

June 9, 2009

The Honorable Ron Kirk
United States Trade Representative
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508

Dear Ambassador Kirk:

We are writing to urge your close and careful review of Ecuador's continued eligibility under the Andean Trade Preference Act (ATPA) required by section 208(a)(2) (19 U.S.C. 3206). As you know, ATPA was originally enacted in 1992, and extended by the Andean Trade Promotion and Drug Eradication Act (ATPDEA) as part of the Trade Act of 2002, to foster the rule of law and legitimate economic development opportunities in the Andean region. While both Peru and Colombia have successfully used this program to promote economic diversification and new opportunities, while also strengthening their own legal systems and respect for the rule of law, the same cannot be said of Ecuador.

In particular, there are serious concerns within the U.S. business community about breaches of the basic rule of law that are occurring in Ecuador, contrary to the basic eligibility requirements of section 203(c). As found by the State Department in its annual human rights report on Ecuador released in February 2009, there are concerns with "corruption and the denial of due process within [Ecuador's] judicial system." U.S. businesses have also continued to see Ecuador's repudiation of its legal obligations to U.S. investors and a politicization of the judicial system.

Given these basic gaps in the rule of law, we believe that the automatic renewal of Andean preferences for Ecuador would send the wrong message to other developing countries in the hemisphere and throughout the world that have worked to meet the basic eligibility criteria to qualify for U.S. trade preferences. We note that Bolivia has already lost its ATPA benefits as a result of its failure to meet the ATPA eligibility criteria and that Bolivia's actions continue to worsen.

We urge you, therefore, to closely review Ecuador's eligibility to continue to receive preferences under the ATPA.

Respectfully,

Business Roundtable

Emergency Committee for American Trade

National Association of Manufacturers

National Foreign Trade Council

United States Council for International Business

U.S. Chamber of Commerce

cc: The Honorable Max Baucus
The Honorable Charles Grassley
The Honorable Charles Rangel
The Honorable Dave Camp