settlement processes, particular with state owned enterprises (SOEs).

Reverse Preferences: During the reporting period, Belize did not afford preferential treatment to the products of a developed country, other than the United States. Belize is a member of CARIFORUM, and party to the EU–CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule. Belize and the Republic of China (Taiwan) signed an Agreement on Economic Cooperation as well as an Open Sky Air Services Agreement in 2020.

Protection of Intellectual Property: Belize is a party to the WTO TRIPS Agreement. The country acceded to six major intellectual property treaties in 2018 to enhance protection to copyright owners. The Belize Intellectual Property Office administers intellectual property laws and it functions as Belize’s national intellectual property registry. Its mandate covers the protection of copyrights, industrial designs, patents, trademarks, new plant varieties, and layout designs (topographies) of integrated circuits. In spite of this, counterfeit goods including pirated clothes, cigarettes, CDs, and DVDs are available throughout the country as well as in the duty-free zones.

Intellectual Property/Broadcast Copyright Violations: The United States is not aware of any government-owned entity that broadcast copyrighted material belonging to U.S. copyrighted holders without consent during the reporting period. Local cable companies and television stations do broadcast content pirated from U.S. television networks and cable channels.

Provision of Internationally Recognized Worker Rights: Belize has ratified all eight of the ILO core labor conventions. The law generally provides for the right of association, the right to organize and bargain collectively, and the right to establish and join independent trade unions and conduct legal strikes. The ability of labor unions to exercise these rights is demonstrated by recent union activities.

In 2021, three major labor unions, the Belize National Teacher’s Union, Public Service Union, and Association of Public Service Senior Managers, sustained a five-week long strike against the government’s decision to cut salaries by ten percent and implement a three-year freeze on salary increments for all government employees earning more than U.S. \$6,000 per year.

Additionally, stevedores at the Port of Belize have been publicly at odds with the Port of Belize management since March 2020. They have threatened industrial action, walked off the job, and engaged in strikes that have turned violent. In August 2020, however, the Port of Belize Limited and the Christian Worker’s Union, representing the stevedores, signed a three-year collective bargaining agreement.

The national minimum wage is USD 1.70 per hour. The law sets the work week at no more than six days or 45 hours and requires payment for overtime work. Belizean employers are obligated to take reasonable care for the safety of employees in the course of their employment. In cases

where employers provide lodging, they are required to provide and maintain sufficient and hygienic housing accommodations, access to clean water, and proper sanitary arrangements.

In Belize, all forms of forced or compulsory labor are prohibited by law, and labor trafficking is criminalized. However, Belize remained on the Tier 2 Watch List of the State Department's 2021 TIP Report for the third consecutive year, due to a lack of efforts to eliminate trafficking. During the reporting period, it initiated fewer trafficking investigations, did not convict any traffickers, and identified fewer victims of trafficking.

Belizean law related to working children does not conform to international standards because it sets the minimum age for employment at age 12. However, the minimum legal age for work in wholesale and retail trade or business is set at age 14. Belizean law also is inconsistent with international standards on hazardous work. Children under age 14 are prohibited from working in industrial undertakings—including activities such as mining, manufacturing, and construction—but children over age 14 are explicitly permitted to work in those types of activities. Although Belizean law indicates that children under age 18 are prohibited from being employed or engaged in any activity that may be detrimental to their health, education, or mental, physical, or moral development, the law does not specify which employment activities are detrimental to children.

Commitments to Eliminate the Worst Forms of Child Labor: According to DOL's 2020 *Findings on the Worst Forms of Child Labor*, Belize made minimal advancement in its efforts to eliminate the worst forms of child labor. In 2020, the National Child Labor Committee, along with its affiliates, validated the Protocol for Accompanied and Unaccompanied Minors, which outlines steps a labor inspector should take if one comes across a child laborer during an inspection. However, in addition to minimum age laws not meeting international child labor standards, Belize lacks prohibitions against the use of children in illicit activities.

Transparency in Government Procurement: Belize is not a signatory of the WTO GPA. Belize's Finance and Audit (Reform) Act of 2005 provides standards to ensure regulation of public revenue, expenditure, and contracting. The Government must submit purchases of over USD 2.5 million to open tendering. The Ministry of Finance outlines additional policies and procedures for government procurement in the Belize Stores Orders and Financial Orders. The Manual for the Control of Public Finances provides the framework for the registration and use of public funds to procure goods and services.

The Office of the Auditor-General (OAG) was established under Section 109 of the Belize Constitution Act as an independent fact-finding body to hold government accountable for its stewardship of public funds and all other public property for the benefit of all Belizeans. The OAG is the supreme audit institution of Belize and is empowered to audit ministries, departments, and statutory bodies. The Auditor-General is appointed by the Governor-General, with the advice of the Public Services Commission and concurrence of the prime minister after consultation with the leader of the opposition.

Despite these legislative and regulatory measures, many businesses complain that political parties practice patronage that impacts who receives needed licenses and wins government contracts for

procurement of goods and services. Patronage also results in the granting of some government land to private owners. Middle-class citizens and business owners throughout the country complain of corruption by government officials. U.S. firms have also identified challenges in participating and competing in areas related to the bidding, procurement, and dispute settlement processes, particular to state owned enterprises (SOEs).

Nationalization/Expropriation: The United States is not aware of any new expropriation cases against U.S. citizens.

Extradition: Belize and the United States signed an extradition treaty in 2000 and exchanged instruments of ratification in 2001. The Embassy's International Narcotics and Law Enforcement Affairs section, as well as the Regional Security Office and Department of Justice representatives have partnered with the Attorney General's Ministry to include extradition training as an element of training for the Justice Sector.

Implementation of the Inter-American Convention against Corruption (IACAC): Belize signed the IACAC in 2001 and ratified the Convention in 2002. Belize signed the UN Convention Against Corruption in December 2016 and worked closely with the UN to follow the detailed implementation protocol. Belize has passed legislation and has various offices meant to deal with official corruption, however, enforcement is weak. The Prevention of Corruption Act provides measures for establishing integrity and accountability in public life and applies to members of the National Assembly and municipal councils. The Act requires the public disclosure of statements of assets, income, and liabilities. The penalty for non-compliance is a fine of not less than US \$1,500, imprisonment for one year, or both. Fewer than 25 percent of parliamentarians and public officials comply with the Act's public disclosure requirement and the United States is not aware of any consequences being imposed for noncompliance.

The 2007 Prevention of Corruption Act also established the Integrity Commission mandated to investigate corrupt activities by persons in public office. The Commission has remained defunct since its previous members resigned following the 2020 November General Elections and has not been reconstituted by the present People's United Party (PUP). Since the PUP assumed the majority in government, the current Minister of Infrastructure Development and Housing Julius Espat requested an investigation of the former Minister of Government Rene Montero for misuse of public assets for personal gain. Belize also maintains an Office of the Ombudsman to investigate allegations of official corruption and wrongdoing, but enforcement is limited.

Counternarcotics Cooperation: In 2017, Belize was identified as a major drug transit or major illicit drug producing country under the provision of the Foreign Assistance Act. However, Belize is not designated as having "failed demonstrably" to make substantial efforts during the prior 12 months to fulfill its obligations under international counternarcotics agreements and conventions.

Due to its position along the Central American isthmus, Belize is susceptible to the transshipment of cocaine between drug-producing countries in South America and the United States, as well as chemicals bound for processing in Mexico.

Through the provision of equipment, training, and technical assistance, including through the Central America Regional Security Initiative, the United States bolstered Belize's efforts to disrupt and decrease the flow of narcotics, weapons, and illicit proceeds generated by sales of illegal drugs, and to confront gangs and criminal organizations. Numerous United States agencies, including the DEA, the International Narcotics and Law Enforcement (INL), and the Security Cooperation Office (SCO) are all actively engaged in improving law enforcement and military capacity nationwide. U.S. support included infrastructure upgrades, training, and the provision of equipment for the Belize Police Department and other Government of Belize departments involved in citizen security. The United States provided assistance to the Belize Defense Forces and Coast Guard, which also supported the counter-narcotics mission. As part of the CBSI, the United States refurbished boats and provided equipment and technical assistance to add police maritime capability. Efforts were made to improve law enforcement and military communications nationwide.

The Office of the Auditor General has participated in training programs with the U.S. Government Accountability Office (GAO) to support accountability and anti-corruption efforts. The U.S. Treasury Department's Office of Technical Assistance provided advisory assistance to the Financial Intelligence Unit of Belize from 2016-2019.

Export Subsidies: Belize manages several investment incentives, including those under the Fiscal Incentives Act, the Designated Processing Areas Act, and the Commercial Free Zone Act. Under these incentive regimes, the Government of Belize grants tax write-offs for a defined period or allows foregoing importation duties on imported goods needed for the startup of investments. In 2018, the Government enacted the Designated Processing Areas Act to replace the Export Processing Zone incentive program and made the program WTO-compliant.

Self-Help Measures: Belize continues to strive towards economic sustainability through diversification of exports in the primary, secondary, and tertiary sectors. The government is seeking to manage a protracted economic downturn that has made it difficult to provide direct support to the productive sector. While Belize's export basket remains highly concentrated, the Belizean private sector has begun venturing into non-traditional products for export. Among the goods being developed are coconut and coconut products, pineapples, direct consumption sugars, soursop, passion fruit, and fruit juices. To support expansion, companies have continued to invest in new technologies that will allow them to develop products higher on the value chain for external markets including the United States, the UK, the EU, and CARICOM.

Contribution to Regional Revitalization: As a member of the CARICOM Single Market and Economy, Belize applied the CARICOM common external tariff with several exceptions. Trade within CARICOM remains Belize's fourth largest export market behind the United Kingdom, the United States, and other EU countries.

Cooperation on CBERA Administration: Belize cooperates with the United States in the administration of CBERA.

British Virgin Islands

Economic Review: The United States maintains a large and consistent trade surplus with the British Virgin Islands, which increased sharply during the reporting period. Exports of civilian aircraft comprise the largest share of the surplus.

Indicator	Latest Data
Population*	30,237 (2020)
GDP*	\$500,000,000 (2017)
GDP per capita*	\$34,200 (2017)
U.S. Exports**	\$283,578,346 (2020)
U.S. Imports**	\$8,447,145 (2020)
Trade Balance**	\$275,131,201 (2020)

Source: The World Bank*; Department of Commerce**

The economy of the British Virgin Islands, which has traditionally been one of the more stable in the Caribbean, relies heavily on tourism. Services comprise approximately 93 percent of GDP. The government generates substantial revenues in incorporation fees by offering offshore registration to companies wishing to incorporate in the islands.

The British Virgin Islands have a sophisticated and well-established financial sector that offers accounting, banking and legal services, captive insurance, company incorporations, mutual funds administration, trust formation, and shipping registration. As of June 2020, the commercial banking sector had assets valued at approximately \$2.28 billion.

Poor soils remained a challenge and limited the British Virgin Islands' ability to expand agricultural activity and meet the food requirements of its population.

Commitment to Undertake WTO Obligations: The British Virgin Islands is not member of the WTO, but indirectly participates in the WTO through the United Kingdom as a British Overseas Territory.

Market Access/WTO Rules: The British Virgin Islands treat foreign and local investors equally with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.

Reverse Preferences: The United States is not aware of preferential treatment afforded to the products of a developed country, other than the United States.

Protection of Intellectual Property: Laws of the United Kingdom govern the protection of intellectual property in the British Virgin Islands.

Intellectual Property/Broadcast Copyright Violations: The United States is unaware of any cases where government-owned entities have broadcast copyrighted material belonging to U.S. copyright-holders without their express consent.

Provision of Internationally Recognized Worker Rights: Since October 1, 2016, the minimum wage has been USD \$6. The Ministry of Natural Resources and Labour manages and administers

labor matters in all sectors of the economy and regulates working conditions to protect the health, safety and welfare of workers. The Labour Commissioner's mission is to protect the rights and wages through the enforcement of the British Virgin Islands labor laws.

Forced labor is criminally prohibited by law.

The minimum age for employment is 16 years of age, and the minimum age for hazardous work is 18 years of age; both align with international standards. However, the British Virgin Islands has not identified the types of hazardous work that are prohibited for children.

Commitments to Eliminate the Worst Forms of Child Labor: According to DOL's 2020 *Findings on the Worst Forms of Child Labor*, there is no evidence that child labor exists, including its worst forms, in the British Virgin Islands. However, the law does not prohibit the involvement of children in illicit activities. Further, the minimum age for work is below 17, the age up to which education is compulsory.

Transparency in Government Procurement: The British Virgin Islands are not a signatory of the WTO GPA. The law governing procurement is that of the United Kingdom, which is a Party to the GPA. However, the GPA does not apply to procurement by the British Virgin Islands.

Arbitral Awards: The United States is unaware of any cases where the British Virgin Islands failed to act in good faith in recognizing arbitral awards in favor of U.S. Citizens in the last two years.

Nationalization/Expropriation: The United States is not aware of any outstanding expropriation claims or nationalization of U.S. enterprises in the British Virgin Islands.

Extradition: An extradition treaty from 1977 between the U.S. and Great Britain covers the British Virgin Islands. However, in recent years, local courts have ruled against extraditing individuals to the United States.

Implementation of the Inter-American Convention against Corruption (IACAC): The British Virgin Islands is not a signatory to the IACAC, but as a British Overseas Territory, its international obligations derive from those of the United Kingdom.

Counternarcotics Cooperation: The British Virgin Islands has not been identified as a major drug transit or major illicit drug producing country for fiscal year 2021. In the 2021 INCSR, however, the U.S. Department of State identified the British Virgin Islands as a major money laundering country. According to the INCSR, the British Virgin Islands was a favored destination for registering shell companies cheaply and quickly. The British Virgin Islands was a major target for drug traffickers, who used the area as a gateway to the United States. Authorities continued to work with regional and U.S. law enforcement agencies to reduce these threats.

The United States and the United Kingdom have a judicial narcotics agreement and a Mutual Legal Assistance Treaty (MLAT) relating to some UK territories such as the Cayman Islands, Anguilla, the British Virgin Islands, Montserrat, and the Turks and Caicos Islands. There was

strong collaboration between the British Virgin Islands law enforcement and regional as well as U.S. law enforcement agencies, resulting in several successful operations targeting drug smuggling and drug dealing. There were 10 money laundering-related prosecutions filed in 2019. Information for 2020 prosecutions are currently unavailable.

Export Subsidies: The law of the British Virgin Islands does not provide for export subsidies. The British Virgin Islands does not mandate local employment.

Contribution to Regional Revitalization: The British Virgin Islands encourages investments that will create jobs and increase exports.

Cooperation on CBERA Administration: The British Virgin Islands continues to cooperate with the United States in the administration of the CBERA.

Curaçao

Economic Review: Curaçao has traditionally one of the highest standards of living in the Caribbean, and a relatively diversified economy. Since 2018, two of the three economic pillars of the economy have suffered; offshore banking and oil refining. The third, tourism, was growing until the COVID-19 pandemic hit. Curaçao’s real GDP has been contracting since 2016 and has dropped 20 percent in 2020. Zero real GDP growth is projected in Curaçao in 2021 followed by 6.5 percent growth in 2022 as tourism partially recovers.

Indicator	Latest Data
Population*	155,014 (2020)
GDP*	\$3,102,000,000 (2019)
GDP per capita*	\$19,701.27 (2019)
U.S. Exports**	\$348,455,005 (2020)
U.S. Imports**	\$27,854,676 (2020)
Trade Balance**	\$320,600,329 (2020)
Source: The World Bank*; Department of Commerce**	

The new government led by Prime Minister Gilmar Pisas wants to continue improving the business climate, which should stimulate entrepreneurship and foreign investment. The comprehensive economic support measures, put in place with financial help from the Netherlands supported employment and helped avoid mass bankruptcies. Strong implementation of fiscal reforms and a sustainable economic recovery are needed to support the economic recovery process. Curaçao’s economic malaise has been worsened by a large migration of young people to the Netherlands and a significant influx of displaced Venezuelans (as much as 10 percent of the population) placing a strain on public resources.

Commitment to Undertake WTO Obligations: Curaçao is not a member of the WTO. In November 2019, Curaçao submitted a request for accession to the WTO, pursuant to Article XII of the Marrakesh Agreement, but the process has stalled. Curaçao is part of the Kingdom of the Netherlands, but enjoys an autonomous status and an independent customs territory.

Market Access/WTO Rules: There are no targeted barriers to U.S. goods. All products from any country that comply with import regulations and health standards are allowed for import.

Reverse Preferences: The United States is not aware of preferential treatment afforded to the products of a developed country, other than the United States.

Protection of Intellectual Property: The current intellectual property rights legislation in force in Curaçao offers significant protections in order to implement obligations under the WTO TRIPS agreement. Patents, for all Dutch Kingdom entities, are protected in a central registry in the Netherlands by the “Rijksoctrooiwet” (the Patent Act) of 1995. Authors, including copyrights, are protected in Curaçao by the “Auteursverordening” (the Authors’ Decree) of 1913. Trademarks are protected in Curaçao by the “Merkenlandsverordening” (the National Ordinance on Trademarks) of 1995, the Trademark Decree of 1995, and regulated by the Bureau for Intellectual Property (BIP). BIP offers the following services: international and national trademark registration, patent registration through the Netherlands Patent Center, copyright information, ISBN services, and i-Envelope services.

The United States is not aware of government-owned entities broadcasting copyrighted material belonging to U.S. copyright holders without their consent. The Government of Curaçao Telecommunications Bureau monitors media to protect U.S. copyright-holders and to ensure royalties are paid if warranted. Local regulator periodically performs a “line-up check” on all local providers, which includes requesting copies of contracts, or written permissions, and proof of payment of the payable rights for the use of the programs in their line-up. In case of questions or doubt, the local regulator proactively approaches the U.S. content providers for clarification.

Provision of Internationally Recognized Worker Rights: Workers are allowed to form or join independent unions of their own choosing without prior governmental authorization or excessive requirements. The Curaçao Constitution and the Ordinance on Collective Labor Agreements allow workers to organize, conduct legal strikes, and engage in collective bargaining. The law prohibits anti-union discrimination or retaliation against legal strikers.

On January 1, 2019, the minimum wage was increased to ANG 9.37 (USD 5.26) per hour. Businesses may ask employees to work a maximum 10 hours per day and a maximum average of 45 hours per week, calculated over a period of four weeks. Working hours, including overtime, can reach only a maximum of 60 hours per week. Overtime compensation is 175 percent of an employee's salary on a scheduled day off, 200 percent on a day of rest, and 250 percent on a holiday. Occupational injuries must be reported to relevant authorities.

Curaçao has criminalized labor trafficking and prescribed sufficiently stringent penalties. However, it remained on the Tier 2 Watch List of the State Department’s 2021 TIP Report for the third consecutive year for its lack of increased efforts to eliminate trafficking in persons.

The minimum legal age for employment in Curaçao is 15 years. National laws and regulations prohibit work performed by children. The rules differentiate between children: those younger than 15; and adolescents: those between 15 and 18. Children age 12 or older who have finished elementary school may work, if doing so is necessary for learning a trade or profession (apprenticeship), not physically or mentally taxing, and not dangerous.

Commitments to Eliminate the Worst Forms of Child Labor: The Kingdom of the Netherlands is responsible for safeguarding fundamental human rights and freedoms in its territories, maintaining laws that prohibit the worst forms of child labor. Curaçao ratified ILO Convention 182 on the worst forms of child labor in 2017.

Transparency in Government Procurement: Curaçao is not a member of the WTO and therefore not a signatory to the WTO GPA. The Government of Curaçao applies international competitive bidding standards and guidelines.

Arbitral Awards: The United States is not aware of any cases where Curaçao failed to act in good faith in recognizing arbitral awards in favor of U.S. citizens or U.S. corporations.

Nationalization/Expropriation: The United States is not aware of cases where the government of Curaçao nationalized or expropriated the property of a U.S. citizen or corporation during the reporting period.

Extradition: Curaçao is a party to the 1980 extradition treaty between the United States and the Kingdom of the Netherlands.

Implementation of the Inter-American Convention against Corruption (IACAC): Neither the Kingdom of the Netherlands, nor any of its constituent countries, are signatories of the IACAC. The Council of Europe Civil Law Convention on Corruption has applied to Curaçao since 2010.

Counternarcotics Cooperation: Curaçao has not been identified as a major drug transit or major illicit drug producing country under the provisions of the Foreign Relations Authorization Act. The obligations of the Netherlands as a party to the 1961 UN Single Convention on Narcotic Drugs, as amended, and the UN Convention against Transnational Organized Crime and its three Protocols apply to Curaçao.

Curaçao have demonstrated their commitment to the counter narcotics effort by continued support for a USAF Forward Operating Location (FOL) at Curaçao Hato International Airport as well as a smaller FOL on at Reina Beatrix International Airport in Aruba since 2000. Under an agreement, U.S. military aircraft conduct counter narcotics detection and monitoring flights over both the source and transit zones from commercial ramp space

Export Subsidies: Curaçao does not offer export subsidies, and the United States is not aware of any trade-distorting export performance or local content requirements.

Self-Help Measures: The Government of Curaçao is undertaking efforts to improve the business climate and increase exports. That said, Curaçao has few financial tools and resources to put towards economic development.

Contribution to Regional Revitalization: Curaçao's open trade policies contributed to the CBI region by stimulating trade within and outside the region. Curaçao's seaport and airport facilities also serve as important regional distribution hubs.

Cooperation on CBERA Administration: Curaçao continues to cooperate with the United States in the administration of CBERA.

Dominica

Economic Review: Dominica is a member of the OECS and the Eastern Caribbean Currency Union (ECCU). The island is vulnerable to external shocks such as climate change impacts, natural hazards, and global economic downturns. According to Eastern Caribbean Central Bank (ECCB) figures, Dominica's economy had a GDP of \$357.6 million (966.4 million Eastern Caribbean dollars) in 2020, a contraction of 15.4 percent due to the ongoing COVID-19 pandemic and its resulting impact on the tourism sector. The IMF forecasts real GDP growth of 3.3 percent in 2021.

Indicator	Latest Data
Population*	71,991 (2020)
GDP*	\$469,870,370.37 (2020)
GDP per capita*	\$6,526.79 (2020)
U.S. Exports**	\$100,770,829 (2020)
U.S. Imports**	\$1,803,983 (2020)
Trade Balance**	\$98,966,846 (2020)
Source: The World Bank*; Department of Commerce**	

The economy continues to recover from the devastation caused by Hurricane Maria in 2017. Losses from Hurricane Maria are estimated at \$1.37 billion or 226 percent of GDP. Prior to the onset of the COVID-19 pandemic, the government was primarily focused on reconstruction efforts, with support from the international community. During the COVID-19 pandemic, the Government of Dominica has received financial support from the IMF and the World Bank.

Commitments to Undertake WTO Obligations: The Commonwealth of Dominica has been a WTO member since 1995 and generally demonstrates a commitment to fulfill its World Trade Organization obligations on schedule. Dominica ratified the WTO TFA in 2016 and has already implemented several TFA requirements.

Market Access/WTO Rules: The government of Dominica treats foreign and local investors equally with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory. Dominica's membership and adherence to WTO agreements and protocols, along with an extensive legal regime governing international trade, is evidence of the country's commitment to the United States to provide equitable and reasonable access for U.S. goods and services to its market.

Reverse Preferences: During the reporting period, Dominica did not afford preferential treatment to the products of a developed country, other than the United States. Dominica is a member of CARIFORUM, and party to the EU-CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: Dominica formally accepted the WTO TRIPS Agreement in 2016. Dominica has a legislative framework for the protection of IP. The Attorney General is responsible for the administration of intellectual property laws. The registration of patents, trademarks, and service marks is administered by the Companies and Intellectual Property Office.

Dominica is a signatory to the Paris Convention for the Protection of Industrial Property, the Patent Cooperation Treaty (PCT), and the Berne Convention for the Protection of Literary and Artistic Works. It is also a member of WIPO.

Provision of Internationally Recognized Worker Rights: Dominica has ratified all eight of the ILO core conventions. The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination.

The minimum wage law does not establish a universal minimum wage, but rather establishes base wages by category of workers. The government announced plans to increase these base wages by September 1, 2021, with the lowest starting at USD 2.50 per hour. The standard workweek is 40 hours. The law provides overtime pay for work in excess of the standard workweek.

The Employment Safety Act provides occupational health and safety regulations that are consistent with international standards. Workers have the right to remove themselves from unsafe work environments without jeopardizing their employment.

Dominica's constitution prohibits most forms of forced or compulsory labor, but neither the criminal code nor the labor code prescribes penalties for forced labor.

The legal minimum age of employment is 12 for children working in family-run businesses and farms, though the work cannot involve selling alcohol. The law allows children age 14 and older to work in apprenticeships and regular jobs that do not involve hazardous work. Children younger than age 16 may work during the school year only if they do so for family-owned businesses. However, students ages 14 and older are permitted to work during school vacations.

Commitments to Eliminate the Worst Forms of Child Labor: Dominica's constitution prohibits some of the worst forms of child labor, and in general the government effectively enforces these prohibitions. The law also provides for some limitations on age, safety conditions, and working hours, with special attention to the school year.

The legal minimum age of employment is 12 for children working in family-run businesses and farms, though the work cannot involve selling alcohol. The law allows children age 14 and older to work in apprenticeships and regular jobs that do not involve hazardous work. Children younger than age 16 may only work during the school year if they do so for family-owned businesses. The law does not protect children from exploitative work outside of the school year. The government has not determined specific types of hazardous work prohibited for children, though it does consider jobs such as mining and seafaring hazardous.

DOL's *Findings of the Worst Forms of Child Labor* reports that in 2020 the government made no advancement in efforts to prevent the worst forms of child labor, although research found no evidence that child labor exists in Dominica. The government has not determined specific types of hazardous work prohibited for children, though it does consider jobs such as mining and seafaring hazardous. Dominica also lacks prohibitions against the use of children in pornography and the use of children in illicit activities.

Transparency in Government Procurement: Dominica is not a signatory of the WTO GPA, but it maintains open and transparent government procurement policies. In 2021, the government signaled plans to replace the Public Procurement and Contract Administration Act of 2012 with the draft Public Procurement and Disposal of Public Property Bill of 2021. This bill seeks to modernize public procurement underpinned by principles of integrity, accountability, transparency, and fair competition. Dominica participates in the development of the Framework for Regional Integration of Public Procurement, which makes provisions for the use of Standard Bidding Documents and Standard Operating Procedures within the Caribbean Community. The United States is not aware of any non-competitive bidding procedures in government procurement during the reporting period.

Nationalization/Expropriation: The United States is not aware of any expropriation cases involving American citizens in Dominica during the reporting period.

Implementation of the Inter-American Convention against Corruption (IACAC): Dominica ratified the IACAC in June 2004. The Integrity in Public Office Act of 2003 and the Integrity in Public Office (Amendment) Act of 2015 provide criminal penalties for official corruption. Dominica is also party to the United Nations Convention against Corruption.

Counternarcotics Cooperation: Dominica is not identified as a major drug transit or major illicit drug producing country under the provisions of the Foreign Assistance Act of 1961. The United States supports a wide range of efforts designed to address crime and violence affecting citizens of Dominica, primarily through the CBSI. Dominica has ratified the Inter-American Convention on Mutual Assistance in Criminal Matters. The United States enjoys strong operational cooperation with Dominica on drug control matters and maintains bilateral agreements with Dominica to suppress illicit traffic by sea.

Export subsidies: The Customs Duties (Dumping and Subsidies) Act of 1960 continues to be the only law in Dominica with respect to export subsidies. While the government encourages local sourcing, there is no requirement that enterprises purchase a fixed percentage of goods or technology from local sources and there is no requirement for participation by Dominican nationals in foreign investment projects.

Self-Help Measures: Dominica enacts economic legislation with the goals of creating jobs, earning foreign exchange, transferring technology, enhancing skills, and contributing to economic growth. The government is focused on the diversification of the economy to transform development.

Contributions to regional revitalization: The government of Dominica strongly encourages policies that will create jobs and increase exports and foreign exchange earnings. Dominica's trade policies, particularly those within CARICOM, seek to contribute to the revitalization of the CBI region.

Grenada

Economic Review: Grenada is still reeling from the socioeconomic impact of the global COVID-19 pandemic. The country recorded negative growth of 11.2 percent in 2020 with its main revenue earners of international tertiary education and tourism taking the hardest hits. The government's fiscal challenges are further compounded by ongoing government subsidies to the Maurice Bishop International Airport (MBIA) to cover operational costs. A 6 percent growth rate is projected for 2021, but the realization of this target is largely dependent on the performance of the country's citizenship by investment program. One of the biggest investments is a \$2.9 billion dollar resort project and university by Chinese investors, and a \$20 million dollar investment for a resort by an Egyptian investor.

Indicator	Latest Data
Population*	112,519 (2020)
GDP*	\$1,089,000,000 (2020)
GDP per capita*	\$9,680.18 (2020)
U.S. Exports**	\$98,949,488 (2020)
U.S. Imports**	\$12,545,037 (2020)
Trade Balance**	\$86,404,451 (2020)
Source: The World Bank*; Department of Commerce**	

Revenue for January 2021 was \$20 million, which is considerably lower than previous years of consecutive growth – Grenada recorded \$26 million in January 2020 and \$24 million in January 2019. Total debt at the end of 2020 stood at 70.4 percent of GDP, rather than the 55 percent initially projected. Prior to 2020, public debt consistently declined from 108 percent in 2013 to under 60 percent in 2019. External debt increased in 2020 due to disbursements on new loans from multilateral creditors throughout the year. Most of these disbursements were received to finance emergency pandemic response spending. Of total public debt, external debt was 54.2 percent of GDP, and domestic debt was 16.2 percent of GDP.

Commitment to Undertake WTO Obligations: Grenada has been a member of the WTO since 2001. Grenada ratified the WTO TFA in 2015, though a lack of government resources and technical expertise is hindering full implementation.

Market Access/WTO Rules: The United States remains Grenada's biggest export and import market. Grenada's adherence to its WTO obligations, along with an extensive legal regime governing international trade, is evidence of the country's commitment to provide equitable and reasonable access for the goods and services of all WTO members.

Reverse Preferences: During the reporting period, Grenada did not afford preferential treatment to the products of a developed country, other than the United States. Grenada is a member of CARIFORUM, and party to the EU-CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: Administration of intellectual property laws in Grenada is the responsibility of the Ministry of Legal Affairs. The Corporate Affairs and Intellectual

Property Office (CAIPO) is currently responsible for the registration of trademarks, re-registration of UK patents, and all other IP matters. The Patents Act (Cap. 227 of the Consolidated Laws of Grenada), the Trademarks Act (Cap. 284 of the Consolidated Laws of Grenada), and the Copyright Act Cap. 32 of 1988 (Cap. 67 of the Consolidated Laws of Grenada) protect the IP of investors and investment enterprises, including patents, trademarks, brand names, and copyrighted materials in printed, recorded, or electronic formats.

Grenada is a member of WIPO, the Paris Convention, the Berne Convention, and the Patent Cooperation Treaty. Domestic legislation regarding intellectual property protection has not been fully amended to bring it in line with the TRIPs Agreement. Updates to existing legislation are currently being drafted and reviewed.

Intellectual Property/Broadcast Copyright Violations: The United States is not aware of government-owned entities broadcasting copyrighted material belonging to U.S. copyright-holders without their express consent.

Provision of Internationally Recognized Worker Rights: Grenada has ratified all ILO conventions, including the core labor standards. The law provides for the right of workers to form and join independent labor unions, participate in collective bargaining, and, with some restrictions, conduct legal strikes.

The law provides for the protection and regulation of wages, including minimum wages, which are set by occupation. Employers are prohibited from requiring employees (except security guards or domestic workers) to work for more than eight hours each day, exclusive of lunch, without paying adequate compensation for overtime work. Occupational safety and health regulation is provided for in the Accidents and Occupational Diseases (Notification) Act.

Grenadian law prohibits all forms of forced or compulsory labor, including the sale or trafficking of children for exploitative labor. However, the Prevention of Trafficking in Persons Act does not sufficiently prohibit the trafficking of children, despite establishing heightened penalties for traffickers of children, because it requires the use of force, threats, abuse of power, or other forms of coercion to classify an act as human trafficking.

Grenada's minimum age for work does not meet international standards because it does not specify the minimum age, types of work, or number of hours permitted for holiday employment of children under age 16. Further, Grenada has not established a minimum age for hazardous work by law nor identified hazardous occupations and activities prohibited for children.

Commitments to Eliminate the Worst Forms of Child Labor: Existing laws do not comprehensively prohibit child trafficking and the commercial sexual exploitation of children. DOL's *Findings on the Worst Forms of Child Labor* reported that in 2020, while Grenada made no advancement in efforts to prevent the worst forms of child labor, there was no evidence that child labor exists in the country.

Transparency in Government Procurement: Grenada is not a signatory of the WTO GPA, but it participated in the WTO/CARICOM Regional Workshop on Government Procurement for

Caribbean Countries in 2016. Grenada maintains open and transparent government procurement policies. The United States is not aware of any non-competitive bidding procedures during the reporting period. The Central Procurement Unit within the Ministry of Finance is responsible for ensuring the transparent, nondiscriminatory, and competitive execution of procurement procedures. It is also charged with the responsibility to investigate any allegations in violation of the Public Procurement and Disposal Act. The Central Procurement Unit may at any time conduct investigations or random sampling to ensure legal compliance. In cases when the procurement of certain items exceeds a predetermined threshold, the case is presented to the Central Procurement Board for review. Persons who feel they were treated unfairly can lodge a complaint with the Central Procurement Unit, the External Audit Department, or Review Commission, which are independent entities charged with investigating claims of corruption related to procurement.

Arbitral Awards: Grenada is a signatory and contracting member of ICSID, and has engaged this platform to resolve disputes. The United States is not aware of any case where Grenada failed to act in good faith in recognizing arbitral awards in favor of U.S. citizens during the reporting period.

Nationalization/Expropriation: In March 2020, the International Center for the Settlement of Investment Disputes (ICSID) ruled in favor of WRB Enterprises, a U.S. company and former majority shareholder in Grenada Electricity Services Ltd (GRENLEC), recognizing that Grenada was compelled to purchase WRB's shares at more than \$74 million after Grenada broke WRB's 80-year exclusive license to generate, transmit, and distribute electricity in Grenada. The ICSID ruling established the price for Grenada to buy back WRB's interest in GRENLEC. On December 28, 2020, the Grenadian government repurchased 61.6 percent of the shares in GRENLEC for a negotiated \$63 million. Grenada is now the majority shareholder in the country's sole electricity company. This brings an end to the ICSID arbitration case brought by WRB Enterprises. A U.S. investor filed a request for arbitration with ICSID on July 9, 2021, against the government of Grenada for interfering with the completion of its resort project that was approved through Grenada's citizenship by investment program in 2017. The matter is currently pending arbitration at ICSID. No attempts are being made to negotiate a settlement prior to arbitration.

Extradition: Grenada signed an extradition treaty with the United States as part of the OECS in May 1996. Article 1 obligates each contracting state to extradite to others, pursuant to the provisions of the Treaty, any person sought for prosecution and any person convicted of an extraditable offense by the authorities in the requesting state.

Implementation of the Inter-American Convention against Corruption (IACAC): Grenada ratified the IACAC in January 2002. In 2013, Parliament passed the Integrity in Public Life Act (Act No.24 of 2013), the country's first anticorruption bill, which requires that all public servants report their income and assets to the independent Integrity Commission for review. The Integrity in Public Life Act also established the Integrity in Public Life Commission, which monitors and verifies disclosures, although disclosures are not made public except through court proceedings. Enforcement of these laws and procedures are generally effective and applied in a non-discriminatory manner. The Office of the Ombudsman received 59 complaints in 2019, compared to 64 in 2018. Of the 59 complaints, six were closed, 19 are ongoing, advice/referrals

were given to 25, and nine were outside the jurisdiction of the Ombudsman. Bribery is illegal in Grenada. The enforcement of anti-bribery laws and procedures is largely effective and non-discriminatory.

Counternarcotics Cooperation: Grenada maintains several laws addressing drug abuse and prevention. One of Grenada's principal statutes is the Drug Abuse (Prevention and Control) Act No. 7 of 1992, amended in 2011. The National Council on Drug Control (NCODC), also known as The Drug Control Secretariat was established by the Drug Abuse Act in 1989. It is the central government institution to assess, monitor, and implement all national drug control programs. Legislation is continually being developed and revised to support and enforce the effectiveness of the Drug Abuse Control and Preventative Act. Grenada's Drug Squad attests that 80 percent of its laws and regulations meet the U.S. counter-narcotics certification criteria under the Foreign Assistance Act of 1961. The Drug Squad is proactive and has executed an increase in seizures and prosecutions over the past two years, reducing the prevalence of drug-related activity in the country. In 2019, the Royal Grenada Police Force recorded 268 drug related offences, and 253 offences in 2020. A high conviction rate also serves as an effective deterrent. The NCODC is charged with the continued development of drug mitigation and eradication programs, and significant efforts are being made to meet the U.S. counternarcotics certification criteria and eradicate drug abuse in Grenada with the NCODC's combined efforts with Legal Affairs, the Fraud Investigation Unit, Law Enforcement, and Air and Maritime Cooperation Demand Reduction.

Export Subsidies: The Government of Grenada does not offer export subsidies or impose trade-distorting export performance or local content requirements

Self-Help Measures: In addition to the enactment of several pieces of legislation to create a trade and investor-friendly environment, the country is also undertaking self-help measures to promote its own economic development. One success story is the restructuring of Grenada's debt schedule through a structural adjustment program. There has also been increased efforts to attract more investment through a new investment promotion act and continued attempts to develop Grenada's citizenship by investment program

Contribution to Regional Revitalization: Grenada's trade policies contribute to the revitalization of CBI and benefit the wider region through the CARICOM Agreement, the legislation within the Customs Act, and the revised Treaty of Chaguaramas, which established the CARICOM single market and economy.

Cooperation in Administration of the CBERA: Grenada continues to cooperate with the United States in the administration of the CBERA.

Guyana

Economic Review: Guyana's economy grew by 43.5 per cent in 2020, making it the fastest growing economy in the world, and the only Caribbean economy to register growth despite the global economic downturn. The IMF projects the country's GDP to increase by 21 percent in 2021.

Indicator	Latest Data
Population*	786,559 (2020)
GDP*	\$5,471,000,000 (2020)
GDP per capita*	\$6,955.94 (2020)
U.S. Exports**	\$654,544,026 (2020)
U.S. Imports**	\$748,242,415 (2020)
Trade Balance**	\$-93,698,389 (2020)

Source: The World Bank*; Department of Commerce**

Since ExxonMobil's (Exxon) discovery of oil offshore of Guyana in 2015, Exxon has discovered commercially viable, high quality, oil bearing reservoirs in 18 of its 22 attempts. These discoveries confirm that Guyana has over nine billion barrels of offshore oil and Exxon estimates the larger Guyana-Suriname basin holds more than 18 billion barrels, leaving ample room for more discoveries. The Government of Guyana ratified a Natural Resource Fund (NRF), its sovereign wealth fund designed to manage the oil revenues for long-term sustainable growth, in 2019 while the-then ruling coalition was in a caretaker capacity after succumbing to a vote of no confidence by the opposition. With the election of the opposition Peoples Progressive Party/Civic coalition in 2020, the new government plans to overhaul the 2019 NRF Act to lower the withdraw threshold and divest power from the Minister of Finance over the fund. After its first seven oil lifts, the Ministry of Natural Resources reported the NRF, which is held at the New York Federal Reserve Bank, has \$388,777,840 as of August 9, 2021. Guyana has publicly stated its intention to first reform the NRF Act before drawing any of the funds to invest in infrastructure and energy projects.

Guyana suffers from some of the most austere infrastructure in the hemisphere. Guyana's electrical grid utilizes old generators that run on heavy fuel oil, and the country has one of the highest electricity costs in the region, similar to many other Caribbean nations, at approximately 35 cents per kilowatt hour. As of August 2021, Guyana produces 138.5 megawatts of total power generation but loses 26.4 per cent of that through inefficiencies in its transmission lines and grid, which still relies on analog devices. Power is unreliable, forcing businesses to install backup systems at a substantial cost. Consequently, Guyana has a very small manufacturing sector that hinders the country's ability to export value-added products. To address this, Guyana plans to develop a 300-megawatt (MW) gas to shore power plant, Guyana's largest infrastructure project ever, which will harness the excess gas produced by the offshore oil extraction process and to generate power at approximately 16 cents per kilowatt hour. Additional renewable energy projects, like a planned 165 MW hydroelectric dam, could further decrease the cost of energy and invigorate Guyana's manufacturing sector, resulting in increased exports.

The United States remains Guyana's top trading partner. In the past four years, Guyana's trade deficit has grown. The Guyana Bureau of Statistics reports that in 2020, the United States accounted for 34 percent of all imports into the country. However, Chinese imports have more than tripled in the past decade. The Bank of Guyana reports sufficient foreign reserves in 2021 and a stable year on year exchange rate of GYD \$208.5 to USD \$1.

Total exports and the amount shipped under CBERA/CBTPA in 2014 and 2015 were close in value. However, the total amount of goods exported and those exported under CBERA/CBTPA diverged substantially starting in 2016. The reason for this decline could be that exporters were not aware of the potential benefits and shipped goods paying standard duty rates. USTR visited Guyana in September of 2019 to explain the benefits of the program with both private and public sector representatives. In addition to the traditional export sectors, Guyana will soon take oil revenues in the form of unrefined oil barrels, which could potentially ship under the mineral fuels and oils section of CBERA/CBTPA.

Commitment to Undertake WTO Obligations: Guyana has been a WTO Member since 1995 and generally demonstrates a commitment to fulfill its WTO obligations on schedule.

Reverse Preferences: During the reporting period, Guyana did not afford preferential treatment to the products of a developed country, other than the United States. Guyana is a member of CARIFORUM, and party to the EU–CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: Guyana’s Copyright Act dates to 1956, and its Trademark Act and Patents and Design Act dates to 1973. Guyana is currently revising and working on enacting a Copyright Bill that has been endorsed by WIPO.

Guyana is a party to many international intellectual property treaties, including the Paris and Berne Conventions. However, the United States is concerned about intellectual property violations in the country. Patent and trademark infringement are common, and music, video, book, and software piracy remain a problem. In addition, U.S. media companies have raised concerns that local television stations, including state-owned and operated National Communication Network (NCN), pirated and rebroadcast TV satellite signals and unlicensed content online with impunity. The United States is currently monitoring activity.

Intellectual Property/Broadcast Copyright Violations: The United States is aware of concerns from U.S. companies regarding unauthorized retransmission and online piracy, including transmissions of the content of U.S. right holders in spite of cease and desist letters.

Provision of Internationally Recognized Worker Rights: The law provides for the right of association and allows workers to form and join trade unions, bargain collectively, and conduct legal strikes. The law provides for a national minimum wage for private-sector employees.

The national minimum wage for regular working hours of full-time, public-sector employees was above the poverty line, and in 2020 the minimum wage was increased to USD \$350 from USD \$260 per month. A normal workweek is 40 hours, distributed over no more than five days per week. The law prohibits compulsory overtime, and overtime work must be paid according to rates set in the law or according to any collective bargaining agreement in force where workers are unionized.

Forced and compulsory labor is constitutionally prohibited, and Guyanese law prohibits trafficking in persons for purposes of forced labor. Guyana remained on Tier 1 in the State Department's 2021 TIP Report for demonstrating continued serious and sustained efforts to eliminate trafficking.

The law prohibits employment of children under the age of 15, with some exceptions for employment in family businesses outside school hours. It also sets the minimum age of 18 for admission to any type of employment that is likely to harm the health, safety, or morals of young persons.

Commitments to Eliminate the Worst Forms of Child Labor: DOL's 2020 *Findings on the Worst Forms of Child Labor* reports that Guyana made moderate advancements in eliminating the worst forms of child labor. In August 2018, the government established, within the Guyana Geology and Mines Commission, a trafficking in persons unit responsible for registering and categorizing local and foreign workers, including children, in the hinterland. Guyana has a National Action Plan for the Prevention and Response to Trafficking in Persons for 2019-2020 and is in the process of developing of a 2021-2023 plan. The government's National Policy on Child Labor aims to eradicate child labor by 2025, and the government contributed USD \$300,000 to NGO-run shelters for human trafficking victims.

Transparency in Government Procurement: Guyana is not a signatory of the WTO Agreement on Government Procurement. In spite of legislative advancements, widespread concerns persist, with allegations of rampant cronyism and nepotism. The Auditor General noted in its 2019 report to parliament continuous disregard for the procedures, rules, and the laws that govern public procurement systems. While subsequent Auditor General reports to parliament have yet to be released, the Auditor General's assessment has not improved. Guyana's Procurement Act of 2003 provides for the establishment of a National Procurement and Tender Administration Board (NPTAB), appointed by the Minister of Finance. Guyana established a Public Procurement Commission in 2016 to monitor public procurement procedures undertaken by Ministries, public agencies and bodies in order to ensure that the procurement of goods, services, and execution of works are conducted in an equitable, transparent, competitive and cost-effective manner. While the procurement process is transparent, there are reports that some procurements were awarded outside of the standard process.

Due to the discovery of oil in 2015, Guyana moved towards more transparency in the extractive industries. In 2017, Guyana joined the Extractive Industry Transparency Initiative (EITI) Secretariat, the global standard for the good governance of oil, gas, and mineral resources. Since its EITI membership began, Guyana has taken steps to fully comply with the standards for transparency and good governance. With assistance from USAID, Guyana's EITI National Secretariat and its EITI Multi-Stakeholder Group have raised awareness on the importance of making information about the sector readily available and the opportunities and benefits of EITI membership. USAID also provided capacity building for an EITI validation (verification of compliance with EITI standards & requirements) and has worked with civil society, including the media to improve the availability of information on the sector, improve the public's understanding of how the sector works, and how citizens can monitor government and private

industry compliance with transparency measures. In August 2021, a new Guyana EITI website was launched to serve as a central repository for information on Guyana's extractive sector, and features government links and publicizes extractive sector information (Guyana EITI reports, licenses, contracts, publications, statistics).

Arbitral Awards: The United States is not aware of any cases where Guyana failed to act in good faith in recognizing arbitral awards in favor of U.S. Citizens during the reporting period.

Nationalization/Expropriation: The United States is not aware of nationalization or expropriation of property of U.S. citizens during the reporting period.

Extradition: Guyana is covered under an extradition treaty from 1931 between the U.S. and Great Britain. Since 2019, the U.S. and Guyanese governments have developed a cooperative relationship regarding extraditions and have worked together to facilitate extraditions/returns of two fugitives between the U.S. and Guyana to face justice.

Implementation of the Inter-American Convention against Corruption (IACAC): Guyana ratified the IACAC in 2000 and the UN Convention against Corruption in 2008. Bribery is established as a criminal offense under Guyanese law. The government passed legislation in 1997 that requires public officials to disclose their assets to an Integrity Commission prior to assuming office. On June 16, 2011, Guyana designated the Ministry of Foreign Affairs as its Central Authority, in accordance with the provisions of article XVIII of the Inter-American Convention against Corruption. The main institutions tasked with mandates relevant to preventing and combating corruption include the Guyana Police Force Serious Organized Crime Unit, the Office of the Director of Public Prosecutions, the Financial Intelligence Unit and the State Assets Recovery Agency, the latter of which was disbanded by the current government over concerns of its constitutionality. The Attorney General is currently looking to build a new state asset recovery agency along CARICOM model legislation guidelines.

As reported in the Fifth Round Report by the Organization of American States (OAS) in March 2018, Guyana made noteworthy progress made with the implementation of recommendations from prior reports. These included the creation of the Public Procurement Commission to monitor government purchases and ensure that such goods purchases are consistent with the law. In addition, Guyana implemented laws on whistleblower and witness protection: the 2016 Protected Disclosures Bill and the 2016 Witness Protection Bill, respectively.

Counternarcotics Cooperation: The Department of State's 2021 International Narcotics Control Strategy Report identified Guyana as a transit point for cocaine destined for the United States, Caribbean, Europe, and Africa. The Government of Guyana cooperates closely with relevant U.S. agencies and departments, but is limited by resource constraints. Guyana has shown strong interest in furthering collaboration with the United States under the CBSI. The country has legislation in place that could enable a more effective response to drug trafficking, and has a drug enforcement presence at its international airports and post offices.

In 2008, Guyana acceded to and has since filed information requests under the Inter-American Convention on Mutual Assistance in Criminal Matters, to which the United States is also a party.

Guyana has bilateral drug control agreements with its neighbors and the United Kingdom. Guyana is also a member of the Organization of American States' Inter-American Drug Abuse Control Commission (OAS/CICAD).

In February 2018, the Government of Guyana passed the Witness Protection Act and the Protected Disclosures Act to complement its existing legislative regime addressing corruption and drug trafficking.

However, Guyana's location makes it a "safe haven" for drug traffickers due to its extensive rainforest and under-monitored hinterland regions. Cocaine is often concealed in legitimate commodities and smuggled through commercial and private air transport, maritime vessels, air transport, human couriers, or various postal methods.

Export Subsidies: On February 2021, the Ministry of Natural Resources posted its draft Local Content Policy for the Development of Guyana's Petroleum Economy. According to the draft document, the local content policy "will be enforced under Regulations to the Petroleum Commission Act, once that is promulgated." The government of Guyana expects to pass the Petroleum Commission Act in 2022, however, the timeline for its implementation continues to be pushed back.

Self-Help Measures: While the government is trying to improve the economy, Guyana needs substantial infrastructure investments to compete on a global level.

Contribution to Regional Revitalization: Guyana is an active participant in CARICOM, which has its headquarters in Georgetown, and supports its vision of creating a single market economy in order to boost regional integration.

Cooperation in Administration of the CBERA: The Government of Guyana's caretaker status from October 2019 to March 2020 resulted in the suspension of high-level bilateral engagement, and the COVID-19 pandemic severely hindered earlier efforts to increase public awareness about the CBERA program. With a government interested in creating value added industries and diversifying exports beyond its extractive base, there is significant interest in expanding outreach to Guyanese firms in order to take better advantage of CBERA.

Haiti

Economic Review: Haiti lags significantly behind its neighbors by all economic indicators. Its economy is facing rising food costs and inflation, persistent high unemployment, an unsustainable budget deficit, falling foreign reserves, and an unstable currency that experienced a 16 percent depreciation in 2019, contrasted with an

Indicator	Latest Data
Population*	11,402,533 (2020)
GDP*	\$13,418,000,000 (2020)
GDP per capita*	\$1,176.76 (2020)
U.S. Exports**	\$1,397,928,846 (2020)
U.S. Imports**	\$837,442,598 (2020)
Trade Balance**	\$560,486,248 (2020)

Source: The World Bank*; Department of Commerce**

appreciation of nearly 28 percent during calendar year 2020. Public frustration with economic woes in Haiti has contributed greatly to recurring demonstrations, some of which have become violent. The economy contracted by 3.4 percent of GDP in FY2020. The government has failed to address corruption adequately and annual inflation has averaged 22.7 percent in 2020 and 18.6 percent in 2019.

Chronic fuel shortages contribute to economic uncertainty, and both public and private investment are weak. Haiti has few resources to tackle its economic challenges, as few people or businesses pay taxes and the state provides limited services. Remittances continue to play a significant role in Haiti, which represented about a fourth of GDP at 3.2 billion in 2020. Haiti also faces many impediments to future growth: investor protections are weak, contract enforcement is uneven, energy costs are high, infrastructure is inadequate, and corruption is rampant. Haiti ranks near the bottom globally in well-known indices tracking ease of doing business, corruption perceptions, and investment climate.

Grinding poverty remains a challenge for both the government and the international donor community's efforts to address it. Plagued by persistent political instability and frequent natural disasters, Haiti is the poorest country in the Western Hemisphere, and one of the poorest in the world. According to a 2012 World Bank study, almost 60% of the population lives under the national poverty line of \$2.41 per day, while more than 24% of the population lives under the national extreme poverty line of \$1.23 per day. Haiti faces one of the highest levels of food insecurity in the world, with nearly half the population (4.4 million people) in need of immediate food assistance.

Apparel exports to the United States account for approximately 95 percent of Haitian exports of goods, entering duty free under CBTPA, HOPE and HOPE II. The Association of Haitian Industries estimates that, thanks to these preference programs, over 54,000 garment factory jobs have been created in Haiti as of the end of August 2021.

Commitment to Undertake WTO Obligations: Haiti has been a member of the WTO since 1996 and aims to meet its obligations under the WTO as a general policy. In light of Haiti's capacity constraints, implementation of those obligations is imperfect in practice.

Haiti has not ratified the WTO TFA. According to Haiti's Office for the Coordination for Agreements with CARICOM, the WTO, and Free Trade Area of the Americas (BACOV), Haiti is unable to ratify the agreement until a parliament has been elected. Without a functioning parliament, the Haitian government is not fully operational, and is not able to pursue reforms or operate efficiently. While waiting for the political process to move forward, BACOV staff are starting to consult with local stakeholders on the question of notifications within the Trade Facilitation Agreement. BACOV is also continuing its renegotiation process for the WTO's consolidated tariff, an initiative it began in 2017. The most recent discussions were held in November 2019.

Market Access/WTO Rules: The Government of Haiti consistently assures the United States that it will continue to provide unfettered equitable and reasonable access for U.S. goods and services to its market.

Reverse Preferences: The United States is not aware of Haiti affording preferential treatment to the products of a developed country other than the United States.

Protection of Intellectual Property: Haiti's most significant laws governing intellectual property protection date from the early-to mid-20th century. Weak judicial institutions contribute to poor enforcement of existing laws and the erosion of protections offered by current laws. In practice, limited manufacturing capacity, lack of disposable income, and paucity of tourism result in a limited amount of commercial piracy.

Intellectual Property/Broadcast Copyright Violations: The United States is not aware of any government-owned entities broadcasting copyrighted material belonging to U.S. copyright-holders without their consent.

Provision of Internationally Recognized Worker Rights: Haiti has ratified all eight of the ILO core labor conventions. The law provides for the right of some workers, excluding public-sector employees, to form and join unions of their choice and to strike, with restrictions. The law allows for collective bargaining, stating that employers must conclude a collective contract with a union if that union represents at least two-thirds of the workers and requests a contract. Strikes are legal if, among other requirements, they are approved by at least one-third of a company's workers. The law prohibits firing workers for union activities.

The Haitian government is overdue on publishing an adjusted minimum wage. The Superior Wage Council (CSS), a tripartite committee under the auspices of Haiti's Ministry of Labor, is required by law to provide recommendations to the presidency on minimum wage adjustments on at least an annual basis. The law regulates work over a 24-hour period divided into three 8-hour shifts known as the (3x8 law). This law sets the standard workday at eight hours and the workweek at 48 hours for industrial, commercial, agricultural, and tourist establishments, as well as for public and private utilities.

Haitian law prohibits all forms of forced or compulsory labor. Haiti was downgraded to the Tier 2 Watch List of the State Department's 2021 TIP Report for failing to demonstrate increased

efforts to eliminate trafficking, including conducting fewer investigations, making fewer arrests, and identifying fewer victims.

Although the minimum age for employment is 16 years, the penalty for violating the minimum age law applies only to situations where children perform work under a formal employment agreement. Haiti also lacks a clear, easily applicable minimum age for domestic work. Although the minimum age for hazardous work is 18, the government has not identified types of hazardous occupations prohibited to children.

To be eligible for preferential treatment, HOPE II requires Haiti to establish the TAICNAR program to monitor and assess labor law compliance for each producer eligible for benefits under HOPE II. The President is required to submit an annual report to Congress on the implementation of the TAICNAR program, including the efforts by Haiti, the President, and the ILO to carry it out. This year's report highlights the efforts of the government of Haiti to productively engage with the ILO and with the U.S. Government to make progress on labor issues, despite significant challenges. The COVID-19 pandemic continued to disrupt the apparel industry, and persistent civil unrest, political instability, and security concerns impacted government functions. The apparel sector in Haiti also suffered a great loss when its Labor Ombudsperson, Josseline Colimon Féthière, passed away in April 2021. During the reporting period, the Office of the Labor Ombudsperson offered mediation services to disputing parties in over one-third of Haiti's apparel factories. The cases covered a range of issues, including non-payment of benefits and allegations of unlawful dismissals or suspensions of trade unionists. Despite the challenging operational environment, the ILO has worked closely with Haiti's Ministry of Labor and the Ombudsperson to assess factory compliance with the labor criteria both remotely and on-site. The ILO also provided advisory services for remediating instances of non-compliance, including the payment of social security benefits, improving occupational safety and health protections, and reinstating workers who are unjustly dismissed.

Commitments to Eliminate the Worst Forms of Child Labor: DOL's 2020 Findings on the Worst Forms of Child Labor reported that the government made moderate efforts to eliminate the worst forms of child labor. During the reporting period, Haiti adopted the National Social Protection and Promotion Policy that aims to build institutional resilience for social protection against economic shocks and health crises, including efforts to identify and remove children from work and provide vocational training for youth.

A 2015 study found that there were approximately 286,000 child domestic workers in Haiti. Most of Haiti's human trafficking cases involve children subjected to forced labor as domestic workers. These children, commonly called *restavèk*, are often physically abused, sexually exploited, and uncompensated for their services. The Institute of Social Welfare and Research (IBESR) is attempting to combat the *restavèk* practice through programs aimed at economically empowering poor families so that they can meet the needs of the children at home. Brigade for Protection of Minors (BPM) has a 24/7 hotline where people can report cases of trafficking in persons, including *restavèk*, and they frequently investigate such cases and make referrals to IBESR.

Transparency in Government Procurement: Haiti is not a signatory to the WTO GPA. While the Government of Haiti created the National Commission for Public Procurement (CNMP) to

ensure that Haitian government contracts are awarded through competitive bidding and to establish effective procurement controls in public administration, a 2012 presidential decree substantially raised the threshold at which public procurements must be managed by the CNMP. The higher threshold has resulted in a decrease in transparency for many smaller government contracts. Moreover, the government frequently enters into no-bid contracts, sometimes issued using “emergency” authority derived from natural disasters, even when there is no apparent connection between the alleged emergency and the government contract, according to foreign investors.

During the reporting period, Haiti also failed to fulfill commitments to the IMF to increase transparency in fuel procurement. The Government of Haiti took some steps to improve financial transparency, including the Central Bank’s May 2019 release of its independent audit for fiscal year 2018, which was conducted by international auditors. In July 2019, the government’s Audit Bureau submitted a report on the government’s finances for fiscal year 2018 to parliament and made this report publicly available online. The Ministry of Finance and the Central Bank continued to publish fiscal and monetary data. Despite some progress, Haiti’s fiscal transparency would be improved by: publishing greater details on revenue sources and types, as well as by expenditures by ministry, providing more detail on allocations to and earnings from state-owned enterprises, ensuring adequate audit and oversight for off-budget accounts, and consistently adhering to laws and regulations for contracting and licensing in natural resource extraction.

Arbitral Awards: The United States is not aware of instances where the Haitian government has failed to act in good faith in recognizing arbitral awards in favor of U.S. citizens. A Haitian court of appeals ordered an affixed seal that was placed on Golden Crown, a U.S.-owned mango-exporting company in Haiti, to be removed in March 2019. The ruling by the Haitian court allowed Golden Crown to resume its operations. Prior to the plant’s closure, Golden Crown had been operating in Haiti for close to ten years, and according to the owners, had revenues of approximately \$1 million USD annually.

Nationalization/Expropriation: The United States is not aware of reports of nationalization or expropriation of property of U.S. citizens.

Extradition: The United States and Haiti signed an extradition treaty that entered into force in 1905. The Government of Haiti has willingly surrendered Haitians and other nationals under indictment in the United States to U.S. law enforcement agencies.

Implementation of the Inter-American Convention against Corruption (IACAC): Haiti ratified the IACAC in 2004. However, significant corruption is prevalent throughout Haiti and remains an ongoing challenge to economic growth. According to Transparency International’s Corruption Perception Index for 2020, Haiti received a score of 18 out of 100.

Counternarcotics Cooperation: In 2020, the United States government identified Haiti as a major drug transit or major illicit drug producing country under the provision of the Foreign Relations Authorization Act. However, Haiti is not designated as having “failed demonstrably” to make substantial efforts during the prior 12 months to fulfill its obligations under international counternarcotics agreements and conventions. Haiti’s inclusion on this list reflects the ongoing

challenge it faces in combating narcotics traffic. The governments of the United States and Haiti continue close collaboration on counternarcotics and citizen security.

The U.S. State Department's Bureau of International Narcotics and Law Enforcement (INL) supports the deployment of Haitian National Police (HNP) counter-narcotics unit (BLTS) officers to strategic points throughout the country, and provided technical assistance and equipment to further develop BLTS's capability to effectively conduct and track operations and investigations. Through INL efforts, the BLTS has grown from 42 to a force of nearly 230 officers as of August 2021, as well as a 10-dog canine component capable of drug, explosive, and currency detection. INL supports BLTS canine units in Cap Haitian and Port au Prince; provides maintenance for two INL purchased Boston Whaler boats; and funds training and assistance for joint counter-narcotics operations conducted by the Haitian Coast Guard and BLTS. The BLTS and Haitian Coast Guard have carried out several successful operations yielding drug and cash asset seizures in cooperation with the U.S. Department of Justice Drug Enforcement Administration but has not impounded significant amounts. The Haitian government continues to be unable to secure its borders adequately to cut the flow of illegal drugs. The Department of Homeland Security's Office of Homeland Security Investigations (HSI), in cooperation with INL, also works with and trains BLTS – as well as the Criminal Affairs Office (BAC), the Haitian Customs Administration (AGD), and POLIFRONT – to prevent illegal smuggling flows, including of weapons.

Export Subsidies: The United States is not aware of any use of export subsidies or trade-distorting export performance or local content requirements.

Self-Help Measures: The global outbreak of the coronavirus and resulting slowdown of economic activity in 2020 complicated the Haitian government's capacity to achieve macroeconomic stability, create jobs, and expand economic development through foreign trade and investment. In the absence of a functioning parliament in 2020, the Haitian government often regulated commercial activity by presidential decree, with sudden regulatory changes the business community viewed as detrimental to a functioning market. In January 2021, the Haitian government launched the Post-COVID Economic Recovery Plan (PREPOC) for Haiti to restore the economy to the level of economic activity preceding 2018-2019's country-wide lockdown and the COVID-19 pandemic. With a \$4.8 billion budget, which includes financing from technical and financial partners, and a three-year timeline (FY2021-2023), the plan is intended to reduce poverty, strengthen businesses, and propel growth. The Ministry of Commerce has been slow to begin to tackle the structural reforms proposed in the PREPOC.

Contribution to Regional Revitalization: Haiti's trade policies contribute to the revitalization of the CBI region as a whole.

Cooperation in Administration of the CBERA: Haiti is cooperating with the United States in the administration of CBERA. For example, the Ministry of Commerce and Industry, with the assistance of the Tripartite Commission for the Implementation of the HOPE legislation, administers the electronic visa system for Haiti's exports of goods under the HOPE Act. During the reporting period, the Haitian government worked cooperatively with U.S. Customs and Border Protection to resolve electronic visa transmission issues.

Jamaica

Economic Review: Jamaica is the second largest economy in CARICOM. Its economy is highly dependent on services, particularly tourism and transportation services, which account for over 70 percent of GDP. The country has historically earned most of its foreign exchange from tourism services, but the COVID-19 pandemic

led to a major drop in visitor arrivals and revenues. Remittances have made up for some of the slack and now account for about 20 percent of GDP. Bauxite/alumina, once significant exports, have declined to less than five percent of GDP. Visible exports remain stagnant due to the continued dependency on commodities.

Jamaica has benefitted from a fiscal consolidation program implemented under three consecutive IMF programs. The debt-to-GDP ratio moderated from a peak of near 150 percent of GDP in 2013 to near 90 percent at the end of March 2020, the lowest in two decades. The attendant expansion in fiscal space allowed the government to boost capital spending and reduce taxes. Inflation also moderated to low single digits and unemployment fell to a record low of 7.2 percent and the current account deficit improved to near three percent. However, the economic recovery program was derailed by the pandemic and by the end of the 2020, output declined by almost 10 percent, the debt-to-GDP ratio increased to over 100 percent and unemployment jumped to 12.6 percent. There are signs the economy is beginning to strengthen on the back of a recovery in tourism, with unemployment moderating to nine percent in April 2021. Tax revenues have also outpaced projections suggesting an uptick in economic activities.

Jamaica has been a major proponent of regional economic integration and was among the first to reduce duties on goods from CARICOM countries. While the country remains the largest recipient of CARICOM goods, its total trade with the regional bloc has declined from a peak of \$1.4 billion in 2008 to a low of \$330 million in 2020. The reduction is largely due the diversion of trade from Trinidad and Tobago, especially in the energy sector. Jamaica has also gained some competitiveness in the manufacturing space allowing it to increase exports to CARICOM and replace imports in the domestic market. During 2020, Jamaica imported \$253 million from its regional partners and exported \$76 million, translating into a trade deficit of \$177 million, a dramatic decline from the \$1.3 billion deficit registered in 2008. Jamaica's current administration has recommitted to the CARICOM integration process and has encouraged its private sector to utilize the trade component of the Caribbean Court of Justice (CCJ) to address the trade barriers faced in many regional markets.

Commitment to Undertake WTO Obligations: Jamaica has been a WTO Member since 1995 and has generally demonstrated its commitment to fulfill its WTO obligations on schedule. Jamaica ratified the TFA on January 19, 2016. Jamaica still has to complete the TFA requirement to publish its measures related to customs brokers.

Indicator	Latest Data
Population*	2,961,161 (2020)
GDP*	\$13,812,000,000 (2020)
GDP per capita*	\$4,664.53 (2020)
U.S. Exports**	\$1,661,940,405 (2020)
U.S. Imports**	\$383,679,555 (2020)
Trade Balance**	\$1,278,260,850 (2020)

Source: The World Bank*; Department of Commerce**

Market Access/WTO Rules: Jamaica maintains import restrictions on poultry from certain U.S. states and counties due to previous U.S. detections of highly pathogenic avian influenza (HPAI). These restrictions have remained in place despite World Organization for Animal Health acknowledgement of the United States as HPAI-free after the effective eradication of the virus in 2016 and 2017. In an effort to protect its domestic pork industry, Jamaica also maintains unscientific barriers to U.S. pork while granting market access to like products from other countries. A July 2013 risk assessment by Jamaica's Veterinary Services Division (VSD) determined U.S. pork poses only a negligible risk to Jamaica's swine herd and is safe for human consumption. In spite of this, no official market access for fresh or frozen pork has been granted to the United States by Jamaica. The United States is currently waiting for the completion of a new risk assessment by Jamaica's VSD. Resolution of this long-standing issue is being closely monitored, particularly in the context of CBI program benefits.

Reverse Preferences: During the reporting period, Jamaica did not afford preferential treatment to the products of a developed country, other than the United States. Jamaica is a member of CARIFORUM, and party to the EU-CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: Jamaica has one of the most recently updated intellectual property (IP) protection regimes in Latin America and the Caribbean. However, legislative and enforcement gaps still exist. Jamaica is a member of WIPO and a signatory of the Berne Convention. Jamaica and the United States have an Intellectual Property Rights Agreement and a Bilateral Investment Treaty. Jamaica was removed from USTR's Special 301 Watch List after passing a new Patent and Designs Act in January 2020, which replaces the outdated Patent Act of 1857 and Designs Act of 1937, in an effort to modernize its patent and industrial designs regime and to implement its international obligations.

The country amended its Copyright Act in 2015, giving effect to the provisions of the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) to which Jamaica became a party in 2002. The amendment also implemented its obligations for WIPO Internet Treaties, Marrakesh Treaty for the Visually Impaired, and the Beijing Treaty on Audio Visual Performances. The new legislation extends protection from 50 to 95 years from the death of the author on works ranging from books and music to computer programs. Amendments in June 1999 explicitly provide copyright protection on compilations of works such as databases and make it an offense for a person to manufacture or trade in decoders of encrypted transmissions. The amendments also give persons in encrypted transmissions or in broadcasting or cable program services a right of action against persons who infringe upon their rights.

The Trademark Act of 1999 provides owners of registered trademarks exclusive rights for up to 10 years, renewable. The Layout Designs Act, which has been in effect since June 1999, provides protection for layout-designs for integrated circuits and gives right-owners the exclusive right to reproduce, import, sell or otherwise commercially exploit the layout design. The Geographical Indications Act (GI) of 2004 is now fully in force, protecting products whose quality or reputation

is attributable to its geographical origin. General law provides protection for trade secrets and protection against unfair competition is provided under the Fair Competition Act. Law enforcement efforts to combat counterfeit and pirated goods are improving on the ground but border enforcement remains a challenge.

Intellectual Property/Broadcast Copyright Violations: While the Jamaican broadcast regulator has redoubled efforts to enforce copyrights in recent years through, among other tools, periodic audits of all content providers to ensure proper license arrangements, dozens of local operators continue to illegally broadcast content.

Provision of Internationally Recognized Worker Rights: Jamaica has ratified all eight of the ILO core labor conventions. Workers generally enjoy rights of association, as well as the right to organize and bargain collectively, except in export processing zones. The law makes it a criminal offense to prevent or deter a worker from exercising the right to participate in trade union activities or to dismiss, penalize, or otherwise discriminate against a worker for exercising these rights. The law does not provide for the right to strike.

The minimum wage was above the nationally estimated poverty line. There is a standard 40-hour workweek, with at least one day of rest per week mandated, paid annual holidays, and overtime compensation for work beyond 40 hours. The minimum wage, which the government reviews each year, was J\$7,000 (approximately USD 50) per week. The government sets occupational safety and health standards, which are current and appropriate for the main industries in the country. An Occupational Safety and Health Act 2017 is before a Joint Select Committee of Parliament and should come into effect by the end of 2021.

The law prohibits all forms of forced or compulsory labor. Jamaica remained on Tier 2 of the State Department's 2021 TIP Report for increasing efforts to eliminate trafficking.

The minimum age for employment is 15, and the minimum age for hazardous work is 18; both align with international labor standards. The Child Care and Protection Act also allows children ages 13 to 14 to engage in light work for a maximum of 4 hours a day and 14 hours a week; however, the list of occupations and hours considered light work has not been finalized by the government

Commitments to Eliminate the Worst Forms of Child Labor: DOL's 2020 *Findings on the Worst Forms of Child Labor* reports that Jamaica made a moderate advancement in efforts to eliminate the worst forms of child labor. Children in Jamaica are subjected to commercial sexual exploitation, sometimes as a result of human trafficking, and during 2020 the government launched a national referral mechanism for child trafficking victims.

Transparency in Government Procurement: Jamaica is not a signatory of the WTO GPA. The government does have comprehensive public procurement procedures which are overseen by the new Integrity Commission. They were most recently updated in 2018 to include accompanying regulations. The amendments, among other things, enhance the potential for micro, small and medium-sized enterprises (MSMEs) to compete for larger shares of Government procurement contracts. Public procurement is generally conducted through open tenders or direct advertising,

or by invitation to registered suppliers. U.S. firms are eligible to bid. In January 2021, Jamaica officially launched the Open Government Partnership (OGP) process, the first English-speaking Caribbean country to participate in the initiative.

Arbitral Awards: Jamaica has been a signatory to the ICSID since 1965. Commercial disputes that are not resolved in the local courts may be brought to arbitration under the ICSID. ICSID awards are enforceable by the Jamaican courts. Jamaican courts enforce property and contractual rights through four statutes, under which the judgments of foreign courts are accepted and enforced in all cases in which there is a reciprocal enforcement of judgment treaty with the relevant foreign nation. There have been cases of trademark infringements in which U.S. firms took action and were granted restitution in the local courts.

Nationalization/Expropriation: In the last four decades, there have been no reports of nationalization or expropriation of property of U.S. citizens in Jamaica. In March 1997, a bilateral investment treaty between the United State and Jamaica entered into force. Property rights are protected under Section 18 of the Jamaican Constitution. The Land Acquisition Act allows government expropriation of land but requires that compensation be paid based on market value. Although the Act allows for expropriating land prior to payment, landowners are entitled to accrue interest on the balance owed for the period between government expropriation and final payment.

Extradition: Jamaica is a signatory to both a Mutual Legal Assistance Treaty and an Extradition Treaty regarding U.S. citizens, Jamaicans, and third-country nationals.

Implementation of the Inter-American Convention against Corruption (IACAC): Jamaica ratified the IACAC in March 2001 and became a party to the UN Convention against Corruption in March 2008. Jamaica's standalone Corruption Prevention Commission was responsible for examining the statutory declarations of public sector workers and, if necessary, investigate complaints regarding corruption. There was little enforcement, as the CPC lacked the capacity to enforce the filing of declarations or prosecute wrongdoers. To beef up anti-corruption efforts, a new Integrity Commission Act came into effect in February 2018. The act creates a single national anti-corruption agency by combining the CPC with the Office of the Contractor General and the Integrity Commission, to investigate reports of corruption in public procurements, oversee the statutory financial declarations of both civil servants and parliamentarians, and importantly, prosecute corruption cases. The Integrity Commission has been more forward leaning and is currently investigating two parliamentarians and as prescribed in the Act, has randomly selected eight of the most senior public servants for additional interrogation on their submissions. The Commission has also referred two legislators and six public officials for prosecution for submitting false information on their income and assets.

Counternarcotics Cooperation: Jamaica was identified as a Major Drug Transit or Major Illicit Drug Producing Country for fiscal year 2020, but it is not designated as having failed demonstrably to make substantial efforts during the previous 12 months to fulfill its obligations under international counternarcotics agreements and the Foreign Assistance Act of 1961. Jamaica continues to be a major transit point for cocaine, particularly given recent increases in Colombian cocaine production, and Jamaica remains the largest Caribbean producer and exporter of

marijuana. Cooperation between the United States and Jamaica against illicit drugs and related transnational crime remains strong. U.S. counternarcotics projects in Jamaica are designed to increase the capacity of its law enforcement agencies in order to reduce the trafficking of illicit narcotics through Jamaica. The United States and Jamaica are bilateral parties to both a mutual legal assistance treaty and an extradition treaty.

Export Subsidies: Jamaica does not use export subsidies or trade-distorting export performance or have local content requirements.

Contribution to Regional Revitalization: Jamaica has been a major proponent of regional economic integration and was among the first to reduce duties on goods from CARICOM countries. While the country remains the largest recipient of CARICOM goods, its total trade with the regional bloc has declined from a peak of \$1.4 billion in 2008 to a low of \$330 million in 2020. The reduction is largely due the diversion of trade from Trinidad and Tobago, especially in the energy sector. Jamaica has also gained some competitiveness in the manufacturing space allowing it to increase exports to CARICOM and replace imports in the domestic market. Jamaica's current administration has recommitted to the CARICOM integration process and has encouraged its private sector to utilize the trade component of the Caribbean Court of Justice (CCJ) to address trade barriers.

Cooperation in Administration of the CBERA: Jamaica cooperates with the United States on the administration of CBERA. The Trade Board, a government agency, is responsible for administering the CBERA program. While the Government of Jamaica recognizes the importance of the program, they are concerned about its underutilization. The Government of Jamaica worked with USTR to hold two virtual events in 2020 to increase awareness of the program and explain its benefits.

Montserrat

Economic Review: Both U.S. exports and trade balance have increased in 2018. GDP increased substantially since 2014 while U.S. imports has shown strong growth 2018. Montserrat suffered severe economic difficulty in recent years due to volcanic eruptions. Starting in 1995, repeated eruptions of the Soufriere Hills Volcano in the south of

the island have led to the evacuation and relocation of residents from the “exclusion zone.” Approximately 60 percent of the island’s land area has been abandoned since 1995 and half of the island remains uninhabitable, including the capital city. An estimated 8,000 refugees left the island, though some are returning. While there has been no major volcanic activity since February 2010, activity could resume with little or no warning. The decrease in arable land associated with the volcanic eruptions has increased Montserrat’s reliance on tourism.

Indicator	Latest Data
Population*	4,993 (2018)
GDP*	\$161,890,000 (2018)
GDP per capita*	\$11,582.00 (2018)
U.S. Exports**	\$11,601,221 (2020)
U.S. Imports**	\$1,523,662 (2020)
Trade Balance**	\$16,068,559 (2020)

Source: UN Statistics Division*; Department of Commerce**

Commitment to Undertake WTO Obligations and Participate in Negotiations toward the FTAA or Another FTA: Montserrat is not a WTO Member.

Market Access/WTO Rules: Montserrat treats foreign and local investors equally with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.

Reverse Preferences: The United States is not aware of preferential treatment afforded to the products of a developed country, other than the United States.

Protection of Intellectual Property: In Montserrat, the law governing the protection of intellectual property is that of the United Kingdom.

Intellectual Property/Broadcast Copyright Violations: The United States is unaware of any cases where government-owned entities have broadcasted copyrighted material belonging to U.S. copyright-holders without their express consent.

Provision of Internationally Recognized Worker Rights: The labor force in Montserrat is small, and the government employs a majority of it. There is no legislated workweek, but workers generally work a 40-hour workweek. The Employment Ordinance No. 19 of 1979 governs labor relations. The Labor Department provides conciliation service. The Montserrat Allied Workers Union provides representation for workers outside the public sector.

The minimum age for employment is 16, and the minimum age for hazardous work is 18; both in alignment with international standards. However, the government has not determined by national law or regulation the types of hazardous work prohibited for children.

Commitments to Eliminate the Worst Forms of Child Labor: DOL's 2020 *Findings on the Worst Forms of Child Labor* reports that while the government made no advancement in efforts to prevent the worst forms of child labor, research found no evidence that child labor exists in Montserrat. Labor inspectors have no authority to conduct unannounced inspections or to assess penalties for child labor violations. Additionally, there are no laws prohibiting the use of children in illicit activities or determining the types of hazardous work prohibited for children.

Transparency in Government Procurement: Montserrat is not a signatory of the WTO GPA. Montserrat's laws regarding government procurement are those of the United Kingdom, which is a party to the GPA given its membership in the European Union. However, the GPA does not apply to procurement by Montserrat.

Arbitral Awards: The United States is unaware of any cases where Montserrat failed to act in good faith in recognizing arbitral awards in favor of U.S. Citizens in the last two years.

Nationalization/Expropriation: The United States is not aware of any outstanding expropriation claims or nationalization of foreign enterprises in Montserrat.

Extradition: An extradition treaty from 1977 between the U.S. and Great Britain covers Montserrat. In recent years, local courts have ruled against extraditing individuals to the United States.

Implementation of the Inter-American Convention against Corruption (IACAC): Montserrat is not a signatory to the IACAC, but as a British Overseas Territory, its international obligations derive from those of the United Kingdom.

Counternarcotics Cooperation: Montserrat was not identified as a jurisdiction of concern in the State Department's 2021 International Narcotics Control Strategy Report. Additionally, Montserrat has not been identified as a major drug transit or major illicit drug producing country under the provision of the Foreign Relations Authorization Act.

Export Subsidies: The law of Montserrat does not provide for export subsidies. Montserrat does not mandate local employment.

Contribution to Regional Revitalization: Montserrat encourages investments that will create jobs and increase exports.

Cooperation in Administration of the CBERA: Montserrat continues to cooperate with the United States in the administration of the CBERA.

St. Kitts and Nevis

Economic Review: According to ECCB figures, the economy of St. Kitts and Nevis had an estimated GDP of \$927.4 million (\$2.5 billion Eastern Caribbean dollars) in 2020, having contracted 11.2 percent due to the ongoing COVID-19 pandemic and its resulting impact on the tourism sector. The contraction of the tourism sector, which generates over 60 percent of GDP, has had ripple effects across the economy. The IMF forecasts real GDP growth of -2 percent in 2021. The COVID-19 pandemic has significantly reduced recent economic gains by the island nation.

Indicator	Latest Data
Population*	53,192 (2020)
GDP*	\$927,451,851.85 (2020)
GDP per capita*	\$17,435.93 (2020)
U.S. Exports**	\$136,040,018 (2020)
U.S. Imports**	\$50,098,134 (2020)
Trade Balance**	\$85,941,884 (2020)
Source: The World Bank*; Department of Commerce**	

St. Kitts and Nevis is a member of the OECS and the ECCU. St. Kitts and Nevis remains vulnerable to external shocks such as climate change impacts, natural disasters, and global economic downturns

Commitment to Undertake WTO Obligations: St. Kitts and Nevis has been a member of the WTO since 1996 and generally demonstrates a commitment to fulfill its WTO obligations on schedule. As a signatory to the WTO TBT Agreement, St. Kitts and Nevis, through the St. Kitts and Nevis Bureau of Standards, is obligated to harmonize all national standards to international norms to avoid creating technical barriers to trade. St. Kitts and Nevis ratified the WTO TFA in 2016 and has implemented a number of its requirements.

Market Access/WTO Rules: The Government of St. Kitts and Nevis treats foreign and local investors equally with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.

Reverse Preferences: During the reporting period, St. Kitts and Nevis did not afford preferential treatment to the products of a developed country, other than the United States. St. Kitts and Nevis is a member of CARIFORUM, and party to the EU-CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: St. Kitts and Nevis has been party to the WTO TRIPS Agreement since 2015. St. Kitts and Nevis has a legislative framework that supports IP protections. The Ministry of Justice and Legal Affairs is responsible for the administration of intellectual property laws. The registration of patents, trademarks, and service marks is administered by the Companies and Intellectual Property Office. St. Kitts and Nevis is a signatory to the Paris Convention for the Protection of Industrial Property (1883), the Patent Cooperation Treaty (PCT) (1970), and the Berne Convention for the Protection of Literary and

Artistic Works (1886). St. Kitts and Nevis is also a member of the United Nations World Intellectual Property Organization (WIPO).

Intellectual Property/Broadcast Copyright Violations: The United States is not aware of any cases where government-owned entities have broadcast copyrighted material belonging to U.S. copyright-holders without their express consent.

Provision of Internationally Recognized Worker Rights: St. Kitts and Nevis has ratified all eight ILO core labor conventions. The labor laws and procedures are the same in both St. Kitts and Nevis. The law provides for the right to form and join independent unions or staff associations. It also permits police, civil servants, hotels, construction workers, and small businesses to organize staff associations. Employers generally recognize unions if a majority of workers vote to organize, although they are not legally obliged to do so.

The minimum wage is above the estimated poverty level. St. Kitts and Nevis set the minimum wage at \$9.00 Eastern Caribbean Dollars (USD3.30) an hour. A minimum wage increase is currently under review. The law provides for a 40- to 44-hour work week; the common practice is 40 hours in five days. St. Kitts and Nevis does not prohibit excessive or compulsory overtime, but policy calls for employers to inform employees if they will be scheduled to work overtime.

The law sets occupational safety and health standards, which are outdated but appropriate for the country's main industries. Workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protect employees in this situation. St. Kitts and Nevis also requires that employers report accidents and dangerous incidents. The Labor Commission settles disputes over occupational safety and health conditions.

The constitution prohibits slavery, servitude, and forced labor.

The minimum age for employment is appropriately set at 16 years, but the minimum age for hazardous work does not align with international standards.

Commitments to Eliminate the Worst Forms of Child Labor: There was no evidence to suggest that the worst forms of child labor is a problem in St. Kitts and Nevis. The law prohibits the worst forms of child labor, except that there are no provisions in law or regulation to protect individuals between 16 and 18 years old from working in hazardous conditions. A special victims' unit has been created by the police and the Child Protections Services agency to carry out child and forced labor investigations.

Transparency in Government Procurement: The procurement policies of St. Kitts and Nevis are generally open and transparent, and the United States is not aware of any noncompetitive bidding procedures. St. Kitts and Nevis is not a signatory of the WTO GPA. The island did enact the Procurement and Contract Administration Act in 2012 which commits government contracts to a transparent bidding process. St. Kitts and Nevis participates in the development of the Framework for Regional Integration of Public Procurement, which upon implementation makes provisions for the use of Standard Bidding Documents and Standard Operating Procedures within the Caribbean Community.

Arbitral Awards: The United States is not aware of any cases where St. Kitts and Nevis has failed to act in good faith in recognizing arbitral awards in favor of U.S. Citizens during the reporting period.

Nationalization/Expropriation: There are two separate and outstanding cases involving the seizure of American-owned property by the Government of St. Kitts and Nevis. In the first case, the government of St. Kitts and Nevis defaulted on its agreement to pay an American claimant after completing the first two installments on an acquisition of a large parcel of land. Although a court ordered the government to pay two subsequent installments, the government has yet to do so. The government alleges that another individual has made a claim on part of the property and that it must wait until a court determines the outcome of the other claim before completing payments to the American owner. The court case deciding on the competing claim has not yet been scheduled. In 2020, a court ruled that the balance of payment due was to be deposited by the government into a court-controlled account to facilitate payment upon resolution of the other property claim. During the reporting period, the government did not deposit the balance into a court-controlled account. No further payments have been made to the estate of the claimant since he passed away in May 2021, according to the claimant's son, who is still pursuing the case.

In the second case that occurred in January 2015, an American company signed an agreement with St. Kitts and Nevis to provide 2 million gallons of water. The government expropriated one of the company's wells in November 2018 without compensation. In February 2019, the government agreed to pay a \$1 million settlement to the company and to deposit an additional \$500,000 into an escrow account. The company subsequently agreed to a settlement of \$750,000 plus the escrow deposit. Although the government agreed to the payments, the Ministry of Infrastructure has not released the funds. The United States continues to monitor these cases.

Extradition: The United States and St. Kitts and Nevis have signed a treaty regarding the extradition of citizens, including those from the United States. Both countries also signed a Mutual Legal Assistance Treaty.

Implementation of the Inter-American Convention against Corruption (IACAC): St. Kitts and Nevis is a party to the IACAC. The law provides criminal penalties for official corruption, and the government generally implements these laws effectively. Government agencies involved in enforcement of anti-corruption laws include the Royal St. Kitts and Nevis Police Force, the Director of Public Prosecutions, and the Financial Intelligence Unit. The Financial Intelligence Unit investigates financial crimes, but no independent body has been established to handle allegations of government corruption.

Counternarcotics Cooperation: St. Kitts and Nevis is not identified as a major drug transit or major illicit drug producing country under the provisions of the Foreign Assistance Act of 1961. The United States supports a wide range of efforts designed to address crime and violence affecting citizens of St. Kitts and Nevis, primarily through the CBSI. The United States enjoys strong operational cooperation with St. Kitts and Nevis on drug control matters and maintains bilateral agreements with St. Kitts and Nevis to suppress illicit traffic by sea.

Export Subsidies: The law of St. Kitts and Nevis does not provide for export subsidies nor does it mandate local content requirements. As a Member of the WTO, St. Kitts and Nevis is party to the Agreement to the Trade Related Investment Measures. While the government encourages local sourcing, there is no requirement that enterprises must purchase a fixed percentage of goods from local sources.

Self-Help Measures: St. Kitts and Nevis enacts economic legislation with the goals of creating jobs, earning foreign exchange, transferring technology, enhancing skills, and contributing to economic growth. The government continues to focus on the diversification of the economy to transform development.

Contribution to Regional Revitalization: St. Kitts and Nevis encourages investments that will create jobs and increase exports and foreign exchange earnings. St. Kitts and Nevis's trade policies, particularly those within CARICOM, seek to contribute to the revitalization of the CBI region.

Cooperation in Administration of the CBERA: St. Kitts and Nevis is committed to enhanced cooperation with the United States in the administration of CBERA.

Saint Lucia

Economic Review: Saint Lucia's economy is dependent on tourism and foreign investment, which accounts for most of its GDP, making it vulnerable to external shocks. Saint Lucia is a member of the OECS and ECCU. In addition to tourism, Saint Lucia's other main economic sectors include real estate and transportation.

Indicator	Latest Data
Population*	183,629 (2020)
GDP*	\$1,703,000,000 (2020)
GDP per capita*	\$9,276.12 (2020)
U.S. Exports**	\$621,031,876 (2020)
U.S. Imports**	\$8,898,505 (2020)
Trade Balance**	\$612,133,371 (2020)

Source: The World Bank*; Department of Commerce**

The COVID-19 pandemic significantly impacted Saint Lucia's economy. The country experienced an 18.9 percent contraction in 2020, and the IMF forecasts 3.1 percent growth in 2021. A new government led by Prime Minister Philip Pierre was elected in July 2021. This new government is tasked with charting the economic recovery of the island as well as fomenting new economic growth and development post COVID-19.

Commitment to Undertake WTO Obligations: Saint Lucia has been a WTO Member since 1995 and generally demonstrates a commitment to fulfill its WTO obligations on schedule. As a signatory to the WTO TBT Agreement, Saint Lucia, through the Saint Lucia Bureau of Standards, is obligated to harmonize all national standards to international norms to avoid creating technical barriers to trade. Saint Lucia is working to improve customs efficiency, modernize customs operations, and address inefficiencies in the clearance of goods. Saint Lucia ratified the WTO TFA in 2015 and has already implemented several TFA requirements.

Market Access/WTO Rules: Saint Lucia meets WTO requirements for equitable and reasonable access for U.S. goods and services to its market.

Reverse Preferences: During the reporting period, Saint Lucia did not afford preferential treatment to the products of a developed country, other than the United States. Saint Lucia is a member of CARIFORUM, and party to the EU-CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: Saint Lucia ratified the WTO TRIPS Agreement in 2016. It has a strong legislative framework in place for the protection of IP, but enforcement efforts are inconsistent. The Attorney General is responsible for administering intellectual property laws. The Registry of Companies and Intellectual Property Office administers the registration of patents, trademarks, and service marks. Saint Lucia is a member of WIPO and a signatory to a number of international intellectual property rights treaties, including the *Washington Treaty on Intellectual Property in Respect of Integrated Circuits*, the *WIPO Performances and Phonograms Treaty*, the *WCT*, the *Vienna Agreement Establishing an International*

Classification of the Figurative Elements of Marks, and the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms. Saint Lucia is also a signatory to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, the Patent Cooperation Treaty, the Rome Convention for the Protection of Performers, and Producers of Phonograms and Broadcasting Organization. In addition, Saint Lucia has signed the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works.

Intellectual Property/Broadcast Copyright Violations: The United States is not aware of any government-owned entities broadcasting copyrighted materials belonging to U.S. copyright-holders without their express consent. Saint Lucia maintains a statutory licensing regime that includes a requirement to pay royalties to rights holders. Rights holders, however, assert that they do not receive royalty payments due to a pattern of unlicensed broadcasting of copyrighted music.

Provision of Internationally Recognized Worker Rights: Saint Lucia has ratified seven of eight of the ILO's core labor conventions, with the exception of Convention 138 on the Minimum Age for Employment. The law specifies the right of most workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law also prohibits antiunion discrimination, and workers fired for union activity have the right to reinstatement.

There is no formal national minimum wage in Saint Lucia. The legislated workweek is 41 hours, and workers who work more than 40 hours in a week are entitled to overtime. Occupational health and safety regulations are well developed. However, enforcement of occupational and safety standards, pension standards, and minimum wage violations is limited, with only eight labor inspectors and one occupational health and safety-qualified inspector for the entire country.

The law prohibits forced labor and offers protection from slavery and forced labor, and labor trafficking is criminalized. Saint Lucia remained on Tier 2 of the State Department's 2021 Trafficking in Persons Report for increasing efforts to eliminate trafficking.

Saint Lucia's minimum age for employment is 15, and the minimum age for hazardous work is 18; both in adherence with international standards. However, the government has not determined by national law or regulation the types of hazardous work prohibited for children.

Commitments to Eliminate the Worst Forms of Child Labor: DOL's 2020 *Findings on the Worst Forms of Child Labor* reports that Saint Lucia made minimal advancement in its efforts to eliminate the worst forms of child labor. In 2020, the police investigated 30 cases of commercial sexual exploitation of children. Criminal law does not sufficiently prohibit the use of children for illicit activities nor the commercial sexual exploitation of children.

Transparency in Government Procurement: Saint Lucia is not a signatory of the WTO GPA. The government did enact the Public Procurement and Assets Disposal Bill in 2015. Saint Lucia participated in the development of the Framework for Regional Integration of Public Procurement, which requires the use of standard bidding documents and standard operating

procedures within the Caribbean Community. The Government of Saint Lucia's policies are generally open and transparent. The United States is not aware of any non-competitive bidding procedures.

Arbitral Awards: Saint Lucia is party to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, but not a member of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, also known as the New York Arbitration Convention. The Arbitration Act (2001) provides general and specific provisions on arbitration rules and procedures in Saint Lucia. The United States is not aware of any instance in which Saint Lucia failed to act in good faith in recognizing arbitral awards in favor of U.S. citizens since the last report was published two years ago.

Nationalization/Expropriation: Under the Land Acquisition Act, the government can acquire land for a public purpose. A notice of acquisition must be served on the person from whom the land is acquired. Saint Lucia employs a system of eminent domain to pay compensation in such cases. There is one case of expropriation involving an American citizen-owned property. In 1985, the government expropriated 32 acres of land owned by an American citizen since 1970 by an act of law. To date, the claimant has been unsuccessful in their attempts to seek redress. In 2014, the government denied the claimant's request without explanation and has since been largely unresponsive to repeated attempts by the claimant to appeal the decision. The U.S. Embassy in Bridgetown continues to advocate with the government to ensure the claimant is allowed to fully exercise his due process rights.

Extradition: The United States and Saint Lucia have signed a treaty regarding the extradition of U.S. citizens. The provisions in the treaty are bilateral. Both countries are also signatories to a Mutual Legal Assistance Treaty.

Implementation of the Inter-American Convention against Corruption (IACAC): Saint Lucia ratified the IACAC in January of 2003. Saint Lucia has laws, regulations, and penalties to combat corruption, notably the Integrity in Public Life Act of 2004. Government agencies involved in enforcement of anti-corruption laws include the Royal Saint Lucia Police Force, the Director of Public Prosecutions, the Integrity Commission, and the Financial Intelligence Unit. While the law provides criminal penalties for official corruption, enforcement is not always effective. Local laws require government officials to present their financial assets annually to the Integrity Commission. While authorities do not make public the disclosure reports filed by individuals, the commission submits a report to parliament each year. The commission lacks the ability to compel compliance with the law, and as a result, compliance is typically low.

Counternarcotics Cooperation: Saint Lucia is not identified as a major drug transit or major illicit drug producing country under the provisions of the Foreign Assistance Act of 1961. The United States supports a wide range of efforts designed to address crime and violence affecting citizens of Saint Lucia, primarily through the CBSI. The United States enjoys strong operational cooperation with Saint Lucia on drug control matters and maintains bilateral agreements with Saint Lucia to suppress illicit traffic by sea.

Export subsidies: The 2006 Revised Customs Duty Act of Saint Lucia governs the imposition of customs duties on exportation, and relief from customs duties on importation. The extent of the country's export subsidies and local content requirement is provided for within the Customs Act. As a member of the WTO, Saint Lucia is party to the Agreement to the Trade Related Investment Measures. The government requires all non-CARICOM citizens and companies intending to conduct business in Saint Lucia and who own more than 49 percent of the company's shares to obtain a trade license.

Self-Help Measures: The government of Saint Lucia provides a number of investment incentives to encourage both domestic and foreign private investment. The government continues to focus on the diversification of the economy to transform development.

Contribution to Regional Revitalization: The government of Saint Lucia strongly encourages policies that will create jobs and increase exports and foreign exchange earnings. Saint Lucia's trade policies, particularly those within CARICOM, seek to contribute to the revitalization of the CBI region.

Cooperation in Administration of the CBERA: Saint Lucia continues to cooperate with the United States in the administration of the CBERA.

St. Vincent and the Grenadines

Economic Review: According to ECCB statistics, St. Vincent and the Grenadines' 2020 estimated GDP was 783 million USD (2.12 billion Eastern Caribbean dollars) in 2020. This represents an estimated seven percent reduction from 2019, following several consecutive years of minimal growth.

Indicator	Latest Data
Population*	110,947 (2020)
GDP*	\$809,681,481.48 (2020)
GDP per capita*	\$7,297.91 (2020)
U.S. Exports**	\$77,663,111(2020)
U.S. Imports**	\$5,657,254 (2020)
Trade Balance**	\$72,005,857 (2020)

Source: The World Bank*; Department of Commerce**

Like other Eastern Caribbean countries, St. Vincent and the Grenadines is highly dependent on tourism, which accounted for 28.6 percent of GDP and 19.9 percent of formal sector employment in 2019. The anticipated recovery from the pandemic-induced downturn is expected to fall significantly short of expectations, contributing to a challenging economic outlook for 2021. Short-term forecasts project a sluggish recovery throughout 2021 and a return to pre-pandemic levels of growth and tourism by 2024. The economy may struggle to hit its forecasted growth of around 3.7 percent in 2021, and in fact may continue to contract as the economy is impacted by the ongoing pandemic and the eruptions of La Soufriere volcano on St. Vincent.

The island is a member of the OECS and the ECCU.

Commitment to Undertake WTO: St. Vincent and the Grenadines has been a WTO Member since 1995 and has generally demonstrated a commitment to fulfill its WTO obligations on schedule. St. Vincent and the Grenadines ratified the WTO TFA in 2017 and has already implemented several TFA requirements.

Market Access/WTO Rules: St. Vincent and the Grenadines treats foreign and local investors equally with respect to the establishment, acquisition, expansion, management, operation, and sale of investments in its territory.

Reverse Preferences: During the reporting period, St. Vincent and the Grenadines did not afford preferential treatment to the products of a developed country, other than the United States. St. Vincent and the Grenadines is a member of CARIFORUM, and party to the EU-CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: St. Vincent and the Grenadines formally accepted the WTO TRIPS Agreement in 2017. St. Vincent and the Grenadines has a legislative framework for the protection of IP. The administration of intellectual property laws is the responsibility of the Office of the Attorney General. The Commerce and Intellectual Property Office administers the registration of patents and trademarks. St. Vincent and the Grenadines is a signatory to the Paris Convention and the Berne Convention. It is also a member of WIPO and a signatory to its treaties.

Intellectual Property/Broadcast Copyright Violations: The United States is not aware of government-owned entities broadcasting copyrighted materials belonging to U.S. copyright-holders without their express consent.

Provision of Internationally Recognized Worker Rights: St. Vincent and the Grenadines has ratified all eight of the ILO core labor conventions. The law provides for the right of workers to form and join unions of their choice, bargain collectively, and conduct legal strikes. The law does not require employers to recognize a particular union as an exclusive bargaining agent. The law prohibits antiunion discrimination and dismissal for engaging in union activities.

Minimum wages varied by sector and type of work and were below the poverty line. The law prescribes hours of work for different categories of workers, and the law provides that workers receive time-and-a-half pay for hours worked above the standard workweek. There was a prohibition against excessive or compulsory overtime. Workers have the right to remove themselves from unsafe work environments without jeopardizing their employment. The government did not effectively enforce occupational safety and health laws, and although inspectors conducted unannounced inspections, they were not authorized to levy sanctions.

The law prohibits all forms of forced or compulsory labor, and labor trafficking is criminalized. St. Vincent and the Grenadines remained on Tier 2 of the State Department's 2021 Trafficking in Persons Report for significant efforts to eliminate trafficking.

St. Vincent and the Grenadines' minimum age for work is appropriately set at 14, although the minimum age for hazardous work does not align with international standards. Additionally, the government has not determined by national law or regulation the types of hazardous work prohibited for children.

Commitments to Eliminate the Worst Forms of Child Labor: St. Vincent and the Grenadines bars the worst forms of child labor. DOL's 2020 *Findings on the Worst Forms of Child Labor* reports that St. Vincent and the Grenadines made a moderate advancement in efforts to eliminate the worst forms of child labor. Limited information suggests that some children in Saint Vincent and the Grenadines are subjected to commercial sexual exploitation. The law prohibiting the commercial sexual exploitation of children does not meet international standards. During the reporting period the Anti-Trafficking in Persons Unit funded and conducted specialized human trafficking training for 181 new police recruits and the entire staff of the Sexual Offenses Unit.

Transparency in Government Procurement: St. Vincent and the Grenadines is not a signatory of the WTO GPA. Government procurement policies are generally open and transparent, and the United States is not aware of any non-competitive bidding procedures. The government of St. Vincent and the Grenadines enacted the Public Procurement Act in 2018 and has participated in the development of the Framework for Regional Integration of Public Procurement, which requires the use of standard bidding documents and standard operating procedures within CARICOM.

Arbitral Awards: The United States is not aware of cases where St. Vincent and the Grenadines failed to act in good faith in recognizing arbitral awards in favor of U.S. citizens during the

reporting period. St. Vincent and the Grenadines is a member of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, also known as the New York Arbitration Convention. Through the Arbitration Act (1952), the local courts recognize and enforce foreign arbitral awards issued against the government. Investors are permitted to use national or international arbitration for contracts with the state.

Nationalization/Expropriation: The United States is not aware of any outstanding expropriation claims or nationalization of U.S. citizens' property during the reporting period. The Aliens' Land Holding Act regulates the holding of land and mortgages related to land by individuals who are non-nationals and companies controlled by non-nationals. Non-nationals must apply for and be granted a license to hold land. The breach of any condition of the license authorizes forfeiture to the government of the interest held by the non-national. Under the Land Acquisition Act, the government may acquire land for a public purpose. The government must serve a notice of acquisition to the person from whom the land is acquired. A Board of Assessment determines compensation and files its award in the High Court. The value of the land is based on the amount for which the land would have been sold on the open market by a willing seller.

Extradition: The United States and St. Vincent and the Grenadines have signed a treaty regarding the extradition of U.S. citizens. The provisions in the treaty are bilateral. Both countries are also signatories to a Mutual Legal Assistance Treaty.

Implementation of the Inter-American Convention against Corruption (IACAC): St. Vincent and the Grenadines is party to the IACAC but not to the UN Convention against Corruption. The law provides criminal penalties for official corruption, and the government generally implements these laws. The Director of Public Prosecutions has the authority to prosecute a number of corruption-related offenses. Corruption allegations are investigated by the Royal St. Vincent and the Grenadines Police Force. There is no statutory standard obligation for public officers to disclose financial information to a specific authority. If there are confiscation proceedings initiated or contemplated against a corrupt official, the courts can order disclosure of financial information. The Financial Intelligence Unit has the authority to conduct financial investigations with a court order.

Counternarcotics Cooperation: St. Vincent and the Grenadines is not identified as a major drug transit or major illicit drug producing country under the provisions of the Foreign Assistance Act of 1961. The United States supports a wide range of efforts designed to address crime and violence affecting citizens of St. Vincent and the Grenadines, primarily through the CBSI. The United States enjoys strong operational cooperation with St. Vincent and the Grenadines on drug control matters. The United States maintains bilateral agreements with St. Vincent and the Grenadines to suppress illicit traffic by sea.

Export Subsidies: The Customs Duties (Dumping and Subsidies) Act authorizes the imposition of duties and customs where goods have been dumped or subsidized. As a member of the WTO, St. Vincent and the Grenadines is party to the TRIMs Agreement. The United States is not aware of any use of export subsidies or trade-distorting export performance or local content requirements during the reporting period.

Self-Help Measures: St. Vincent and the Grenadines seeks to broaden the diversification of its economy among several niche markets, particularly tourism, international financial services, agro-processing, light manufacturing, renewable energy, creative industries, and information and communication technologies. The country strongly encourages FDI, particularly in industries that create jobs and earn foreign exchange. Through the Invest St. Vincent and the Grenadines Authority (Invest SVG), the government facilitates FDI and maintains an open dialogue with current and potential investors.

Contribution to Regional Revitalization: St. Vincent and the Grenadines strongly encourages policies that will create jobs and increase exports and foreign exchange earnings. St. Vincent and the Grenadines' trade policies, particularly those within CARICOM, seek to contribute to the revitalization of the CBI region.

Cooperation in Administration of the CBERA: St. Vincent and the Grenadines continues to cooperate with the United States in the administration of the CBERA.

Trinidad and Tobago

Economic Review: Trinidad and Tobago is a high-income developing country where energy exploration and production drive the economy. Energy usually accounts for almost half of GDP and 80 percent of export earnings. In 2019, the country slowly emerged from a recession that began in 2015. This resulted from chronic underinvestment, decreasing production, an inefficient, state-run energy monopoly, and a 70 percent decline in global energy prices. In 2020, GDP contracted by 7.9 percent. Declining economic activity lowered government revenue, increasing the budget deficit more than four-fold to 11.2 percent in 2020.

Indicator	Latest Data
Population*	1,399,491 (2020)
GDP*	\$21,530,000,000 (2020)
GDP per capita*	\$15,384.04 (2020)
U.S. Exports**	\$2,400,558,921 (2020)
U.S. Imports**	\$2,478,636,865 (2020)
Trade Balance**	\$-78,077,944 (2020)
Source: The World Bank*; Department of Commerce**	

Local economists predict a further economic contraction of 5 percent in 2021 due to the ongoing natural gas shortage and restrictions imposed by the Government to combat the COVID-19 pandemic. They have revised revenue projections downward and expects an even greater budget deficit as a result of lower economic activity and increased pandemic-related expense.

Commitment to Undertake WTO Obligations: Trinidad and Tobago has been a member of the WTO since 1995 and is an active participant in CARICOM. At Trinidad and Tobago's last WTO Trade Policy Review in 2019, the United States noted that Trinidad and Tobago's applied most favored nation rate exceeded the bound rate on 59 lines in 2018. The Minister of Trade and Industry maintains these rates are under review and will go to Parliament for approval after an internal ministry process develops recommendations.

Trinidad and Tobago has submitted notifications under various WTO agreements, though they are not up to date.

Market Access/WTO Rules: The United States and Trinidad and Tobago concluded a bilateral investment treaty in 1994. The country provides equitable and reasonable access for U.S. goods and services.

Reverse Preferences: During the reporting period, Trinidad and Tobago did not afford preferential treatment to the products of a developed country, other than the United States. Trinidad and Tobago is a member of CARIFORUM, and party to the EU-CARIFORUM EPA. CARIFORUM countries have committed to progressively reduce their tariffs to zero for 87 percent of EU products by 2033. In March 2019, the CARIFORUM-United Kingdom EPA was signed and it includes a similar tariff reduction schedule.

Protection of Intellectual Property: Trinidad and Tobago is a signatory to the WTO's TRIPS Agreement and has drafted legislation to implement obligations under the TRIPS Agreement. However, enforcement remains weak and inconsistent.

Intellectual Property/Broadcast Copyright Violations: Trinidad and Tobago remains on the USTR's Special 301 Watch List for 2021. Despite pledges to take enforcement action, the Telecommunications Authority of Trinidad and Tobago (TATT) continues to extend the forbearance period of its enforcement of the concessions agreement it requires of domestic broadcasters, which mandates respect for IP. The concession agreement prohibits broadcasters from transmitting any program, information, or other material without first obtaining all required permissions from relevant IP right holders. The United States remains concerned about the lack of enforcement action against companies in Trinidad and Tobago that violate the agreement, particularly the two state-owned telecommunications networks, both of which broadcast unlicensed U.S. content.

Provision of Internationally Recognized Worker Rights: Trinidad and Tobago has ratified all eight of the ILO core labor conventions. The Industrial Relations Act (IRA) provides that all workers, including those in state-owned enterprises, may form and join independent unions, bargain collectively, and conduct legal strikes, but with some limitations. For example, a union must have the support of an absolute majority of workers to obtain bargaining rights, and employees providing essential services do not have the right to strike.

The national minimum wage was greater than the official poverty income level. The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime. Occupational safety and health standards are appropriate for the main industries in the country. The law gives workers the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities generally protected this right.

The Trinidad and Tobago Constitution prohibits forced labor, as does the 2011 Trafficking in Persons Act. Upon conviction, perpetrators of forced labor are subject to a fine of at least USD 75,000 and imprisonment for at least 15 years. The Counter-Trafficking Unit of the Ministry of National Security is responsible for investigating potential forced labor cases and referring cases for prosecution.

The law sets the minimum age for employment at 16 years of age. However, the current legislation does not establish a clear minimum age for hazardous work. The government has not developed legislation on the prohibition of hazardous occupations and activities for children.

Commitments to Eliminate the Worst Forms of Child Labor: Trinidad and Tobago has laws prohibiting the worst forms of child labor, although it does not adequately prohibit hazardous child labor. DOL has not included a country profile for Trinidad and Tobago in recent reports on the *Findings on the Worst Forms of Child Labor*.

Transparency in Government Procurement: Trinidad and Tobago is not a signatory to the WTO GPA. Though the government has passed legislation to standardize procedures and regulations for public procurement, legislation remains incomplete. Public procurement processes suffer from widespread perceptions of corruption, anti-competitiveness, and a lack of transparency.

Though U.S. companies compete for and have won government service contracts, they identify non-transparent procedures as an impediment to foreign direct investment. Contracts are frequently awarded outside the tender process in favor of specific vendors. The SOEs of the People's Republic of China (PRC) benefit from this lack of transparency and since 2005 have secured all large public construction projects in the country. The updated government procurement legislation excludes government-to-government procurement; hence, non-competitive, non-transparent deals with PRC SOEs are expected to continue to crowd out opportunities for U.S. companies to compete for large government construction requirements.

Arbitral Awards: Trinidad and Tobago signed the New York Convention on the Recognition of Arbitral Awards in 1966. There are no reports of the government failing to recognize an arbitral award in favor of U.S. citizens since the last report.

Nationalization/Expropriation: The United States is not aware of any cases of nationalization or expropriation of the property belonging to U.S. citizens during the reporting period.

Extradition: The United States and Trinidad and Tobago have signed a bilateral Extradition Treaty and Mutual Legal Assistance Treaty in Criminal Matters. Both treaties were signed on March 4, 1996, and ratified soon thereafter.

Implementation of the Inter-American Convention against Corruption (IACAC): Trinidad and Tobago signed and ratified the IACAC in 1998 and became a state party to the convention in 2001.

Counternarcotics Cooperation: Trinidad and Tobago meets U.S. counternarcotics certification criteria under the Foreign Assistance Act of 1961.

Export Subsidies: Use of export subsidies appears to be limited to a nationwide electricity subsidy for all citizens that also benefits domestic manufacturers. The Government of Trinidad and Tobago has stated it will re-examine the subsidy during calendar year 2022.

Self-Help Measures: Trinidad and Tobago currently engages in self-help measures to promote economic development in priority export sectors such as agro-processing. The Government articulates the importance of diversification and has appealed for increased foreign investment.

Contribution to Regional Revitalization: Trinidad and Tobago has taken the lead in implementing the CARICOM Single Market Economy (CSME), which launched in January 2006. Implementation has stalled, though Trinidad and Tobago continues to press for progress, particularly in the free movement of labor.

Cooperation in Administration of the CBERA: Trinidad and Tobago has had limited cooperation with the United States on administration of CBERA.

VI. Summary of Public Comments

One company, one government, and two organizations responded to the Trade Policy Staff Committee's solicitation of comments from the public in connection with preparation of this report. The notice and solicitation of comments was published in the *Federal Register* of July 8, 2021. The full text of these submissions are available for review at the *Regulations.gov* website, under docket number USTR-2021-0011.

American Apparel & Footwear Association

The American Apparel & Footwear Association (AAFA) advocates for the increased flexibility of rules of origin under the CBERA/CBTPA to enable meaningful growth of the apparel industry in the Caribbean. They cite concerns over the diminishing of trade under CBERA/CBTPA due to more flexible rules of origin permitted by the HOPE/HELP and CAFTA-DR programs. They also state that the CAFTA-DR is not sufficiently flexible to maintain trade and investment levels, which has led to trade permanently shifting outside the region. AAFA requests the Biden-Harris administration ramp up distribution of excess U.S. vaccines to Caribbean partner countries, particularly focused on populations critical to economic growth, to aid in recovery and stability efforts.

Manchester Trade International Business Advisors

Manchester Trade Limited Inc (MTL) raises concerns that the government of the British Virgin Islands (BVI) is violating CBERA eligibility requirements, specifically section 212(b) 19 U.S.C. 2702(b), which states a country is ineligible if deemed to have expropriated or nationalized property owned by a corporation owned by U.S. citizens. A portion of the property owned by MTL is expected to be used for the expansion of an airport by the BVI government. MTL claims the BVI government has blocked MTL's ability to advocate on the commercial development of the property by failing to grant approvals, and therefore has damaged investment opportunities and financing required to develop the property. MTL asks for U.S. government involvement to engage in negotiation and reach a desirable resolution.

St. Vincent and the Grenadines Ministry of Foreign Affairs, Trade, and Commerce

Saint Vincent and the Grenadines provided updates on their market access, protection of intellectual property, implementation of the Inter-American Convention against Corruption (IACAC), counter-narcotic operation, and efforts against child labor. The government has stated that it is working towards the implementation of the Trade Facilitation Agreement, signed in 2017. In their administration of intellectual property regulations, the country's Government and Intellectual Property Office (CIPO) noted that although some action may be undertaken by the relevant authorities, other action must be taken by the aggrieved party. Regarding corruption, their criminal penalty laws are generally implemented. Additionally, the Saint Vincent and the Grenadines President has not identified the country as a major illicit drug transit or producer under the provisions of the Foreign Relations Authorization Act. Last but not least, to combat child labor

they have increased the budget of the government's Labour Department and trained their law enforcement on child labor and human trafficking. They also indicated that gaps in their laws are an obstacle that are contributing to the issue and must be addressed, including a lack of restrictions on the number of hours children under 18 may work, as well as no prohibitions against children under 18 working in hazardous conditions.

National Council of Textile Organizations

The National Council of Textile Organizations (NCTO) expressed their support of CBERA and CBTPA in their current form and noted that the programs have helped create a valuable two-way trading system in the textile and apparel sector along with other FTAs and preference programs in the Western Hemisphere. They stated preference arrangements must be made on sound rules of origin ensuring benefits are reasonably accessible for regional manufacturers of all components of the production chain. NCTO also expressed their concern and opposition towards any efforts to extend CBTPA with non-germane tariff circumvention measures such as the GSP. They claim that extension would severely damage FTAs and preference-based manufacturing, as well as would hinder U.S. ability to negotiate improved market access for U.S. made products in future FTAs. Additionally, they strongly oppose Section 321 as they consider it undermines existing U.S. FTAs and preference programs, as duty-free benefits are made available without considering the source or regional origin requirements. They also are against the PPE Taxes Act provision under the USICA, as they claim it increases the risk of predatory practices that non-market economies employ to gain access to U.S. markets.

Appendix: U.S. Imports from CBI Countries by Selected Programs, 2018-2020 and January-August 2020 and 2021

Country	Import Program	2018		2019		2020		2020 January - August		2021 January - August	
		Thousand \$	% of Total	Thousand \$	% of Total	Thousand \$	% of Total	Thousand \$	% of Total	Thousand \$	% of Total
Antigua and Barbuda	CBERA	19	1.0	18	0.5	36	1.0	36	2.3	0	0.0
	Otherwise duty free	1,730	92.3	1,021	27.3	3,018	86.8	1,376	89.2	2,201	93.7
	Dutiable imports	126	6.7	2,703	72.2	423	12.2	130	8.4	149	6.3
	Total	1,875	100.0	3,742	100.0	3,476	100.0	1,542	100.0	2,349	100.0
Aruba	CBERA	16	0.2	30	0.4	32	0.7	22	1.0	207	7.1
	Otherwise duty free	4,679	50.1	7,356	96.9	4,307	92.4	1,995	89.2	2,461	83.9
	Dutiable imports	4,636	49.7	206	2.7	324	6.9	220	9.8	264	9.0
	Total	9,331	100.0	7,591	100.0	4,662	100.0	2,237	100.0	2,932	100.0
The Bahamas	CBERA	66,181	27.4	60,673	29.8	56,751	31.8	37,861	33.6	51,667	39.0
	Otherwise duty free	116,417	48.2	141,225	69.3	105,465	59.1	66,061	58.6	77,984	58.8
	Dutiable imports	59,051	24.4	1,753	0.9	16,318	9.1	8,809	7.8	2,913	2.2
	Total	241,649	100.0	203,652	100.0	178,535	100.0	112,731	100.0	132,564	100.0
Barbados	CBERA	7,453	15.7	5,753	16.1	7,567	18.0	6,087	22.5	555	2.2
	Otherwise duty free	34,131	71.7	28,644	80.1	33,920	80.6	20,496	75.8	24,039	95.9
	Dutiable imports	5,999	12.6	1,356	3.8	578	1.4	467	1.7	469	1.9
	Total	47,583	100.0	35,752	100.0	42,065	100.0	27,050	100.0	25,062	100.0
Belize	CBERA	10,676	18.8	10,639	20.9	15,439	31.7	13,434	35.6	13,099	40.7
	CBTPA	4,533	8.0	10,014	19.7	0	0.0	0	0.0	0	0.0
	GSP	10,749	18.9	7,591	14.9	9,382	19.2	8,385	22.2	3,745	11.6
	Otherwise duty free	22,034	38.7	21,755	42.7	19,746	40.5	11,843	31.4	14,221	44.2
	Dutiable imports	8,907	15.7	956	1.9	4,176	8.6	4,045	10.7	1,145	3.6
	Total	56,899	100.0	50,955	100.0	48,744	100.0	37,707	100.0	32,210	100.0
British Virgin Islands	CBERA	22	0.2	11	0.8	0	0.0	0	0.0	0	0.0
	Otherwise duty free	11,421	78.8	721	50.2	3,520	81.6	517	44.9	1,137	59.5
	Dutiable imports	3,056	21.1	703	49.0	793	18.4	636	55.1	773	40.5
	Total	14,499	100.0	1,435	100.0	4,313	100.0	1,153	100.0	1,909	100.0

Curaçao	CBERA	119	0.1	57	0.1	155	0.8	22	0.2	103	0.5
	Otherwise duty free	46,389	46.4	62,505	95.3	15,500	80.4	9,715	76.4	19,729	92.2
	Dutiable imports	53,464	53.5	3,039	4.6	3,633	18.8	2,981	23.4	1,573	7.3
	Total	99,972	100.0	65,601	100.0	19,289	100.0	12,718	100.0	21,405	100.0
Dominica	CBERA	36	3.1	29	2.5	50	5.0	47	6.3	12	2.0
	GSP	0	0.0	0	0.0	17	1.7	17	2.2	0	0.0
	Otherwise duty free	809	71.0	1,065	92.4	791	79.9	610	82.0	580	94.9
	Dutiable imports	296	25.9	59	5.1	132	13.4	70	9.4	19	3.1
	Total	1,140	100.0	1,152	100.0	990	100.0	744	100.0	611	100.0
Grenada	CBERA	2,912	21.9	2,991	24.0	2,485	22.0	1,332	20.6	1,674	16.8
	GSP	107	0.8	91	0.7	76	0.7	57	0.9	2	0.0
	Otherwise duty free	10,099	75.9	9,321	74.8	8,674	76.8	5,047	78.2	8,189	82.1
	Dutiable imports	179	1.3	63	0.5	64	0.6	18	0.3	113	1.1
	Total	13,297	100.0	12,466	100.0	11,299	100.0	6,453	100.0	9,979	100.0
Guyana	CBERA	848	0.4	4,397	3.7	2,493	0.4	1,730	0.5	2,264	0.2
	CBTPA	2	0.0	0	0.0	262,901	37.0	131,349	38.4	112,307	8.9
	GSP	10,841	4.5	4,403	3.7	17,434	2.5	5,830	1.7	210	0.0
	Otherwise duty free	229,403	94.8	108,974	92.0	216,523	30.5	96,971	28.3	250,030	19.8
	Dutiable imports	800	0.3	676	0.6	211,403	29.7	106,300	31.1	895,609	71.1
	Total	241,893	100.0	118,489	100.0	710,755	100.0	342,179	100.0	1,260,419	100.0
Haiti	CBERA	12,949	1.3	15,503	1.5	19,784	2.4	17,710	3.5	19,451	2.8
	CBTPA	284,222	28.4	246,572	23.7	179,572	21.6	106,668	21.2	164,196	23.3
	Haiti Hope ¹	661,378	66.1	737,091	71.0	576,943	69.4	341,268	67.9	482,276	68.5
	GSP	1,114	0.1	1,343	0.1	3,165	0.4	2,013	0.4	340	0.0
	Otherwise duty free	34,740	3.5	31,560	3.0	32,275	3.9	22,595	4.5	23,877	3.4
	Dutiable imports	6,499	0.6	6,733	0.6	19,456	2.3	12,501	2.5	13,632	1.9
	Total	1,000,903	100.0	1,038,831	100.0	831,194	100.0	502,755	100.0	703,773	100.0

Jamaica	CBERA	83,670	24.8	89,773	24.2	108,861	29.7	70,097	30.3	82,971	22.2
	CBTPA	0	0.0	3,128	0.8	0	0.0	0	0.0	0	0.0
	GSP	8,915	2.6	4,048	1.1	7,937	2.2	4,723	2.0	1,100	0.3
	Otherwise duty free	243,193	72.0	254,917	68.7	247,173	67.5	154,931	66.9	253,266	67.7
	Dutiable imports	1,964	0.6	19,413	5.2	2,354	0.6	1,665	0.7	36,729	9.8
	Total	337,743	100.0	371,296	100.0	366,325	100.0	231,416	100.0	374,066	100.0
Montserrat	Otherwise duty free	541	87.1	932	82.7	1,149	81.3	557	89.8	514	69.7
	Dutiable imports	80	12.9	194	17.3	264	18.7	63	10.2	224	30.3
	Total	621	100.0	1,127	100.0	1,412	100.0	620	100.0	738	100.0
St. Kitts and Nevis	CBERA	5,076	13.2	4,234	10.4	3,307	8.5	2,007	8.0	2,604	11.5
	Otherwise duty free	9,888	25.6	18,390	45.0	32,423	83.1	20,934	83.6	19,303	84.9
	Dutiable imports	23,593	61.2	18,245	44.6	3,292	8.4	2,113	8.4	827	3.6
	Total	38,557	100.0	40,869	100.0	39,022	100.0	25,054	100.0	22,734	100.0
Saint Lucia	CBERA	373	5.2	488	4.2	575	7.9	238	5.4	412	8.0
	GSP	187	2.6	339	2.9	149	2.1	149	3.4	6	0.1
	Otherwise duty free	6,516	90.4	10,550	91.5	6,301	86.8	3,780	86.0	4,726	91.6
	Dutiable imports	132	1.8	139	1.2	235	3.2	231	5.2	18	0.3
	Total	7,209	100.0	11,527	100.0	7,260	100.0	4,398	100.0	5,162	100.0
St. Vincent and the Grenadines	CBERA	22	0.5	77	1.7	0	0.0	0	0.0	24	0.8
	GSP	37	0.8	40	0.9	54	1.1	47	1.4	17	0.6
	Otherwise duty free	4,487	93.7	4,319	93.9	4,646	94.3	3,099	94.3	2,776	97.9
	Dutiable imports	243	5.1	166	3.6	225	4.6	140	4.2	19	0.7
	Total	4,789	100.0	4,601	100.0	4,925	100.0	3,286	100.0	2,836	100.0
Trinidad and Tobago	CBERA	496,395	14.8	403,261	12.7	294,519	11.6	206,482	12.3	364,483	13.6
	CBTPA	55,388	1.6	293,256	9.2	284,581	11.2	221,590	13.2	107,501	4.0
	Otherwise duty free	2,158,267	64.3	2,132,030	67.1	1,670,946	65.7	1,064,008	63.4	1,965,625	73.5
	Dutiable imports	647,061	19.3	350,514	11.0	292,007	11.5	185,212	11.0	235,642	8.8
	Total	3,357,110	100.0	3,179,061	100.0	2,542,053	100.0	1,677,293	100.0	2,673,251	100.0

Note: Data are imports for consumption, customs values CBERA data in 2019 incorporate USITC estimates to account for the misclassification of certain imports of methanol as not having received duty preferences under CBERA when in fact they did. These data will be subject to a forthcoming revision from the U.S. Census Bureau, U.S. government representative email message to USITC staff, July 20, 2021. Data available through USITC's DataWeb or the Census Bureau's USA Trade Online will not revise them until the Census Bureau releases its annual revisions in June 2022.

¹ Estimate by USITC.

Source: USITC DataWeb/USDOC, accessed November 8, 2021.

