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Central American-Dominican Republic Free Trade Agreement: Sources of Information

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The Central American-Dominican Republic Free Trade Agreement: Sources of Information

Globalization and free trade are usually discussed in a political context in the United States as well as in other areas of the world. As a consequence, it can be difficult to find neutral, basic information about recent new trade agreements, such as the Central American-Dominican Republic Free Trade Agreement (CAFTA-DR), because much of the information found in the news or on the Web is polemical, and it takes time for the legal literature to provide the kind of legal analysis needed by practicing attorneys. This short piece is an attempt to provide links to free, Web-based information on CAFTA-DR to help attorneys understand the context and content of this important new trade agreement.

CAFTA-DR is another step toward the development of a "Free Trade Area of the Americas" (FTAA).¹ The seven members of CAFTA are the United States, Dominican Republic, Honduras, Nicaragua, El Salvador, Costa Rica, and Guatemala. The purpose of CAFTA is to create a free trade zone between the United States and Central America by eliminating tariffs and other trade barriers.

CAFTA was signed by President Bush on August 5, 2004. The federal legislation implementing the agreement, the "Dominican Republic-Central America-United States Free Trade Agreement Implementation Act" (CAFTA-DR), was passed by the House and Senate in late July 2005 and signed by the President on August 2, 2005, to become PL 109-53. Note that since CAFTA-DR is an international agreement rather than a treaty, it did not require ratification by the Senate, but instead required majority votes in the House

and Senate on the implementing legislation.² CAFTA-DR will not go into effect until it has been implemented in at least one of the other signatory countries. For a brief description of CAFTA and information about the ramifications of its status as an agreement rather than a treaty, see *Wikipedia, the free encyclopedia* at <http://en.wikipedia.org/wiki/CAFTA>.

The most detailed information about CAFTA-DR and its implementing legislation is available from the website of the Office of the United States Trade Representative (USTR) at http://ustr.gov/Trade_Agreements/Bilateral/CAFTA/Section_Index.html. This website contains background information on CAFTA, the full text of CAFTA-DR, the full text of the implementing legislation, numerous advisory committee reports on the impact of CAFTA in a variety of areas from agriculture to intellectual property, and other informative documents. Exceptionally useful information and documents are found in the section of the site covering "CAFTA-DR Implementing Legislation and Supporting Documentation" at http://ustr.gov/Trade_Agreements/Bilateral/CAFTA/Transmittal/Section_Index.html. The "Statement of Administrative Action" linked from this section of the USTR site is especially useful because it provides a legal overview of CAFTA-DR in its section-by-section summaries of the agreement. The "Briefing Books," which are also very useful, are found at http://ustr.gov/Trade_Agreements/Bilateral/CAFTA/Briefing_Book/Section_Index.html. Michigan attorneys may be especially interested in the "Report on Impact on State and Local Governments" linked from the "Briefing Books" opening page.

Other sites with information on CAFTA include the following listed below. Note that polemical sites have not been included, but these may easily be found on the Web by running a Google search using the term "CAFTA."

The U.S. Department of Commerce, International Trade Administration's CAFTA website at <http://ita.doc.gov/cafta/index.asp> brings together information and resources that the U.S. Department of Commerce and other U.S. government agencies provide to U.S. businesses about potential new opportunities that will be offered by the markets of Central America (Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua) and the Dominican Republic.

The Foreign Agricultural Service (FAS) website at <http://www.fas.usda.gov/itp/CAFTA/cafta.html> includes information and opinions on CAFTA, including video recordings of the hearing before the Senate Agricultural Committee.

The White House Web page on CAFTA at <http://www.whitehouse.gov/infocus/cafta/> includes speeches and presidential statements in support of CAFTA.

There is some information on CAFTA in the "ASIL Guide to Electronic Resources for International Law: International Economic Law" by Jean Wenger at <http://www.asil.org/resource/iel1.htm#overview>. Click on the "Western Hemisphere" link found under "Regional Economic Integration" in the index at the top of the page; this will take you to links on various trade agreements for the Americas, including CAFTA-DR.

Legislative history information for the federal legislation implementing CAFTA is readily found free on the Web. The most

user-friendly way to find such information is in the *Thomas: Legislative Information on the Internet* website at <http://thomas.loc.gov/>.³ You may find the legislative history of the CAFTA-DR implementing legislation by entering <CAFTA> as a keyword search in the search box under the heading “Search Bill Text 109th Congress (2005–2006)” on the opening page of *Thomas*. This search will retrieve documents containing the keyword <CAFTA>, including the “Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Engrossed as Agreed to or Passed by Senate) [S. 1307.ES]” and the “Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Engrossed as Agreed to or Passed by House) [H.R. 3045.EH].” Clicking on the hyperlinks for these two items will lead you to links for all of the available major components of the legislative history of these bills.

You may also search *Thomas* by bill number. If you use the bill number, be sure you are in the correct Congress (109th, 1st Session) and change the search to “Enter bill number” by clicking on the circle for a bill number search under the search box. The implementing legislation for CAFTA in the House of Representatives began as bill number H.R. 3045, the “Dominican Republic-Central America-United States Free Trade Agreement Implementation Act,” in the 109th Congress, 1st Session. H.R. 3045 became Public Law No. 109-53. The “Bill Summary and Status” page for H.R. 3045 in *Thomas* at <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:h.r.03045>: provides links to the full text of the various versions of the bill, major Congressional actions, including links to the Congressional Record and vote information, a link to the House Report on the bill, H. Rept. 109-182, a link to the full text of the legislation as passed, as well as other legislative history information.

The implementing legislation for CAFTA in the Senate began as bill number S. 1307, “A Bill to implement the Dominican Republic-Central America-United States Free Trade Agreement,” in the 109th Congress, 1st Session. S. 130 also became Public Law No. 109-53. The “Bill summary and Status” for S. 1307 in *Thomas* at [\[loc.gov/cgi-bin/bdquery/z?d109:s.01307\]\(http://thomas.loc.gov/cgi-bin/bdquery/z?d109:s.01307\): provides links to the pertinent legislative documents for this bill, including the full text of the Senate Report on the bill, S. Rept. 109-128. ◆](http://thomas.</p>
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Barbara Garavaglia is a graduate of the University of Michigan Law School and member of the State Bar of Michigan. She has an M.I.L.S. from the University of Michigan School of Information and a B.A. in political science from SUNY Buffalo. She has been the head of reference at the University of Michigan Law Library since 1988; prior to that, she was assistant director of the State Law Library of Michigan for five years.

FOOTNOTES

1. The FTAA is an “effort to unite the economies of the Americas into a single free trade area,” which began at the “Summit of the Americas, which was held in December 1994 in Miami... [At the Summit, [t]he Heads of State and Government of the 34 democracies in the region agreed to construct a Free Trade Area of the Americas, or FTAA, in which barriers to trade and investment will be progressively eliminated.” http://www.ftaa-alca.org/View_e.asp. The FTAA website contains a wealth of information of the overall plan for an FTAA, including the full text of many documents, draft agreements, committee documents, and the like. http://www.ftaa-alca.org/alca_e.asp.
2. *Wikipedia, the free encyclopedia*, <http://en.wikipedia.org/wiki/CAFTA>.
3. The *Thomas* website was created and is maintained by the Library of Congress.