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SENATE

{ REPORT
104-393

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1996

OCTOBER 1, 1996.—Ordered to be printed

Mr. ROTH, from the Committee on Finance,
submitted the following

REPORT

[To accompany H.R. 3815]

[Including cost estimate of the Congressional Budget Office]

The Committee on Finance, to which was referred the bill (H.R. 3815) to make technical corrections and miscellaneous amendments to the trade laws, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

I. BACKGROUND

On June 7, 1996, Chairman Roth requested public comment on a package of 32 trade bills comprising various technical corrections, duty suspensions, and other miscellaneous trade measures introduced during the 104th Congress and referred to the Committee on Finance. H.R. 3815, as amended, includes many of these bills which, based upon the comments submitted to the Committee on Finance by the public, the U.S. Customs Service, the U.S. International Trade Commission, the Office of the U.S. Trade Representative, and the U.S. Department of Commerce, the Committee has found to be non-controversial.

II. SUMMARY OF H.R. 3815, as Amended

Unless otherwise noted, the effective date of the provisions described below is either the date of enactment of this Act or 15 days thereafter.

*Short Title**(Section 1)*

This section provides that the Act may be cited as the “Miscellaneous Trade and Technical Corrections Act of 1996.”

*Payment of Duties and Fees**(Section 2)**Current law*

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)), as amended by section 642 of the Customs Modernization Act (Mod Act) (enacted as Title VI of the North American Free Trade Agreement (NAFTA) Implementation Act), provides that, when an importer deposits estimated duties with the Customs Service when making entry of imported merchandise, interest on the deposited duties begins to accrue from the date of deposit to the date of liquidation or reliquidation of the entries in question. Under this authority, the Customs Service collects additional duties from, or refunds excess duties to the importer with interest, depending upon the actual duty rate Customs establishes at the time of the liquidation or reliquidation. Section 642 of the Mod Act became effective on December 8, 1993, which was the date of enactment of the NAFTA Implementation Act.

Explanation of provision

This section amends section 505(c) of the Tariff Act of 1930 to provide an exception to section 642 of the Mod Act for interest accrual on duties deposited for those entries eligible for NAFTA preferential tariffs. The provision clarifies that the new interest accrual provisions under section 642 of the Mod Act are effective December 8, 1993. The provision also states that the amendment to section 505(c) shall apply to claims made on or after June 7, 1996.

Reason for change

Because an importer has up to one year to make a claim for a refund of deposited duties when imported merchandise is eligible for NAFTA preferential tariff rates, the provision clarifies that the Customs Service will pay interest as of the date of the importer’s claim, rather than from the date of deposit of duties. The effective date corresponds to the date the U.S. Senate Committee on Finance requested public comment on this legislation.

*Other Technical and Conforming Amendments**(Section 3)*

This section makes the following technical corrections with a retroactive effective date of December 8, 1993, which corresponds to the effective date of the NAFTA Implementation Act:

1. Examination of Books and Witnesses

Current law

Section 509 of the Tariff Act of 1930 (19 U.S.C. 1509) provides the Customs Service the authority to examine books and summon witnesses in its investigations and inquiries.

Explanation of provision

The provision amends section 509(a) of the Tariff Act of 1930 to correct a citation by changing “subsection (c)(1)(A)” to “subsection (d)(1)(A).”

2. Requirement for Certificate for Importation of Alcoholic Liquors Aboard Small Vessels

Current law

Section 7 of the Act of August 5, 1935 (19 U.S.C. 1707) requires certificates of importation for alcoholic beverages aboard small vessels.

Explanation of provision

The provision repeals section 7 of the Act of August 5, 1935, which is an obsolete statute.

3. Manifests

Current law

Section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) sets forth the rules governing the provision of manifests required by the Customs Service.

Explanation of provision

The provision amends section 431(c)(1) of the Tariff Act of 1930 to clarify that the reference in the section is to vessel manifests and not to other types of manifests.

4. Penalties for Certain Violations

Current law

Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) provides rules for the imposition of penalties for fraud, negligence, and gross negligence. Various provisions in this section refer to “lawful duties.”

Explanation of provision

The provision replaces “lawful duties” with “lawful duties, fees and taxes” in section 592 of the Tariff Act of 1930 to recognize that the Customs Service also collects fees and taxes.

5. Deprivation of Lawful Duties, Taxes, or Fees

Current law

Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) provides for the restoration of lawful duties if the United States has been deprived of such by a violation of section 592.

Explanation of provision

The provision amends section 592(d) of the Tariff Act of 1930 by replacing the phrase “or fees be restored” with “and fees be restored” to ensure the restoration of duties, fees and taxes to the Customs Service if the United States is deprived of duties, fees or taxes by a violation of section 592.

6. Reconciliation Treated as Entry for Recordkeeping*Current law*

Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) provides miscellaneous definitions, and section 508 of the Act (19 U.S.C. 1508) provides the requirements, time periods, and limitations for import recordkeeping.

Explanation of provision

The provision amends sections 401(s) and 508(c)(1) of the Tariff Act of 1930 to clarify that reconciliation should be treated as an entry for the purposes of record keeping laws and thus, records pertaining to reconciliation should be retained for a period of five years from the date of filing a reconciliation.

7. Extension of Liquidation*Current law*

Section 504 of the Tariff Act of 1930 (19 U.S.C. 1504) provides for limitations on the liquidation of entries.

Explanation of provision

The provision amends section 504(d) of the Tariff Act of 1930 to ensure that the lifting of a suspension of liquidation notice does not result in the liquidation of an entry if an extension notice has been issued.

8. Exemption from Duty for Personal and Household Goods Accompanying Returning Residents*Current law*

Section 321(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(B)) originally allowed returning residents arriving from foreign countries other than the insular possessions to include personal-use items under the duty-free personal allowance exemption. Due to a split in tariff classification numbers, the tariff numbers applicable to residents returning from a foreign country were inadvertently dropped.

Explanation of provision

The provision corrects section 321(a)(2)(B) of the Tariff Act of 1930 to allow U.S. residents returning from a foreign country other than an insular possession once again to bring personal-use items free of duty, if such articles are valued at not more than \$400.

9. Debt Collection

Current law

Section 631(a) of the Tariff Act of 1930 (19 U.S.C. 1631(a)) provides for the use of private collection agencies to recover debts arising under the Customs laws and owed to the United States.

Explanation of provision

The provision amends section 631(a) of the Tariff Act of 1930 to clarify that Customs is authorized to pay debt-collection agencies from recovered funds prior to the deposit of such funds with the Treasury.

10. Designation of Customs Officer-

Current law

Section 509 of the Tariff Act of 1930 (19 U.S.C. 1509) provides the Customs Service the authority to examine books and summon witnesses in its investigations and inquiries.

Explanation of provision

The provision changes the reference under section 509(b) of the Tariff Act of 1930 from “appropriate regional commissioner” to “officer designated pursuant to the regulations” to reflect management changes as a result of reorganization of the Customs Service.

11. Review of Protests

Current law

Section 515 of the Tariff Act of 1930 (19 U.S.C. 1515) provides for the review of protests, administrative reviews, modifications of decisions, and requests for accelerated disposition of requests by Customs district directors.

Explanation of provision

The provision changes the reference under section 515(d) of the Tariff Act of 1930 from “district director” to “port director” to reflect management changes as a result of reorganization of the Customs Service.

12. Administrative Exemptions

Current law

Section 321(a) of the Tariff Act of 1930 (19 U.S.C. 1321(a)) provides the Secretary of Treasury authority to disregard certain small sums owed to the United States when the expense and inconvenience of collection is disproportionate to the amount of revenue that would otherwise be collected.

Explanation of provision

The provision amends section 321(a)(1) of the Tariff Act of 1930 to clarify that monies owed the Customs Service with respect to entries of merchandise include interest as well as duties, fees, and taxes.

Clarification Regarding the Application of Customs User Fees
(Section 4)

Current law

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended by section 111(b) of the Customs and Trade Act of 1990 (19 U.S.C. 58c(b)), provides that, in case of agricultural products of the United States that are processed and packed in a Foreign Trade Zone (FTZ), the *ad valorem* merchandise processing fee (MPF) applies solely to the value of the foreign material used to make the container. It exempts the value of domestic agricultural products from the MPF.

The Customs Service has ruled that, for all products not covered by this provision, and in the absence of express statutory language to the contrary, the MPF will be assessed on both the domestic and foreign value of the merchandise entering from foreign trade zones.

Explanation of provision

This section amends section 13031(b)(8) of the 1985 COBRA to clarify that the *ad valorem* MPF is to be assessed only against the foreign value of merchandise entered from an FTZ. The provision would also clarify that the application of the MPF to processed agricultural products will apply to all entries from FTZs after November 30, 1986, for which liquidation has not been finalized.

Reason for change

The provision is necessary to clarify that Customs will not collect user fees based on the value of any domestic content of a product in an FTZ.

Technical Amendment to the Customs and Trade Act of 1990
(Section 5)

Current law

Section 484H(b) of the Customs and Trade Act of 1990 (19 U.S.C. 1553 note) provides for the transportation in bond of Canadian lottery material.

Explanation of provision

This section replaces the phrase “entered or withdrawn from warehouse for consumption” in section 484H(b) of the Customs and Trade Act of 1990 with the phrase “entered for transportation in bond.”

Reason for change

The new phrase clarifies that Canadian lottery material transported in bond is not entered into the United States for consumption.

Clarification of Fees for Certain Customs Services
(Section 6)

Current law

Section 13031(b)(9)(A) of the 1985 COBRA (19 U.S.C. 58c(b)(9)(A)) authorizes the Customs Service to provide reimbursable services to air couriers operating in express consignment carrier facilities and in centralized hub facilities. The Customs Service interprets the statute to prevent the provision of such reimbursable customs services to centralized hub facilities during daytime hours.

Explanation of provision

This section amends section 13031(b)(9)(A) of the 1985 COBRA to clarify that Customs may provide daytime reimbursable services to centralized hub facilities during daytime hours. The provision also clarifies that Customs may be reimbursed for all services related to the determination to release cargo, not just “inspectional” services, regardless of whether they are performed on site or not.

Reason for change

This provision is a technical clarification of the present statutory language in the 1985 COBRA, which Customs has interpreted as allowing it to provide reimbursable services only during night time hours to centralized hub facilities (e.g., air cargo facilities).

Special Rule for Extending Time for Filing Drawback Claims
(Section 7)

Current law

Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313) requires that a duty drawback entry and all documents necessary to complete a claim for duty drawback, including those issued by the Customs Service, shall be filed or applied for, as applicable, within three years after the date of exportation or destruction of the articles on which drawback is claimed. The Customs Service has no discretion to extend this deadline.

Explanation of provision

This section amends section 313(r) of the Tariff Act of 1930 to permit a temporary one-year extension for filing duty drawback claims in cases where the President has declared a major natural disaster on or after January 1, 1994, and the drawback claimant files a request for such extension with the Customs Service within one year from the date of enactment of the provision.

Reason for change

As a result of major natural disasters, such as the 1994 earthquake in southern California, businesses may be unable to file timely drawback petitions, which can result in substantial financial loss. The Customs Service currently has no authority to extend the three-year deadline for filing duty drawback claims. This provision would allow the Customs Service to provide additional time to file a drawback claim in the event of a major natural disaster.

Treatment of Entries of Certain Televisions
(Section 8)

Current law

Sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) provide, respectively, for the filing of protests against decisions of the Customs Service, and authority for the Secretary of Treasury to refund duties in the event of errors by the Customs Service in collecting such duties.

Explanation of provision

This section provides for liquidation or reliquidation of certain entries of color televisions in accordance with a 1984 administrative review of an antidumping order by the International Trade Administration of the Department of Commerce. Any amounts owed by the United States pursuant to the liquidation or reliquidation of these subject entries would be paid within 90 days after such liquidation or reliquidation.

Reason for change

The provision corrects an acknowledged error by the Customs Service, which resulted in the improper liquidation of certain entries of color television sets, which, at the time, were under an order suspending liquidation during the pendency of the administrative review. As a result, the Customs Service retained the estimated duties on the entries deposited by the importer, which were in excess of the actual duties owed. The importer was unaware of the liquidation until after expiration of the one-year deadline for filing a protest with the Customs Service in such cases.

*Temporary Duty Suspension for Personal Effects of Participants in
Certain World Athletic Events*

(Section 9)

Current law

Chapter 99, subchapter II of the Harmonized Tariff Schedules of the United States (HTS) prescribes temporary duty reductions or suspensions on imports of specified products. HTS subheading 9902.98.04 provides for the duty-free entry of the personal effects, equipment, and other materials of participants in, officials of, or accredited members of delegations to world athletic events, including the XXVI Summer Olympiad and the 1996 Atlanta Paralympic Games.

Explanation of provision

This section adds HTS heading 9902.98.05 to provide temporary duty-free entry for personal effects, athletic equipment, and other materials to be used by athletes and certain other individuals associated with the 1998 Goodwill Games, provided such items are not intended for sale or distribution to the public.

Reason for change

This provision would substantially reduce the Customs paperwork to which athletes and officials of the 1998 Goodwill Games and their families would otherwise be subjected. Similar measures have been enacted for other international athletic competitions and are analogous to treatment routinely afforded by other countries hosting such events.

*Miscellaneous Technical Correction**(Section 10)**Current law*

Section 313(s)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(s)(2)(B)) provides that a drawback successor may designate imported merchandise or certain other merchandise for which the successor received, before the date of succession, and from the person who imported and paid duty on the imported merchandise, a certificate of delivery transferring the merchandise to the successor.

Explanation of provision

This section amends section 313(s)(2)(B) by substituting the word “predecessor” for the word “successor” each time it appears.

Reason for change

The provision makes a technical correction to eliminate confusion stemming from incorrect wording in the statute.

*Uruguay Round Agreements Act**(Section 11)**Current law*

Section 405(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3602(b)) contains the statutory authority for the President to undertake a special agricultural safeguard action.

Explanation of provision

This section corrects an erroneous citation in section 405(b).

*Imports of Civil Aircraft**(Section 12)**Current law*

General Note 6 of the HTS requires importers of duty-free civil aircraft parts to file a written statement with the appropriate customs officer (together with such supporting documentation as required by the Secretary of the Treasury), which states that the imported article has been approved for use on civil aircraft by the U.S. Federal Aviation Administration (FAA). The term “civil aircraft” means all aircraft other than aircraft purchased for use by the Department of Defense or the Coast Guard.

Explanation of provision

This section amends HTS General Note 6 to provide that an importer is deemed to certify that an imported article is a duty-free civil aircraft if the importer enters the article under an HTS provision for which the rate of duty “Free (C)” appears in the “Special” subcolumn, and the importer claims such rate of duty. The provision requires the importer making such entry to maintain such supporting documentation as the Secretary of Treasury may require in the event that an audit is conducted. The importer may amend the entry or claim a free rate of duty at any time before liquidation becomes final, except that interest shall not be paid on any resulting refund. Finally, the provision modifies the definition of “civil aircraft” to include aircraft, aircraft engines, and flight simulators (including parts, components, and subassemblies thereof) that are (1) certified by the FAA or an airworthiness authority recognized by the FAA, or (2) purchased for use by the Department of Defense or the Coast Guard, if such aircraft, aircraft engines, and flight simulators (or parts, components, or subassemblies thereof) are manufactured or operated pursuant to a certificate issued or recognized by the FAA.

Reason for change

The provision will eliminate the requirement for paper filing when claiming duty-free treatment for civil aircraft and aircraft parts. The provision would also facilitate the importation of these products by broadening the definition of “civil aircraft” in the HTS.

Technical Correction to Certain Chemical Description

(Section 13)

Current law

HTS subheading 2933.90.02 specifies the tariff classification and duty rate for the entry of heterocyclic compounds with nitrogen hetero-atom(s) only, and nucleic acids and their salts.

Explanation of provision

This section makes a technical correction to a chemical description in HTS subheading 2933.90.02 by deleting the reference to quizalofop ethyl. The provision also requires the retroactive liquidation or reliquidation of any entry under subheading 2933.90.02 made after December 31, 1994, and before the date 15 days after the date of enactment of the provision when a proper request for such is filed with the Customs Service.

Reason for change

One of the chemical products in this subheading, 2-[4-[(6-Chloro-2-quinoxalinyloxy)phenoxy]propionic acid, ethyl ester, is an agricultural herbicide for which a temporary duty suspension was established in 1990. The URAA made this temporary duty suspension permanent under HTS subheading 2933.90.02. The subject herbicide exists physically as two stereoisomers, or compounds with identical chemical formulas and atomic connectivity, but with different spatial orientations of atomic groups. By striking quizalofop

ethyl, the provision clarifies that this HTS category covers all stereoisomers of this chemical product, and not just one particular form of the product imported at the time of enactment of the URAA.

Marking of Certain Imported Articles and Containers

(Section 14)

Current law

Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) requires that every article of foreign origin imported into the United States, or its container, be marked with the country of origin of the article, with certain statutory exceptions.

Explanation of provision

This section amends section 304 of the Tariff Act to exempt imports of certain coffee, tea, and spices from country of origin marking requirements.

Reason for change

Without the labeling exemption, the country of origin marking requirement would impose a significant financial burden on the U.S. coffee, tea, and spice industries, which use blends imported from a variety of sources. Because there is little or no U.S. production of coffee, tea, and spices, requiring a country of origin mark for these products would not provide any meaningful benefit to U.S. consumers.

Tariff Treatment of Certain Silver, Gold, and Platinum Bars

(Section 15)

Current law

The former Tariff Schedule of the United States (TSUS) provided for duty-free treatment of gold, silver, and platinum bullion bars, which are cast or minted. Following replacement of the TSUS by the current HTS, these products were included in tariff headings under Chapter 71, subchapter II, which are subject to various duty rates.

Explanation of provision

This section amends HTS Chapter 71, subchapter II, so that gold, silver, and platinum bullion bars, whether cast or minted, receive duty-free treatment.

Reason for change

Following conversion from the TSUS to the HTS on January 1, 1989, gold, silver and platinum bars, which had been duty free, were inadvertently placed under tariff headings subject to duty rates. The provision would restore the duty-free treatment these products had previously received under the former TSUS.

Suspension of Duty on Certain Semimanufactured Forms of Gold
(Section 16)

Current law

Fine diameter gold wire suitable for the manufacture of semiconductors is currently classifiable under HTS subheading 7108.13.50, a basket category for certain semimanufactured forms of gold with a column 1 general rate of duty at 6.6 percent *ad valorem*.

Explanation of provision

This section amends Chapter 99 of the HTS by creating a new heading 9902.71.08, which provides temporary duty-free treatment through December 31, 2000, for certain wire containing 99.9 percent or more by weight of gold, with a diameter of 0.05 millimeters or less, for use in the manufacture of diodes, transistors, and similar semiconductor devices or electronic integrated circuits.

Reason for change

There is no domestic production of the type of fine-diameter gold wire covered in this provision.

Elimination of East-West Trade Statistics Monitoring System
(Section 17)

Current law

Section 410 of the Trade Act of 1974 (19 U.S.C. 2440) requires that the U.S. International Trade Commission (ITC) monitor trade with non-market countries and publish a quarterly report summarizing the data collected.

Explanation of provision

This section repeals section 410 of the Trade Act of 1974.

Reason for change

Following the political and economic reforms in central and eastern Europe since 1989, the monitoring system and report provided by the ITC, which focused on trade with non-market countries in those regions, are no longer warranted.

Retroactive Election To Reconcile Entries
(Section 18)

Current law

Section 401(s) of the Tariff Act of 1930 (10 U.S.C. 1401(s)) sets forth procedures by which an importer may file with the Customs Service a "reconciliation" (i.e., information about elements of an entry provided to the Customs Service after the filing of an entry form or import activity summary statement).

Explanation of provision

This section amends section 401(s) of the Tariff Act of 1930 to permit an electronic filing of a reconciliation with the Customs

Service. The provision also permits that, by mutual consent between Customs and the importer, the information provided in the reconciliation may also cover other previously filed, unliquidated entries.

Reason for change

The provision will facilitate the process for filing reconciliations for both Customs and the importing public. The reconciliation process in the Mod Act legislation was written to be prospective. The Customs Service and the private sector have now recognized that it would be desirable for both parties if, by mutual consent, prior, unliquidated entries containing the same problem could be included in the reconciliation. This language accomplishes that goal.

Tariff Treatment for Certain Motor Vehicles

(Section 19)

Current law

Automobiles manufactured in U.S. Foreign Trade Zones (FTZs) that are withdrawn from the FTZ and formally entered for consumption in the United States are subject to duty on their foreign content. If such automobiles are subsequently exported to Canada or Mexico, and then reimported into the United States, then no duty is assessed. However, the Customs Service has determined that automobiles produced in FTZs that are exported directly to Canada or Mexico and not formally entered for consumption in the United States, are subject to duty on the full value (i.e., both foreign and domestic content) of the auto when they re-enter the United States. As a result of the implementation of the duty-deferral provisions under the NAFTA effective on January 1, 1996, all such vehicles are required to be entered prior to export to Canada.

Explanation of provision

This section amends General Note 3 of the HTS to clarify that all automobiles manufactured in U.S. FTZs, exported to Canada or Mexico, and subsequently reimported into the United States, are subject to duty only on their foreign content. The provision would apply to any such automobiles produced in an FTZ before January 1, 1996, that are subsequently re-entered into the United States (1) on or after the effective date of this provision, or (2) that are unliquidated, under protest, in litigation, or liquidation is otherwise not final during the period between January 1, 1994, and the effective date of the provision.

Reason for change

By clarifying that all automobiles manufactured in U.S. FTZs will be subject to duty only on their foreign content upon reimportation into the United States, the provision ensures that such automobiles exported to Canada and Mexico receive the same tariff treatment, irrespective of whether they were first entered for consumption in the United States.

*Technical Amendments**(Sections 20–22)**Current law*

The Office of the Law Revision Counsel identified several minor technical and clerical errors while codifying certain trade laws.

Explanation of provisions

These sections correct the minor technical and clerical errors identified by the Office of the Law Revision Counsel in the Uruguay Round Agreements Act (URAA), the NAFTA Implementation Act, and the Tariff Act of 1930.

*Reliquidating Entry of Warp Knitting Machines**(Section 23)**Current law*

Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), as amended, outlines rules for the filing of protests against decisions of the Customs Service.

Explanation of provision

This section directs the Customs Service to reliquidate as duty free a single entry made on July 12, 1989 of four imported warp knitting machines and to refund any duties and interest paid on the entry.

Reason for change

In 1988, an import-export business in North Carolina imported four German-made warp knitting machines, which were classifiable in the HTS under a duty-free category. The company subsequently sold the machines to a Venezuelan company, which returned the machines to the North Carolina company upon finding them to be unsatisfactory. Upon re-entry of the machines in Charleston, South Carolina, the Customs Service mistakenly classified the machinery under an incorrect HTS number at a duty of 4.4 percent. The provision would remedy this Customs' error, which resulted in the importer being mistakenly charged duties and interest of approximately \$28,000 for the re-entry of the machines in question.

*Temporary Suspension of Duty on Diclofop-Methyl**(Section 24)**Current law*

Chapter 99, subchapter II of the HTS prescribes temporary duty reductions or suspensions on imports of specified products. Diclofop-methyl (also known as dichlorofopmethyl) in bulk form is currently classifiable under HTS subheading 2918.90.20 and in packaged form under HTS subheading 3808.30.15, with a respective column 1 general rate of duty at 12.1 percent and 1.1 cents/kg plus 8.4 percent *ad valorem*.

Explanation of provision

This section amends HTS Chapter 99, subchapter II, by adding heading 9902.30.16, under which imports of diclofop-methyl from countries entitled to column 1 general duty rates would be allowed duty free entry through December 31, 1998.

Reason for change

The provision offers a temporary duty suspension on imports of diclofop-methyl, an herbicide that can be applied without tilling the soil, thereby allowing for the control of weeds without the risk of soil erosion. There is no domestic production of this product.

Elimination of Duty on 2-Amino-3-Chlorobenzoic Acid, Methyl Ester
(Section 25)

Current law

Subheading 2922.49.05 of Chapter 29 of the HTS sets the column 1 general rates of duty for oxygen-function amino-compounds, amino-alcohols, and their esters.

Explanation of provision

This section amends subheading 2922.49.05 of the HTS to include 2-Amino-3-chlorobenzoic acid, methyl ester, and provides for permanent, duty-free tariff treatment for imports from those countries entitled to column 1 general rates of duty.

Reason for change

There is no domestic production of this chemical, which is used in the production of an herbicide for soybean broadleaf weed control.

Elimination of Duties on 3,3'-Diaminobenzidine (Tetraamino Biphenyl)
(Section 26)

Current law

Under the HTS, 3,3-diaminobenzidine (also known as tetraamino biphenyl or "TAB") is currently classified under subheading 2921.59.40, a basket category with a column 1 general rate of duty of 12.1 percent *ad valorem*.

Explanation of provision

This section amends the HTS by placing 3,3-diaminobenzidine under subheading 2921.59.17, with a free rate of duty, retroactive to January 1, 1995, the effective date of the URAA.

Reason for change

It is the Committee's view that TAB should have been added to the final list of products included in the U.S. tariff concessions during the Uruguay Round negotiations. Under these circumstances, the Committee believes it is appropriate to provide for reliquidation of entries retroactive to the effective date of the URAA. There is

no domestic production of TAB, a chemical used in the manufacture of a flame-resistant fiber.

Certain Unliquidated Vessel Repair Entries

(Section 27)

Current law

Section 484E of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) provided that Lighter Aboard Ship (LASH) barges would be exempt from the duty imposed on foreign vessel repairs until December 31, 1992. The URAA made the exemption permanent on a prospective basis as of January 1, 1995.

Explanation of provision

This section amends section 484E of the Customs and Trade Act of 1990 to extend the vessel repair duty exemption to 66 specific repair entries of LASH barges documented under the laws of the United States. The duty exemption is limited to vessel repair entries that meet three conditions: (1) the entries were made during the period from January 1, 1993 through December 31, 1994; (2) the entries had not been liquidated as of January 1, 1995; and (3) the entries, if they had been made on or after January 1, 1995, would otherwise be eligible for the duty exemption.

Reason for change

The provision fills a gap in coverage between the previously authorized exemption, which expired December 31, 1992, and the permanent exemption that became effective January 1, 1995.

Duty on Display Fireworks

(Section 28)

Current law

Subheading 3604.10.00 of the HTS establishes a general rate of duty of 5.3 percent *ad valorem* on all types of fireworks.

Explanation of provision

This section creates a separate tariff classification for display or special fireworks (Class 1.3G fireworks) with a general rate of duty of 2.4 percent *ad valorem*.

Reason for change

Under section 111 of the URAA, duties on all fireworks under an HTS basket category (HTS subheading 3604.10.00) were changed from a per kilogram rate to an *ad valorem* rate. An unintended result of this change was to increase the amount of duty assessed on high-value, low-weight display fireworks. This provision reduces the tariff rate on display fireworks to the *ad valorem* equivalent of the pre-URAA duty collected on these types of fireworks.

*Personal Allowance Duty Exemption for Merchandise Purchased in
a Duty-Free Sales Enterprise*

(Section 29)

Current law

Subchapter IV of HTS Chapter 98 provides that U.S. residents who travel outside the country for more than 48 hours may bring back up to \$400 of merchandise purchased on their trip without paying duties or taxes when they return to the U.S. (Higher limits apply to residents returning from the U.S. insular possessions or from beneficiary countries under either the Caribbean Basin Economic Recovery Act or the Andean Trade Preference Act.) However, section 555(b)(6) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(6)) provides that merchandise purchased in a duty-free sales enterprise in the United States is not eligible for exemption from duty upon the traveler's return to the United States.

Explanation of provision

This section amends section 555(b)(6) of the Tariff Act of 1930 to permit U.S. residents who have been outside the United States for at least 48 hours to apply merchandise purchased from a U.S. duty-free store against their personal duty-free allowance. The provision does not apply to residents returning from travel that involves transit to, from, or through a U.S. insular possession (American Samoa, Guam, or the Virgin Islands of the United States).

Reason for change

The Committee believes that current law disadvantages U.S. duty free stores and is inconsistent with the practices of other countries, which allow purchases made in their duty-free shops to be reimported under returning-resident allowances. As under current law, purchases made in U.S. duty-free shops must be made at the beginning of a resident's outbound journey.

Temporary Duty Suspension for Certain Motorcycles

(Section 30)

Current law

Under current law, non-resident participants in the Sturgis Motorcycle Rally and Races must post a bond when their motorcycles enter the United States, and then wait for a bond release following proof that the goods qualified for duty-free entry into the United States.

Explanation of provision

This section creates a new HTS heading 9902.98.06 temporarily suspending duties, taxes, and fees on U.S.-produced motorcycles previously exported from the United States and later brought temporarily into the United States by participants in the Sturgis Rally and Races. The suspension would apply through December 31, 2006.

Reason for change

This provision is intended to allow non-resident participants in the Sturgis Rally and Races to file an informal customs entry and thereby avoid posting a customs bond when they bring their U.S.-made motorcycles into the United States. This change would substantially reduce the Customs paperwork to which participants in the Sturgis Rally and Races would otherwise be subjected in seeking reimbursement of the customs bond.

*Deferral of Duty on Certain Production Equipment**(Section 31)**Current law*

Customs Service Decision 82-103 of March 2, 1982, had held that production equipment was not dutiable in a Foreign Trade Subzone until it was completely assembled, installed, tested and used in full-scale production. This decision was revoked on November 30, 1988 by a General Notice published by the Customs Service, where Customs took the position that such production equipment is dutiable at the time it is first admitted into a subzone rather than at the time the production equipment is actually used in the intended production.

Explanation of provision

This section amends the Foreign Trade Zones Act (section 3 of the Act of June 18, 1934, 19 U.S.C. 81c) to permit the deferral of payment of duty on certain production equipment admitted into Foreign Trade Zones (FTZs) and subzones. Payment may be deferred until use of such equipment for production commences. To qualify for duty deferral, the person admitting the equipment must certify to Customs that it is admitted for use as production equipment and that it will be entered and estimated duties deposited when production begins. The equipment shall be subject to tariff classification according to its character, condition and quantity, and at the rate of duty applicable, when production begins.

Reason for change

The provision allows for the duty on imported production equipment and components installed in a U.S. FTZ or subzone to be deferred until use of the equipment for production begins. The Committee believes that, by allowing a manufacturer to assemble, install, and test the equipment before duties would be levied, export production in the United States in FTZs will be encouraged.

*Temporary Duty Suspension on Thidiazuron**(Section 32)**Current law*

HTS subheading 2934.90.15 provides that the current duty on thidiazuron (a plant growth regulator and defoliant) in bulk form is 12.1 percent *ad valorem*. HTS subheading 3808.30.15 provides for a duty of 1.1 cents/kg plus 8.4 percent *ad valorem* on thidiazuron in packaged form.

Explanation of provision

This section amends subchapter II of Chapter 99 of the HTS to insert a new heading 9902.30.17, temporarily suspending the column 1 general rate of duty rate on imports of thidiazuron, whether in bulk or packaged form, through December 31, 1998.

Reason for change

There is no domestic production of this product, which is manufactured primarily in Germany.

*2,3,3-Trimethyl-indolenine**(Section 33)**Current law*

Under HTS subheading 2933.90.82, the current rate of duty on 2,3,3-Trimethyl-indolenine is 3 cents/kg plus 14.3 percent *ad valorem*. Indolenine is a synthetic organic chemical used as a chemical intermediate in the production of certain dyes.

Explanation of provision

This section amends subchapter II of Chapter 99 of the HTS to insert a new heading 9902.33.90, suspending temporarily the column 1 general rate of duty on imports of indolenine through December 31, 1999.

Reason for change

There is no domestic production of this product.

*Bis(4-Amino-3-Methylcyclohexyl)-Methane**(Section 34)**Current law*

HTS subheading 2921.30.30 provides for a current rate of duty of 3 cents/kg plus 14.7 percent *ad valorem* on imports of Bis(4-amino-3-methylcyclohexyl)-methane, which is a synthetic organic chemical intermediate used as a curing agent for epoxy resins, which are further used in the manufacture of products for the automobile industry.

Explanation of provision

This section amends subchapter II of Chapter 99 of the HTS to insert a new heading 9902.30.30, suspending temporarily the column 1 general rate of duty on imports of Bis(4-amino-3-methylcyclohexyl)-methane through December 31, 1999.

Reason for change

There is no domestic production of this chemical (more commonly referred to as Dimethyldicykane).

*Limitation on Designation as Beneficiary Developing Country**(Section 35)**Current law*

Under section 502(b)(2)(F) of the Trade Act of 1974, as amended (19 U.S.C. 2462(b)(2)(F)), the President may not designate any country as a beneficiary developing country for purposes of the U.S. Generalized System of Preferences (GSP) that aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism.

Explanation of provision

This section amends the current statutory provision relating to terrorism by adding language that would deny GSP beneficiary status to any country found by the Secretary of State to support international acts of terrorism. The effective date of this provision is October 1, 1996.

Reason for change

This change would make the requirements for participation in the GSP program consistent with the requirements of the Foreign Assistance Act of 1961, which provides that countries that sponsor terrorism are ineligible for U.S. foreign assistance.

*Temporary Duty Suspension on Certain Chemicals Used in the Formulation of an HIV Protease Inhibitor**(Section 36)**Current law*

Under current law, the column 1 general rate of duty on three chemical compounds required for the formulation of an HIV protease inhibitor currently in advanced clinical trials is 12.1 percent ad valorem. The three chemicals are identified in the following HTS categories: (1) HTS subheading 2918.29.65 (3-Acetoxy-2-methylbenzoyl chloride); (2) HTS subheading 2922.19.60 ((S-R*,S*)-(3-Chloro-2-hydroxy-1-((phenylthio)methyl)propyl)-carbamic acid phenylmethyl ester); and (3) HTS subheading 2933.40.60 (N-(1-1-dimethylethyl) decahydro-2 [2-hydroxy-3-[(3-hydroxy-2-methylbenzoyl)amino]-4-(phenylthio)butyl]-3-isoquinolinecarboxamide, [3S-[2(2S*,3S*),3.a.,4.a.b.,8.a.b.]]).

Explanation of provision

This section suspends through March 31, 1997, any duties applicable to imports of the three chemical compounds described above.

Reason for change

Pursuant to an agreement under the auspices of the World Trade Organization, the three chemical compounds are expected to be added to the list of pharmaceuticals on which all duties imposed by the United States and our major trading partners are proposed to be eliminated as of April 1, 1997. Because there is no domestic manufacture of the three chemical compounds in question and it is expected they will become duty free after April 1, 1997, the Com-

mittee believes that a duty suspension until that date is appropriate. The Committee believes such action will help to ensure that drugs for the treatment of HIV and AIDS are made available as swiftly and at as low a cost as possible.

Treatment of Certain Entries of Buffalo Leather

(Section 37)

Current law

Under Title V of the Trade Act of 1974, as amended (19 U.S.C. 2461 et seq.), certain imports from countries designated as beneficiary developing countries enter the United States duty free under the U.S. Generalized System of Preferences (GSP). Imports that exceed the so-called competitive-need limit (i.e., imports accounting for more than 50 percent of total imports of the product in question) lose their GSP eligibility for the following year. The competitive-need limit may, however, be waived where imports are *de minimis*.

Explanation of provision

This section provides for the liquidation or reliquidation of two entries made during the month of July 1995 of buffalo leather imported from Thailand at the GSP rate of duty that applied as of June 30, 1995.

Reason for change

On June 30, 1995, the product in question lost its eligibility for GSP tariff treatment because it had exceeded the 50 percent GSP competitive-need limit in 1994. Although the importer filed an emergency request for a *de minimis* competitive need waiver on April 17, 1995, the request was not acted upon until July 28, 1995, when the President signed Presidential Proclamation 6813 to restore the GSP eligibility of buffalo leather from Thailand. Because the President lacked authority to restore GSP eligibility retroactively, the proclamation was effective only with respect to imports entered after July 31, 1995. This provision would allow for GSP treatment with respect to two entries made during the period between July 1 and July 31, 1995.

Fees for Certain Customs Services

(Section 38)

Current law

Section 13031(b) of the 1985 COBRA (19 U.S.C. 58c(a)(5)) provides for the collection of fees for certain Customs services, and establishes limitations on such fees. Section 521 of the NAFTA Implementation Act temporarily increased the Customs COBRA passenger processing fee from \$5 to \$6.50 and lifted the exemption on passengers arriving from Canada, Mexico, and the Caribbean during the period from January 1, 1994 through September 30, 1997. Section 521 also amended the COBRA to provide that passengers on so-called "cruises to nowhere" are liable for payment of the passenger processing fee. Customs has interpreted this provision as re-

quiring the collection of the fee each time a ship touches at a U.S. port, even if the vessel is on a single continuous voyage and lands at several U.S. ports.

Explanation of provision

This section amends section 13031(b) of the 1985 COBRA to provide for a one-time only collection of fees in the course of a single voyage for a passenger aboard a commercial vessel.

Reason for change

The Committee believes this provision is necessary to clarify that, in the situation described above, Customs may collect the passenger processing fee only once.

Injury Determinations for Certain Countervailing Duty Orders

(Section 39)

Current law

Section 753 of the Tariff Act of 1930 (19 U.S.C. 1675b) requires an injury test for outstanding countervailing duty orders formerly issued under section 303 of the Tariff Act of 1930 (since repealed) that was applicable to countries that were not parties to the 1979 Subsidies Agreement when the order was issued, but that have subsequently become parties to the Agreement on Subsidies and Countervailing Measures administered by the World Trade Organization (WTO). Section 701(c) of the Tariff Act of 1930 provides that an injury test is not required with respect to countervailing duty investigations involving imports from countries that are not WTO members.

Explanation of provision

This section amends section 753 of the Tariff Act of 1930 to provide an injury test in countervailing duty investigations under section 701(c) of the Tariff Act (involving imports not entitled to a material-injury determination), when the country from which the products originate later becomes a WTO member and thereby party to the Agreement on Subsidies and Countervailing Measures.

Reason for change

Once countries become parties to the WTO Agreement on Subsidies and Countervailing Measures, all other parties to that Agreement must provide for an injury determination in countervailing duty investigations involving imports from the new party. This provision would facilitate administration of the countervailing duty law by providing for such an injury determination when countries later join the WTO and become parties to the WTO Subsidies Agreement.

*Treatment of Difference Between Collections of Estimated
Antidumping Duty and Final Assessed Duty Under
Antidumping Duty Order
(Section 40)*

Current law

Section 737(a) of the Tariff Act of 1930 (19 U.S.C. 1673f(a)), as amended by section 219(c)(10) of the URAA, provides that if the amount of the cash deposit collected as security for an estimated antidumping duty is different from the final assessed duty, the difference will be disregarded if the amount of the cash deposit is less than the final duty, and the difference will be refunded if the amount of the cash deposit is more than the amount of the final assessed duty. Section 707 of the Tariff Act of 1930 provides analogous treatment for deposits of estimated countervailing duties, but applies to bonds or other securities in addition to cash deposits.

Explanation of provision

This section amends section 737(a) of the Tariff Act of 1930 to conform the language in the antidumping law with the countervailing duty law with respect to the collection of deposits of estimated duties. Amended section 737(a) would apply, therefore, to cash deposits, bonds or other securities, as is the case with the countervailing duty law.

Reason for change

The change is necessary to harmonize the language in the antidumping law and the countervailing duty law with respect to the deposit of estimated duties.

*Certain Lead Fuel Test Assemblies
(Section 41)*

Current law

Under HTS Chapter 98, various test items may enter the United States duty-free under bond, provided that they are re-exported or destroyed within a maximum period of three years from the date of entry.

Explanation of provision

This section would direct the Secretary of Treasury to liquidate or reliquidate as duty-free, and to refund duties paid on four entries of lead-fuel test assemblies of nuclear-fuel rods, upon the filing of a proper request by the importer.

Reason for change

Although current law allows duty-free treatment of various test items, subject to the limitations described above, U.S. utilities require six to eight years to analyze the entire useful life of lead-fuel test assemblies of nuclear-fuel rods. Disposal of the assemblies is subsequently conducted under U.S. law governing radioactive scrap. This provision would allow an exception to the three-year test period limitation for four entries of lead fuel test assemblies.

Suspension of Duty on Certain Injection Molding Machines
(Section 42)

Current law

HTS subheading 8477.10.80 provides for a column 1 general rate of duty of 3.6 percent ad valorem on imports of certain injection molding machines.

Explanation of provision

This section amends HTS Chapter 99, subchapter II, by adding heading 9902.84.77, which provides for temporary duty-free treatment through December 31, 2000, for imports of certain injection molding machines used in the manufacture of semiconductors.

Reason for change

There is no domestic production of these products.

Reliquidation of Certain Entries of Color Televisions
(Section 43)

Current law

Sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) provide, respectively, for the filing of protests against decisions of the Customs Service, and authority for the Secretary of the Treasury to refund duties in the event of errors by the Customs Service in collecting such duties.

Explanation of provision

This section directs the Customs Service to reliquidate certain entries of imported television sets at a duty rate set in an administrative review of a dumping order on television sets.

Reason for change

This provision would correct an acknowledged mistake by the Customs Service that resulted in the improper liquidation of these entries. (At the time of their liquidation, the entries were under a suspension of liquidation order during the pendency of the administrative review.) As a result, the Customs Service retained the estimated duties deposited by the importer, which were in excess of the actual duties owed. The importer was unaware of the liquidation until after expiration of the one-year deadline for filing a protest with the Customs Service in such cases.

Articles Used To Provide Repair and Maintenance Services
(Section 44)

Current law

Under HTS heading 9804.00.10, tools of trade, occupation, or employment that have been taken abroad by a person returning to the United States from a foreign country are considered a personal exemption and enter the United States duty free.

Explanation of provision

This section amends Chapter 98, subchapter I of the HTS by adding a new heading to permit the duty-free entry of “tools of the trade” by corporations as well as individuals.

Reason for change

Under the Customs Service’s interpretation of current law, goods used by technicians and engineers to provide repair services abroad may be brought in duty-free under the personal-allowance exemption, but only if the same individual that took the goods abroad accompanies them on their return. By allowing for duty-free re-entry for such goods, the provision would simplify the customs procedures for U.S. companies that provide such services and are unable to avail themselves of the personal-allowance exemption.

*Yttrium Oxide and Cerium Aluminum Terbium**(Section 45)**Current law*

HTS subheading 3206.50.00 establishes a column 1 general rate of duty of 8.6 percent *ad valorem* on imports of inorganic products used as luminophores, including yttrium oxide and cerium aluminum terbium.

Explanation of provision

This section of the bill (as modified by a subsequent Chairman’s technical amendment) amends subchapter II of Chapter 99 of the HTS to insert a new heading (9902.32.06), suspending temporarily the column 1 general rate of duty on imports of yttrium oxide and cerium aluminum terbium, of a kind used as luminophores, through December 31, 2000.

Reason for change

These materials are inorganic chemicals that are luminophores used in the production of fluorescent lighting, and are not produced in the United States.

*Pharmaceutical Grade Phospholipids**(Section 46)**Current law*

HTS subheading 2923.20.10 provides for the duty-free entry of certain types of purified egg phospholipids, used intravenously to assist patients who have difficulty digesting food.

Explanation of provision

This section directs the Customs Service to liquidate or reliquidate certain entries of phospholipids made between March 29, 1991, and January 1, 1995, at a lower rate of duty.

Reason for change

The provision would correct an unintended increase in the tariff rate on these products that resulted from the conversion from the

TSUS to the HTS. The tariff was eventually eliminated on these products on January 1, 1995, as a result of enactment of the Uruguay Round Agreements Act.

Certain Structures, Parts, and Components Used in the Gemini Telescopes Project, Mauna Kea, Hawaii

(Section 47)

Current law

Subchapter X of Chapter 98 of the HTS implements the Agreement on the Importation of Educational, Scientific, and Cultural Material (referred to as the Florence Agreement). This subchapter provides for the duty-free entry of instruments and apparatus for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes, if no instrument or apparatus of equivalent scientific value is being manufactured in the United States.

Explanation of provision

This section allows duty-free entry of imports of certain components used in the construction of the Gemini North Telescope on Hawaii, which is part of the international Gemini Telescopes project.

Reason for change

The Customs Service has taken the position that subchapter X of Chapter 98 of the HTS does not include parts and components of scientific instruments or apparatus. However, all other countries involved in the Gemini Telescope project have agreed to waive both taxes and any customs duties for the project, and the Committee believes it is appropriate in this case for the United States to waive customs duties on the components specified in the legislation. The Committee expects, however, to work with the Administration to develop a general provision, consistent with the requirements of the Florence Agreement, to address the importation of components of instruments, apparatus and associated peripherals. Such a general provision would obviate the need for legislation providing for duty suspensions with respect to specific projects.

Articles Provided to Steward Observatory

(Section 48)

Current law

Section 240 of the Trade and Tariff Act of 1984 (98 Stat. 2994) authorized, under certain conditions, the duty-free entry of articles provided by the Max Planck Institute for Radioastronomy of Germany for a joint astronomical project undertaken with the Steward Observatory of the University of Arizona. The authorization expired November 1, 1993.

Subchapter X of Chapter 98 of the HTS implements the Florence Agreement. This subchapter provides for the duty-free entry of instruments and apparatus entered for the use of any nonprofit institution, whether public or private, established for educational or sci-

entific purposes, if no instrument or apparatus of equivalent scientific value is being manufactured in the United States.

Explanation of provision

This section amends section 240 of the Trade and Tariff Act of 1984 to authorize duty-free entry of imports of articles provided to the Steward Observatory by the Max Planck Institute in Germany. The section also provides for duty-free entry of the large binocular telescope components, parts and equipment provided to the Steward Observatory by the Arcetri Astrophysical Observatory in Italy and the Max Planck Institute.

Reason for change

This provision reauthorizes an expired provision of law that facilitates joint projects undertaken by the Steward Observatory and the Max Planck Institute. In addition, since the Customs Service has interpreted subchapter X of Chapter 98 to apply only to instruments and apparatus, and not the components of such instruments or apparatus, legislation is required to authorize the duty-free importation of specific components of the large binocular telescope provided by the Max Planck Institute and the Arcetri Astrophysical Observatory. The Committee expects, however, to work with the Administration to develop a general provision, consistent with the requirements of the Florence Agreement, to address the importation of components of instruments, apparatus and associated peripherals. Such a general provision would obviate the need for legislation providing for duty suspensions with respect to specific projects.

Reliquidation of Certain Frozen Concentrated Orange Juice Entries
(Section 49)

Current law

Sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) provide, respectively, for the filing of protests against decisions of the Customs Service, and authority for the Secretary of the Treasury to refund duties in the event of errors by the Customs Service in collecting such duties.

Explanation of provision

This section directs the Customs Service to reliquidate certain entries of imported frozen concentrated orange juice (FCOJ) at a duty rate set in an administrative review of an antidumping order on FCOJ.

Reason for change

This provision corrects an acknowledged mistake by the Customs Service that resulted in the improper liquidation of these entries. (At the time of their liquidation, the entries were under a suspension of liquidation order during the pendency of the administrative review.) As a result, the Customs Service retained the estimated duties on the entries deposited by the importer, which were in excess of the actual duties owed. The importer was unaware of the

liquidation until after expiration of the one-year deadline for filing a protest with Customs in such cases.

Twine, Cordage, Ropes, and Cables

(Section 50)

Current law

HTS subheading 5607.49.15 establishes a column 1 general rate of duty of 7.8 percent *ad valorem* for twine, cordage, ropes and cables of polyethylene or polypropylene that are less than 4.8 mm. in diameter. Subheading 5607.49.25 establishes a tariff of 24 cents/kg plus 13.1 percent *ad valorem* for such articles of greater diameter. HTS subheading 5607.50.20 establishes only one tariff rate for twine, cordage, ropes and cables of other synthetic fibers, regardless of dimension. The tariff on such articles is 26.1 cents/kg plus 14.2 percent *ad valorem*.

Explanation of provision

This section amends the HTS to provide for a column 1 general rate of duty of 7.8 percent *ad valorem* on certain specialty twine made of synthetic fibers other than polyethylene or polypropylene that is less than 3.5 mm. in diameter, and makes conforming changes to the tariff rate on other twine, cordage, ropes and cables made of other synthetic fibers. This section also provides for the liquidation or reliquidation of entries of the specialty twine in question retroactive to 1989 under the lower duty rate.

Reason for change

Following conversion from the TSUS to the HTS on January 1, 1989, the specialty twine in question, which had been subject to a duty rate of 8 percent *ad valorem*, was placed under a tariff category subject to a higher *ad valorem* equivalent tariff rate of 19.22 percent. This provision restores the lower rate of duty, modified by the authorized staged rate reduction, which was inadvertently increased as a result of the conversion to the HTS. It is the Committee's intention that any quota category currently applicable to HTS subheading 5607.50.20 shall be applicable to the two new subheadings (HTS 5607.50.25 and HTS 5607.50.35) added by this legislation. The Committee expects that quotas shall be negotiated with U.S. trading partners with exports subject to quota in the usual manner. However, the aggregate amount of merchandise eligible to enter the United States from countries subject to quota restrictions under HTS subheadings 5607.50.25 and 5607.50.35, when added together, shall not exceed the amount of merchandise eligible to enter the United States in 1996 under HTS subheading 5607.50.20. There would be an exception for permissible or required increases based on the total amount under former HTS subheading 5607.50.20, which may, by law, and consistent with U.S. international obligations, be negotiated by appropriate agencies of the United States in succeeding years.

*Suspension of Duty on Certain Fatty Acid Esters**(Section 51)**Current law*

HTS subheading 3824.90.40 provides for a column 1 general rate of duty of 4.6 percent *ad valorem* on certain fatty acid esters used principally in the production of shampoo.

Explanation of provision

This section amends subchapter II of Chapter 99 of the HTS to insert a new heading (9902.38.24), suspending the column 1 general rate of duty on imports of these fatty acid esters through December 31, 2000.

Reason for change

The Committee understands that domestic production of this product is consumed internally by the producers. No industry opposition to this provision has been expressed to the Committee.

*Duty Suspension on the Entry of a Mobile Bison Slaughter Unit**(Section 52)**Current law*

Under the HTS, a mobile bison slaughter unit is classifiable under subheading 8705.90.00, a basket category with a column 1 general rate of duty of 2.2 percent *ad valorem*.

Explanation of provision

This section provides for the duty-free treatment of one specified entry of a mobile bison slaughter unit or require the reliquidation of such entry if liquidation becomes final before the entry into force of this provision.

Reason for change

This provision would provide duty-free treatment to one entry of a mobile bison slaughter unit procured through a federal grant to enable an Indian tribe to sell bison products in accordance with Federal regulatory standards and traditional tribal beliefs and practices. The grant was insufficient to cover approximately \$35,000 in duties that would be assessed upon importation of the unit. There is no domestic production of the mobile bison slaughter unit covered by this provision.

*Exemption From Tariffs and Fees for Certain Aircraft Parts and Equipment**(Section 53)**Current law*

Chapter 88 of the HTS generally covers aircraft parts and equipment.

Explanation of provision

This section would amend General Note 16 of the HTS to exempt from tariffs and fees certain aircraft parts and equipment, which, while being used abroad, are withdrawn from service due to an accident, breakdown or emergency and are returned to the United States for repair within 45 days.

Reason for change

This provision would partially codify an existing Treasury Decision (T.D. 55507(3)), which exempts from entry or payment of duty certain aircraft parts and equipment, which break down while in service abroad. This provision will ensure that such articles, which were made in the United States or were previously imported and cleared by Customs into the United States, will not be subject to duplicative tariff and entry requirements when they are brought back to the United States for repair.

*Reliquidation of Certain Entries of Live Swine**(Section 54)**Current law*

Sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) provide, respectively, for the filing of protests against decisions of the Customs Service, and authority for the Secretary of Treasury to refund duties in the event of errors by the Customs Service in collecting such duties.

Explanation of provision

This section directs the Customs Service to reliquidate certain entries of live swine at the duty rate set forth in the April 30, 1993 amended final results of the administrative review of the countervailing duty order on live swine. Any amounts owed by the United States pursuant to the reliquidation of these subject entries would be paid within 90 days after such reliquidation.

Reason for change

This provision would correct an acknowledged mistake by the Customs Service, which resulted in the improper liquidation of certain entries of live swine. At the time of their liquidation, the entries were under a suspension of liquidation order during the pendency of the administrative review and subsequent review by a U.S.-Canada Binational Panel and Extraordinary Challenge Committee. As a result, the Customs Service retained the estimated duties deposited by the importer, which were in excess of the actual duties owed. The importer was unaware of the liquidation until after expiration of the one-year deadline for filing a protest in such cases.

*Reliquidation of Certain Entries of Sewing Machines**(Section 55)**Current law*

Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) provides for the filing of protests against decisions of the Customs Service.

Explanation of provision

This section directs the Customs Service to reliquidate certain entries of sewing machines after receiving a proper request demonstrating that such entries are qualified for reimbursement in accordance with a 1993 decision by the United States Court of International Trade (CIT) in *Pfaff American Sales Corp. v. United States*, 17 CIT 550 (1993). Any amounts owed by the United States pursuant to the reliquidation of these subject entries would be paid within 90 days after such reliquidation.

Reason for change

A company protested the classification of certain imported sewing machines by the Customs Service and, upon denial of the protest, filed an action at the CIT to challenge Customs' decision. The company's case was stayed pending resolution of a test case filed by another company with respect to the same type of products. The CIT found that Customs' classification of the sewing machines was in error, and Customs subsequently reliquidated the disputed entries in both cases in conformity to the court's decision. Because the company in question inadvertently omitted 68 entries from its summons and complaint, Customs did not reliquidate those entries at the lower, correct duty rate.

Temporary Duty Suspension on Certain Textured Rolled Glass Sheets

(Section 56)

Current law

Under the HTS, unfinished textured rolled glass sheets that are used to produce glass-ceramic stovetops are classifiable under subheading 7003.19.00, a basket category with a column 1 general rate of duty of 1.5 percent *ad valorem*.

Explanation of provision

This section amends subchapter II of Chapter 99 of the HTS to insert a new subheading 9902.70.03, suspending temporarily the column 1 general rate of duty on imports of certain unfinished textured rolled glass sheets used in the production of glass-ceramic stovetops through December 31, 1998.

Reason for change

This provision would correct a competitive imbalance in the tariff provisions which favors foreign production of glass-ceramic stovetops. Because of an inverted tariff, imports of the unfinished glass sheets are subject to a higher rate of duty than imports of the finished glass ceramic stovetops (which enter duty-free under HTS subheading 8516.90.65). There is no domestic production of the glass sheets covered by this provision.

*Temporary Suspension of Duty on DEMENT**(Section 57)**Current law*

Under the HTS, N,N-diethyl-m-toluidine (commonly known, DEMENT) is classifiable under HTS subheading 2921.43.80, a basket category with a column 1 general rate of duty of 1.9 cents/kg plus 16.3 percent *ad valorem*.

Explanation of provision

This section amends subchapter II of Chapter 99 of the HTS to insert a new heading 9902.22.12, suspending temporarily the column 1 general rate of duty on imports of DEMENT through December 31, 1998.

Reason for change

DEMENT is a raw material used in the manufacture of color developers for the motion picture and photographic industries. The sole domestic manufacturer of DEMENT has announced it intends to cease production as of January 1, 1997. This action will force U.S. companies that use the product to import it from foreign producers.

*Investigation on Cattle and Beef Trade**(Section 58)**Current law*

Section 332(g) of the Tariff Act of 1930 provides that the U.S. International Trade Commission (ITC) shall make such investigations and reports as the U.S. Senate Committee on Finance and the U.S. House of Representatives Committee on Ways and Means may request.

Explanation of provision

This section would require the ITC to conduct a study on the impact of NAFTA and the Uruguay Round Agreements on U.S. imports and exports of live cattle for slaughter and fresh, chilled, and frozen beef and to examine the issue of transshipment of live cattle and fresh, chilled, and frozen beef through Mexico and Canada for importation into the United States. The ITC would be required to present its findings within 270 days of the date of enactment of this Act.

Reason for change

Since the NAFTA and the Uruguay Round Agreement came into effect with respect to the United States, the Committee understands that there has been an unexpectedly large increase in imports of live cattle and fresh, chilled, and frozen beef into the United States, particularly from Canada and Mexico.

*Special Rule for Generalized System of Preferences**(Section 59)**Current law*

Section 503(c)(2)(F) of the Trade Act of 1974, which sets the figure for the *de minimis* waiver of the competitive need limit, refers to a dollar amount in 1996. Section 503(d), which describes the competitive need limit waiver, refers to products declared ineligible in the preceding calendar year.

Explanation of provision

This section would include a special rule to allow the President to implement waivers in connection with the results of the 1994 competitive need reviews using the standards set forth in the law as it existed on July 31, 1995, and based on 1994 data.

Reason for change

The GSP statute, as reauthorized by Congress in July 1996, leaves a gap in Presidential authority to determine competitive need limit waivers and *de minimis* waivers for products declared ineligible for duty-free treatment due to competitive need limits in 1995.

III. VOTES OF THE COMMITTEE

In compliance with section 133 of the Legislative Reorganization Act of 1946, the Committee states that H.R. 3815, as amended, was ordered favorably reported unanimously by voice vote on September 25, 1996.

IV. BUDGETARY IMPACT

In compliance with sections 308 and 403 of the Congressional Budget Act of 1974, and paragraph 11(a) of Rule XXVI of the Standing Rules of the Senate, the following letter has been received from the Congressional Budget Office on the budgetary impact of the legislation:



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

June E. O'Neill
Director

September 26, 1996

Honorable William V. Roth, Jr.
Chairman
Committee on Finance
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Congressional Budget Office has reviewed H.R. 3815, as ordered reported by the Senate Committee on Finance on September 25, 1996. CBO estimates that the bill would reduce governmental receipts by \$8 million in fiscal year 1997 and by \$15 million over the 1997-2006 period. CBO estimates that the bill would result in a loss of offsetting receipts of \$1 million annually for each of the fiscal years from 1997 to 2003. The proposed legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would impose no direct costs on state, local, or tribal governments. Because enacting H.R. 3815 would affect direct spending and receipts, pay-as-you-go procedures would apply to the bill.

H.R. 3815 would make technical corrections and miscellaneous amendments to certain trade laws. The majority of the provisions in the bill would not have a significant impact on the budget. However, as listed below, seven provisions would significantly affect governmental receipts, and one provision would significantly affect direct spending.

Section 19 would clarify that automobiles manufactured in U.S. foreign trade zones (FTZs), exported to Canada or Mexico, and subsequently reimported into the United States, are subject to duty only on their foreign content. This provision applies to automobiles produced or manufactured in FTZs before January 1, 1996, and imported to the U.S. on or after January 1, 1994. CBO estimates that enacting this provision would reduce revenues by about \$2 million in fiscal year 1997.

Section 26 would amend the Harmonized Tariff Schedule (HTS) to eliminate the duty on Tetraamino Biphenyl (TAB) retroactive to January 1, 1995. CBO estimates that this provision would reduce revenue by \$1 million in fiscal year 1997, and by less than \$500,000 in each of the following years.

Honorable William V. Roth, Jr.
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Section 32 would amend the HTS to suspend temporarily the MFN duty rate on imports of thidiazuron until December 31, 1998. CBO estimates that this provision would reduce revenues by about \$1 million both fiscal year 1997 and 1998, and by less than \$500,000 in fiscal year 1999.

Section 45 would amend the HTS to suspend temporarily the MFN duty rate on imports of yttrium oxide and cerium aluminum terbium until December 31, 2000. Based on information from the International Trade Commission (ITC), CBO estimates that this provision would reduce revenues by about \$1 million annually, from 1997 through 2000.

Section 46 would correct an unintended increase in the tariff rate on certain phospholipids that resulted from the conversion to the HTS. This provision would direct the U.S. Customs Service to liquidate or reliquidate certain entries of phospholipids made between March 29, 1991, and January 1, 1995, at a lower rate of duty. Based on information from Customs, CBO estimates that this provision would reduce revenues by \$1 million in fiscal year 1997.

Section 47 would permit duty-free treatment for certain structures, parts, and components used in the Gemini Telescope Project. Based on information from the ITC, CBO estimates that this provision would reduce revenues by about \$1 million in fiscal year 1997.

Section 51 would amend the HTS to suspend temporarily the MFN duty rate on imports of fatty acid esters until December 31, 2000. Based on information from ITC, CBO estimates that this provision would reduce revenues by about \$1 million annually, from 1997 through 2000.

Section 38 of the bill would ensure that customs user fees are collected only one time in the course of a single voyage for a passenger on a commercial vessel. CBO estimates that this would result in a net decrease of offsetting receipts of about \$1 million annually, from 1997 through 2003.

The budgetary effects of H.R. 3815 are summarized in the table below.

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Budgetary Effects of H.R. 3815
(By fiscal year, in billions of dollars)

	1997	1998	1999	2000	2001	2002- 2006
Changes in Revenues (Net)						
Projected Revenues						
Under Current Law	1,486.316	1,550.397	1,622.353	1,697.684	1,776.581	N/A
Proposed Changes	-0.008	-0.003	-0.002	-0.002	0.000	0.000
Projected Revenues						
Under H.R. 3815	1486.308	1,550.395	1,622.351	1,697.682	1,776.581	N/A
Changes in Offsetting Receipts						
Projected COBRA fees						
under Current Law	0.427	0.263	0.282	0.302	0.323	N/A
Proposed Changes	-0.001	-0.001	-0.001	-0.001	-0.001	-0.002
Projected COBRA fees						
under H.R. 3815	0.426	0.262	0.281	0.301	0.322	N/A

Notes: N/A = Not Applicable

a. Includes the revenue effects of P.L. 104-134 (H.R. 3019), P.L. 104-188 (H.R. 3448), P.L. 104-191 (H.R. 3103), and P.L. 104-193 (H.R. 3734).

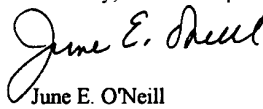
Section 252 of the **Balanced Budget and Emergency Deficit Control Act of 1985** sets up pay-as-you-go procedures for legislation affecting receipts or direct spending through 1998. Because H.R. 3815 would affect direct spending and receipts, pay-as-you-go procedures would apply. These effects are summarized in the table below.

Pay-as-You-Go Considerations
(By fiscal year, in millions of dollars)

	1996	1997	1998
Changes in Receipts	0	-8	-3
Changes in Outlays	0	-1	-1

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Stephanie Weiner, who can be reached at 226-2720, and Mark Grabowicz, who can be reached at 226-2860.

Sincerely,



June E. O'Neill
Director

cc: Honorable Daniel P. Moynihan
Ranking Minority Member

V. REGULATORY IMPACT AND OTHER MATTERS

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee states that the legislation will not significantly regulate any individuals or businesses, will not impact on the personal privacy of individuals, and will result in no significant additional paperwork.

VI. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the legislation, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TARIFF ACT OF 1930

TITLE III—SPECIAL PROVISIONS

Part I—Miscellaneous

* * * * *

SEC. 304. MARKING OF IMPORTED ARTICLES AND CONTAINERS.

(a) * * *

* * * * *

(f) *MARKING OF CERTAIN COFFEE AND TEA PRODUCTS.*—The marking requirements of subsections (a) and (b) shall not apply to articles described in subheadings 0901.21, 0901.22, 0902.10, 0902.20, 0902.30, 0902.40, 2101.10, and 2101.20 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1995.

(g) *MARKING OF SPICES.*—The marking requirements of subsections (a) and (b) shall not apply to articles provided for under subheadings 0904.11, 0904.12, 0904.20, 0905.00, 0906.10, 0906.20, 0907.00, 0908.10, 0908.20, 0908.30, 0909.10, 0909.20, 0909.30, 0909.40, 0909.50, 0910.10, 0910.20, 0910.30, 0910.40, 0910.50, 0910.91, 0910.99, 1106.20, 1207.40, 1207.50, 1207.91, 1404.90, and 3302.10, and items classifiable in categories 0712.90.60, 0712.90.8080, 1209.91.2000, 1211.90.2000, 1211.90.8040, 1211.90.8050, 1211.90.8090, 2006.00.3000, 2918.13.2000, 3203.00.8000, 3301.90.1010, 3301.90.1020, and 3301.90.1050 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1995.

[(f)] (h) *ADDITIONAL DUTIES FOR FAILURE TO MARK.*—If at the time of importation any article (or its container, as provided in subsection (h) hereof) is not marked in accordance with the requirements of this section, and if such article is not exported or destroyed or the article (or its container, as provided in subsection (b) hereof) marked after importation in accordance with the requirements of this section (such exportation, destruction, or marking to be accomplished under customs supervision prior to the liquidation of the entry covering the article, and to be allowed whether or not the article has remained in continuous customs custody), there shall be levied, collected, and paid upon such article a duty of 10 per centum ad valorem, which shall be deemed to have accrued at the time of importation, shall not be construed to be penal, and shall not be remitted wholly or in part nor shall payment thereof be avoidable for any cause. Such duty shall be levied, collected, and paid in addition to any other duty imposed by law and whether or not the article is exempt from the payment of ordinary customs duties. The compensation and expenses of customs officers and employees assigned to supervise the exportation, destruction, or marking to exempt articles from the application of the duty provided for in this subsection shall be reimbursed to the Government by the importer.

[(g)] (i) *DELIVERY WITHHELD UNTIL MARKED.*—No imported article held in customs custody for inspection, examination, or appraisal shall be delivered until such article and every other ar-

title of the importation (or their containers), whether or not released from customs custody, shall have been marked in accordance with the requirements of this section or until the amount of duty estimated to be payable under subsection **[(f)] (h)** of this section has been deposited. Nothing in this section shall be construed as excepting any article (or its container) from the particular requirements of marking provided for in any other provision of law.

[(h)] (j) TREATMENT OF GOODS OF A NAFTA COUNTRY.—

(1) APPLICATION OF SECTION.—In applying this section to an article that qualifies as a good of a NAFTA country (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act) under the regulations issued by the Secretary to implement Annex 311 of the North American Free Trade Agreement—

* * * * *

[(i)] (k) PENALTIES.—Any person who, with intent to conceal the information given thereby or contained therein, defaces, destroys, removes, alters, covers, obscures, or obliterates any mark required under the provisions of this Act shall—

(1) upon conviction for the first violation of this subsection, be fined not more than \$100,000, or imprisoned for not more than 1 year, or both; and

* * * * *

SEC. 313. DRAWBACK AND REFUNDS.

(a) * * *

* * * * *

(j) UNUSED MERCHANDISE DRAWBACK.—

(1) * * *

(2) Subject to paragraph (4), if there is, with respect to imported merchandise on which was paid any duty, tax, or fee imposed under Federal law because of its importation, any other merchandise (whether imported or domestic), that—

(A) * * *

* * * * *

(C) before such exportation or destruction—

(i) is not used within the United States, and
(ii) is in the possession of, including ownership while in bailment, in leased facilities, in transit to, or in any other manner under the operational control of, the party claiming drawback under this paragraph, if that party—

(I) is the importer of the imported merchandise,
or

(II) received from the person who imported and paid any duty due on the imported merchandise a certificate of delivery transferring to the party the imported merchandise, commercially interchangeable merchandise, or any combination of imported and commercially interchangeable merchandise (and any such transferred merchandise, regardless of its origin, will be treated as the imported mer-

chandise and any retained merchandise will be treated as domestic merchandise); then upon the exportation or destruction of such other merchandise the amount of each such duty, tax, and fee paid regarding the imported merchandise shall be refunded as drawback, but in no case may the total drawback on the imported merchandise, whether available under this paragraph or any other provision of law or any combination thereof, exceed 99 percent of that duty, tax, or fee.

* * * * *

(r) FILING DRAWBACK CLAIMS.—

(1) * * *

* * * * *

(3)(A) *The Customs Service may, notwithstanding the limitation set forth in paragraph (1), extend the time for filing a drawback claim for a period not to exceed 18 months, if—*

(i) the claimant establishes to the satisfaction of the Customs Service that the claimant was unable to file the drawback claim because of an event declared by the President to be a major disaster on or after January 1, 1994; and

(ii) the claimant files a request for such extension with the Customs Service—

(I) within one year from the last day of the 3-year period referred to in paragraph (1), or

(II) within 1 year after the date of the enactment of this paragraph,

whichever is later.

(B) If an extension is granted with respect to a request filed under this paragraph, the periods of time for retaining records set forth in subsection (t) of this section and section 508(c)(3) shall be extended for an additional 18 months or, in a case to which subparagraph (A)(ii) applies, for a period not to exceed 1 year from the date the claim is filed.

(C) For purposes of this paragraph, the term “major disaster” has the meaning given that term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(s) DESIGNATION OF MERCHANDISE BY SUCCESSOR.—

(1) * * *

(2) For purposes of subsection (j)(2), a drawback successor may designate—

(A) imported merchandise which the predecessor, before the date of succession, imported; or

(B) imported merchandise, commercially interchangeable merchandise, or any combination of imported and commercially interchangeable merchandise for which the [successor] predecessor received, before the date of succession, from the person who imported and paid any duty due on the imported merchandise a certificate of delivery transferring to the successor such merchandise;

as the basis for drawback on merchandise possessed by the drawback successor after the date of succession.

* * * * *

(t) DRAWBACK CERTIFICATES.—Any person who issues a certificate which would enable another person to claim drawback shall be subject to the recordkeeping provisions of this [chapter] Act, with the retention period beginning on the date that such certificate is issued.

* * * * *

SEC. 321. ADMINISTRATIVE EXEMPTIONS.

(a) The Secretary of the Treasury, in order to avoid expense and inconvenience to the Government disproportionate to the amount of revenue that would otherwise be collected, is hereby authorized, under such regulations as he shall prescribe, to—

(1) disregard a difference of an amount specified by the Secretary by regulation, but not less than \$20, between the total estimated duties, fees, and taxes deposited, or the total duties fees, and taxes tentatively assessed, with respect to any entry of merchandise and the total amount of [duties, fees, and taxes actually accruing] *duties, fees, taxes, and interest actually accruing* thereon;

(2) admit articles free of duty and of any tax imposed on or by reason of importation, but the aggregate fair retail value in the country of shipment of articles imported by one person on one day and exempted from the payment of duty shall not exceed an amount specified by the Secretary by regulation, but not less than—

(A) * * *

(B) \$200 in the case of articles accompanying, and for the personal or household use of, persons arriving in the United States who are not entitled to any exemption from duty under subheading 9804.00.30, 9804.00.65, or 9804.00.70 of this Act, or

(3) waive the collection of duties, fees, [and taxes] *taxes, and interest* due on entered merchandise when such duties, fees, [or taxes] *taxes, or interest* are less than \$20 or such greater amount as may be specified by the Secretary by regulation.

* * * * *

SEC. 337. UNFAIR PRACTICES IN IMPORT TRADE.

(a) * * *

(b) INVESTIGATIONS OF VIOLATIONS BY COMMISSION.—(1) * * *

* * * * *

(3) Whenever, in the course of an investigation under this section, the Commission has reason to believe, based on information before it, that a matter, in whole or in part, may come within the purview of subtitle B of title VII of this Act, it shall promptly notify the Secretary of Commerce so that such action may be taken as is otherwise authorized by [such section and] such subtitle. If the Commission has reason to believe that the matter before it (A) is based solely on alleged acts and effects which are within the purview of section 701 or 731, or (B) relates to an alleged copyright

infringement with respect to which action is prohibited by section 1008 of title 17, United States Code, the Commission shall terminate, or not institute, any investigation into the matter. If the Commission has reason to believe the matter before it is based in part on alleged acts and effects which are within the purview of section 701 or 731 of this Act, and in part on alleged acts and effects which may, independently from or in conjunction with those within the purview of such section, establish a basis for relief under this section, then it may institute or continue an investigation into the matter. If the Commission notifies the Secretary or the administering authority (as defined in section 771(1) of this Act) with respect to a matter under this paragraph, the Commission may suspend its investigation during the time the matter is before the Secretary or administering authority for final decision. Any final decision by the administering authority under section 701 or 731 of this Act with respect to the matter within such section 701 or 731 of which the Commission has notified the Secretary or administering authority shall be conclusive upon the Commission with respect to the issue of less-than-fair-value sales or subsidization and the matters necessary for such decision.

* * * * *

TITLE IV—ADMINISTRATIVE PROVISIONS

PART I—DEFINITIONS AND NATIONAL CUSTOMS AUTOMATION PROGRAM

Subpart A—Definitions

SEC. 401. MISCELLANEOUS.

When used in this title or in Part I of Title III—

(a) * * *

* * * * *

(s) [The term “reconciliation” means an electronic process, initiated at the request of an importer, under which the elements of an entry, other than those elements related to the admissibility of the merchandise, that are undetermined at the time of entry summary are provided to the Customs Service at a later time. A reconciliation is treated as an entry for purposes of liquidation, reliquidation, and protest.] *The term “reconciliation” means an electronic process, initiated at the request of an importer, under which the elements of an entry (other than those elements related to the admissibility of the merchandise) that are undetermined at the time the importer files or transmits the documentation or information required by section 484(a)(1)(B), or the import activity summary statement, are provided to the Customs Service at a later time.*

* * * * *

SEC. 413. IMPLEMENTATION AND EVALUATION OF PROGRAM.

(a) OVERALL PROGRAM PLAN.—

(1) IN GENERAL.—Before the 180th day after the date of the enactment of [this Act] *the North American Free Trade Agreement Implementation Act*, the Secretary shall develop and

transmit to the Committees an overall plan for the Program. The overall Program plan shall set forth—

(A) * * *

* * * * *

Part II—Report, Entry, and Unlading of Vessels and Vehicles

* * * * *

SEC. 431. MANIFEST—REQUIREMENT, FORM, AND CONTENTS.

(a) * * *

* * * * *

(c)(1) Except as provided in subparagraph (2), the following information, when contained in [such manifest], a vessel manifest shall be available to public disclosure:

* * * * *

SEC. 436. PENALTIES FOR VIOLATIONS OF THE ARRIVAL, REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS.

(a) UNLAWFUL ACTS.—It is unlawful—

(1) to fail to comply with section 431, 433, or 434 of this Act or section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91);

(2) to present or transmit, electronically or otherwise, any forged, altered, or false document, paper, information, data or manifest to the Customs Service under section 431[(e)], 433(d), or 434 of this Act or section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) without revealing the facts; [or]

* * * * *

SEC. 441. EXCEPTIONS TO VESSEL ENTRY AND CLEARANCE REQUIREMENTS.

The following vessels shall not be required to make entry under section 434 or to obtain clearance under section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91):

(1) Vessels of war and public vessels employed for the conveyance of letters and dispatches and not permitted by the laws of the nations to which they belong to be employed in the transportation of passengers or merchandise in trade[;].

(2) Passenger vessels making three trips or oftener a week between a port of the United States and a foreign port, or vessels used exclusively as ferryboats, carrying passengers, baggage, or merchandise: *Provided*, That the master of any such vessel shall be required to report such baggage and merchandise to the appropriate customs officer within twenty-four hours after arrival[;].

* * * * *

(4) Any United States documented vessel with recreational endorsement or any undocumented United States pleasure vessel not engaged in trade, if—

(A) the vessel complies with the reporting requirements of section 433, and with the customs and navigation laws of the United States;

- (B) the vessel has not visited any hovering vessel; and
- (C) the master of, and any other person on board, the vessel, if the master or such person has on board any article required by law to be entered or declared, reports such article to the Customs Service immediately upon arrival[;].

(5) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, sea stores, or ship's stores and which shall depart within twenty-four hours after arrival without having landed or taken on board any passengers, or any merchandise other than bunker coal, bunker oil, sea stores, or ship's stores: *Provided*, That the master, owner or agent of such vessel shall report under oath to the appropriate customs officer the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, sea stores, or ship's stores taken on board[; and].

* * * * *

Part III—Ascertainment, Collection, and Recovery of Duties

* * * * *

SEC. 484. ENTRY OF MERCHANDISE.

(a) REQUIREMENT AND TIME.—

(1) Except as provided in sections 490, 498, 552, [553, and 336(j)] and 553, one of the parties qualifying as “importer of record” under paragraph (2)(B), either in person or by an agent authorized by the party in writing, shall, using reasonable care—

(A) * * *

* * * * *

(b) RECONCILIATION REQUIREMENTS.—

(1) IN GENERAL.—[A party that electronically transmits an entry summary or import activity summary statement may at the time of filing such summary or statement notify the Customs Service of his intention to file a reconciliation pursuant to such regulations as the Secretary may prescribe. Such reconciliation must be filed by the importer of record within such time period as is prescribed by regulation but no later than 15 months following the filing of the entry summary or import activity summary statement; except that the prescribed time period for reconciliation issues relating to the assessment of antidumping and countervailing duties shall require filing no later than 90 days after the Customs Service advises the importer that a period of review for antidumping or countervailing duty purposes has been completed. Before filing a reconciliation, an importer of record shall post bond or other security pursuant to such regulations as the Secretary may prescribe.] *A party may elect to file a reconciliation with regard to such entry elements as are identified by the party pursuant to regulations prescribed by the Secretary. If the party so elects, the party shall declare that a reconciliation will be filed. The declaration shall be made in such manner as the Secretary shall prescribe and at the time the documentation or information required by subsection (a)(1)(B) or the import activity summary statement is filed with, or transmitted to, the Customs Service, or at such*

later time as the Customs Service may, in its discretion, permit. The reconciliation shall be filed by the importer of record at such time and in such manner as the Secretary prescribes but not later than 15 months after the date the importer declares his intent to file the reconciliation. In the case of reconciling issues relating to the assessment of antidumping and countervailing duties, the reconciliation shall be filed not later than 90 days after the date the Customs Service advises the importer that the period of review for antidumping or countervailing duty purposes has been completed.

* * * * *

SEC. 490. GENERAL ORDERS.

(a) * * *

* * * * *

(c) GOVERNMENT MERCHANDISE.—Any imported merchandise that—

(1) is described in any of [paragraphs (1) through (4) of subsection (a)] *subparagraphs (A) through (D) of subsection (a)(1)*; and

* * * * *

SEC. 491. UNCLAIMED MERCHANDISE; DISPOSITION OF FORFEITED DISTILLED SPIRITS, WINES AND MALT LIQUOR

(a) Any entered or unentered merchandise (except merchandise entered under section 557 of this Act, but including merchandise entered for transportation in bond or for exportation) which shall remain [in in] *in* a bonded warehouse pursuant to section 490 for 6 months from the date of importation thereof, without all estimated duties, taxes, fees, interest, storage, or other charges thereon having been paid, shall be considered unclaimed and abandoned to the Government and shall be appraised and sold by the [appropriate customs officer] *Customs Service* at public auction under such regulations as the Secretary of the Treasury shall prescribe. All gunpowder and other explosive substances and merchandise liable to depreciation in value by damage, leakage, or other cause to such extent that the proceeds of sale thereof may be insufficient to pay the duties, taxes, fees, interest, storage, and other charges, if permitted to remain in pursuant to section 490 in a bonded warehouse for 6 months, may be sold forthwith, under such regulations as the Secretary of the Treasury may prescribe. Merchandise subject to sale hereunder or under section 559 of this Act may be entered or withdrawn for consumption at any time prior to such sale upon payment of all duties, taxes, fees, interest, storage, and other charges, and expenses that may have accrued thereon, but such merchandise after becoming subject to sale may not be exported prior to sale without the payment of such duties, taxes, fees, interest, charges, and expenses nor may it be entered for warehouse. The computation of duties, taxes, interest, and fees for the purposes of this section and sections 493 and 559 of this Act shall be at the rate of rates applicable at the time the merchandise becomes subject to sale.

* * * * *

SEC. 504. LIMITATION ON LIQUIDATION.

(a) * * *

* * * * *

(d) REMOVAL OF SUSPENSION.—Except as provided in section 751(a)(3), when a suspension required by statute or court order is removed, the Customs Service shall liquidate the entry, *unless liquidation is extended under subsection (b)*, within 6 months after receiving notice of the removal from the Department of Commerce, other agency, or a court with jurisdiction over the entry. Any entry (*other than an entry with respect to which liquidation has been extended under subsection (b)*) not liquidated by the Customs Service within 6 months after receiving such notice shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record.

SEC. 505. PAYMENT OF DUTIES AND FEES.

(a) * * *

* * * * *

(c) INTEREST.—Interest assessed due to an underpayment of duties, fees, or interest shall accrue, at a rate determined by the Secretary, from the date the importer of record is required to deposit estimated duties, fees, and interest to the date of liquidation or reliquidation of the applicable entry or reconciliation. Interest on excess moneys deposited shall accrue, at a rate determined by the Secretary, from the date the importer of record deposits estimated duties, fees, and interest *or, in a case in which a claim is made under section 520(d), from the date on which such claim is made*, to the date of liquidation or reliquidation of the applicable entry or reconciliation.

* * * * *

SEC. 508. RECORDKEEPING.

(a) * * *

* * * * *

(c) PERIOD OF TIME.—The records required by subsections (a) and (b) shall be kept for such periods of time as the Secretary shall prescribe; except that—

(1) no period of time for the retention of the records required under subsection (a) or (b)(3) may exceed 5 years from the date of entry, *filing of a reconciliation*, or exportation, as appropriate;

* * * * *

SEC. 509. EXAMINATION OF BOOKS AND WITNESSES.

(a) AUTHORITY.—In any investigation or inquiry conducted for the purpose of ascertaining the correctness of any entry, for determining the liability of any person for duty, fees, fees and taxes due or duties, fees, fees and taxes which may be due the United States, for determining liability for fines and penalties, or for insuring compliance with the laws of the United States administered by the United States Customs Service, the Secretary (but no delegate of

the Secretary below the rank of district director or special agent in charge) may—

- (1) * * *
- (2) summon, upon reasonable notice—
 - (A) * * *

* * * * *

(D) any other person he may deem proper; to appear before the appropriate customs officer at the time and place within the customs territory of the United States specified in the summons (except that no witness may be required to appear at any place more than one hundred miles distant from the place where he was served with the summons), to produce records, as defined in subsection [(c)(I)(A)] (d)(1)(A), and to give such testimony, under oath, as may be relevant to such investigation or inquiry; and

* * * * *

(b) REGULATORY AUDIT PROCEDURES.—

- (1) * * *

* * * * *

(3) Except as provided in paragraph (5), if the estimated or actual termination date for an audit passes without the Customs Service auditor providing a closing conference to explain the results of the audit, the person being audited may petition in writing for such a conference to the [appropriate regional commissioner] *officer designated pursuant to regulations*, who, upon receipt of such a request, shall provide for such a conference to be held within 15 days after the date of receipt.

(4) Except as provided in paragraph (5), the Customs Service auditor shall complete the formal written audit report within 90 days following the closing conference unless the [appropriate regional commissioner] *officer designated pursuant to regulations* provides written notice to the person being audited of the reason for any delay and the anticipated completion date. After application of any exemption contained in section 552 of title 5, United States Code, a copy of the formal written audit report shall be sent to the person audited no later than 30 days following completion of the report.

* * * * *

SEC. 514. PROTEST AGAINST DECISIONS OF THE CUSTOMS SERVICE.

(a) FINALITY OF DECISIONS.—Except as provided in subsection (b) of this section, section 501 (relating to voluntary reliquidations), section 516 (relating to petitions by domestic interested parties), [section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud)] *and section 520 (relating to refunds and errors)* of this Act, decisions of the Customs Service, including the legality of all orders and findings entering into the same, as to—

- (1) * * *

* * * * *

SEC. 515. REVIEW OF PROTESTS.—

(a) * * *

* * * * *

(d) If a protest is timely and properly filed, but is denied contrary to proper instructions, the Customs Service may on its own initiative, or pursuant to a written request by the protesting party filed with the appropriate [district director] port director within 90 days after the date of the protest denial, void the denial of the protest.

* * * * *

SEC. 516A. JUDICIAL REVIEW IN COUNTERVAILING DUTY AND ANTI-DUMPING DUTY PROCEEDINGS.

(a) REVIEW OF DETERMINATION.—

(1) * * *

(2) REVIEW OF DETERMINATIONS ON RECORD.—

(A) IN GENERAL.—Within thirty days after—

(i) the date of publication in the Federal Register of—

(I) notice of any determination described in clause (ii), (iii), (iv), (v), or (viii) of subparagraph (B),

* * * * *

(g) REVIEW OF COUNTERVAILING DUTY AND ANTIDUMPING DUTY DETERMINATIONS INVOLVING FREE TRADE AREA COUNTRY MERCHANDISE.—

(1) * * *

* * * * *

(4) EXCEPTION TO EXCLUSIVE BINATIONAL PANEL REVIEW FOR CONSTITUTIONAL ISSUES.—

(A) CONSTITUTIONALITY OF BINATIONAL PANEL REVIEW SYSTEM.—An action for declaratory judgment or injunctive relief, or both, regarding a determination on the grounds that any provision of, or amendment made by, the North American Free Trade Agreement Implementation Act implementing the binational dispute settlement system under chapter 19 of the NAFTA, or the United States-Canada Free-Trade [Implementation Agreement Act of 1988] Agreement Implementation Act of 1988 implementing the binational panel dispute settlement system under chapter 19 of the Agreement, violates the Constitution may be brought only in the United States Court of Appeals for the District of Columbia Circuit, which shall have jurisdiction of such action.

* * * * *

(12) JUDICIAL REVIEW UPON TERMINATION OF BINATIONAL PANEL OR COMMITTEE REVIEW UNDER THE NAFTA.—

(A) * * *

* * * * *

(D)[(i)] TRANSFER FOR JUDICIAL REVIEW UPON SETTLEMENT.—(i) If the Trade Representative achieves a settlement with the government of a country described in subsection (f)(10)(A) or (B) pursuant to paragraph 7 of article 1905 of the NAFTA, and referral for judicial review is

among the terms of such settlement, any final determination that is the subject of a binational panel review or an extraordinary challenge committee review shall, upon a request described in clause (ii), be transferred to the United States Court of International Trade (in accordance with rules issued by the Court) for review under subsection (a).

* * * * *

SEC. 555. BONDED WAREHOUSES.

(a) * * *

(b) DUTY-FREE SALES ENTERPRISES.—

(1) * * *

* * * * *

(6) **[Merchandise]** (A) *Except as provided in subparagraph (B), merchandise that is purchased in a duty-free sales enterprise is not eligible for exemption from duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States if such merchandise is brought back to the customs territory.*

(B) *Except in the case of travel involving transit to, from, or through an insular possession of the United States, merchandise described in subparagraph (A) that is purchased by a United States resident shall be eligible for exemption from duty under subheadings 9804.00.65, 9804.00.70, and 9804.00.72 of the Harmonized Tariff Schedule of the United States upon the United States resident's return to the customs territory of the United States, if the resident meets the eligibility requirements for the exemption claimed. Notwithstanding any other provision of law, such merchandise shall be considered to be an article acquired abroad as an incident of the journey from which the resident is returning, for purposes of determining eligibility for any such exemption.*

* * * * *

SEC. 592. PENALTIES FOR FRAUD, GROSS NEGLIGENCE, AND NEGLIGENCE.

(a) PROHIBITION.—

(1) GENERAL RULE.—Without regard to whether the United States is or may be deprived of all or a portion of any **[lawful duty]** *lawful duty, tax, or fee* thereby, no person, by fraud, gross negligence, or negligence—

(A) * * *

* * * * *

(b) PROCEDURES.—

(1) PRE-PENALTY NOTICE.—

(A) IN GENERAL.—If the Customs Service has reasonable cause to believe that there has been a violation of subsection (a) and determines that further proceedings are warranted, it shall issue to the person concerned a written notice of its intention to issue a claim for a monetary penalty. Such notice shall—

(i) * * *

* * * * *

(vi) state the estimated loss of [lawful duties] *lawful duties, taxes, and fees*, if any, and, taking into account all circumstances, the amount of the proposed monetary penalty; and

* * * * *

(c) MAXIMUM PENALTIES.—

(1) * * *

(2) GROSS NEGLIGENCE.—A grossly negligent violation of subsection (a) is punishable by a civil penalty in an amount not to exceed—

(A) the lesser of—

- (i) the domestic value of the merchandise, or
- (ii) four times the [lawful duties] *lawful duties, taxes, and fees* of which the United States is or may be deprived, or

(B) if the violation did not affect the assessment of duties, 40 percent of the dutiable value of the merchandise.

(3) NEGLIGENCE.—A negligent violation of subsection (a) is punishable by a civil penalty in an amount not to exceed—

(A) the lesser of—

- (i) the domestic value of the merchandise, or
- (ii) two times the [lawful duties] *lawful duties, taxes, and fees* of which the United States is or may be deprived, or

(B) if the violation did not affect the assessment of duties, 20 percent of the dutiable value of the merchandise.

(4) PRIOR DISCLOSURE.—If the person concerned discloses the circumstances of a violation of subsection (a) before, or without knowledge of, the commencement of a formal investigation of such violation, with respect to such violation, merchandise shall not be seized and any monetary penalty to be assessed under subsection (c) shall not exceed—

(A) if the violation resulted from fraud—

- (i) an amount equal to 100 percent of the [lawful duties] *lawful duties, taxes, and fees* of which the United States is or may be deprived, so long as such person tenders the unpaid amount of the [lawful duties] *lawful duties, taxes, and fees* at the time of disclosure, or within 30 days (or such longer period as the Customs Service may provide) after notice by the Customs Service of its calculation of such unpaid amount, or

(ii) if such violation did not affect the assessment of duties, 10 percent of the dutiable value; or

(B) if such violation resulted from negligence or gross negligence, the interest (computed from the date of liquidation at the prevailing rate of interest applied under section 6621 of the Internal Revenue Code of 1954) on the amount of [lawful duties] *lawful duties, taxes, and fees* of which the United States is or may be deprived so long as such person tenders the unpaid amount of the [lawful duties] *lawful duties, taxes, and fees* at the time of disclosure, or within 30 days (or such longer period as the Cus-

toms Service may provide) after notice by the Customs Service of its calculation of such unpaid amount.

The person asserting lack of knowledge of the commencement of a formal investigation has the burden of proof in establishing such lack of knowledge. For purposes of this section, a formal investigation of a violation is considered to be commenced with regard to the disclosing party and the disclosed information on the date recorded in writing by the Customs Service as the date on which facts and circumstances were discovered or information was received which caused the Customs Service to believe that a possibility of a violation of subsection (a) existed.

* * * * *

(d) DEPRIVATION OF LAWFUL DUTIES, ~~【TAXES】~~ TAXES, OR FEES.—Notwithstanding section 514 of this Act, if the United States has been deprived of lawful duties, taxes, or fees as a result of a violation of subsection (a), the Customs Service shall require that such lawful duties, taxes ~~【or fees be restored】~~ and fees be restored, whether or not a monetary penalty is assessed.

* * * * *

SEC. 592A. SPECIAL PROVISIONS REGARDING CERTAIN VIOLATIONS.

(a) PUBLICATION OF NAMES OF CERTAIN VIOLATORS.—

(1) * * *

* * * * *

(3) REMOVAL FROM LIST.—Any person whose name has been included in a list published under paragraph (1) may petition the Secretary to be removed from such list. If the Secretary finds that such person has not committed any violations described in paragraph (2) for a period of not less than 3 years after the date on which the person’s name was so published, the Secretary shall remove such person from the list as of the next publication of the ~~【list under paragraph (2)】~~ list under paragraph (1).

* * * * *

SEC. 625. INTERPRETIVE RULINGS AND DECISIONS; PUBLIC INFORMATION.

(a) PUBLICATION.—Within 90 days after the date of issuance of any interpretive ruling (including any ruling letter, or internal advice memorandum) or protest review decision under this ~~【chapter】~~ Act with respect to any customs transaction, the Secretary shall have such ruling or decision published in the Customs Bulletin or shall otherwise make such ruling or decision available for public inspection.

* * * * *

SEC. 631. USE OF PRIVATE COLLECTION AGENCIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 3302 of title 31, United States Code, and subchapters I and II of chapter 37 of such title, the Secretary, under such terms and conditions as the Secretary considers appropriate, shall enter into contracts and incur obligations with one or more persons for collection services to recover indebtedness arising under

the customs laws and owed the United States Government, *and the expenses associated with recovering such indebtedness*, but only after the Customs Service has exhausted all administrative efforts, including all claims against applicable surety bonds, to collect the indebtedness.

* * * * *

(C) *PAYMENT OF COSTS.*—*The debtor shall be assessed and pay any and all costs associated with collection efforts pursuant to this section. Notwithstanding section 3302(b) of title 31, United States Code, any sum so collected shall be used to pay the costs of debt collection services.*

* * * * *

Part VI—Miscellaneous Provisions

SEC. 641. CUSTOMS BROKERS.

(a) * * *

* * * * *

(d) DISCIPLINARY PROCEEDINGS.—

(1) * * *

(2) PROCEDURES.—

(A) * * *

(B) *REVOCAION OR SUSPENSION.*—The Customs Service may, for good and sufficient reason, serve notice in writing upon any customs broker to show cause why a license or permit issued under this section should not be revoked or suspended. The notice shall be in the form of a statement specifically setting forth the grounds of the complaint, and shall allow the customs broker 30 days to respond. If no response is filed, or the Customs Service determines that the revocation or suspension is still warranted, it shall notify the customs broker in writing of a hearing to be held within 30 days, or at a later date if the broker requests an extension and shows good cause therefor, before an administrative law judge appointed pursuant to section 3105 of title 5, United States Code, who shall serve as the hearing officer. If the customs broker waives the hearing, or the broker or his designated representative fails to appear at the appointed time and place, the hearing officer shall make findings and recommendations based on the record submitted by the parties. At the hearing, the customs broker may be represented by counsel, and all proceedings, including the proof of the charges and the response thereto shall be presented with testimony taken under oath and the right of cross-examination accorded to both parties. A transcript of the hearing shall be made and a copy will be provided to the Customs Service and the customs broker; which shall thereafter be provided reasonable opportunity to file a post-hearing brief. Following the conclusion of the hearing, the hearing officer shall transmit promptly the record of the hearing along with the findings of fact and recommendations to the Secretary for decision. The Secretary will issue a written decision, based solely on the

record, setting forth [his] *the* findings of fact and the reasons for the decision. Such decision may provide for the sanction contained in the notice to show cause or any lesser sanction authorized by this subsection, including a monetary penalty not to exceed \$30,000, then was contained in the notice to show cause.

* * * * *

TITLE VII—COUNTERVAILING AND ANTIDUMPING DUTIES

* * * * *

Subtitle A—Imposition of Countervailing Duties

* * * * *

SEC. 702. PROCEDURES FOR INITIATING A COUNTERVAILING DUTY INVESTIGATION.

(a) * * *

* * * * *

(c) PETITION DETERMINATION.—

(1) * * *

* * * * *

(5) DEFINITION OF DOMESTIC PRODUCERS OR WORKERS.—For purposes of this subsection, the term “domestic producers or workers” means those interested parties who are eligible to file a petition under subsection [(b)(1)(A)] *(b)(1)*.

* * * * *

SEC. 705. FINAL DETERMINATIONS.

(a) * * *

* * * * *

(c) EFFECT OF FINAL DETERMINATIONS.—

(1) EFFECT OF AFFIRMATIVE DETERMINATION BY THE ADMINISTERING AUTHORITY.—If the determination of the administering authority under subsection (a) is affirmative, then—

(A) * * *

(B)(i) the administering authority shall—

(I) * * *

(II) if *section 777A(e)(2)(B)* applies, determine a single estimated country-wide subsidy rate, applicable to all exporters and producers,

* * * * *

Subtitle B—Imposition of Antidumping Duties

* * * * *

SEC. 732. PROCEDURES FOR INITIATING AN ANTIDUMPING DUTY INVESTIGATION.

(a) * * *

* * * * *

(c) PETITION DETERMINATION.—

(1) * * *

* * * * *

(5) DEFINITION OF DOMESTIC PRODUCERS OR WORKERS.—For purposes of this subsection, the term “domestic producers or workers” means those interested parties who are eligible to file a petition under subsection [(b)(1)(A)] *(b)(1)*.

* * * * *

(e) INFORMATION REGARDING CRITICAL CIRCUMSTANCES.—If, at any time after the initiation of an investigation under this subtitle, the administering authority finds a reasonable basis to suspect that—

(1) there is a history of dumping in the United States or elsewhere of [the the] *the* subject merchandise, or

* * * * *

SEC. 737. TREATMENT OF DIFFERENCE BETWEEN DEPOSIT OF ESTIMATED ANTIDUMPING DUTY AND FINAL ASSESSED DUTY UNDER ANTIDUMPING DUTY ORDER.

(a) DEPOSIT OF ESTIMATED ANTIDUMPING DUTY UNDER SECTION 733(d)(1)(B).—If the amount of a cash [deposit collected] *deposit, or the amount of any bond or other security, required* as security for an estimated antidumping duty under section 733(d)(1)(B) is different from the amount of the antidumping duty determined under an antidumping duty order published under section 736, then the difference for entries of merchandise entered, or withdrawn from warehouse, for consumption before notice of the affirmative determination of the Commission under section 735(b) is published shall be—

(1) disregarded, to the extent [the cash deposit collected] *that the cash deposit, bond, or other security* is lower than the duty under the order, or

(2) [refunded, to the extent the cash deposit] *refunded or released, to the extent that the cash deposit, bond, or other security* is higher than the duty under the order.

* * * * *

Subtitle C—Reviews; Other Actions Regarding Agreements

CHAPTER 1—REVIEW OF AMOUNT OF DUTY AND AGREEMENTS OTHER THAN QUANTITATIVE RESTRICTION AGREEMENTS

* * * * *

SEC. 753. SPECIAL RULES FOR INJURY INVESTIGATIONS FOR CERTAIN SECTION 303 OR SECTION 701(c) COUNTERVAILING DUTY ORDERS AND INVESTIGATIONS.

(a) IN GENERAL.—

(1) * * *

(2) DESCRIPTION OF COUNTERVAILING DUTY ORDERS.—A countervailing duty order described in this paragraph is an order issued under section 303 or *section 701(c)* with respect to which the requirement of an affirmative determination of material in-

jury [under section 303(a)(2)] was not applicable at the time such order was issued.

* * * * *

(c) PENDING AND SUSPENDED COUNTERVAILING DUTY INVESTIGATIONS.—If, on the date on which a country becomes a Subsidies Agreement country, there is a countervailing duty investigation in progress or suspended under section 303 or section 701(c) that applies to merchandise which is a product of that country and with respect to which the requirement of an affirmative determination of material injury [under section 303(a)(2)] was not applicable at the time the investigation was initiated, the Commission shall—

(1) * * *

* * * * *

Subtitle D—General Provisions

SEC. 771. DEFINITIONS; SPECIAL RULES.

For purposes of this title—

(1) * * *

* * * * *

(16) FOREIGN LIKE PRODUCT.—The term “foreign like product” means merchandise in the first of the following categories in respect of which a determination for the purposes of subtitle B of this title can be satisfactorily made:

(A) * * *

(B) MERCHANDISE.—

(i) produced in the same country and by the same person as the [merchandise which is the subject of the investigation] *subject merchandise*,

(ii) like that merchandise in component material or materials and in the purposes for which used, and

(iii) approximately equal in commercial value to that merchandise.

* * * * *

(30) WTO MEMBER AND WTO MEMBER COUNTRY.—The terms “WTO member” and “WTO member country” mean a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement), with respect to which the United States applies the WTO [agreement] *Agreement*.

* * * * *

SEC. 783. ANTIDUMPING PETITIONS BY THIRD COUNTRIES.

(a) * * *

* * * * *

(f) REVIEWS OF DETERMINATIONS.—For purposes of review under section 516A or review under section 751, if an order is issued under subsection [(d)] (e), the final determinations of the administering authority and the Commission under this section shall be treated as final determinations made under section 735.

* * * * *



ACT OF AUGUST 5, 1935

AN ACT To protect the revenue of the United States and provide measures for the more effective enforcement of the laws respecting the revenue, to prevent smuggling, to authorize customs-enforcement areas, and for other purposes.

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

TITLE I

* * * * *

【SEC. 7. In addition to any other requirement of law, every vessel, not exceeding five hundred net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any spirits, wines, or other alcoholic liquors (sea stores excepted) found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a bona fide destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred nor shall such bond be required. This section shall take effect on the sixtieth day following the enactment of this Act.】

* * * * *

**SECTION 13031 OF THE CONSOLIDATED OMNIBUS
BUDGET RECONCILIATION ACT OF 1985**

SEC. 13031. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) SCHEDULE OF FEES.—In addition to any other fee authorized by law, the Secretary of the Treasury shall charge and collect the following fees for the provision of customs services in connection with the following:

(1) * * *

* * * * *

(5)(A) For fiscal years 1994, 1995, 1996, and 1997, for the arrival of each passenger aboard a commercial vessel or commer-

cial aircraft from a *place* outside the customs territory of the United States, \$6.50.

(B) For fiscal year 1998 and each fiscal year thereafter, for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in **[subsection (b)(1)(A)]** *subsection (b)(1)(A)(i)* of this section), \$5.

* * * * *

[(b) LIMITATION ON FEES.—(1) No fee may be charged under subsection (a) of this section for customs services provided in connection with—

[(A) the arrival of any passenger whose journey—

[(i) originated in—

[(I) Canada,

[(II) Mexico,

[(III) a territory or possession of the United States,

or

[(IV) any adjacent island (within the meaning of section 101(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(5)), or

[(ii) originated in the United States and was limited to—

[(I) Canada,

[(II) Mexico,

[(III) territories and possessions of the United States, and

[(IV) such adjacent islands;

[(B) the arrival of any railroad car the journey of which originates and terminates in the same country, but only if no passengers board or disembark from the train and no cargo is loaded or unloaded from such car while the car is within any country other than the country in which such car originates and terminates; or

[(C) the arrival of any ferry.

Subparagraph (A) shall not apply to fiscal years 1994, 1995, 1996, and 1997.]

(b) LIMITATIONS ON FEES.—(1)(A) No fee may be charged under subsection (a) of this section for customs services provided in connection with—

(i) the arrival of any passenger whose journey—

(I) originated in—

(aa) Canada,

(bb) Mexico,

(cc) a territory or possession of the United States, or

(dd) any adjacent island (within the meaning of section 101(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(5))), or

(II) originated in the United States and was limited to—

(aa) Canada,

(bb) Mexico,

(cc) territories and possessions of the United States, and

(dd) such adjacent islands;

(ii) the arrival of any railroad car the journey of which originates and terminates in the same country, but only if no passengers board or disembark from the train and no cargo is loaded or unloaded from such car while the car is within any country other than the country in which such car originates and terminates;

(iii) the arrival of any ferry; or

(iv) the arrival of any passenger on board a commercial vessel traveling only between ports which are within the customs territory of the United States.

(B) The exemption provided for in subparagraph (A) shall not apply in the case of the arrival of any passenger on board a commercial vessel whose journey originates and terminates at the same place in the United States if there are no intervening stops.

(C) The exemption provided for in subparagraph (A)(i) shall not apply to fiscal years 1994, 1995, 1996, and 1997.

* * * * *

(4) **[No fee]** (A) No fee may be charged under subsection (a)(5) with respect to the arrival any passenger—

[(A)] (i) who is in transit to a destination outside the customs territory of the United States, and

[(B)] (ii) for whom customs inspectional services are not provided.

(B) In the case of a commercial vessel making a single voyage involving 2 or more United States ports with respect to which the passengers would otherwise be charged a fee pursuant to subsection (a)(5), such fee shall be charged only 1 time for each passenger.

* * * * *

(8)(A) * * *

* * * * *

(D) The fee charged under subsection (a)(9) or (10) with respect to the processing of merchandise shall—

(i) * * *

* * * * *

(iv) in the case of merchandise classified under **[subparagraph 9802.00.80 of such Schedules]** heading 9802.00.80 of such Schedule, be applied to the full value of the merchandise, less the cost or value of the component United States products; **[and]**

(v) in the case of agricultural products of the United States that are processed and packed in a foreign trade zone, be applied only to the value of material used to make the container for such merchandise, if such merchandise is subject to entry and the container is of a kind normally used for packing such merchandise**[.]; and**

(vi) in the case of merchandise entered from a foreign trade zone (other than merchandise to which clause (v) applies), be applied only to the value of the privileged or nonprivileged foreign status merchandise under section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c).

With respect to merchandise that is classified under subheading 9802.00.60 or heading 9802.00.80 of such Schedule and is duty-free, the Secretary may collect the fee charged on the processing of the merchandise under subsection (a) (9) or (10) on the basis of aggregate data derived from financial and manufacturing reports used by the importer in the normal course of business, rather than on the basis of entry-by-entry accounting.

* * * * *

(9)(A) With respect to the processing of merchandise that is informally entered or released at a centralized hub facility, an express consignment carrier facility, or a small airport or other facility, the following reimbursements and payments are required:

(i) In the case of a **centralized hub facility or** small airport or other facility—

(I) the reimbursement which such facility is required to make during the fiscal year under section 9701 of title 31, United States Code or section 236 of the Trade and Tariff Act of 1984; and

(II) an annual payment by the facility to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) for such fiscal year, in an amount equal to the reimbursement under subclause (I).

(ii) In the case of an express consignment carrier **facility—** *facility or centralized hub facility—*

(I) an amount, for which the Customs Service shall be reimbursed under section 524 of the Tariff Act of 1930, equal to the cost of the **customs inspectional** services provided by the Customs Service **at the facility** *for the facility* during the fiscal year; and

(II) an annual payment by the facility to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) for such fiscal year, in an amount equal to the reimbursement made under subclause (I).

(B) For purposes of this paragraph:

(i) The terms “centralized hub facility” and “express consignment carrier facility” have the respective meanings that are applied to such terms in part 128 of chapter I of title 19, Code of Federal Regulations~~],~~ as in effect on July 30, 1990]. *Nothing in this paragraph shall be construed as prohibiting the Secretary of the Treasury from processing merchandise that is informally entered or released at any centralized hub facility or express consignment carrier facility during the normal operating hours of the Customs Service, subject to reimbursement and payment under subparagraph (A).*

(ii) The term “small airport or other facility” means any airport or facility to which **section 236 of the Tariff and Trade Act of 1984** *section 236 of the Trade and Tariff Act of 1984* applies, if more than 25,000 informal entries were cleared through such airport or facility during the preceding fiscal year.

(10)(A) The fee charged under subsection (a) (9) or (10) with respect to goods of Canadian origin (as determined under section 202 of the United States-Canada Free-Trade **Agreement**) *Agreement Implementation Act of 1988*) when the United States-Canada Free-

Trade Agreement is in force shall be in accordance with [section] article 403 of that Agreement.

* * * * *

Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.

* * * * *

CUSTOMS AND TRADE ACT OF 1990

* * * * *

TITLE III—TARIFF PROVISIONS

* * * * *

PART 2—MISCELLANEOUS PROVISIONS

* * * * *

SEC. 484E. FOREIGN REPAIR OF VESSELS.

(a) * * *

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) * * *

(2) any entry made—

(A) on or after the date of enactment of this Act, and

(B) on or before December 31, 1992; [and]

* * * * *

(3) any entry listed in subsection (c) that was made during the period beginning on January 1, 1993, and ending on December 31, 1994, to the extent such entry involves the purchase of equipment, the use of materials, or the expense of repairs in a foreign country for 66 LASH (Lighter Aboard Ship) barges documented under the laws of the United States if—

(A) such entry was not liquidated on January 1, 1995; and

(B) such entry, had it been made on or after January 1, 1995, would otherwise be eligible for the exemption provided in section 466(h)(1) of the Tariff Act of 1930 (19 U.S.C. 1466(h)(1)), and

[(3)] (4) any entry made pursuant to section 466(h) (1) or (2) of the Tariff Act of 1930 (19 U.S.C. 1466(h) (1) or (2)), on or after the date of the entry into force of the WTO Agreement with respect to the United States.

(c) ENTRIES.—The entries referred to in subsection (b)(3) are the following:

(1) NUMBERED ENTRIES.—

<i>Entry Number</i>	<i>Date of Entry</i>
C14-0025455-8	August 18, 1993
C14-0025456-6	August 18, 1993
C14-0025457-4	August 18, 1993

<i>Entry Number</i>	<i>Date of Entry</i>
C14-0025473-1	August 27, 1993
C14-0025478-0	September 13, 1993
C14-0025479-8	September 13, 1993
C14-0025480-6	September 13, 1993
C14-0025481-4	September 13, 1993
C14-0025511-8	April 16, 1993
C14-0025533-2	April 30, 1993
C14-0025545-6	May 21, 1993
C14-0025546-4	May 21, 1993
C14-0025547-2	May 21, 1993
C14-0025558-9	June 15, 1993
C14-0025560-5	June 15, 1993
C14-0025574-6	July 21, 1993
C14-0025575-3	July 21, 1993
C14-0025603-3	July 23, 1993
C14-0025604-1	July 23, 1993
C14-0025605-8	July 23, 1993
C14-0025623-1	October 25, 1993
C14-0025624-9	October 25, 1993
C14-0025625-6	October 25, 1993
C14-0025635-5	November 8, 1993
C14-0025636-3	November 8, 1993
C14-0025637-1	November 8, 1993
C14-0025653-8	November 30, 1993
C14-0025654-6	November 30, 1993
C14-0025655-3	November 30, 1993
C14-0025657-9	November 30, 1993
C14-0025679-3	January 3, 1994
C14-0025680-1	January 3, 1994
C14-0025688-4	February 14, 1994
C14-0025689-2	February 14, 1994
C14-0025690-0	February 14, 1994
C14-0025691-8	February 14, 1994
C14-0025692-6	February 14, 1994
C14-0026803-8	January 24, 1994
C14-0026804-6	January 24, 1994
C14-0026805-3	January 24, 1994
C14-0026807-9	January 24, 1994
C14-0026808-7	January 24, 1994
C14-0026809-5	January 24, 1994
C14-0026810-3	January 24, 1994
C14-0026811-1	January 24, 1994
C14-0026826-9	March 10, 1994
C14-0026827-7	March 10, 1994
C14-0026828-5	March 10, 1994
C14-0026829-3	March 10, 1994
C14-0026830-1	March 10, 1994
C14-0026831-9	March 10, 1994
C14-0026832-7	March 10, 1994
C14-0026833-5	March 10, 1994
C14-0026841-8	March 31, 1994
C14-0026843-4	March 31, 1994
C14-0026852-5	May 5, 1994

<i>Entry Number</i>	<i>Date of Entry</i>
<i>C14-0026853-3</i>	<i>May 5, 1994</i>
<i>C14-0026854-1</i>	<i>May 5, 1994</i>
<i>C14-0026867-3</i>	<i>May 18, 1994</i>
<i>C14-0026869-9</i>	<i>May 18, 1994</i>
<i>C14-0026874-9</i>	<i>June 8, 1994</i>
<i>C14-0026875-6</i>	<i>June 8, 1994</i>
<i>C14-0026898-8</i>	<i>August 2, 1994</i>
<i>C14-0026899-6</i>	<i>August 2, 1994</i>
<i>C14-0040625-7</i>	<i>October 5, 1994</i>

(2) *ADDITIONAL ENTRY.*—*The entry of a 66th LASH barge (No. CG E69), for which no entry number is available, if, within 60 days after the date of the enactment of this subsection, a proper entry is filed with the Customs Service.*

* * * * *

SEC. 484H. CANADIAN LOTTERY MATERIAL.

(a) * * *

(b) *EFFECTIVE DATE.*—*The amendments made by this section shall apply with respect to articles entered[, or withdrawn from warehouse for consumption,] for transportation in bond on or after the date that is 15 days after the date of enactment of this Act.*

* * * * *

HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

* * * * *

GENERAL NOTES

* * * * *

3. Rates of Duty. * * *

* * * * *

(d) CERTAIN MOTOR VEHICLES MANUFACTURED IN FOREIGN TRADE ZONES.

(i) *DUTY IMPOSED.* *Notwithstanding any other provision of law, the duty imposed on a qualified article shall be the amount determined by multiplying the applicable foreign value content of such article by the applicable rate of duty for such article.*

(ii) *QUALIFIED ARTICLE.* *For purposes of this subdivision, the term “qualified article” means an article that is—*

(A) *classifiable under any of subheadings 8702.10 through 8704.90 of the Harmonized Tariff Schedule of the United States,*

(B) *produced or manufactured in a foreign trade zone before January 1, 1996,*

(C) *exported therefrom to a NAFTA country (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3301(4)), and*

(D) subsequently imported from that NAFTA country into the customs territory of the United States—

(I) on or after the effective date of this subdivision,
or

(II) on or after January 1, 1994, and before such effective date, if the entry of such article is unliquidated, under protest, or in litigation, or liquidation is otherwise not final on such effective date.

(iii) **APPLICABLE FOREIGN VALUE CONTENT.**

(A) **APPLICABLE FOREIGN VALUE CONTENT.** For purposes of this subdivision, the term “applicable foreign value content” means the amount determined by multiplying the value of a qualified article by the applicable percentage.

(B) **APPLICABLE PERCENTAGE.** The term “applicable percentage” means the FTZ percentage for the article plus 5 percentage points.

(iv) **OTHER DEFINITIONS AND SPECIAL RULES.** For purposes of this subdivision—

(A) **FTZ PERCENTAGE.** The FTZ percentage for a qualified article shall be the percentage determined in accordance with subparagraph (I), (II), or (III) of this paragraph, whichever is applicable.

(I) **REPORT FOR YEAR PUBLISHED.** If, at the time a qualified article is entered, the FTZ Annual Report for the year in which the article was manufactured has been published, the FTZ percentage for the article shall be the percentage of foreign status merchandise set forth in that report for the subzone in which the qualified article was manufactured, or if not manufactured in a subzone, the foreign trade zone in which the qualified article was manufactured.

(II) **REPORT FOR YEAR NOT PUBLISHED.** If, at the time a qualified article is entered, the FTZ Annual Report for the year in which the article was manufactured has not been published, the FTZ percentage for the article shall be the percentage of foreign status merchandise set forth in the most recently published FTZ Annual Report for the subzone in which the article was manufactured, or if not manufactured in a subzone, the foreign trade zone in which the qualified article was manufactured.

(B) **APPLICABLE RATE OF DUTY.** The term “applicable duty rate” means the rate of duty set forth in any of subheadings 8702.10 through 8704.90 of the Harmonized Tariff Schedule of the United States that is applicable to the qualified article and which would apply to the article if the article were directly entered for consumption into the United States from the foreign trade zone with non-privileged foreign status having been claimed for all foreign merchandise used in the manufacture or production of the qualified article.

(C) **FOREIGN TRADE ZONE; SUBZONE.** The terms “foreign trade zone” and “subzone” mean a zone or subzone established pursuant to the Act of June 18, 1934, commonly

known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

(D) *FTZ ANNUAL REPORT.* The term “FTZ Annual Report” means the Annual Report to the Congress published in accordance with section 16 of the Foreign Trade Zones Act (19 U.S.C. 81p(c)).

(E) *NON-PRIVILEGED FOREIGN STATUS.* The term “non-privileged foreign status” means that privilege has not been requested with respect to an article pursuant to section 3 of the Foreign Trade Zones Act.

4. Products of Countries Designated Beneficiary Developing Countries for Purposes of the Generalized System of Preferences (GSP).

(a) * * *

* * * * *

(d) Articles provided for in a provision for which a rate of duty of “Free” appears in the “Special” subcolumn of rate of duty column 1 followed by the symbol “A*” in parentheses, if imported from a beneficiary developing country set out opposite the provisions enumerated below, are not eligible for the duty-free treatment provided in subdivision (c) of this note:

* * * * *

[3604.00.00 India]
 3604.10.10 *India*
 3604.10.90 *India*

* * * * *

[7106.92.00 Chile]
 7106.92.50 *Chile*

* * * * *

[7115.90.10 Argentina]
[7115.90.20 Argentina]
 7115.90.30 *Argentina*
 7115.90.40 *Argentina*

* * * * *

[6. Articles Eligible for Duty-Free Treatment Pursuant to the Agreement on Trade in Civil Aircraft. Whenever a product is entered under a provision for which the rate of duty “Free (C)” appears in the “Special” subcolumn, the importer shall file a written statement, accompanied by such supporting documentation as the Secretary of the Treasury may require, with the appropriate customs officer stating that the imported article is a civil aircraft or has been imported for use in civil aircraft, that it will be so used and that such article has been approved for such use by the Administrator of the Federal Aviation Administration (FAA) or by the airworthiness authority in the country of exportation, if such approval is recognized by the FAA as an acceptable substitute for FAA certification, or that an application for approval for such use has been submitted to, and accepted by, the Administrator of the FAA. For purposes of the tariff schedule, the term “civil aircraft” means all aircraft other than aircraft purchased for use by the Department of Defense or the United States Coast Guard.]

6. *Articles Eligible for Duty-Free Treatment Pursuant to the Agreement on Trade in Civil Aircraft.*

(a) Whenever a product is entered under a provision for which the rate of duty "Free (C)" appears in the "Special" sub-column and a claim for such rate of duty is made, the importer—

(i) shall maintain such supporting documentation as the Secretary of the Treasury may require; and

(ii) shall be deemed to certify that the imported article is a civil aircraft, or has been imported for use in a civil aircraft and will be so used.

The importer may amend the entry or file a written statement to claim a free rate of duty under this note at any time before the liquidation of the entry becomes final, except that, notwithstanding section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)), any refund resulting from any such claim shall be without interest.

(b)(i) For purposes of the tariff schedule, the term "civil aircraft" means any aircraft, aircraft engine, or ground flight simulator (including parts, components, and subassemblies thereof)—

(A) that is used as original or replacement equipment in the design, development, testing, evaluation, manufacture, repair, maintenance, rebuilding, modification, or conversion of aircraft; and

(B)(1) that is manufactured or operated pursuant to a certificate issued by the Administrator of the Federal Aviation Administration (hereafter referred to as the "FAA") under section 44704 of title 49, United States Code, or pursuant to the approval of the airworthiness authority in the country of exportation, if such approval is recognized by the FAA as an acceptable substitute for such an FAA certificate;

(2) for which an application for such certificate has been submitted to, and accepted by, the Administrator of the FAA by an existing type and production certificate holder pursuant to section 44702 of title 49, United States Code, and regulations promulgated thereunder; or

(3) for which an application for such approval or certificate will be submitted in the future by an existing type and production certificate holder, pending the completion of design or other technical requirements stipulated by the Administrator of the FAA.

(ii) The term "civil aircraft" does not include any aircraft, aircraft engine, or ground flight simulator (or parts, components, and subassemblies thereof) purchased for use by the Department of Defense or the United States Coast Guard, unless such aircraft, aircraft engine, or ground flight simulator (or parts, components, and subassemblies thereof) satisfies the requirements of subdivisions (i)(A) and (i)(B) (1) or (2).

(iii) Subdivision (i)(B)(3) shall apply only to such quantities of the parts, components, and subassemblies as are required to meet the design and technical requirements stipulated by the Administrator. The Commissioner of Customs may require the

importer to estimate the quantities of parts, components, and subassemblies covered for purposes of such subdivision.

* * * * *

16. Exemptions. For the purposes of general note 1—

* * * * *

(d) articles returned from space within the purview of section 484a of the Tariff Act of 1930, **[and]**

(e) articles exported from the United States which are returned within 45 days after such exportation from the United States as undeliverable and which have not left the custody of the carrier or foreign customs service, *and*

(f) *any aircraft part or equipment that was removed from a United States-registered aircraft while being used abroad in international traffic because of accident, breakdown, or emergency, that was returned to the United States within 45 days after removal, and that did not leave the custody of the carrier or foreign customs service while abroad,*

* * * * *

CHAPTER 29—ORGANIC CHEMICALS

* * * * *

Heading/subheading	Stat. suffix	Article description	Units of quantity	Rates of duty	
				1 General	2 Special
		IX. NITROGEN-FUNCTION COMPOUNDS.			
2921		Amine-function compounds: Acyclic monoamines and their derivatives; sales thereof:			
2921.59.17	00	4,4'-Benzidine-2,2,-disulfonic acid; 1,4-Diaminobenzene-2-sulfonic acid; 4,4'-Methylenebis (2,6-Diethyl aniline); [and m-Xylenediamine] <i>m-Xylenediamine</i> ; and 3,3'-Diaminobenzidine (tetraamino biphenyl).	kg	Free	15.4¢/kg + 60%.
2922.49		Other:			
2922.49.05	00	Aromatic: (R)- α -Aminobenzeneacetic acid 2-Amino-3-chlorobenzoic acid, methyl ester.	kg	Free	15.4¢/kg + 50%.
2933.90		Other:			
2933.90.02	00	Aromatic or modified aromatic: 2-[4-[(6-6-Chloro-2-quinoxalinyloxy)phenoxy]propionic acid, ethyl ester [(Quizalofop ethyl)] ; and O,O-Dimethyl-S-[(4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl]-phosphorodithioate.	kg	Free	15.4¢/kg +64.5%.

CHAPTER 36—EXPLOSIVES; PYROTECHNIC PRODUCTS; MATCHES; PYROPHORIC ALLOYS; CERTAIN COMBUSTIBLE PREPARATIONS

* * * * *

Heading/sub-heading	Stat. suffix	Article description	Units of quantity	Rates of Duty		
				General	1 Special	2
3604		Fireworks, signaling flares, rain rockets, fog signals and other pyrotechnic articles:				
3604.10.00	10	Fireworks	kg	5.3%	Free (A*,CA,E,IL,J,MX)	12.5%]
	50	Class 1.4G (Class C)	kg			
3604.10		Other				
3604.10.10		Fireworks: Display or special fireworks (Class 1.3G)		2.4%	Free (A*, CA, E, IL, J, MX)	12.5%
3604.10.90		Other (including Class 1.4G)		5.3%	Free (A*, CA, E, IL, J, MX)	12.5%

CHAPTER 56—WADDING, FELT AND NONWOVENS; SPECIAL YARNS; TWINE, CORDAGE, ROPES AND CABLES AND ARTICLES THEREOF

Heading/subheading	Stat. suffix	Article description	Units of quantity	Rates of Duty		
				General	1 Special	2
5607.50.20	00	Not braided or plaited	kg	26.1¢/kg + 14.2%	Free (IL) 5.5¢/kg + 3% (CA) 9.7% (MX)	27.6¢/kg + 76.5%]
5607.50.25		Not braided or plaited: 3-ply or 4-ply multi-colored twine having a final "S" twist, containing at least 10 percent by weight of cotton, measuring less than 3.5 mm in diameter.		7.8%	Free (IL) 1.6% (CA) 4.4% (MX)	76.5%
5607.50.35		Other		26.1¢/kg + 14.2%	Free (IL) 5.5¢/kg + 3% (CA) 9.7% (MX)	27.6¢/kg + 76.5%

CHAPTER 71—NATURAL OR CULTURED PEARLS, PRECIOUS OR SEMIPRECIOUS STONES, PRECIOUS METALS, METALS CLAD WITH PRECIOUS METAL, AND ARTICLES THEREOF; IMITATION JEWELRY; COIN

Heading/subheading	Stat. suffix	Article description	Units of quantity	Rates of Duty		
				General	1 Special	2
7106		II. PRECIOUS METALS AND METALS CLAD WITH PRECIOUS METAL				
7106.92.00	00	Silver (including silver plated with gold or platinum), unwrought or in semimanufactured forms or in powder form: Semimanufactured	g	4.8%	Free (A*, CA, E, IL, J, MX)	65%]
7106.92		Semimanufactured:				
7106.92.10		Rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of silver and not otherwise marked or decorated than with weight, purity, or other identifying information.			Free	Free

Heading/ subheading	Stat. suffix	Article description	Units of quan- tity	Rates of Duty		
				1 Gen- eral	2 Special	
7106.92.50	.....	Other		4.8%	Free (A*, CA, E, IL, J, MX)	65%
		* * * * *	*	*		
7108.13		Other semimanufactured forms:				
7108.13.10	00	Gold leaf	cm ²	1.9%	Free (A, CA, E, IL, J, MX)	8%
		gold content	g			
[7108.13.50	00	Other	g	6.6%	Free (CA, E, IL, J, MX)	65%]
		Other:				
7108.13.55	.....	Rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of gold and not otherwise marked or decorated than with weight, purity, or other identify- ing information.		Free		Free
7108.13.70	.....	Other		6.6%	Free (CA, E, IL, J, MX)	65%
		* * * * *	*	*		
7115.90		Other:				
[7115.90.10	00	Of gold, including metal clad with gold	X	6.2%	Free (A*, CA, E, IL, J, MX)	110%
[7115.90.20	00	Of silver, including metal, clad with silver	X	4.8%	Free (A*, CA, E, IL, J, MX)	65%
[7115.90.50	00	Other	X	6.4%	Free (A, CA, E, IL, J, MX)	65%]
7115.90.05	.....	Articles of precious metal, in rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of a precious metal and not otherwise marked or deco- rated than with weight, purity, or other identifying information.		Free		Free
		Other:				
7115.90.30	.....	Of gold, including metal clad with gold		6.2%	Free (A*, CA, E, IL, J, MX)	110%
7115.90.40	.....	Of silver, including metal clad with silver ...		4.8%	Free (A*, CA, E, IL, J, MX)	65%
7115.90.60	.....	Other		6.4%	Free (A, CA, E, IL, J, MX)	65%
		* * * * *	*	*		

CHAPTER 98—SPECIAL CLASSIFICATION PROVISIONS

Heading/ subheading	Stat. suffix	Article description	Units of quan- tity	Rates of Duty	
				1 Gen- eral	2 Special
9801.00.85	Professional books, implements, instruments, and tools of trade, occupation, or employ- ment, when returned to the United States after having been exported for use tempo- rarily abroad, if imported by or for the ac- count of the person who exported such items.		Free	Free
		* * * * *	*	*	

**CHAPTER 99—TEMPORARY LEGISLATION; TEMPORARY
MODIFICATIONS ESTABLISHED PURSUANT TO TRADE
LEGISLATION; ADDITIONAL IMPORT RESTRICTIONS
ESTABLISHED PURSUANT TO SECTION 22 OF THE AG-
RICULTURAL ADJUSTMENT ACT, AS AMENDED**

* * * * *						
Subchapter II—Temporary Reductions in Rates of Duty						
* * * * *						
Heading/ subheading	Article description	General	Rates of duty		Effective pe- riod	
			1 Special	2		
9902.28.05	Yttrium oxide (provided for in subheading 2805.30.00).	Free	No change	No change	On or before 12/31/2000	
9902.28.46	Cerium aluminum terbium (provided for in subheading 2846.10.00).	Free	No change	No change	On or before 12/31/2000	
9902.30.16	Methyl 2-[4-(2,4-dichlorophenoxy)phenoxy] propionate (dichlorofopmethyl) in bulk form or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15).	Free	No change	No change	On or before 12/31/98	
9902.30.17	N-phenyl-n'-(1,2,3-thiadizol-5'yl) urea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707-55-2) (provided for in subheading 2934.90.15 or 3808.30.15).	Free	No change	No change	On or before 12/31/98	
9902.30.30	Bis(4-amino-3-methylcyclohexyl)-methane (CAS No. 6864-37-5) (provided for in subheading 2921.30.30).	Free	No change	No change	On or before 12/31/99	
9902.33.90	2,3,3-Trimethyl-indolenine (CAS No. 1640-39-7) (provided for in subheading 2933.90.82).	Free	No change	No change	On or before 12/31/99	
9902.30.63	3-Acetoxy-2-methylbenzoyl chloride (CAS No. 167678-46-8) (provided for in subheading 2918.29.65).	Free	No change	No change	On or before 3/31/97	
9902.30.64	(S-(R*,S*))-3-Chloro-2-hydroxy-1-((phenylthio)methyl)propyl-carbanic acid phenylmethyl ester (CAS No. 159878-02-1) (provided for in subheading 2922.19.60).	Free	No change	No change	On or before 3/31/97	
9902.30.65	N-(1,1-dimethylethyl)deca-hydro-2-[2-hydroxy-3-[[3-hydroxy-2-methylbenzoyl]-amino]-4-(phenylthio)butyl]-3-isoquinolinecarboxamide, [3S-[2(2S*,3S*), 3a.,4a.b.,8a.b.]] (CAS No. 159989-64-7) provided for in subheading 2933.40.60).	Free	No change	No change	On or before 3/31/97	
9902.32.12	N,N-Diethyl-m-toluidine (DEMT) (CAS No. 91-67-8) (provided for in subheading 2921.43.80).	Free	No change	No change	On or before 12/31/98	
9902.38.24	Mixtures of octanoic acid, methyl ester and decanoic acid, methyl ester, mixtures of dodecanoic acid, methyl ester and tetradecanoic acid, methyl ester; and mixtures of hexadecanoic acid, methyl ester, octadecanoic acid, methyl ester, octadecenoic acid, methyl ester (all of the foregoing provided for in subheading 3824.90.40).	Free	No change	No change	On or before 12/31/2000	
9902.70.03	Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheading 851.60.40 (provided for in subheadings 7003.12.00 or 7003.19.00).	Free	No change	No change	On or before 12/31/98	

Heading/ subheading	Article description	Rates of duty			Effective pe- riod
		1 Gen- eral	Special	2	
9902.71.08	Wire containing 99.9 percent or more by weight of gold and with dopants added to control wirebonding characteristics, having a diameter of 0.05 millimeters or less, for use in the manufacture of diodes, transistors, and similar semiconductor devices or electronic integrated circuits.	Free	No change	No change	On or before 12/31/2000
9902.84.77	Automated multiplunger transfer presses, suitable for use in the encapsulation with thermosetting materials of diodes, transistors, and similar semiconductor devices or electronic integrated circuits (provided for in subheading 8477.10.80).	Free	No change	No change	On or before 12/31/2000
9902.98.05	Any of the following articles not intended for sale or distribution to the public personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1998 Goodwill Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing event by or on behalf of the foregoing persons or the organizing committee of such event; articles to be used in exhibitions depicting the culture of a country participating in such event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow.	Free	No change	Free	On or before 2/1/99
9902.98.06	Motorcycles produced in the United States, previously exported and brought temporarily into the United States by nonresidents for the purpose of participating in the Sturgis Motorcycle Rally and Races.	Free	No change	Free	On or before 12/31/2006

TRADE ACT OF 1974

TITLE I—NEGOTIATING AND OTHER AUTHORITY

CHAPTER 4—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 141. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) * * *

(c)(1) The United States Trade Representative shall—

(A) * * *

(D) issue and coordinate policy guidance to departments and agencies on basic issues of policy and interpretation arising in the exercise of international trade functions, including any matter considered under the auspices of the World Trade Orga-

nization, [] to the extent necessary to assure the coordination of international trade policy and consistent with any other law;

* * * * *

TITLE II—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION

CHAPTER 1—POSITIVE ADJUSTMENT BY INDUSTRIES INJURED BY IMPORTS

* * * * *

SEC. 202. INVESTIGATIONS, DETERMINATIONS, AND RECOMMENDATIONS BY COMMISSION.

(a) * * *

* * * * *

(d) PROVISIONAL RELIEF.—

(1) * * *

* * * * *

(4)(A) Any provisional relief implemented under this subsection with respect to an imported article shall terminate on the day on which—

(i) if such relief was proclaimed under paragraph (1)(G) or (2)(D), the Commission makes a negative determination under [section 202(b)] subsection (b) regarding injury or the threat thereof by imports of such article;

* * * * *

TITLE III—RELIEF FROM UNFAIR TRADE PRACTICES

CHAPTER 1—ENFORCEMENT OF UNITED STATES RIGHTS UNDER TRADE AGREEMENTS AND RESPONSE TO CERTAIN FOREIGN TRADE PRACTICES

SEC. 301. ACTIONS BY UNITED STATES TRADE REPRESENTATIVE.

(a) * * *

* * * * *

(c) SCOPE OF AUTHORITY.—

(1) * * *

* * * * *

(4) Any trade agreement described in paragraph [(1)(C)(iii)] (1)(D)(iii) shall provide compensatory trade benefits that benefit the economic sector which includes the domestic industry that would benefit from the elimination of the act, policy, or practice that is the subject of the action to be taken under subsection (a) or (b), or benefit the economic sector as closely related as possible to such economic sector, unless—

(A) the provision of such trade benefits is not feasible, or

(B) trade benefits that benefit any other economic sector would be more satisfactory than such trade benefits.

* * * * *

SEC. 304. DETERMINATIONS BY THE TRADE REPRESENTATIVE.

(a) IN GENERAL.—

(1) * * *

* * * * *

(3)(A) If an investigation is initiated under this chapter by reason of section 302(b)(2) and the Trade Representative does not consider that a trade agreement, including the Agreement on Trade-Related Aspects of Intellectual Property *Rights* (referred to in section 101(d)(15) of the Uruguay Round Agreements Act), is involved or does not make a determination described in subparagraph (B) with respect to such investigation, the Trade Representative shall make the determinations required under paragraph (1) with respect to such investigation by no later than the date that is 6 months after the date on which such investigation is initiated.

* * * * *

TITLE IV—TRADE RELATIONS WITH COUNTRIES NOT CURRENTLY RECEIVING NONDISCRIMINATORY TREATMENT

* * * * *

[SEC. 410. EAST-WEST TRADE STATISTICS MONITORING SYSTEM.

[The International Trade Commission shall establish and maintain a program to monitor imports of articles into the United States from nonmarket economy countries and exports of articles from the United States to nonmarket economy countries. To the extent feasible, the Commission shall coordinate such program with any relevant data gathering programs presently conducted by the Secretary of Commerce. The Secretary of Commerce shall provide the Commission with any information which, in the determination of the Commission, is necessary to carry out this section. The Commission shall publish a detailed summary of the data collected under the East-West Trade Statistics Monitoring System not less frequently than once each calendar quarter and shall transmit such publication to the East-West Foreign Trade Board and to Congress. Such publication shall include data on the effect of such imports if any, on the production of like, or directly competitive, articles in the United States, and on employment within the industry which produces like, or directly competitive, articles in the United States.]

* * * * *

TITLE V—GENERALIZED SYSTEM OF PREFERENCES

* * * * *

SEC. 502. BENEFICIARY DEVELOPING COUNTRY.

* * * * *

[(F) Such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism.]

(F) Such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism or the Secretary of State makes a determination with respect to such country under section 6(j)(1)(A) of the Export Administration Act of 1979.

* * * * *

URUGUAY ROUND AGREEMENTS ACT

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Uruguay Round Agreements Act”.

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title and table of contents.

* * * * *

TITLE II—ANTIDUMPING AND COUNTERVAILING DUTY PROVISIONS

Sec. 201. Reference.

Subtitle A—General Provisions

Sec. 211. Action with respect to petitions.

* * * * *

[Sec. 221. Review determinations.]

Sec. 221. Special rules for review of determinations.

* * * * *

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE URUGUAY ROUND AGREEMENTS

* * * * *

Subtitle D—Related Provisions

* * * * *

SEC. 132. IMPLEMENTATION OF RULES OF ORIGIN WORK PROGRAM.

If the President enters into an agreement developed under the work program described in Article 9 of the Agreement on Rules of Origin referred to in section 101(d)(10), the President may imple-

ment United States obligations under such an agreement under United States law only pursuant to authority granted to the President for that purpose by law enacted after the effective date of this [title] section.

* * * * *

TITLE II—ANTIDUMPING AND COUNTERVAILING DUTY PROVISIONS

* * * * *

Subtitle A—General Provisions

* * * * *

SEC. 212. PETITION AND PRELIMINARY DETERMINATION.

(a) * * *

(b) DETERMINATION BY THE COMMISSION OF REASONABLE INDICATION OF INJURY; PRELIMINARY DETERMINATION BY THE ADMINISTERING AUTHORITY.—

(1) COUNTERVAILING DUTY INVESTIGATIONS.—

(A) * * *

* * * * *

(C) Section 703(b) (19 U.S.C. 1671b(b)) is amended—

(i) in paragraph (1)—

(I) by striking “85 days after the date on which [the] a petition is filed under section 702(b)” and inserting “65 days after the date on which the administering authority initiates an investigation under section 702(c)”;

* * * * *

SEC. 214. CRITICAL CIRCUMSTANCES.

(a) * * *

(b) ANTIDUMPING INVESTIGATIONS.—

(1) * * *

(2) FINAL DETERMINATIONS.—(A) Section 735(a)(3) (19 U.S.C. 1673d(a)(3)) is amended—

(i) in clause (i) of subparagraph (A)—

(I) by inserting “and material injury by reason of dumped imports” after “history of dumping”; and

(II) by striking “class or kind of [the] merchandise which is the subject of the investigation” and inserting “subject merchandise”;

* * * * *

[SEC. 221. REVIEW DETERMINATIONS.]

SEC. 221. SPECIAL RULES FOR REVIEW OF DETERMINATIONS.

(a) * * *

* * * * *

SEC. 233. CONFORMING AMENDMENTS.

(a) TERMINOLOGY.—

(1) * * *

* * * * *

(6) INITIATE.—(A) * * *

* * * * *

(C) Section 732(a)(2)(B) is amended by striking “commence” *each place it appears* and inserting “initiate”.

* * * * *

Subtitle B—Subsidies Provisions

* * * * *

PART 2—REPEAL OF SECTION 303 AND CONFORMING AMENDMENTS

SEC. 261. REPEAL OF SECTION 303.

(a) * * *

* * * * *

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) AMENDMENTS TO TRADE ACT OF 1974.—

(i) Section 331(d)(3) of the Trade Act of 1974 (19 U.S.C. 1303 note) is repealed.

(ii) Section 152(a)(2) of the Trade Act of 1974 (19 U.S.C. 2192(a)(2)) is amended *by striking “as follows:” and inserting a comma and* by striking “(A) in the case of” and all that follows through “(B)”.

(B) AMENDMENTS TO TARIFF ACT OF 1930.—The following sections of the Tariff Act of 1930 are amended:

(i) Section 315(d) (19 U.S.C. 1315(d)) is amended by inserting “(as in effect on the day before the effective date of title II of the Uruguay Round Agreements Act) or section 701” after “section 303”.

(ii) Section 337(b)(3) (19 U.S.C. 1337(b)(3)) is amended—

(I) by striking “of section 303 or of subtitle B of title VII of the Tariff Act of 1930” and inserting “of subtitle B of title VII of this Act”,

* * * * *

SEC. 270. CONFORMING AMENDMENTS.

(a) COUNTERAVAILABLE SUBSIDY.—

(1) * * *

(2)(A) The heading for section 704(b) (19 U.S.C. 1671c(b)) is amended by striking “Subsidy” and inserting “Countervailable Subsidy”.

(B) The heading for section **[771(A)(c)] 771A(c)** (19 U.S.C. 1677-1(c)) is amended by striking “Subsidy” and inserting “Countervailable Subsidy”.

* * * * *

PART 4—ENFORCEMENT OF UNITED STATES RIGHTS UNDER THE SUBSIDIES AGREEMENT

SEC. 281. SUBSIDIES ENFORCEMENT.

(a) * * *

* * * * *

(h) DEFINITIONS.—For purposes of this section:

(1) * * *

* * * * *

(4) INTERESTED PARTY.—The term “interested party” means a party described in subparagraph (C), (D), (E), (F), or (G) of section 771(9) of the Tariff Act of 1930 (19 U.S.C. 1677(9) **[(A),]** (C), (D), (E), (F), or (G)).

* * * * *

SEC. 282. REVIEW OF SUBSIDIES AGREEMENT.

(a) * * *

* * * * *

(d) REVIEW OF THE OPERATION OF THE SUBSIDIES AGREEMENT.—The Secretary of Commerce, in consultation with other appropriate departments and agencies of the Federal Government, shall undertake an ongoing review of the operation of the Subsidies Agreement. The review shall address—

(1) * * *

* * * * *

Not later than 4 years and 6 months after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Congress a report on the review required under this subsection.

* * * * *

TITLE III—ADDITIONAL IMPLEMENTATION OF AGREEMENTS

* * * * *

Subtitle B—Foreign Trade Barriers and Unfair Trade Practices

* * * * *

SEC. 314. AMENDMENTS TO TITLE III OF THE TRADE ACT OF 1974.

(a) * * *

* * * * *

(e) **MONITORING OF FOREIGN COMPLIANCE.**—Subsections (a) and (b) of section 306 of the Trade Act of 1974 (19 U.S.C. 2416) are amended to read as follows:

“(a) **IN GENERAL.**—The Trade Representative shall monitor the implementation of each measure undertaken, or agreement that is entered into, by a foreign country to provide a satisfactory resolution of a matter subject to investigation under this chapter or subject to dispute settlement proceedings to enforce the rights of the United States under a trade agreement providing for such proceedings.

“(b) **FURTHER ACTION.**—

“(1) **IN GENERAL.**—If, on the basis of the monitoring carried out under subsection (a), the Trade Representative considers that a foreign country is not satisfactorily implementing a measure or agreement referred to in subsection (a), the Trade Representative shall determine what further action the Trade Representative shall take under section 301(a). For purposes of section 301, any such determination shall be treated as a determination made under section 304(a)(1).【”】

“(2) **WTO DISPUTE SETTLEMENT RECOMMENDATIONS.**—If the measure or agreement referred to in subsection (a) concerns the implementation of a recommendation made pursuant to dispute settlement proceedings under the World Trade Organization, and the Trade Representative considers that the foreign country has failed to implement it, the Trade Representative shall make the determination in paragraph (1) no later than 30 days after the expiration of the reasonable period of time provided for such implementation under paragraph 21 of the Understanding on Rules and Procedures Governing the Settlement of Disputes that is referred to in section 101(d)(16) of the Uruguay Round Agreements Act.”.

* * * * *

Subtitle C—Unfair Practices in Import Trade

SEC. 321. UNFAIR PRACTICES IN IMPORT TRADE.

(a) **AMENDMENTS TO SECTION 337 OF THE TARIFF ACT OF 1930.**—Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) is amended as follows:

(1) **INVESTIGATION.**—Subsection (b) is amended—

(A) * * *

* * * * *

(C) in paragraph (3)—

【(i) in the first sentence—

【(I) by striking “the Tariff Act of 1930” and inserting “this Act”; and

【(II) by striking “such Act” and inserting “such subtitle”; and】

(i) in the first sentence by striking “such Act” and inserting “such subtitle”; and

* * * * *

Subtitle D—Textiles

SEC. 331. TEXTILE PRODUCT INTEGRATION.

Not later than 120 days after the date that the WTO Agreement~~],~~ as defined in section 2(9) of the Uruguay Round Implementation Act,~~]~~ enters into force with respect to the United States, the Secretary of Commerce shall publish in the Federal Register a notice containing the list of products to be integrated in each stage set out in Article 2(8) of the Agreement on Textiles and Clothing referred to in section 101(d)(4). After publication of such list, the list may not be changed unless otherwise required by statute or the international obligations of the United States, to correct technical errors, or to reflect reclassifications. Within 30 days after the publication of such list, the Trade Representative shall notify the list to the Textiles Monitoring Body established under Article 8 of the Agreement on Textiles and Clothing.

* * * * *

SEC. 334. RULES OF ORIGIN FOR TEXTILE AND APPAREL PRODUCTS.

(a) * * *

(b) PRINCIPLES.—

(1) IN GENERAL.—Except as otherwise provided for by statute, a textile or apparel product, for purposes of the customs laws and the administration of quantitative restrictions, originates in a country, territory, or insular possession, and is the growth, product, or manufacture of that country, territory, or insular possession, if—

(A) the product is wholly obtained or produced in that country, territory, or possession;

(B) the product is a yarn, thread, twine, cordage, rope, cable, or braiding and—

(i) the constituent staple fibers are spun in that country, territory, or possession, or

(ii) the continuous filament is extruded in that country, territory, or possession~~],]~~;

* * * * *

TITLE IV—AGRICULTURE-RELATED PROVISIONS

Subtitle A—Agriculture

PART I—MARKET ACCESS

* * * * *

SEC. 405. SPECIAL AGRICULTURAL SAFEGUARD AUTHORITY.

(a) * * *

(b) DETERMINATION OF SAFEGUARD.—If the President determines with respect to a special safeguard agricultural good that it is appropriate to impose—

(1) the price-based safeguard in accordance with subparagraph **[1(a)] 1(b)** of Article 5; or

(2) the volume-based safeguard in accordance with subparagraph **[1(b)] 1(a)** of Article 5,

the President shall, consistent with Article 5 as determined by the President, determine the amount of the duty to be imposed, the period such duty shall be in effect, and any other terms and conditions applicable to the duty.

* * * * *

PART II—EXPORTS

* * * * *

SEC. 412. OTHER CONFORMING AMENDMENTS.

(a) PUBLIC LAW 98–332.—Section 106 of Public Law 98–332 (98 Stat. 287), is repealed.

(b) AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 1984.—Section 625(A) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1984, as given the force of law by section 101(d) of Public Law 98–151 (97 Stat. **[1853] 972**), is repealed.

* * * * *

TITLE VI—RELATED PROVISIONS

Subtitle A—Expiring Provisions

SEC. 601. GENERALIZED SYSTEM OF PREFERENCES.

(a) * * *

(b) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law and subject to paragraph (2), the entry—

(A) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 1994, and

(B) that was made after September 30, 1994, and before **[such date of enactment]** *the date of the enactment of this Act,*

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry. As used in this subsection, the term “entry” includes a withdrawal from warehouse for consumption.

* * * * *



SECTION 204 OF THE AGRICULTURAL ACT OF 1956

SEC. 204. The President may, whenever he determines such action appropriate, negotiate with representatives of foreign governments in an effort to obtain agreements limiting the export from such countries and the importation into the United States of any agricultural commodity or product manufactured therefrom or textiles or textile products, and the President is authorized to issued regulations governing the entry or withdrawal from warehouse of any such commodity, product, textiles, or textile products to carry out any such agreement. In addition, if a multilateral agreement, including but not limited to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round **[Implementation]** *Agreements Act*, has been or is concluded under the authority of this section among countries accounting for a significant part of world trade in the articles with respect to which the agreement was concluded, the President may also issue, in order to carry out such agreement, regulations governing the entry or withdrawal from warehouse of the same articles which are the products of countries not parties to the agreement, or countries to which the United States does not apply the agreement. Nothing herein shall affect the authority provided under section 22 of the Agricultural Adjustment Act (of 1933) as amended.

FOREIGN TRADE ZONES ACT

* * * * *

SEC. 3. ADMISSION OF FOREIGN MERCHANDISE.

(a) * * *

(e) *PRODUCTION EQUIPMENT.*—

(1) *IN GENERAL.*—*Notwithstanding any other provision of law, if all applicable customs laws are complied with (except as otherwise provided in this subsection), merchandise which is admitted into a foreign trade zone for use within such zone as production equipment or as parts for such equipment, shall not be subject to duty until such merchandise is completely assembled, installed, tested, and used in the production for which it was admitted.*

(2) *ADMISSION PROCEDURES.*—*The person who admits the merchandise described in paragraph (1) into the zone shall, at the time of such admission, certify to the Customs Service that the merchandise is admitted into the zone pursuant to this subsection for use within the zone as production equipment or as parts for such equipment and that the merchandise will be entered and estimated duties deposited when use of the merchandise in production begins.*

(3) *ENTRY PROCEDURES.*—*At the time use of the merchandise in production begins, the merchandise shall be entered, as provided for in section 484 of the Tariff Act of 1930, and estimated duties shall be deposited with the Customs Service. The merchandise shall be subject to tariff classification according to its character, condition, and quantity, and at the rate of duty applicable, at the time use of the merchandise in production begins.*

(4) FOREIGN TRADE ZONE.—For purposes of this subsection, the term “foreign trade zone” includes a subzone.

* * * * *

TRADE AGREEMENTS ACT OF 1979

* * * * *

TITLE III—GOVERNMENT PROCUREMENT

* * * * *

SEC. 304. EXPANSION OF THE COVERAGE OF THE AGREEMENT.

(a) OVERALL NEGOTIATING OBJECTIVE.—The President shall seek in the renegotiations provided for in article XXIV(7)[,] of the Agreement more open and equitable market access abroad, and the harmonization, reduction, or elimination of devices which distort trade or commerce related to Government procurement, with the overall goal of maximizing the economic benefit to the United States through maintaining and enlarging foreign markets for products of United States agriculture, industry, mining, and commerce, the development of fair and equitable market opportunities, and open and nondiscriminatory world trade. In carrying out the provisions of this subsection, the President shall consider the assessment made in the report required under section 306(a).

* * * * *

(c) INDEPENDENT VERIFICATION OBJECTIVE.—The President shall seek to establish in the renegotiation provided for in article XXIV(7)[,] of the Agreement a system for independent verification of information provided by parties to the Agreement to the Committee on Government Procurement pursuant to article XIX(5)[,] of the Agreement.

* * * * *

SEC. 305. MONITORING AND ENFORCEMENT.

(a) * * *

* * * * *

(d) ANNUAL REPORT ON FOREIGN DISCRIMINATION.—

(1) * * *

(2) IDENTIFICATIONS REQUIRED.—In the annual report, the President shall identify (and continue to identify subject to subsections (f)(5) and (g)(3)) any countries, other than least developed countries, that—

(A) are signatories to the Agreement and not in compliance with the requirements of the Agreement;

(B)(i) are signatories to the Agreement; (ii) are in compliance with the Agreement but, in the government procurement of products or services not covered by the Agreement, maintain a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses; and (iii) whose products or services are acquired in

significant amounts by the United States Government;
[or]

(C)(i) are not signatories to the Agreement; (ii) maintain, in government procurement, a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses; and (iii) whose products or services are acquired in significant amounts by the United States Government[.];

* * * * *

(g) PROCEDURES WITH RESPECT TO OTHER DISCRIMINATION.—

(1) IMPOSITION OF SANCTIONS.—If, within 60 days after the annual report is submitted under subsection (d)(1), a country that is identified pursuant to subparagraph (B), (C), (D), or (E) [of such subsection] of subsection (d)(2) has not eliminated the practices regarding government procurement identified under subparagraph (B)(ii), (C)(ii), (D)(ii), or (E)(ii) (as the case may be) of subsection (d)(2), then, on the day after the end of such 60-day period—

(A) * * *

* * * * *

(3) TERMINATION OF SANCTIONS.—The President may terminate the sanctions imposed under paragraph (1) or (2) and remove a country from the report under subsection (d)(1) at such time as the President determines that the country has eliminated [the the] the practices regarding government procurement identified under subparagraph (B)(ii), (C)(ii), (D)(ii), or (E)(ii) (as the case may be) of subsection (d)(2).

* * * * *

SEC. 308. DEFINITIONS.

As used in this title—

(1) * * *

* * * * *

(4) ELIGIBLE PRODUCTS.—

(A) * * *

* * * * *

(D) LOWERED THRESHOLD FOR CERTAIN PRODUCTS AS A CONSEQUENCE OF UNITED STATES-CANADA FREE-TRADE AGREEMENT.—Except as otherwise agreed by the United States and Canada under paragraph 3 of article 1304 of the United States-Canada Free-Trade Agreement, the term “eligible product” includes a product or service of Canada having a contract value of \$25,000 or more that would be covered for procurement by the United States under [the the] the Agreement (as defined in paragraph (1)), but for the thresholds provided for in the Agreement.

* * * * *

**TITLE IV—TECHNICAL BARRIERS TO TRADE
(STANDARDS)**

Subtitle A—Obligations of the United States

* * * * *

SEC. 402. FEDERAL STANDARDS-RELATED ACTIVITIES.

No Federal agency may engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States, including, but not limited to, standards-related activities that violate any of the following requirements:

(1) * * *

* * * * *

(4) ACCESS FOR FOREIGN SUPPLIERS.—Each Federal agency shall, with respect to any conformity assessment procedure used by it, permit access for obtaining an assessment of conformity and the mark of the system, if any, to foreign suppliers of a product on the same basis as access is permitted to suppliers of like products whether of domestic or foreign origin.

* * * * *

Subtitle B—Functions of Federal Agencies

SEC. 411. FUNCTIONS OF TRADE REPRESENTATIVE.

(a) * * *

* * * * *

(c) CROSS REFERENCE.—

For provisions of law regarding general authority of the [Special Representatives] *Trade Representative* with respect to trade agreements, see section 141 of the Trade Act of 1974 (19 U.S.C. 2171).

* * * * *

SEC. 414. STANDARDS INFORMATION CENTER.

(a) * * *

(b) FUNCTIONS.—The standards information center shall—

(1) serve as the central national collection facility for information relating to (A) standards, technical regulations, conformity assessment procedures, [] and standards-related activities, whether such standards, technical regulations, conformity assessment procedures, [] or activities are public or private, domestic or foreign, or international, regional, national, or local and (B) the membership and participation of Federal, State, or local government bodies or private bodies in the United States in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements concerning standards-related activities;

* * * * *

Subtitle D—Definitions and Miscellaneous Provisions

SEC. 451. DEFINITIONS.

As used in this title—

(1) * * *

* * * * *

(6) INTERNATIONAL STANDARDS ORGANIZATION.—The term “international standards organization” means any organiza-
tion—

(A) the membership of which is open to representatives,
whether public or private, of the United States and at
least all Members[.]; and

* * * * *

Subtitle F—International Standard-Setting Activities

* * * * *

SEC. 492. EQUIVALENCE DETERMINATIONS.

(a) * * *

* * * * *

(c) NOTICE.—If the Commissioner proposes to issue a determina-
tion of the equivalency of a sanitary or phytosanitary measure of
a foreign country to a sanitary or [phytosanitary] *phytosanitary*
measure of the Food and Drug Administration that is not required
to be promulgated as a rule under the Federal Food, Drug, and
Cosmetic Act or other statute administered by the Food and Drug
Administration, the Commissioner shall publish a notice in the
Federal Register that identifies the basis for the determination
that the measure provides at least the same level of sanitary or
phytosanitary protection as the comparable Federal sanitary or
phytosanitary measure. The Commissioner shall provide oppor-
tunity for interested persons to comment on the notice. The Com-
missioner shall not issue a final determination on the issue of
equivalency without taking into account the comments received.

* * * * *

SECTION 104A OF TITLE 17, UNITED STATES CODE

§ 104A. Copyright in restored works

(a) * * *

* * * * *

(h) DEFINITIONS.—For purposes of this section and section 109(a):

(1) * * *

* * * * *

(3) The term “eligible country” means a nation, other than
the United States, that is a WTO member country, adheres to
the Berne Convention, or is subject to a proclamation under
[section 104A(g)] *subsection (g)*.

* * * * *

SECTION 154 OF TITLE 35, UNITED STATES CODE

§ 154. Contents and term of patent

(a) * * *

* * * * *

(c) CONTINUATION.—

(1) * * *

(2) REMEDIES.—The remedies of sections 283, 284, and 285 of this title shall not apply to [Acts] *acts* which—

(A) * * *

* * * * *

**NORTH AMERICAN FREE TRADE AGREEMENT
IMPLEMENTATION ACT**

* * * * *

TITLE II—CUSTOMS PROVISIONS

* * * * *

SEC. 202. RULES OF ORIGIN.

(a) * * *

* * * * *

(m) INTERPRETATION AND APPLICATION.—For purposes of this section:

(1) * * *

* * * * *

(4) In applying the Customs Valuation Code—

(A) * * *

* * * * *

(C) the definitions in subsection [(o)] (*p*) shall take precedence over the definitions in the Customs Valuation Code to the extent of any difference.

* * * * *

(p) DEFINITIONS.—For purposes of this section—

(1) * * *

* * * * *

(18) NONALLOWABLE INTEREST COSTS.—The term “nonallowable interest costs” means interest costs incurred by a producer as a result of an interest rate that exceeds the applicable [federal government] *Federal Government* interest rate for comparable maturities by more than 700 basis points, determined pursuant to regulations implementing this section.

* * * * *

TITLE III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

Subtitle A—Safeguards

PART 1—RELIEF FROM IMPORTS BENEFITING FROM THE AGREEMENT

* * * * *

SEC. 309. PRICE-BASED SNAPBACK FOR FROZEN CONCENTRATED ORANGE JUICE.

(a) * * *

* * * * *

(c) **RATE OF DUTY.**—The rate of duty specified for purposes of subsection (b) for articles entered on any day is the rate in the HTS that is the lower of—

(1) the [column 1—General] *column 1 general* rate of duty in effect for such articles on July 1, 1991; or

(2) the [column 1—General] *column 1 general* rate of duty in effect on that day.

* * * * *

PART 3—GENERAL PROVISIONS

* * * * *

SEC. 316. MONITORING.

For purposes of expediting an investigation concerning provisional relief under this subtitle or section 202 of the Trade Act of 1974 regarding—

(1) fresh or chilled tomatoes provided for in subheading 0702.00.00 of the HTS; and

(2) fresh or chilled peppers, other than chili peppers provided for in subheading 0709.60.00 of the HTS;

the International Trade Commission, until January 1, 2009, shall monitor imports of such goods as if proper requests for such monitoring had been made under [subsection 202(d)(1)(C)(i)] *subsection (d)(1)(C)(i)* of such section 202. At the request of the International Trade Commission, the Secretary of Agriculture and the Commissioner of Customs shall provide to the International Trade Commission information relevant to the monitoring carried out under this section.

* * * * *

Subtitle E—Standards

PART 1—STANDARDS AND MEASURES

SEC. 351. STANDARDS AND SANITARY AND PHYTOSANITARY MEASURES.

(a) * * *

(b) TECHNICAL AMENDMENTS.—

(1) * * *

(2) CONFORMING AMENDMENTS.—Title IV of the Trade [Agreement Act] *Agreements Act* of 1979 is further amended—

(A) by striking out “Special Representative” each place it appears and inserting “Trade Representative”; and

* * * * *

TITLE IV—DISPUTE SETTLEMENT IN ANTIDUMPING AND COUNTERVAILING DUTY CASES

Subtitle A—Organizational, Administrative, and Procedural Provisions Regarding the Implementation of Chapter 19 of the Agreement

* * * * *

SEC. 402. ORGANIZATIONAL AND ADMINISTRATIVE PROVISIONS.

(a) * * *

* * * * *

(d) SELECTION AND APPOINTMENT.—

(1) * * *

* * * * *

(3) EXCEPTIONS.—Notwithstanding subsection (c)(3) (other than subparagraph (B)), *subsection* (c)(4), or paragraph (2)(A) of this subsection, individuals included on the preliminary candidate lists submitted to the appropriate Congressional Committees under subsection (c)(3)(B) may—

(A) * * *

* * * * *

SEC. 407. IDENTIFICATION OF INDUSTRIES FACING SUBSIDIZED IMPORTS.

(a) * * *

* * * * *

(e) EFFECT OF DECISIONS.—Any decision, whether positive or negative, or any action by the Trade Representative or the Secretary of Commerce under this section shall not in any way—

(1) prejudice the right of any industry to file a petition under any trade law;

(2) prejudice, affect, or substitute for, any proceeding, investigation, determination, or action by the Secretary of Commerce, the International Trade Commission, or the Trade Representative pursuant to such a petition[**1**]; or

* * * * *

Subtitle B—Conforming Amendments and Provisions

* * * * *

SEC. 415. EFFECT OF TERMINATION OF NAFTA COUNTRY STATUS.

(a) * * *

(b) TRANSITION PROVISIONS.—

(1) * * *

(2) BINATIONAL PANEL AND EXTRAORDINARY CHALLENGE COMMITTEE REVIEWS.—If on the date on which a country ceases to be a NAFTA country—

(A) a binational panel review under article 1904 of the Agreement is pending, or has been requested; or

(B) an extraordinary challenge committee review under article 1904 of the Agreement is pending, or has been requested;

with respect to a determination which involves a class or kind of merchandise and to which section 516A(g)(2) of the Tariff Act of 1930 applies, such determination shall be reviewable under section 516A(a) of the Tariff Act of 1930. In the case of a determination to which the provisions of this paragraph apply, the time limits for commencing an action under section 516A(a) of the Tariff Act of 1930 shall not begin to run until the date on which the Agreement ceases to be in force with respect to that country.

* * * * *

TITLE VI—CUSTOMS MODERNIZATION

* * * * *

Subtitle A—Improvements in Customs Enforcement

* * * * *

SEC. 621. PENALTIES FOR FRAUD, GROSS NEGLIGENCE, AND NEGLIGENCE; PRIOR DISCLOSURE.

Section 592 (19 U.S.C. 1592) is amended—

(1) * * *

* * * * *

(4) by amending subsection (c)(4)—

(A) by striking “time of disclosure or within thirty days, or such longer period as the appropriate customs officer may provide, after notice by the appropriate customs officer of his” in subparagraph (A)(i) and by striking out “time of [disclosure in 30 days] *disclosure within 30 days*, or such longer period as the appropriate customs officer may provide, after notice by the appropriate customs officer of his” in subparagraph (B), and inserting in each place “time of disclosure, or within 30 days (or such longer period as

the Customs Service may provide) after notice by the Customs Service of its"; and

* * * * *

SECTION 219 OF THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT

SEC. 219. CENTER FOR THE STUDY OF WESTERN HEMISPHERIC TRADE.

(a) * * *

(b) SCOPE OF THE CENTER.—The Center shall be a year-round program operated by an institution located in the State of Texas (or a consortium of such institutions), the purpose of which is to promote and study trade between and among Western Hemisphere countries. The Center shall conduct activities designed to examine—

(1) the impact of the NAFTA on the economies in, and trade within, the Western Hemisphere[,];

* * * * *

(h) REPORT.—The Commissioner of Customs shall, no later than July 1, 1994, and annually thereafter for years for which grants are made, submit a written report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The first report shall include—

(1) a statement identifying the institution or institutions selected as the Center[,];

(2) the reasons for selecting the institution or institutions as the Center[,]; and

* * * * *

REVISED STATUTES OF THE UNITED STATES

* * * * *

TITLE XXXIV.

COLLECTION OF DUTIES UPON IMPORTS.

* * * * *

CHAPTER ELEVEN.

PROVISIONS APPLYING TO COMMERCE WITH CONTIGUOUS COUNTRIES.

* * * * *

SEC. 3126. Any United States documented vessel with a registry or coastwise endorsement, or both, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage, and letters, and mails.

SEC. 3127. Any foreign merchandise taken in at one port of the United States to be [conveyed a United States] conveyed in a *United States* documented vessel with a registry or coastwise endorsement, or both, to any other port within the same, either under the provisions relating to warehouses, or under the laws regulating the transportation coastwise of merchandise entitled to drawback, as well as any merchandise not entitled to drawback, but on which the import duties chargeable by law shall have been duly paid, shall not become subject to any import duty by reason of the vessel in which they may arrive having touched at a foreign port during the voyage.

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TRADE AND TARIFF ACT OF 1984

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SEC. 240. MAX PLANCK INSTITUTE FOR RADIOASTRONOMY.

(a)(1) * * *

(A) such article is an instrument or apparatus (within the meaning of [headnote 6(a) of part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202)] *U.S. note 6(a) of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007)*), and

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(e) If any article admitted free of duty under subsection (a) is used for any purpose other than the joint project described in subsection (a)(1) within five years after being entered, duty on the article shall be assessed in accordance with the procedures established in [headnote 1 of part 4 of schedule 8 (19 U.S.C. 1202)] *U.S. note 1 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States*).

(f) The provisions of subsection (a) shall apply with respect to articles entered for consumption after the day which is 15 days after the date of enactment of this Act [and before November 1, 1993].

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OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

Subtitle A—United States Trade Agreements

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SEC. 1106. ACCESSION OF STATE TRADING REGIMES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE FOR THE WTO OR THE WTO.

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TITLE I—TRADE, CUSTOMS, AND TARIFF LAWS

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Subtitle B—Implementation of the Harmonized Tariff Schedule

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SEC. 1207. PUBLICATION OF THE HARMONIZED TARIFF SCHEDULE.

(a) * * *

(b) **CONTENT.**—Publications under subsection (a), in whatever format, shall contain—

(1) the then current Harmonized Tariff Schedule;

(2) statistical annotations and related statistical information formulated under section **[484(e)] 484(f)** of the Tariff Act of 1930 (19 U.S.C. **[1484(e)] 1484(f)**); and

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SEC. 1210. UNITED STATES PARTICIPATION ON THE CUSTOMS CO-OPERATION COUNCIL REGARDING THE CONVENTION.

(a) * * *

(b) **DEVELOPMENT OF TECHNICAL PROPOSALS.**—

(1) In connection with responsibilities arising from the implementation of the Convention and under section **[484(e)] 484(f)** of the Tariff Act of 1930 (19 U.S.C. **[1484(e)] 1484(f)**) regarding United States programs for the development of adequate and comparable statistical information on merchandise trade, the Secretary of the Treasury, the Secretary of Commerce, and the Commission shall prepare technical proposals that are appropriate or required to assure that the United States contribution to the development of the Convention recognizes the needs of the United States business community for a Convention which reflects sound principles of commodity identification, modern producing methods, and current trading patterns and practices.

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