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LETTER OF TRANSMITTAL

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, June 29, 2009.

DEAR COLLEAGUES: My senior Senate Foreign Relations Committee (SFRC) staff member for Latin America, Carl Meacham, visited Uruguay at my direction from May 26–28, 2009, to examine ways to deepen our trade relations.

As Congress debates renewal of trade preferences for several South American countries, which are set to expire this year under the Andean Trade Promotion and Drug Eradication Act (ATPDEA), it should also consider granting preferences for Uruguayan exports that currently face high U.S. tariffs. Uruguay has proved to be a reliable partner in the Southern Cone, and the United States would benefit politically by strengthening ties with a small but strategically important neighbor of the two largest economies in South America.

I am strong believer in free trade and the power of markets to strengthen the growing political and economic relationship between our nations and help bring new jobs and goodwill to the region. The ultimate goal of expanding commercial ties with Uruguay should be a free trade agreement, which I have advocated since 2002. Nevertheless, given the current domestic obstacles to bilateral trade deals, a trade preference arrangement is an interim step that would advance U.S. interests. Trade preferences are usually designed to promote economic growth in our poorest trading partners. Uruguay does not fall into that category, but I believe that preferences should also be used strategically to advance foreign policy goals. In the case of Uruguay, the clear U.S. objective is to strengthen a bilateral relationship that has important political implications for the wider region, as Mr. Meacham's report illustrates.

I hope you find the report helpful as the U.S. Congress reviews trade preference programs. I look forward to continuing to work with you on these issues, and I welcome any comments you may have on this report.

Sincerely,

RICHARD G. LUGAR,
Ranking Member.

URUGUAY TRADE PREFERENCES: A STRATEGIC OPPORTUNITY IN THE SOUTHERN CONE

From May 26–28, 2009, Senate Foreign Relations Committee minority staff traveled to Montevideo, Uruguay, on an official visit. During this trip, staff met with senior officials of the Government of Uruguay (GOU), Members of the Uruguayan Senate, Uruguayan economists, representatives of the apparel and textile industries, and the American Chamber of Commerce in Montevideo (see Appendix I for complete list of meetings). At the request of Senator Lugar, the purpose of the trip was to:

- Explore ways to expand trade relations with Uruguay.
- Assess the implications of deeper commercial relations, with a particular focus on the political, strategic, and regional benefits for the United States.

INTRODUCTION

Unilateral U.S. trade preference programs aim to increase trade with beneficiary countries in order to foster economic development and promote various U.S. foreign policy objectives. Currently, the United States offers the Generalized System of Preferences (GSP) and three regional programs, the Caribbean Basin Initiative (CBI), the Andean Trade Promotion and Drug Eradication Act (ATPDEA), and the African Growth and Opportunity Act (AGOA).

U.S. Trade Representative Ron Kirk has indicated a willingness to work with Congress to reform these programs, though preference reform legislation is unlikely to be considered before next year.[1] Nevertheless, a review of trade preferences is timely because several preference programs are scheduled to expire during the current calendar year. In South America, preferences for Colombia and Peru will expire on December 31, 2009. Preferences for Ecuador will remain in effect until the end of the year unless President Obama determines by July 1, 2009, that Ecuador does not satisfy certain requirements. Bolivia's preferences would expire on June 30, 2009, but the Bush Administration suspended its designation as a beneficiary country in November 2008.

As Congress debates the expiring trade preference programs and as the Administration considers a new model for free trade agreements, it should also consider new or expanded trade preference opportunities. In the U.S. Congress, Members have already introduced the U.S.-Paraguay Partnership Act of 2009, which amends

[1] "Reif Signals Preference Program Reform May Spill Into New Year." *Inside U.S. Trade.* 8 May 2009.

the ATPDEA to include Paraguay on the list of countries eligible for unilateral duty-free treatment. But, despite its strategic importance to the United States in South America, one country that has been missing from the current debate on trade preferences is Uruguay.

BACKGROUND

Uruguay is a relatively small U.S. trade partner, accounting for less than 1 percent of U.S. exports and imports. It is the 79th largest export market for the United States and the 108th largest importer of U.S. merchandise goods. The United States exports intermediate and capital goods to Uruguay, such as machinery, computers, and perfume; the United States imports from Uruguay mostly primary goods or simple manufactured goods, such as meat, leather, wood, and frozen fish.[2] As a GSP beneficiary country, Uruguay mainly uses duty-free treatment to export raw hides and skins; in 2008, exports through GSP accounted for 23 percent of Uruguay's total exports to the United States.[3]

Uruguay's top three trade partners and their respective share of total trade are: Argentina (19 percent), Brazil (18 percent), and the European Union (12 percent), with the United States at 5 percent.[4] Although Uruguay is a member of the MERCOSUR customs union, it has expressed a strong interest in pursuing closer bilateral trade relations with the United States.[5]

We enjoy a longstanding positive commercial relationship with Uruguay that has grown over the past decade, beginning with the creation of a Joint Commission on Trade and Investment (JCTI) in 2002. This led to more formal arrangements, including a bilateral investment treaty (BIT) providing greater protections for U.S. investors operating in Uruguay, especially in the area of dispute settlement.[6] On January 1, 2007, Uruguay and the United States signed a Trade and Investment Framework Agreement (TIFA), which established the U.S.-Uruguay Council on Trade and Investment as the formal mechanism for pursuing means for liberalizing bilateral trade and investment. In October 2008, Uruguay and the United States signed two protocols to the TIFA on trade facilitation and public participation in trade and environment.[7] Most recently, the Council held its third meeting in Washington, DC on June 5, 2009, to discuss full implementation of these protocols.

Uruguay's ties with the United States help diversify its trade and balance its economic dependence on its two large neighbors, Argentina and Brazil (a key goal since the economic crisis in 2001–2003). Membership of the regional bloc MERCOSUR provides Uru-

[2] Office of the United States Trade Representative, http://www.ustr.gov/countries-regions/americas/uruguay.

[3] Donnelly, J. M. (22 June 2009). Congressional Research Service Memo on United States Tariff Treatment of Imports from Uruguay. Requested by minority staff of the Senate Foreign Relations Committee.

[4] .U.S. Embassy in Montevideo, data from Central Bank of Uruguay. 22 June 2009.

[5] MERCOSUR was established by Argentina, Brazil, Paraguay, and Uruguay in 1991. Uruguay's sales to MERCOSUR have declined since 1998, when they accounted for about half of Uruguay's exports. MERCOSUR currently buys about one-fourth of Uruguay's exports. (Source: U.S. Embassy in Montevideo.)

[6] Hornbeck, J.F. (8 April 2009). Congressional Research Service Memo on U.S.-Uruguay Trade Relations. Requested by minority staff of the Senate Foreign Relations Committee.

[7] *Ibid.*

guay with preferential trade access to the markets of Brazil, Argentina, and Paraguay (as well as to other South American countries with associate membership), yet some GOU officials have expressed frustration with the dominance of the two larger members and with the limitations this organization places on Uruguay's ability to pursue trade relationships outside of MERCOSUR.[8] In addition, bilateral disagreements, such as the ongoing dispute with Argentina over the construction in Uruguay of a cellulose pulp mill, have weakened Uruguay's relations with MERCOSUR. According to officials at the U.S. Embassy in Montevideo, the United States now has a historically high favorability rating among the Uruguayan populace, much higher than in other countries, and it is viewed as a strategically important relationship. In this context especially, the United States is as an increasingly attractive economic partner for Uruguay.

Nevertheless, Uruguay is now losing markets and jobs to countries that have free trade agreements with the United States. Staff found that the GOU is particularly concerned about the situation of the Uruguayan textiles and apparel industry, which has shrunk over the last decade, with a slight recovery since 2003 (see Appendix II). Heavily based on wool production, this sector employs about 21,000 workers, though its unemployment rate remains above 20 percent—almost three times the national average.[9] Uruguayan textile and apparel producers face high tariffs in the U.S. market (17.5 percent for wool-based apparel and 25 percent for wool fabrics), as well as strong competition from FTA signatories with the United States (mainly Chile, Mexico, and Peru). Uruguay also faces difficulties in exporting fabric to these countries since the FTAs require that apparel be produced with U.S.-sourced or local fabrics. According to the President of the Apparel Chamber in Uruguay, the combination of MERCOSUR restrictions, high entry tariffs, and rules of origin specifications has caused Uruguay to lose its market share in the United States.[10]

According to several GOU officials, U.S. trade preferences for textiles and apparel would help Uruguayan exporters regain market access in the United States and have a dramatic positive economic impact on Uruguay. These industries are key sources of employment in Uruguay that have been hurt by both U.S. tariffs and the economic downturn.

According to the Congressional Research Service, the marginal costs to U.S. industries of allowing these Uruguayan textile products to enter duty free would be small and unlikely to hurt U.S. industry's global competitiveness.[11] Furthermore, Uruguay does not produce any cotton or cotton-based products, which are the main concern for the United States. Preferences for textile exports

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[8] Uruguay also has a free trade agreement with Mexico since November 2003. It is based on a larger agreement, the MERCOSUR-Mexico Economic Complementation Agreement signed in July 2002 to establish a legal framework for trade relations between Mexico and MERCOSUR as well as for bilateral negotiations between Mexico and individual MERCOSUR countries. Mexico has become an important market for specific Uruguayan goods; it is the second largest market for Uruguayan apparel exports (at 23 percent) and the fifth largest market for fabric exports (at 5 percent), according to data provided by the U.S. State Department.

[9] U.S. Embassy in Montevideo, Uruguay. 15 June 2009.

[10] *Ibid.*

[11] Hornbeck, J.F. (8 May 2009). Congressional Research Service Memo on Proposed Special Trade Treatment for Uruguayan Exports. Requested by minority staff of the Senate Foreign Relations Committee.

from such a small economy would not likely affect U.S. producers, though they would represent significant economic benefits for Uruguay, thus accruing political benefits for the United States.

RECOMMENDATIONS

Both the United States and Uruguay have expressed interest in deepening trade ties via some type of trade agreement, including a free trade agreement (FTA). In 2002, Senator Lugar sponsored a bill to authorize an FTA with Uruguay, yet after many attempts during the Bush Administration a commitment was never reached (see Appendix III). Nevertheless, it is important to "keep the fire" of a bilateral FTA "alive," as one former GOU official told staff.

In the short-term, Congress should consider granting unilateral tariff preferences for Uruguayan textiles and apparel, thus complementing recent efforts by the executive branch to expand commercial ties through the U.S.-Uruguay Council on Trade and Investment. Negotiation of an FTA appears politically impossible during the global recession, but unilateral tariff preferences might be an appropriate intermediate step towards deepening our relations with Uruguay. As the case of Peru proves, unilateral trade preferences can lead to the negotiation of a reciprocal FTA.

Approval of a unilateral trade preference arrangement for Uruguay could occur through the expansion of ATPDEA, petitioning to add products to the GSP, or a Miscellaneous Tariff Bill (MTB).[12] The most feasible strategy could be to add Uruguay to the U.S.-Paraguay Partnership Act of 2009, which was already introduced in both chambers of Congress, in order to make a joint case for including both countries in ATPDEA.

Although Uruguay has one of the higher per capita incomes in the region, there is precedent for including a country with Uruguay's level of per capita income in unilateral preferential arrangements established by Congress for countries in both Sub-Saharan Africa and Latin America. Certain Caribbean countries, for example, have higher real per capita incomes than Uruguay yet retain eligibility for trade preferences (see Appendix IV).[13]

Regarding Uruguay's commitment to MERCOSUR, a reciprocal FTA with the United States could be seen to violate the common external tariff (CET) on which MERCOSUR was founded, but GOU officials argue that the CET would not represent a barrier to an FTA. A unilateral preference arrangement is a different matter because there is no reciprocal treatment required of Uruguay and, therefore, no potential violation of the CET.[14] The potential for trade preferences to lead to the negotiation of an FTA remains, however, for MERCOSUR is a highly fluid arrangement that has allowed for a number of bilateral arrangements between its member countries, some of which fall outside the MERCOSUR guidelines.

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[12] The ATPDEA would need to be expanded to include wool-based textiles in addition to a geographic expansion to include Uruguay.

[13] Hornbeck, J.F. (8 April 2009). Congressional Research Service Memo on U.S.-Uruguay Trade Relations. Requested by minority staff of the Senate Foreign Relations Committee.

[14] *Ibid.*

CONCLUSIONS

The United States would benefit from deepened trade relations with Uruguay in several ways. Despite Uruguay's small size, a U.S. initiative to expand commercial ties could afford an opportunity for the United States to constructively extend its influence in the Southern Cone, a sub region historically given less attention by U.S. foreign policymakers compared to other areas of Latin America.

By granting Uruguayan goods expanded access to the U.S. market, the USG would solidify its image as a reliable and strategically important partner, thereby strengthening the bilateral relationship with Uruguay. According to senior GOU officials, U.S. trade preferences would be viewed as a vote of support for the GOU, which finds itself in a difficult situation within MERCOSUR. In this regard, staff believes that MERCOSUR perpetuates trade asymmetries with Brazil and Argentina, resulting in Uruguay's interest in diversifying its markets and commercial ties.

At the same time, promotion of trade on a bilateral basis is an important option for the United States given the failure of full regional commercial integration, as seen by the collapse of negotiations for a Free Trade Area of the Americas (FTAA). Free trade is an engine of job creation and social mobility, and it would contribute to creating a more stable environment for U.S. investors in Uruguay.

Regionally, the United States would signal its clear commitment to free trade, an important marker given the anti-free trade rhetoric of many governments in the region. Most importantly, for the United States, a trade arrangement with Uruguay could increase opportunities for deepening support for our hemispheric agenda, as expressed bilaterally or regionally through organizations such as the Inter-American Development Bank or the Organization of American States. There is no guarantee that Uruguay will agree with U.S. positions, but the door may be open for greater collaboration and support through deeper institutional relations.

A closer trade relationship with Uruguay could encourage some heretofore reluctant countries to expand their trade relations with the United States; U.S.-Brazil trade, for example, is far from reaching its full potential. Stronger U.S.-Uruguay relations could spur greater development of commercial relations between the United States and Brazil.

The United States and South American countries would stand to gain from expanded access to each other's markets. A unilateral trade preference program for Uruguay would reinforce our message that we value Uruguay as a strategic partner within our broader policy towards South America and signal the United States is not ceding its interests in the Southern Cone.

APPENDIX I

Contributor

Kezia McKeague, Legislative Assistant, Committee on Foreign Relations, United States Senate

Meetings With Individuals in Uruguay

Uruguayan Government Officials

Senior Trade Officer, *Alvaro Ons*
Foreign Minister, *Gonzalo Fernández*
National Party Senator, *Sergio Abreu*
Frente Amplio Senator, *Alberto Couriel*
Minister of Industry, Energy, and Mining, *Daniel Martínez*
Director of Industry, *Roberto Kreimerman*
Minister of Economy and Finance, *Cr. Alvaro García*

Other individuals and groups

Frente Amplio Economist, *Fernando Lorenzo*
Uruguayan Textile Association President, *Norberto Cibils*
Apparel Chamber of Commerce President, *Elbio Fuscaldo*
American Chamber of Commerce
Binational Center (Alianza) Montevideo facilities representatives
Welcolan (Apparel manufacturer) representatives
HISUD (Wood/Textile manufacturer) representatives

APPENDIX II

Table 1.—Key Figures

Textile/apparel exports (2008)	$290 million (including wool), 4.8% of total exports (Of which wool exports were $206 million, or 3.5% of total exports (2008)).
Exports of textiles/apparel to the U.S. (2008)	$7.4 million, 3.4% of total exports to the U.S. (Of which wool is $2.7 million, apparel $2.7 million, and other textiles $2.0 million. (2008)).
Total textiles and apparel production (2004)	$372 million (about 4% of total industrial production)
Employment in T&A (2008)	21,000 jobs

Table 2.—Wool Exports by Destination

Total	205,988,542
China	77,624,918
Germany	33,561,121
Italy	20,728,576
Brazil	11,538,695
Japan	7,526,220
Iran	5,636,471
India	5,095,274
Bulgaria	5,084,848
United Kingdom	4,526,009
Mexico	4,417,789
Turkey	3,928,133
Argentina	2,959,220
Philippines	2,914,661
Czech Republic	2,846,254
United States	2,704,704
Hong Kong	2,216,438
Colombia	1,536,936
Spain	1,337,469
Thailand	1,317,779
Morocco	1,273,774
Switzerland	1,023,636
Rest	6,189,617

Table 3.—Exports of Apparel

Total	63,872,099
Argentina	29,022,934
Mexico	14,464,388
Brazil	10,243,937
United States	2,639,393
Chile	2,534,023
Tariff Free Zone Montevideo	1,712,797
Rest	3,254,627

Table 4.—Exports of Fabrics

TOTAL	9,730,122
Argentina	5,126,617
Brazil	4,455,317
United States	2,044,357
Hong Kong	1,522,822
Mexico	1,072,267
Rest	5,508,742

APPENDIX III

107TH CONGRESS

2d Session

S. 2796

To authorize the negotiation of a free trade agreement with Uruguay.

IN THE SENATE OF THE UNITED STATES

July 25, 2002

Mr. LUGAR (for himself, Mr. BREAUX, Mr. CHAFEE, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAHAM, Mr. HAGEL, Mr. SPECTER, Mr. HATCH, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Finance.

A BILL

To authorize the negotiation of a free trade agreement with Uruguay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Uruguay Free Trade Agreement Act."

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Economic growth in the United States has been considerably enhanced by bilateral agreements to lower barriers for United States exports.

(2) Free trade agreements facilitate economic growth which enhances the welfare and quality of life of all citizens of the countries which are party to the agreements.

(3) Countries that open their domestic markets, remove barriers to foreign direct investment, and promote free enterprise, empower their citizens to escape poverty and maintain social and environmental values.

(4) Since the mid-1970's, Uruguay has implemented successfully a number of economic and legal reforms, including opening its markets and strengthening the rule of law.

SEC. 3. UNITED STATES POLICY WITH RESPECT TO TRADE.

It is the policy of the United States to seek the elimination of tariff and non-tariff barriers in order to achieve more open market access through bilateral free trade agreements. The free trade agreements should address the following:

(1) National treatment and market access for agricultural and industrial products.

(2) Rules for determining which goods originate in the territory of the United States and which goods originate in the territory of the other party to the agreement.

(3) Customs procedures that facilitate trade and collection of trade statistics, while ensuring the validity of claims for preferential treatment.

(4) Science-based, nondiscriminatory sanitary, phytosanitary, and technical standards, including voluntary standards.

(5) Safeguard provisions consistent with international law.

(6) Government procurement procedures.

(7) National treatment and rights of establishment for foreign direct investors.

(8) National treatment and market access for traded services, including consumption of services abroad, cross-border provision of services, rights of establishment of commercial presence, and the movement of natural persons.

(9) Protection of intellectual property.

(10) Transparency of legal and regulatory regimes.

(11) Measures to promote electronic commerce.

(12) Adherence to internationally recognized core labor standards.

SEC. 4. NEGOTIATION OF A FREE TRADE AGREEMENT WITH URUGUAY.

The President is authorized to enter into an agreement with Uruguay consistent with the policy described in section 3.

APPENDIX IV

Staff requested from the Congressional Research Service (CRS) the following comparisons of Uruguay's per capita income with other countries that receive unilateral tariff preferences.

* * * * * * *

One simple measure of development is per capita income (PCI). The first comparison presented in Table 3 is a list of per capita incomes for 2006 of selected countries eligible to receive tariff preferences under one of the regional programs (AGOA, ATPA, CBERA, CBTPA, HOPE Act), and average PCI for Latin America and Sub-Saharan Africa. Sub-Saharan Africa, the poorest region on average, has a 2006 PCI of $648. Although Uruguay's per capita income is much higher than Sub-Saharan African countries on average, the three highest PCIs in the region, Botswana, Mauritius, and South Africa, are all comparable to Uruguay's. Ghana is a major outlier at $27,390. Estimates from Latin America and the Caribbean are also presented. In addition, annual growth rates for PCI are included for 20

Table 3. Comparisons of 2006 Per Capita Income

Region/Country	2006 Per Capita Income	Growth in PCI 2006
Uruguay	5,310	6.7
Sub-Saharan Africa	648	3.0
Botswana	5,570	0.9
Mauritius	5,430	8.7
South Africa	5,390	3.9
Lesotho	980	6.4
Senegal	760	-0.3
Tanzania	350	3.3
Latin America & Caribbean	4,785	4.2
Trinidad & Tobago	12,500	11.6
Panama	5,000	6.3
Colombia	3,120	5.3
Ecuador	2,910	2.8
Paraguay	1,410	2.2
Bolivia	1,100	2.7
Haiti	430	0.7

Source: World Bank. World Development Indicators, 2008. Washington, D.C. April 2008. p. 14–16.

A second comparison is presented in Table 4, which provides 2007 PCI in real terms (adjusted for market prices) for Latin American and Caribbean countries that are eligible for tariff preferences under regional programs (not all Caribbean countries are included). In real terms, Uruguay's per capita income is well above the average for Latin America and the Caribbean. It actually ranks right below oil-rich Trinidad and Tobago among countries eligible for U.S. trade preferences in the Western Hemisphere. Nonetheless, there are certain Caribbean countries that retain eligibility for trade preferences that do have higher real per capita incomes. Trinidad exports to the United States under predominantly the CBTPA program, which extends tariff preferences on a temporary basis to energy products that, are excluded under the CBERA. The Bahamas is another high PCI country because of its financial services industry; it has little merchandise trade with the United States. For the most part, the Caribbean countries have developed into service economies, with some still producing in the agricultural sector, making comparisons with Uruguay more difficult. Preliminary estimates of PCI growth rates for 2008 are also included, a statistic that highlights Uruguay's recent strong economic growth.

Table 4. Real Per Capita Income for Latin America and the Caribbean, 2007

Region/Country	2007 Per Capita Income ($2000)	Growth in PCI 2008
Uruguay	7,255	11.2
Latin America & Caribbean	4,732	3.3
Latin America	4,723	3.3
Caribbean	5,530	1.9
Bahamas	18,393	0.3
Trinidad & Tobago	10,916	3.1
Barbados	6,706	1.2
Panama	5,205	7.5
Jamaica	3,028	-0.5
Colombia	2,853	1.7
Ecuador	1,624	5.0
Paraguay	1,467	3.1
Bolivia	1,090	3.7
Guyana	910	5.1
Haiti	392	-0.2

Source: United Nations. Economic Commission on Latin America and the Caribbean. Statistical Yearbook for Latin America and the Caribbean, 2008. Santiago, February, 2009. p. 86 and 88.

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