

(c) The Secretary of the Treasury is selected to be the Chairperson of the Board during any period in which the United States is to select the Chairperson under article III in chapter III of the Agreement.

(d) Except with respect to functions assigned by section 4, 5, 6, or 7 of this order, the Secretary of the Treasury shall coordinate with the Secretary of State, the Administrator of the Environmental Protection Agency, such other agencies and officers as may be appropriate, and the individuals appointed under subsection 2(b) as may be appropriate, the development of the policies and positions of the United States with respect to matters coming before the Board.

SEC. 3. For purposes of loans, guarantees, or grants endorsed by the United States for community adjustment and investment, the members of the Board listed in subsections 2(a) and (b) shall be instructed by the Secretary of the Treasury in accordance with procedures established by the Community Adjustment and Investment Program Finance Committee established pursuant to section 7 of this order.

SEC. 4. The functions vested in the President by section 543(a)(1) of the NAFTA Implementation Act [22 U.S.C. 290m-2(a)(1)] are delegated to the Secretary of the Treasury.

SEC. 5. The functions vested in the President by section 543(a)(2) and (3) of the NAFTA Implementation Act are delegated to the Secretary of the Treasury, who shall exercise such functions in accordance with the recommendations of the Community Adjustment and Investment Program Finance Committee established pursuant to section 7 of this order.

SEC. 6. The functions vested in the President by section 543(a)(5) and section 543(d) of the NAFTA Implementation Act are delegated to the Community Adjustment and Investment Program Finance Committee established pursuant to section 7 of this order, which shall exercise such functions in consultation with the Community Adjustment and Investment Program Advisory Committee ("Advisory Committee") established pursuant to section 543(b) of the NAFTA Implementation Act.

SEC. 7. (a) There is hereby established a Community Adjustment and Investment Program Finance Committee ("Finance Committee").

(b) The Finance Committee shall be composed of representatives from the Department of the Treasury, the Department of Agriculture, the Department of Housing and Urban Development, the Small Business Administration, and any other Federal agencies selected by the Chair of the Finance Committee to assist in carrying out the community adjustment and investment program pursuant to section 543(a)(3) of the NAFTA Implementation Act [22 U.S.C. 290m-2(a)(3)].

(c) The Department of the Treasury representative shall serve as Chair of the Finance Committee. The Chair shall be responsible for presiding over the meetings of the Finance Committee, ensuring that the views of all other members are taken into account, coordinating with other appropriate United States Government agencies in carrying out the community adjustment and investment program, and requesting meetings of the Advisory Committee pursuant to section 543(b)(4)(C) of the NAFTA Implementation Act.

SEC. 8. Any advice or conclusions of reviews provided to the President by the Advisory Committee pursuant to section 543(b)(3) of the NAFTA Implementation Act [22 U.S.C. 290m-2(b)(3)] shall be provided through the Finance Committee.

SEC. 9. Any summaries of public comments or conclusions of investigations and audits provided to the President by the ombudsman pursuant to section 543(c)(1) of the NAFTA Implementation Act shall be provided through the Finance Committee.

SEC. 10. The authority of the President under section 6 of Public Law 102-532; 7 U.S.C. 5404, to establish an advisory board to be known as the Good Neighbor Environmental Board is delegated to the Administrator of the Environmental Protection Agency.

SEC. 11. This order is intended only to improve the internal management of the executive branch and is not

intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

CHAPTER 22—URUGUAY ROUND TRADE AGREEMENTS

Sec.

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§ 3501. Definitions

For purposes of this Act:

(1) GATT 1947; GATT 1994

(A) GATT 1947

The term “GATT 1947” means the General Agreement on Tariffs and Trade, dated October 30, 1947, annexed to the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as subsequently rectified, amended, or modified by the terms of legal instruments which have entered into force before the date of entry into force of the WTO Agreement.

(B) GATT 1994

The term “GATT 1994” means the General Agreement on Tariffs and Trade annexed to the WTO Agreement.

(2) HTS

The term “HTS” means the Harmonized Tariff Schedule of the United States.

(3) International Trade Commission

The term “International Trade Commission” means the United States International Trade Commission.

(4) Multilateral trade agreement

The term “multilateral trade agreement” means an agreement described in section 3511(d) of this title (other than an agreement described in paragraph (17) or (18) of such section).

(5) Schedule XX

The term “Schedule XX” means Schedule XX—United States of America annexed to the Marrakesh Protocol to the GATT 1994.

(6) Trade Representative

The term “Trade Representative” means the United States Trade Representative.

(7) Uruguay Round Agreements

The term “Uruguay Round Agreements” means the agreements approved by the Congress under section 3511(a)(1) of this title.

(8) World Trade Organization and WTO

The terms “World Trade Organization” and “WTO” mean the organization established pursuant to the WTO Agreement.

(9) WTO Agreement

The term “WTO Agreement” means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(10) WTO member and WTO member country

The terms “WTO member” and “WTO member country” mean a state, or separate cus-

oms territory (within the meaning of Article XII of the WTO Agreement), with respect to which the United States applies the WTO Agreement.

(Pub. L. 103-465, §2, Dec. 8, 1994, 108 Stat. 4813.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809, known as the Uruguay Round Agreements Act. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The Harmonized Tariff Schedule of the United States, referred to in par. (2), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

SHORT TITLE

Section 1(a) of Pub. L. 103-465 provided that: “This Act [see Tables for classification] may be cited as the ‘Uruguay Round Agreements Act.’”

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

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

PART A—APPROVAL OF AGREEMENTS AND RELATED PROVISIONS

§ 3511. Approval and entry into force of Uruguay Round Agreements

(a) Approval of agreements and statement of administrative action

Pursuant to section 2903 of this title and section 2191 of this title, the Congress approves—

(1) the trade agreements described in subsection (d) of this section resulting from the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, entered into on April 15, 1994, and submitted to the Congress on September 27, 1994; and

(2) the statement of administrative action proposed to implement the agreements that was submitted to the Congress on September 27, 1994.

(b) Entry into force

At such time as the President determines that a sufficient number of foreign countries are accepting the obligations of the Uruguay Round Agreements, in accordance with article XIV of the WTO Agreement, to ensure the effective operation of, and adequate benefits for the United States under, those Agreements, the President may accept the Uruguay Round Agreements and implement article VIII of the WTO Agreement.

(c) Authorization of appropriations

There are authorized to be appropriated annually such sums as may be necessary for the payment by the United States of its share of the expenses of the WTO.

(d) Trade agreements to which this Act applies

Subsection (a) of this section applies to the WTO Agreement and to the following agreements annexed to that Agreement:

- (1) The General Agreement on Tariffs and Trade 1994.
- (2) The Agreement on Agriculture.
- (3) The Agreement on the Application of Sanitary and Phytosanitary Measures.
- (4) The Agreement on Textiles and Clothing.
- (5) The Agreement on Technical Barriers to Trade.
- (6) The Agreement on Trade-Related Investment Measures.
- (7) The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.
- (8) The Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994.
- (9) The Agreement on Preshipment Inspection.
- (10) The Agreement on Rules of Origin.
- (11) The Agreement on Import Licensing Procedures.
- (12) The Agreement on Subsidies and Countervailing Measures.
- (13) The Agreement on Safeguards.
- (14) The General Agreement on Trade in Services.
- (15) The Agreement on Trade-Related Aspects of Intellectual Property Rights.
- (16) The Understanding on Rules and Procedures Governing the Settlement of Disputes.
- (17) The Agreement on Government Procurement.
- (18) The International Bovine Meat Agreement.

(Pub. L. 103-465, title I, §101, Dec. 8, 1994, 108 Stat. 4814.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809, known as the Uruguay Round Agreements Act. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of this title and Tables.

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

Executive Documents set out below, provide generally for the implementation of the trade agreements resulting from the Uruguay Round of multilateral trade negotiations, effective Jan. 1, 1995.

PROC. NO. 6763. TO IMPLEMENT TRADE AGREEMENTS RESULTING FROM URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS, AND FOR OTHER PURPOSES

Proc. No. 6763, Dec. 23, 1994, 60 F.R. 1007, as amended by Proc. No. 6780, Mar. 23, 1995, 60 F.R. 15849; Proc. No. 6857, Dec. 11, 1995, 60 F.R. 64817; Proc. No. 6948, Oct. 29, 1996, 61 F.R. 56387, provided:

1. On April 15, 1994, the President entered into trade agreements resulting from the Uruguay Round of multilateral trade negotiations (“the Uruguay Round Agreements”). In section 101(a) of the Uruguay Round Agreements Act (“the URAA”) (Public Law 103-465; 108 Stat. 4809) [19 U.S.C. 3511(a)], the Congress approved the Uruguay Round Agreements listed in section 101(d) of that Act.

2. (a) Sections 1102(a) and (e) of the Omnibus Trade and Competitiveness Act of 1988, as amended (“the 1988 Act”) (19 U.S.C. 2902(a) and (e)), authorize the President to proclaim such modification or continuance of any existing duty, such continuance of existing duty-free or excise treatment, or such additional duties, as he determines to be required or appropriate to carry out any trade agreements entered into under those sections.

(b) Accordingly, I have determined that it is required or appropriate in order to carry out the Uruguay Round

Agreements, which were entered into under sections 1102(a) and (e) of the 1988 Act (19 U.S.C. 2902(a) and (e)), that I proclaim the modifications and continuances of existing duties, duty-free treatments, excise treatments, and additional duties set forth in the Annex to this proclamation.

3. (a) Section 111(a) of the URAA [19 U.S.C. 3521(a)] authorizes the President to proclaim such other modification of any duty, such other staged rate reduction, or such other additional duties beyond those authorized by section 1102 of the 1988 Act (19 U.S.C. 2902) as the President determines to be necessary or appropriate to carry out Schedule XX—United States of America, annexed to the Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994 (“Schedule XX”).

(b) Accordingly, I have determined that it is necessary or appropriate to carry out Schedule XX to proclaim such other modifications of duties, such other staged rate reductions, and such other additional duties, beyond those authorized by section 1102 of the 1988 Act (19 U.S.C. 2902), as are set forth in the Annex to this proclamation.

4. Section 111(d) of the URAA [19 U.S.C. 3521(d)] requires the President to proclaim the rate of duty set forth in Column B of the table set forth in that section as the column 2 rate of duty for the subheading of the Harmonized Tariff Schedule of the United States (“HTS”) [see 19 U.S.C. 1202] that corresponds to the subheading in Schedule XX listed in Column A.

5. (a) Section 22(f) of the Agricultural Adjustment Act (“the Adjustment Act”) (7 U.S.C. 624(f)), as amended by section 401(a)(1) of the URAA, provides that, as of the date of entry into force of the Agreement Establishing the World Trade Organization (“the WTO Agreement”), no quantitative limitation or fee shall be imposed under that section with respect to any article that is the product of a World Trade Organization member, as defined in section 2(10) of the URAA [19 U.S.C. 3501(10)].

(b) Section 401(a)(2) of the URAA [7 U.S.C. 624 note] further provides that, with respect to wheat, amended section 22(f) of the Adjustment Act (7 U.S.C. 624(f)) shall be effective on the later of the date of entry into force of the WTO Agreement or September 12, 1995.

(c) Accordingly, I have decided that it is necessary to provide for the termination of all quantitative limitations and fees previously proclaimed under section 22 of the Adjustment Act (7 U.S.C. 624), other than those for wheat, as provided in the Annex to this proclamation.

6. (a) Section 404(a) of the URAA [19 U.S.C. 3601(a)] directs the President to take such action as may be necessary in implementing the tariff-rate quotas set out in Schedule XX to ensure that imports of agricultural products do not disrupt the orderly marketing of commodities in the United States.

(b) Section 404(d)(3) of the URAA authorizes the President to allocate the in-quota quantity of a tariff-rate quota for any agricultural product among supplying countries or customs areas and to modify any allocation, as he determines appropriate.

(c) Section 404(d)(5) of the URAA authorizes the President to proclaim additional U.S. note 3 to chapter 17 of the HTS, dealing with imports of sugar, together with appropriate modifications thereto, to reflect Schedule XX.

(d) Section 405 of the URAA [19 U.S.C. 3602] directs the President to cause to be published in the Federal Register the list of special safeguard agricultural goods and, if appropriate, to impose price-based or volume-based safeguards with respect to such goods consistent with Article 5 of the Agreement on Agriculture annexed to the WTO Agreement, and authorizes the President to exempt from any safeguard duty any goods originating in a country that is a party to the North American Free Trade Agreement (“the NAFTA”).

7. Presidential Proclamation No. 6641 of December 15, 1993 [108 Stat. 5134], implemented the NAFTA with respect to the United States and, pursuant to sections 201 and 202 of the North American Free Trade Agreement Implementation Act (“the NAFTA Act”) (19 U.S.C. 3331

and 3332), incorporated in the HTS the tariff modifications and rules of origin necessary or appropriate to carry out or apply the NAFTA. Certain technical errors were made in the Annexes to that proclamation. I have determined that, in order to reflect accurately the intended tariff treatment and rules of origin provided for in the NAFTA, it is necessary to modify certain provisions of the HTS, as set forth in the Annex to this proclamation.

8. Presidential Proclamation No. 6455 of July 2, 1992 [19 U.S.C. 3202 note], implementing the Andean Trade Preference Act ("the ATPA") (19 U.S.C. 3201 *et seq.*), provided duty-free entry for all eligible articles, and duty reductions for certain other articles that are the product of any designated beneficiary country under that Act. Through technical error, the tariff treatment of ethyl alcohol, ethyl tertiary-butyl ether, and mixtures containing these products was incompletely stated. Accordingly, I have decided that it is appropriate to modify the provisions of subchapter I of chapter 99 of the HTS to provide fully for the tariff treatment of such products under the ATPA.

9. Section 242 of the Compact of Free Association ("the Compact") between the United States and Palau provides that, upon implementation of the Compact, the President shall proclaim duty-free entry for most products of designated freely associated states. Such duty-free treatment, pursuant to the Compact of Free Association Approval Act ("the Compact Act") (Public Law 99-658; 100 Stat. 3672, 48 U.S.C. 1681 note [48 U.S.C. 1931 *et seq.*]), is subject to the limitations of section 201 of the Compact Act [48 U.S.C. 1931 note] and sections 503(b) and 504(c) of the Trade Act of 1974 ("the 1974 Act") (19 U.S.C. 2463(b) and 2464(c)). In Presidential Proclamation No. 6726 of September 27, 1994 [48 U.S.C. 1931 note], I proclaimed that the Compact would enter into force on October 1, 1994. In order to accord such duty-free treatment to products of Palau, I have decided that it is necessary and appropriate to modify general note 10 to the HTS to designate the Republic of Palau as a freely associated state. Further, I have decided that it is appropriate to modify general note (a) to the HTS, which enumerates designated beneficiary countries for purposes of the Generalized System of Preferences, to delete Palau from the list of non-independent countries and territories.

10. Presidential Proclamation No. 5759 of December 24, 1987 [102 Stat. 4942], imposed increased rates of duty on certain products of the European Community ("EC"), in response to the EC's implementation of the Council Directive Prohibiting the Use in Livestock Farming of Certain Substances Having a Hormonal Action. Austria, Finland, and Sweden have indicated that they will become member states of the EC on January 1, 1995. Accordingly, to clarify that the increased rates of duty imposed by Proclamation No. 5759 continue to apply to the EC in its capacity as a foreign instrumentality, it is necessary to amend the HTS to indicate that the duties are to be imposed on products of the EC, including products of all new and future member states, and not just on products of countries that were members of the EC in 1987 and that were listed in the HTS for illustrative purposes.

11. Additional U.S. note 24 to chapter 4 of Schedule XX provides for a delay in the effective date, or prorating, of the expansion of tariff-rate quotas for cheeses above the existing quota quantities provided for in subchapter IV of chapter 99 of the HTS that will result from the implementation of United States commitments under the Uruguay Round Agreements, in the case of countries or areas that implement their market access commitments on a date later than the effective date of Schedule XX. The current members of the European Community (Belgium, Denmark, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom), Austria, Poland, Sweden, and Switzerland all have indicated their intention not to implement their market access commitments until July 1, 1995. Accordingly, I have determined, pursuant to my

authority under sections 111(a) and (b) of the URAA [19 U.S.C. 3521(a), (b)] and section 1102 of the 1988 Act (19 U.S.C. 2902), that it is appropriate not to make available the amounts specified in section K of the Annex to this proclamation until July 1, 1995.

12. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 604 of the 1974 Act (19 U.S.C. 2483), section 1102 of the 1988 Act (19 U.S.C. 2902), sections 201 and 202 of the NAFTA Act (19 U.S.C. 3331 and 3332), and title I [19 U.S.C. 3511 *et seq.*] and title IV [see Tables for classification] of the URAA, do hereby proclaim:

(1) In order to provide generally for the tariff treatment being accorded under the Uruguay Round Agreements, including the modification or continuance of existing duties or other import restrictions and the continuance of existing duty-free or excise treatment provided for in Schedule XX, the URAA, and the other authorities cited in this proclamation, including the termination of quantitative limitations and fees previously imposed under section 22 of the Adjustment Act (7 U.S.C. 624), the HTS is modified as set forth in the Annex to this proclamation.

(2)(a) The modifications to the HTS made by sections A (except with respect to paragraphs thereof specifying other effective dates), C, E, and IJ of the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on and after January 1, 1995;

(b) The modifications to the HTS made by sections B, D(1)–(5), F, G, H, and L of the Annex to this proclamation, and by those paragraphs of section A specifying effective dates other than January 1, 1995, shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on and after the dates set forth in such sections of the Annex;

(c) The modifications to the HTS made by section D(6) of the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on and after the dates set forth in such section, unless the United States Trade Representative (USTR) announces that the scheduled staged duty reductions set forth in such Annex section are being withheld because other major countries have not afforded adequate entity coverage under the Agreement on Government Procurement annexed to the WTO Agreement, and so advises the Secretary of the Treasury and publishes this information in a notice in the Federal Register;

(d) The modifications to the HTS made by section D(7) of the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on and after the date announced by the USTR in a notice published in the Federal Register as the date on which other major countries have afforded adequate entity coverage under the Agreement on Government Procurement annexed to the WTO Agreement; and

(e) Section K of the Annex to this proclamation, providing for a delay in implementation of the expansion of tariff-rate quotas of cheeses, applies during the period January 1, 1995, through June 30, 1995, unless the USTR determines that it is in the interest of the United States for any such delays to apply to a different period and publishes notice of the determination and applicable period in the Federal Register. The USTR also is authorized to prorate over the applicable period any of the quantities that may be imported.

(3) The USTR is authorized to exercise my authority under section 404(d)(3) [19 U.S.C. 3601(d)(3)] of the URAA to allocate the in-quota quantity of a tariff-rate quota for any agricultural product among supplying countries

or customs areas and to modify any allocation as the USTR determines appropriate.

(4) The Secretary of Agriculture is authorized to exercise my authority to make determinations under section 405(a) of the URAA [19 U.S.C. 3602(a)] and to publish those determinations in the Federal Register.

(5) Effective January 1, 1995, in order to clarify that the additional duty provided for in subheadings 9903.23.00 through 9903.23.35, inclusive, of the HTS shall apply to new member states of the European Community, the superior text to those subheadings is modified as provided in the Annex to this proclamation. The USTR is authorized to alter the application of the increased duties imposed by Presidential Proclamation No. 5759 [102 Stat. 4942], as modified herein, by further modifying the superior text to those subheadings so that it reflects accurately all member states of the European Community or any successor organization. Notice of any such modification shall be published in the Federal Register.

(6) Whenever the rate of duty in the general sub-column of rates of duty column 1 of the HTS is reduced to “Free”, all rates of duty set forth in the special sub-column of column 1 shall be deleted from the HTS.

(7) The USTR, the Secretary of Agriculture, and the Secretary of the Treasury are authorized to exercise my authority under the statutes cited in this proclamation to perform certain functions to implement this proclamation, as assigned to them in the Annex to this proclamation.

(8) Paragraphs (1)–(4), (6), and (7) shall be effective on January 1, 1995, unless the USTR announces prior to that date that the WTO Agreement will not enter into force on that date.

(9) All provisions of previous proclamations and Executive orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and nineteenth.

WILLIAM J. CLINTON.

ANNEX

The Annex of Proclamation 6763, which amended the Harmonized Tariff Schedule of the United States, is not set out under this section because the Harmonized Tariff Schedule is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

PROC. NO. 6780. TO IMPLEMENT CERTAIN PROVISIONS OF TRADE AGREEMENTS RESULTING FROM URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS, AND FOR OTHER PURPOSES

Proc. No. 6780, Mar. 23, 1995, 60 F.R. 15845, provided:

1. On April 15, 1994, I entered into trade agreements resulting from the Uruguay Round of multilateral trade negotiations (“the Uruguay Round Agreements”). In section 101(a) of the Uruguay Round Agreements Act (“the URAA”) (Public Law 103–465; 108 Stat. 4814) (19 U.S.C. 3511(a)), the Congress approved the Uruguay Round Trade Agreements listed in section 101(d) of that Act.

2. Pursuant to section 101(b) of the URAA [19 U.S.C. 3511(b)], I decided to accept the Agreement Establishing the World Trade Organization (“the WTO Agreement”) on behalf of the United States, and I determined that the WTO Agreement entered into force for the United States on January 1, 1995.

3. (a) Sections 1102(a) and (e) of the Omnibus Trade and Competitiveness Act of 1988, as amended (“the 1988 Act”) (19 U.S.C. 2902(a) and (e)), authorize the President to proclaim such modification or continuance of any existing duty, such continuance of existing duty-free or excise treatment, or such additional duties, as he determines to be required or appropriate to carry out any trade agreement entered into under these sections.

(b) Section 111(a) of the URAA (19 U.S.C. 3521(a)) authorizes the President to proclaim such other modification of any duty, such other staged rate reduction, or such other additional duties beyond those authorized by section 1102 of the 1988 Act (19 U.S.C. 2902) as the President determines to be necessary or appropriate to carry out Schedule XX—United States of America, annexed to the Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994 (“Schedule XX”).

(c) Section 103(a) of the URAA (19 U.S.C. 3513(a)) authorizes the President to proclaim such actions as may be necessary to ensure that any provision or amendment made by the URAA that takes effect on the date that any of the Uruguay Round Agreements enters into force with respect to the United States is appropriately implemented on such date.

4. Proclamation 6763 of December 23, 1994 [set out above], implemented the Uruguay Round Agreements, including Schedule XX, with respect to the United States; and incorporated in the Harmonized Tariff Schedule of the United States (“the HTS”) [see 19 U.S.C. 1202] tariff modifications necessary and appropriate to carry out the Uruguay Round Agreements and certain conforming changes in rules of origin for the North American Free Trade Agreement (“NAFTA”). Certain technical errors, including inadvertent omissions, were made in that proclamation. I have determined that it is necessary, to reflect accurately the intended tariff treatment provided for in the Uruguay Round Agreements and to ensure the continuation of the agreed NAFTA rules of origin, to modify certain provisions of the HTS, as set forth in the Annex to this proclamation.

5. (a) One of the Uruguay Round Agreements approved by the Congress in sections 101(a) and 101(d) of the URAA (19 U.S.C. 3511(a) and (d)) is the Agreement on Trade-Related Aspects of Intellectual Property Rights (“the TRIPs Agreement”).

(b) Section 104A of title 17, United States Code, as amended by section 514 of the URAA, provides for copyright protection in restored works. Section 104A(h), as amended, provides that the date of restoration of a restored copyright shall be the date on which the TRIPs Agreement enters into force with respect to the United States, if the source country is a nation adhering to the Berne Convention or a World Trade Organization (WTO) member on such date.

(c) Article 65, paragraph 1, of the TRIPs Agreement provides that no WTO member shall be obliged to apply the provisions of this Agreement until one year after the date of entry into force of the WTO Agreement. The date of entry into force of the WTO Agreement with respect to the United States was January 1, 1995.

(d) The statement of administrative action, approved by the Congress in section 101(a)(2) of the URAA (19 U.S.C. 3511(a)(2)), provides that, “in general, copyright will be restored on the date when the TRIPs Agreement’s obligations take effect for the United States.”

(e) Accordingly, I have decided that it is necessary and appropriate, in order to implement the TRIPs Agreement and to ensure that section 514 of the URAA [amending sections 104A and 109 of Title 17, Copyrights] is appropriately implemented, to proclaim that the date on which the obligations of the TRIPs Agreement will take effect for the United States is January 1, 1996.

6. (a) Section 902(a)(2) of title 17, United States Code, authorizes the President to extend protection under chapter 9 of title 17, United States Code, to mask works of owners who are nationals, domiciliaries, or sovereign authorities of, and to mask works, which are first commercially exploited in, a foreign nation that grants United States mask work owners substantially the same protection that it grants its own nationals and domiciliaries, or that grants protection to such works on substantially the same basis as does chapter 9 of title 17, United States Code.

(b) Australia, Canada, Japan, Switzerland, and the Member States of the European Community provide adequate and effective protection for mask works within the meaning of 17 U.S.C. 902(a)(2), and have been sub-

ject to interim protection under 17 U.S.C. 914. Consequently, I find that these countries satisfy the requirements of 17 U.S.C. 902(a)(2), and are to be extended full protection under chapter 9 of title 17, United States Code, effective on July 1, 1995.

(c) In addition, 17 U.S.C. 902(a)(1)(A)(ii) provides that mask work owners who are nationals, domiciliaries, or sovereign authorities of a foreign nation that is a party to a treaty affording protection to mask works to which the United States is also a party are eligible for protection under chapter 9 of title 17, United States Code. The TRIPs Agreement, which requires all WTO members to provide protection equivalent to that provided under chapter 9 of title 17 on the basis of national treatment, is such an agreement. Because the United States is a member of the WTO and thus of the TRIPs Agreement, and because the TRIPs Agreement will be effective for the United States on January 1, 1996, all other WTO members will become eligible for full protection under chapter 9 of title 17, United States Code, on January 1, 1996.

7. Section 491 of the Trade Agreements Act of 1979, as amended (“the 1979 Act”) (19 U.S.C. 2578), requires the President to designate an agency to be responsible for informing the public of the sanitary and phytosanitary standard-setting activities of each international standard-setting organization. I have decided to designate the Department of Agriculture as the agency responsible for providing the public with this information.

8. (a) The March 24, 1994, Memorandum of Understanding on the Results of the Uruguay Round Market Access Negotiations on Agriculture Between the United States of America and Argentina (“the MOU”), submitted to the Congress along with the Uruguay Round Agreements, provides for “an appropriate certificate of origin” for imports of peanuts and peanut butter and peanut paste from Argentina.

(b) Proclamation 6763 [set out above] proclaimed the Schedule XX tariff rate quotas for peanuts and peanut butter and peanut paste. However, that proclamation did not specify which agency should implement the MOU.

(c) Section 404 of the URAA (19 U.S.C. 3601) requires the President to take such action as may be necessary to ensure that imports of agricultural products do not disrupt the orderly marketing of commodities in the United States.

(d) Accordingly, I have decided to delegate to the United States Trade Representative (“the USTR”) my authority under section 404 of the URAA to implement the MOU, through such regulations as the USTR, or, at the direction of the USTR, other appropriate agencies, may issue.

9. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483) (“the 1974 Act”), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, of other Acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to section 301 of title 3, United States Code, section 902(a)(1) and (2) of title 17, United States Code, section 604 of the 1974 Act, as amended (19 U.S.C. 2483), section 491 of the 1979 Act, as amended (19 U.S.C. 2578), section 1102 of the 1988 Act, as amended (19 U.S.C. 2902), title I of the URAA (19 U.S.C. 3511–3551), and section 404 of the URAA (19 U.S.C. 3601), do hereby proclaim that:

(1) To more completely implement the tariff treatment accorded under the Uruguay Round Agreements, the HTS is modified as set forth in the Annex to this proclamation.

(2) The obligations of the TRIPs Agreement shall enter into force for the United States on January 1, 1996.

(3) Australia, Canada, Japan, Switzerland, and the Member States of the European Community shall be

extended full protection under chapter 9 of title 17, United States Code, effective on July 1, 1995. In addition, as of January 1, 1996, full protection under chapter 9 of title 17, United States Code, shall be extended to all WTO Members.

(4) The Secretary of Agriculture is designated, under section 491 of the 1979 Act, as amended (19 U.S.C. 2578), as the official responsible for informing the public of the sanitary and phytosanitary standard-setting activities of each international standard-setting organization.

(5) The USTR is authorized to exercise my authority under section 404 of the URAA (19 U.S.C. 3601) to implement the MOU with Argentina, through such regulations as the USTR, or, at the direction of the USTR, other appropriate agencies, may issue.

(6) In order to make conforming changes and technical corrections to certain HTS provisions, pursuant to actions taken in Proclamation 6763 [set out above], the HTS and Proclamation 6763 are modified as set forth in the Annex to this proclamation.

(7) All provisions of previous proclamations and Executive orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(8) This proclamation shall be effective upon publication in the Federal Register.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.

WILLIAM J. CLINTON.

ANNEX

The Annex of Proclamation 6780, which amended the Harmonized Tariff Schedule of the United States, is not set out under this section because the Harmonized Tariff Schedule is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

EX. ORD. NO. 13042. IMPLEMENTING FOR UNITED STATES ARTICLE VIII OF AGREEMENT ESTABLISHING WORLD TRADE ORGANIZATION CONCERNING LEGAL CAPACITY AND PRIVILEGES AND IMMUNITIES

Ex. Ord. No. 13042, Apr. 9, 1997, 62 F.R. 18017, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 101(b) of the Uruguay Round Agreements Act (Public Law 103-465) [19 U.S.C. 3511(b)] and section 1 of the International Organizations Immunities Act (22 U.S.C. 288), I hereby implement for the United States the provisions of Article VIII of the Agreement Establishing the World Trade Organization.

SECTION 1. The provisions of the Convention on the Privileges and Immunities of the Specialized Agencies (U.N. General Assembly Resolution 179 (II) of November 21, 1947, 33 U.N.T.S. 261) shall apply to the World Trade Organization, its officials, and the representatives of its members, provided: (1) sections 19(b) and 15, regarding immunity from taxation, and sections 13(d) and section 20, regarding immunity from national service obligations, shall not apply to U.S. nationals and aliens admitted for permanent residence; (2) with respect to section 13(d) and section 19(c), regarding exemption from immigration restrictions and alien registration requirements, World Trade Organization officials and representatives of its members shall be entitled to the same, and no greater, privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees of foreign governments, and members of their families; (3) with respect to section 9(a) regarding exemption from taxation, such exemption shall not extend to taxes levied on real property, or that portion of real property, which is not used for the purposes of the World Trade Organization. The leasing or renting by the World Trade Organization of its property to another entity or person to generate reve-

nue shall not be considered a use for the purposes of the World Trade Organization. Whether property or portions thereof are used for the purposes of the World Trade Organization shall be determined within the sole discretion of the Secretary of State or the Secretary's designee; (4) with respect to section 25(2)(II) regarding approval of orders to leave the United States, "Foreign Minister" shall mean the Secretary of State or the Secretary's designee.

SEC. 2. In addition and without impairment to the protections extended above, having found that the World Trade Organization is a public international organization in which the United States participates within the meaning of the International Organizations Immunities Act [22 U.S.C. 288 et seq.], I hereby designate the World Trade Organization as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by that Act, except that section 6 of that Act [22 U.S.C. 288c], providing exemption from property tax imposed by, or under the authority of, any Act of Congress, shall not extend to taxes levied on property, or that portion of property, that is not used for the purposes of the World Trade Organization. The leasing or renting by the World Trade Organization of its property to another entity or person to generate revenue shall not be considered a use for the purposes of the World Trade Organization. Whether property or portions thereof are used for the purposes of the World Trade Organization shall be determined within the sole discretion of the Secretary of State or the Secretary's designee. This designation is not intended to abridge in any respect privileges, exemptions, or immunities that the World Trade Organization otherwise enjoys or may acquire by international agreements or by congressional action.

WILLIAM J. CLINTON.

ACCEPTANCE OF WTO AGREEMENT

Memorandum of President of the United States, Dec. 23, 1994, 60 F.R. 1003, provided:

Memorandum for the United States Trade Representative

Being advised that Canada, the European Community, Mexico, Japan, and other major trading countries have committed to acceptance of the Uruguay Round Agreements, I have determined that a sufficient number of foreign countries are accepting the obligations of those Agreements, in accordance with article XIV of the Agreement Establishing the World Trade Organization (WTO Agreement), to ensure the effective operation of, and adequate benefits for the United States under, those Agreements.

Pursuant to section 101(b) of the Uruguay Round Agreements Act (Public Law 103-465; 108 Stat. 4809) [19 U.S.C. 3511(b)] and section 301 of title 3, United States Code, I hereby direct the United States Trade Representative, or his designee, to accept the Uruguay Round Agreements, as described in section 101(d) of that Act, on behalf of the United States in accordance with article XIV of the WTO Agreement.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§ 3512. Relationship of agreements to United States law and State law

(a) Relationship of agreements to United States law

(1) United States law to prevail in conflict

No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

(2) Construction

Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, including any law relating to—

- (i) the protection of human, animal, or plant life or health,
- (ii) the protection of the environment, or
- (iii) worker safety, or

(B) to limit any authority conferred under any law of the United States, including section 2411 of this title,

unless specifically provided for in this Act.

(b) Relationship of agreements to State law

(1) Federal-State consultation

(A) In general

On December 8, 1994, the President shall, through the intergovernmental policy advisory committees on trade established under section 2114c(2)(A) of this title, consult with the States for the purpose of achieving conformity of State laws and practices with the Uruguay Round Agreements.

(B) Federal-State consultation process

The Trade Representative shall establish within the Office of the United States Trade Representative a Federal-State consultation process for addressing issues relating to the Uruguay Round Agreements that directly relate to, or will potentially have a direct effect on, the States. The Federal-State consultation process shall include procedures under which—

(i) the States will be informed on a continuing basis of matters under the Uruguay Round Agreements that directly relate to, or will potentially have a direct impact on, the States;

(ii) the States will be provided an opportunity to submit, on a continuing basis, to the Trade Representative information and advice with respect to matters referred to in clause (i); and

(iii) the Trade Representative will take into account the information and advice received from the States under clause (ii) when formulating United States positions regarding matters referred to in clause (i).

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Federal-State consultation process established by this paragraph.

(C) Federal-State cooperation in WTO dispute settlement

(i) When a WTO member requests consultations with the United States under Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 3511(d)(16) of this title (hereafter in this subsection referred to as the "Dispute Settlement Understanding") concerning whether the law of a State is inconsistent with the obligations undertaken by the United States in any of the Uruguay Round Agreements, the Trade Representative shall notify the Governor of the State or the Governor's designee, and the chief legal officer of the jurisdiction whose law is the subject of the consultations, as soon as

possible after the request is received, but in no event later than 7 days thereafter.

(ii) Not later than 30 days after receiving such a request for consultations, the Trade Representative shall consult with representatives of the State concerned regarding the matter. If the consultations involve the laws of a large number of States, the Trade Representative may consult with an appropriate group of representatives of the States concerned, as determined by those States.

(iii) The Trade Representative shall make every effort to ensure that the State concerned is involved in the development of the position of the United States at each stage of the consultations and each subsequent stage of dispute settlement proceedings regarding the matter. In particular, the Trade Representative shall—

(I) notify the State concerned not later than 7 days after a WTO member requests the establishment of a dispute settlement panel or gives notice of the WTO member's decision to appeal a report by a dispute settlement panel regarding the matter; and

(II) provide the State concerned with the opportunity to advise and assist the Trade Representative in the preparation of factual information and argumentation for any written or oral presentations by the United States in consultations or in proceedings of a panel or the Appellate Body regarding the matter.

(iv) If a dispute settlement panel or the Appellate Body finds that the law of a State is inconsistent with any of the Uruguay Round Agreements, the Trade Representative shall consult with the State concerned in an effort to develop a mutually agreeable response to the report of the panel or the Appellate Body and shall make every effort to ensure that the State concerned is involved in the development of the United States position regarding the response.

(D) Notice to States regarding consultations on foreign subcentral government laws

(i) Subject to clause (ii), the Trade Representative shall, at least 30 days before making a request for consultations under Article 4 of the Dispute Settlement Understanding regarding a subcentral government measure of another WTO member, notify, and solicit the views of, appropriate representatives of each State regarding the matter.

(ii) In exigent circumstances clause (i) shall not apply, in which case the Trade Representative shall notify the appropriate representatives of each State not later than 3 days after making the request for consultations referred to in clause (i).

(2) Legal challenge

(A) In general

No State law, or the application of such a State law, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with any of the Uruguay Round Agreements,

except in an action brought by the United States for the purpose of declaring such law or application invalid.

(B) Procedures governing action

In any action described in subparagraph (A) that is brought by the United States against a State or any subdivision thereof—

(i) a report of a dispute settlement panel or the Appellate Body convened under the Dispute Settlement Understanding regarding the State law, or the law of any political subdivision thereof, shall not be considered as binding or otherwise accorded deference;

(ii) the United States shall have the burden of proving that the law that is the subject of the action, or the application of that law, is inconsistent with the agreement in question;

(iii) any State whose interests may be impaired or impeded in the action shall have the unconditional right to intervene in the action as a party, and the United States shall be entitled to amend its complaint to include a claim or cross-claim concerning the law of a State that so intervenes; and

(iv) any State law that is declared invalid shall not be deemed to have been invalid in its application during any period before the court's judgment becomes final and all timely appeals, including discretionary review, of such judgment are exhausted.

(C) Reports to congressional committees

At least 30 days before the United States brings an action described in subparagraph (A), the Trade Representative shall provide a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(i) describing the proposed action;

(ii) describing efforts by the Trade Representative to resolve the matter with the State concerned by other means; and

(iii) if the State law was the subject of consultations under the Dispute Settlement Understanding, certifying that the Trade Representative has substantially complied with the requirements of paragraph (1)(C) in connection with the matter.

Following the submission of the report, and before the action is brought, the Trade Representative shall consult with the committees referred to in the preceding sentence concerning the matter.

(3) "State law" defined

For purposes of this subsection—

(A) the term "State law" includes—

(i) any law of a political subdivision of a State; and

(ii) any State law regulating or taxing the business of insurance; and

(B) the terms "dispute settlement panel" and "Appellate Body" have the meanings given those terms in section 3531 of this title.

(c) Effect of agreement with respect to private remedies**(1) Limitations**

No person other than the United States—

(A) shall have any cause of action or defense under any of the Uruguay Round Agreements or by virtue of congressional approval of such an agreement, or

(B) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with such agreement.

(2) Intent of Congress

It is the intention of the Congress through paragraph (1) to occupy the field with respect to any cause of action or defense under or in connection with any of the Uruguay Round Agreements, including by precluding any person other than the United States from bringing any action against any State or political subdivision thereof or raising any defense to the application of State law under or in connection with any of the Uruguay Round Agreements—

(A) on the basis of a judgment obtained by the United States in an action brought under any such agreement; or

(B) on any other basis.

(d) Statement of administrative action

The statement of administrative action approved by the Congress under section 3511(a) of this title shall be regarded as an authoritative expression by the United States concerning the interpretation and application of the Uruguay Round Agreements and this Act in any judicial proceeding in which a question arises concerning such interpretation or application.

(Pub. L. 103-465, title I, §102, Dec. 8, 1994, 108 Stat. 4815.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(2) and (d), is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809, known as the Uruguay Round Agreements Act. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (b)(1)(B), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 3513. Implementing actions in anticipation of entry into force; regulations**(a) Implementing actions**

After December 8, 1994—

(1) the President may proclaim such actions, and

(2) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date any of the Uruguay Round Agreements enters into force with respect to the United States is appro-

priately implemented on such date. Such proclamation or regulation may not have an effective date earlier than the date of entry into force with respect to the United States of the agreement to which the proclamation or regulation relates.

(b) Regulations

Any interim regulation necessary or appropriate to carry out any action proposed in the statement of administrative action approved under section 3511(a) of this title to implement an agreement described in section 3511(d)(7), (12), or (13) of this title shall be issued not later than 1 year after the date on which the agreement enters into force with respect to the United States.

(Pub. L. 103-465, title I, §103, Dec. 8, 1994, 108 Stat. 4819.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809, known as the Uruguay Round Agreements Act. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of this title and Tables.

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

PART B—TARIFF MODIFICATIONS

§ 3521. Tariff modifications**(a) In general**

In addition to the authority provided by section 2902 of this title, the President shall have the authority to proclaim—

- (1) such other modification of any duty,
- (2) such other staged rate reduction, or
- (3) such additional duties,

as the President determines to be necessary or appropriate to carry out Schedule XX.

(b) Other tariff modifications

Subject to the consultation and layover requirements of section 3524 of this title, the President may proclaim—

(1) the modification of any duty or staged rate reduction of any duty set forth in Schedule XX if—

(A) the United States agrees to such modification or staged rate reduction in a multilateral negotiation under the auspices of the WTO, and

(B) such modification or staged rate reduction applies to the rate of duty on an article contained in a tariff category that was the subject of reciprocal duty elimination or harmonization negotiations during the Uruguay Round of multilateral trade negotiations, and

(2) such modifications as are necessary to correct technical errors in Schedule XX or to make other rectifications to the Schedule.

(c) Authority to increase duties on articles from certain countries

(1) In general

(A) Determination with respect to certain countries

Notwithstanding section 1881 of this title, after the entry into force of the WTO Agreement with respect to the United States, if the President—

(i) determines that a foreign country (other than a foreign country that is a WTO member country) is not according adequate trade benefits to the United States, including substantially equal competitive opportunities for the commerce of the United States, and

(ii) consults with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate,

the President may proclaim an increase in the rate of duty with respect to any article of such country in accordance with subparagraph (B).

(B) Rate of duty described

The President may proclaim a rate of duty on any article of a country identified under subparagraph (A) that is equal to the greater of—

(i) the rate of duty set forth for such article in the base rate of duty column of Schedule XX, or

(ii) the rate of duty set forth for such article in the bound rate of duty column of Schedule XX.

(2) Termination of increased duties

The President shall terminate any increase in the rate of duty proclaimed under this subsection by a proclamation which shall be effective on the earlier of—

(A) the date set out in such proclamation of termination, or

(B) the date the WTO Agreement enters into force with respect to the foreign country with respect to which the determination under paragraph (1) was made.

(3) Publication of determination and termination

The President shall publish in the Federal Register notice of a determination made under paragraph (1) and a termination occurring by reason of paragraph (2).

(d) Adjustments to certain column 2 rates of duty

At such time as the President proclaims any modification to the HTS to implement the provisions of Schedule XX, the President shall also proclaim the rate of duty set forth in Column B as the column 2 rate of duty for the subheading of the HTS that corresponds to the subheading in Schedule XX listed in Column A.

| Column A | Column B |
|-------------------------|---------------------------------------|
| Schedule XX subheading: | Rate of duty for column 2 of the HTS: |
| 0202.10.50 | 31.1% |
| 0202.20.80 | 31.1% |
| 0202.30.80 | 31.1% |
| 0401.30.25 | 90.8¢/liter |
| 0401.30.75 | \$1.936/kg |
| 0402.10.50 | \$1.018/kg |
| 0402.21.25 | \$1.018/kg |
| 0402.21.50 | \$1.285/kg |
| 0402.21.90 | \$1.831/kg |
| 0402.29.50 | \$1.299/kg + 17.5% |
| 0402.91.60 | 36.8¢/kg |
| 0402.99.50 | 58.4¢/kg |
| 0402.99.90 | 54.5¢/kg + 17.5% |
| 0403.10.50 | \$1.217/kg + 20% |
| 0403.90.16 | 90.8¢/liter |
| 0403.90.45 | \$1.03/kg |
| 0403.90.55 | \$1.285/kg |
| 0403.90.65 | \$1.831/kg |
| 0403.90.78 | \$1.936/kg |
| 0403.90.95 | \$1.217/kg + 20% |
| 0404.10.11 | 20% |
| 0404.10.15 | \$1.217/kg + 10% |
| 0404.10.90 | \$1.03/kg |
| 0404.90.30 | 25% |
| 0404.90.50 | \$1.399/kg + 10% |
| 0405.00.40 | \$1.813/kg |
| 0405.00.90 | \$2.194/kg + 10% |
| 0406.10.08 | \$1.775/kg |
| 0406.10.18 | \$2.67/kg |
| 0406.10.28 | \$1.443/kg |
| 0406.10.38 | \$1.241/kg |
| 0406.10.48 | \$2.121/kg |
| 0406.10.58 | \$2.525/kg |
| 0406.10.68 | \$1.631/kg |
| 0406.10.78 | \$1.328/kg |
| 0406.10.88 | \$1.775/kg |
| 0406.20.28 | \$2.67/kg |
| 0406.20.33 | \$1.443/kg |
| 0406.20.39 | \$1.241/kg |
| 0406.20.48 | \$2.121/kg |
| 0406.20.53 | \$2.525/kg |
| 0406.20.63 | \$2.67/kg |
| 0406.20.67 | \$1.443/kg |
| 0406.20.71 | \$1.241/kg |
| 0406.20.75 | \$2.121/kg |
| 0406.20.79 | \$2.525/kg |
| 0406.20.83 | \$1.631/kg |
| 0406.20.87 | \$1.328/kg |
| 0406.20.91 | \$1.775/kg |
| 0406.30.18 | \$2.67/kg |
| 0406.30.28 | \$1.443/kg |
| 0406.30.38 | \$1.241/kg |
| 0406.30.48 | \$2.121/kg |
| 0406.30.53 | \$1.631/kg |
| 0406.30.63 | \$2.67/kg |
| 0406.30.67 | \$1.443/kg |
| 0406.30.71 | \$1.241/kg |
| 0406.30.75 | \$2.121/kg |
| 0406.30.79 | \$2.525/kg |
| 0406.30.83 | \$1.631/kg |
| 0406.30.87 | \$1.328/kg |
| 0406.30.91 | \$1.775/kg |
| 0406.40.70 | \$2.67/kg |
| 0406.90.12 | \$1.443/kg |
| 0406.90.18 | \$2.121/kg |
| 0406.90.33 | \$2.525/kg |
| 0406.90.38 | \$2.525/kg |
| 0406.90.43 | \$2.525/kg |
| 0406.90.48 | \$2.208/kg |
| 0406.90.64 | \$1.241/kg |
| 0406.90.68 | \$2.525/kg |
| 0406.90.74 | \$2.67/kg |
| 0406.90.78 | \$1.443/kg |
| 0406.90.84 | \$1.241/kg |
| 0406.90.88 | \$2.121/kg |
| 0406.90.92 | \$1.631/kg |

| Column A | Column B |
|-------------------------|---------------------------------------|
| Schedule XX subheading: | Rate of duty for column 2 of the HTS: |
| 0201.10.50 | 31.1% |
| 0201.20.80 | 31.1% |
| 0201.30.80 | 31.1% |

| Column A | Column B | Column A | Column B |
|-------------------------|---|-------------------------|---------------------------------------|
| Schedule XX subheading: | Rate of duty for column 2 of the HTS: | Schedule XX subheading: | Rate of duty for column 2 of the HTS: |
| 0406.90.94 | \$1.328/kg | 1901.10.75 | \$1.217/kg + 17.5% |
| 0406.90.97 | \$1.775/kg | 1901.10.85 | \$1.217/kg + 17.5% |
| 1202.10.80 | 192.7% | 1901.20.15 | 49.8¢/kg + 10% |
| 1202.20.80 | 155% | 1901.20.25 | 49.8¢/kg + 10% |
| 1517.90.60 | 40.2¢/kg | 1901.20.35 | 49.8¢/kg + 10% |
| 1701.11.50 | 39.85¢/kg | 1901.20.50 | 49.8¢/kg + 10% |
| 1701.12.10 | 6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg | 1901.20.60 | 49.8¢/kg + 10% |
| | | 1901.20.70 | 49.8¢/kg + 10% |
| | | 1901.90.36 | \$1.328/kg |
| | | 1901.90.42 | 25% |
| | | 1901.90.44 | \$1.217/kg + 16% |
| 1701.12.50 | 42.05¢/kg | 1901.90.46 | 25% |
| 1701.91.10 | 6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg | 1901.90.48 | \$1.217/kg + 16% |
| | | 1901.90.54 | 27.9¢/kg + 10% |
| | | 1901.90.58 | 27.9¢/kg + 10% |
| | | 2008.11.15 | 155% |
| | | 2008.11.35 | 155% |
| 1701.91.30 | 42.05¢/kg | 2008.11.60 | 155% |
| 1701.91.48 | 39.9¢/kg + 6% | 2101.10.38 | 35.9¢/kg + 10% |
| 1701.91.58 | 39.9¢/kg + 6% | 2101.10.48 | 35.9¢/kg + 10% |
| 1701.99.10 | 6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg | 2101.10.58 | 35.9¢/kg + 10% |
| | | 2101.20.38 | 35.9¢/kg + 10% |
| | | 2101.20.48 | 35.9¢/kg + 10% |
| | | 2101.20.58 | 35.9¢/kg + 10% |
| | | 2103.90.78 | 35.9¢/kg + 7.5% |
| 1701.99.50 | 42.05¢/kg | 2105.00.20 | 59¢/kg + 20% |
| 1702.20.28 | 19.9¢/kg of total sugars + 6% | 2105.00.40 | 59¢/kg + 20% |
| 1702.30.28 | 19.9¢/kg of total sugars + 6% | 2106.90.02 | \$1.014/kg |
| 1702.40.28 | 39.9¢/kg of total sugars + 6% | 2106.90.04 | \$2.348/kg |
| 1702.60.28 | 39.9¢/kg of total sugars + 6% | 2106.90.08 | \$2.348/kg |
| 1702.90.10 | 6.58170¢/kg of total sugars | 2106.90.11 | 6.58170¢/kg of total sugars |
| 1702.90.20 | 42.05¢/kg | 2106.90.12 | 42.05¢/kg |
| 1702.90.58 | 39.9¢/kg of total sugars + 6% | 2106.90.34 | 82.8¢/kg + 10% |
| 1702.90.68 | 39.9¢/kg + 6% | 2106.90.38 | 82.8¢/kg + 10% |
| 1704.90.58 | 47.4¢/kg + 12.2% | 2106.90.44 | 82.8¢/kg + 10% |
| 1704.90.68 | 47.4¢/kg + 12.2% | 2106.90.48 | 82.8¢/kg + 10% |
| 1704.90.78 | 47.4¢/kg + 12.2% | 2106.90.57 | 33.9¢/kg + 10% |
| 1806.10.15 | 25.5¢/kg | 2106.90.67 | 33.9¢/kg + 10% |
| 1806.10.28 | 39.5¢/kg | 2106.90.77 | 33.9¢/kg + 10% |
| 1806.10.38 | 39.5¢/kg | 2106.90.87 | 33.9¢/kg + 10% |
| 1806.10.55 | 39.5¢/kg | 2202.90.28 | 27.6¢/liter + 17.5% |
| 1806.10.75 | 39.5¢/kg | 2309.90.28 | 94.6¢/kg + 7.5% |
| 1806.20.26 | 43.8¢/kg + 5% | 2309.90.48 | 94.6¢/kg + 7.5% |
| 1806.20.28 | 62.1¢/kg + 5% | 2401.10.70 | 85¢/kg |
| 1806.20.36 | 43.8¢/kg + 5% | 2401.10.90 | 85¢/kg |
| 1806.20.38 | 62.1¢/kg + 5% | 2401.20.30 | \$1.21/kg |
| 1806.20.73 | 35.9¢/kg + 10% | 2401.20.45 | \$1.15/kg |
| 1806.20.77 | 35.9¢/kg + 10% | 2401.20.55 | \$1.15/kg |
| 1806.20.82 | 43.8¢/kg + 10% | 2801.30.20 | 37% |
| 1806.20.83 | 62.1¢/kg + 10% | 2805.30.00 | 31.3% |
| 1806.20.87 | 43.8¢/kg + 10% | 2805.40.00 | 5.7% |
| 1806.20.89 | 62.1¢/kg + 10% | 2811.19.10 | 4.9% |
| 1806.20.92 | 43.8¢/kg + 10% | 2818.10.20 | 4.1% |
| 1806.20.93 | 62.1¢/kg + 10% | 2822.00.00 | 1.7% |
| 1806.20.96 | 43.8¢/kg + 10% | 2827.39.20 | 31.9% |
| 1806.20.97 | 62.1¢/kg + 10% | 2833.11.50 | 3.6% |
| 1806.32.06 | 43.8¢/kg + 5% | 2833.27.00 | 4.2% |
| 1806.32.08 | 62.1¢/kg + 5% | 2836.40.20 | 4.8% |
| 1806.32.16 | 43.8¢/kg + 5% | 2836.60.00 | 8.4% |
| 1806.32.18 | 62.1¢/kg + 5% | 2837.20.10 | 5.1% |
| 1806.32.70 | 43.8¢/kg + 7% | 2840.11.00 | 1.2% |
| 1806.32.80 | 62.1¢/kg + 7% | 2840.19.00 | 0.4% |
| 1806.90.08 | 43.8¢/kg + 7% | 2849.20.20 | 1.6% |
| 1806.90.10 | 62.1¢/kg + 7% | 2903.15.00 | 88% |
| 1806.90.18 | 43.8¢/kg + 7% | 2903.16.00 | 33.3% |
| 1806.90.20 | 62.1¢/kg + 7% | 2903.30.05 | 46.3% |
| 1806.90.28 | 43.8¢/kg + 7% | 2906.11.00 | 6.2% |
| 1806.90.30 | 62.1¢/kg + 7% | 2907.12.00 | 48.3% |
| 1806.90.38 | 43.8¢/kg + 7% | 2909.11.00 | 4% |
| 1806.90.40 | 62.1¢/kg + 7% | 2912.11.00 | 12.1% |
| 1806.90.48 | 43.8¢/kg + 7% | 2916.15.10 | 35.2% |
| 1806.90.50 | 62.1¢/kg + 7% | 2916.19.30 | 24.4% |
| 1806.90.58 | 43.8¢/kg + 7% | 2923.20.20 | 33.4% |
| 1806.90.60 | 62.1¢/kg + 7% | 3213.90.00 | 48.6% |
| 1901.10.30 | \$1.217/kg + 17.5% | 3307.10.20 | 81.7% |
| 1901.10.40 | \$1.217/kg + 17.5% | 3307.49.00 | 73.2% |

| Column A | Column B |
|-------------------------|---------------------------------------|
| Schedule XX subheading: | Rate of duty for column 2 of the HTS: |
| 3403.11.20 | 0.4% |
| 3403.19.10 | 0.4% |
| 3506.10.10 | 30.4% |
| 3603.00.30 | 8.3% |
| 3603.00.90 | 0.3% |
| 3604.10.00 | 12.5% |
| 3606.90.30 | 56.7% |
| 3706.10.30 | 7% |
| 3807.00.00 | 0.2% |
| 3823.90.33 | 26.3% |
| 3904.61.00 | 34.1% |
| 3916.90.10 | 40.6% |
| 3920.51.50 | 48.2% |
| 3920.59.80 | 51.7% |
| 3926.90.65 | 8.4% |
| 5201.00.18 | 36.9¢/kg |
| 5201.00.28 | 36.9¢/kg |
| 5201.00.38 | 36.9¢/kg |
| 5201.00.80 | 36.9¢/kg |
| 5202.99.30 | 9.2¢/kg |
| 5203.00.30 | 36.9¢/kg |

(e) Authority to consolidate subheadings and modify column 2 rates of duty for tariff simplification purposes

(1) In general

Whenever the HTS column 1 general rates of duty for 2 or more 8-digit subheadings are at the same level and such subheadings are subordinate to a provision required by the International Convention on the Harmonized Commodity Description and Coding System, the President may proclaim, subject to the consultation and layover requirements of section 3524 of this title, that the goods described in such subheadings be provided for in a single 8-digit subheading of the HTS, and that—

(A) the HTS column 1 general rate of duty for such single subheading be the column 1 general rate of duty common to all such subheadings, and

(B) the HTS column 2 rate of duty for such single subheading be the highest column 2 rate of duty for such subheadings that is in effect on the day before the effective date of such proclamation.

(2) Same level of duty

The provisions of this subsection apply to subheadings described in paragraph (1) that have the same column 1 general rate of duty—

(A) on December 8, 1994, or

(B) after December 8, 1994, as a result of a staged reduction in such column 1 rates of duty.

(Pub. L. 103-465, title I, §111, Dec. 8, 1994, 108 Stat. 4819.)

EFFECTIVE DATE

Section 116 of title I of Pub. L. 103-465 provided that: “(a) IN GENERAL.—Except as provided in section 114(a) [108 Stat. 4827] and subsection (b) of this section, this subtitle [subtitle B (§§111-116)] of title I of Pub. L. 103-465, enacting this part and amending section 1466 of this title and provisions set out as a note under section 1466 of this title] and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995].

“(b) SECTION 115.—Section 115 [enacting section 3524 of this title] takes effect on the date of the enactment of this Act [Dec. 8, 1994].”

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

§ 3522. Liquidation or reliquidation and refund of duty paid on certain entries

(a) Liquidation or reliquidation

Notwithstanding section 1514 of this title or any other provision of law, and subject to subsection (b) of this section, the Secretary of the Treasury shall liquidate or reliquidate the entries listed or otherwise described in subsection (c) of this section and refund any duty or excess duty that was paid, as provided in subsection (c) of this section.

(b) Requests

Liquidation or reliquidation may be made under subsection (a) of this section with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date on which the WTO Agreement enters into force with respect to the United States, that contains sufficient information to enable the Customs Service—

(1) to locate the entry; or

(2) to reconstruct the entry if it cannot be located.

(c) Entries

The entries referred to in subsection (a) of this section are as follows:

(1) Agglomerated stone tiles

Any goods—

(A) for which the importer claimed or would have claimed entry under subheading 6810.19.12 of the HTS on or after October 1, 1990, and before the effective date of a proclamation issued by the President under section 3513(a) of this title with respect to items under such subheading in order to carry out Schedule XX, or

(B) entered on or after January 1, 1989, and before October 1, 1990, for which entry would have been claimed under subheading 6810.19.12 of the HTS on or after October 1, 1990,

shall be liquidated or reliquidated as if the wording of that subheading were “Of stone agglomerated with binders other than cement”, and the Secretary of the Treasury shall refund any excess duties paid with respect to such entries.

(2) Clomiphene citrate

(A) Any entry, or withdrawal from warehouse for consumption, of goods described in heading 9902.29.95 of the HTS (relating to clomiphene citrate) which was made after December 31, 1988, and before January 1, 1993, and with respect to which there would have been no duty if the reference to subheading “2922.19.15” in such heading were a reference to subheading “2922.19.15 or any subheading of chapter 30” at the time of such entry or withdrawal, shall be liquidated or reliquidated as free of duty.

(B) The Secretary of the Treasury shall refund any duties paid with respect to entries described in subparagraph (A).

(Pub. L. 103-465, title I, §113, Dec. 8, 1994, 108 Stat. 4826.)

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

§ 3523. Duty free treatment for octadecyl isocyanate and 5-Chloro-2-(2,4-dichlorophenoxy)phenol

The President—

(1) shall proclaim duty-free entry for octadecyl isocyanate and 5-Chloro-2-(2,4-dichlorophenoxy)phenol, to be effective on the effective date of the proclamation issued by the President under section 3513(a) of this title to carry out Schedule XX, and

(2) shall take such actions as are necessary to reflect such tariff treatment in Schedule XX.

(Pub. L. 103-465, title I, §114(b), Dec. 8, 1994, 108 Stat. 4827.)

§ 3524. Consultation and layover requirements for, and effective date of, proclaimed actions

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 2155 of this title, and

(B) the International Trade Commission;

(2) the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth—

(A) the action proposed to be proclaimed and the reasons for such actions, and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of paragraphs (1) and (2) with respect to such action, has expired; and

(4) the President has consulted with such committees regarding the proposed action during the period referred to in paragraph (3).

(Pub. L. 103-465, title I, §115, Dec. 8, 1994, 108 Stat. 4828.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809, known as the Uruguay Round Agreements Act. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of this title and Tables.

DELEGATION OF AUTHORITY

Functions of President under this section delegated to the United States Trade Representative by par. (4) of Proc. No. 6969, Jan. 27, 1997, 62 F.R. 4417.

Authority of President to perform certain functions in order to fulfill consultation and layover requirements set forth in this section delegated to United States Trade Representative by Memorandum of President of the United States, Sept. 29, 1995, 60 F.R. 52061, set out as a note under section 3313 of this title.

PART C—URUGUAY ROUND IMPLEMENTATION AND DISPUTE SETTLEMENT

§ 3531. Definitions

For purposes of this part:

(1) Administering authority

The term “administering authority” has the meaning given that term in section 1677(1) of this title.

(2) Appellate Body

The term “Appellate Body” means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

(3) Appropriate congressional committees; congressional committees

(A) Appropriate congressional committees

The term “appropriate congressional committees” means the committees referred to in subparagraph (B) and any other committees of the Congress that have jurisdiction involving the matter with respect to which consultations are to be held.

(B) Congressional committees

The term “congressional committees” means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(4) Dispute settlement panel; panel

The terms “dispute settlement panel” and “panel” mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(5) Dispute Settlement Body

The term “Dispute Settlement Body” means the Dispute Settlement Body administering the rules and procedures set forth in the Dispute Settlement Understanding.

(6) Dispute Settlement Understanding

The term “Dispute Settlement Understanding” means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 3511(d)(16) of this title.

(7) General Council

The term “General Council” means the General Council established under paragraph 2 of Article IV of the WTO Agreement.

(8) Ministerial Conference

The term “Ministerial Conference” means the Ministerial Conference established under paragraph 1 of Article IV of the WTO Agreement.

(9) Other terms

The terms “Antidumping Agreement”, “Agreement on Subsidies and Countervailing Measures”, and “Safeguards Agreement” mean the agreements referred to in section 3511(d)(7), (12), and (13) of this title, respectively.

(Pub. L. 103-465, title I, §121, Dec. 8, 1994, 108 Stat. 4828.)

REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle C (§§121 to 130) of title I of Pub. L. 103-465, which enacted this part, amended sections 1516a, 2155, and 2254 of this title, and enacted provisions set out below. For complete classification of subtitle C to the Code, see Tables.

EFFECTIVE DATE

Section 130 of title I of Pub. L. 103-465 provided that: “This subtitle [subtitle C (§§121-130) of title I of Pub. L. 103-465, enacting this part and amending sections 1516a, 2155, and 2254 of this title] and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995].”

§ 3532. Implementation of Uruguay Round Agreements**(a) Decisionmaking**

In the implementation of the Uruguay Round Agreements and the functioning of the World Trade Organization, it is the objective of the United States to ensure that the Ministerial Conference and the General Council continue the practice of decisionmaking by consensus followed under the GATT 1947, as required by paragraph 1 of article IX of the WTO Agreement.

(b) Consultations with congressional committees

In furtherance of the objective set forth in subsection (a) of this section, the Trade Representative shall consult with the appropriate congressional committees before any vote is taken by the Ministerial Conference or the General Council relating to—

- (1) the adoption of an interpretation of the WTO Agreement or another multilateral trade agreement,
- (2) the amendment of any such agreement,
- (3) the granting of a waiver of any obligation under any such agreement,
- (4) the adoption of any amendment to the rules or procedures of the Ministerial Conference or the General Council,
- (5) the accession of a state or separate customs territory to the WTO Agreement, or
- (6) the adoption of any other decision,

if the action described in paragraph (1), (2), (3), (4), (5), or (6) would substantially affect the rights or obligations of the United States under the WTO Agreement or another multilateral trade agreement or potentially entails a change in Federal or State law.

(c) Report on decisions**(1) In general**

Not later than 30 days after the end of any calendar year in which the Ministerial Conference or the General Council adopts by vote any decision to take any action described in paragraph (1), (2), (4), or (6) of subsection (b) of this section, the Trade Representative shall submit a report to the appropriate congressional committees describing—

- (A) the nature of the decision;
- (B) the efforts made by the United States to have the matter decided by consensus pursuant to paragraph 1 of article IX of the WTO Agreement, and the results of those efforts;
- (C) which countries voted for, and which countries voted against, the decision;
- (D) the rights or obligations of the United States affected by the decision and any Federal or State law that would be amended or repealed, if the President after consultation with the Congress determined that such amendment or repeal was an appropriate response; and
- (E) the action the President intends to take in response to the decision or, if the President does not intend to take any action, the reasons therefor.

(2) Additional reporting requirements**(A) Grant of waiver**

In the case of a decision to grant a waiver described in subsection (b)(3) of this section, the report under paragraph (1) shall describe the terms and conditions of the waiver and the rights and obligations of the United States that are affected by the waiver.

(B) Accession

In the case of a decision on accession described in subsection (b)(5) of this section, the report under paragraph (1) shall state whether the United States intends to invoke Article XIII of the WTO Agreement.

(d) Consultation on report

Promptly after the submission of a report under subsection (c) of this section, the Trade Representative shall consult with the appropriate congressional committees with respect to the report.

(Pub. L. 103-465, title I, §122, Dec. 8, 1994, 108 Stat. 4829.)

§ 3533. Dispute settlement panels and procedures**(a) Review by President**

The President shall review annually the WTO panel roster and shall include the panel roster and the list of persons serving on the Appellate Body in the annual report submitted by the President under section 2213(a) of this title.

(b) Qualifications of appointees to panels

The Trade Representative shall—

- (1) seek to ensure that persons appointed to the WTO panel roster are well-qualified, and that the roster includes persons with expertise in the subject areas covered by the Uruguay Round Agreements; and

(2) inform the President of persons nominated to the roster by other WTO member countries.

(c) Rules governing conflicts of interest

The Trade Representative shall seek the establishment by the General Council and the Dispute Settlement Body of rules governing conflicts of interest by persons serving on panels and members of the Appellate Body and shall describe, in the annual report submitted under section 3534 of this title, any progress made in establishing such rules.

(d) Notification of disputes

Promptly after a dispute settlement panel is established to consider the consistency of Federal or State law with any of the Uruguay Round Agreements, the Trade Representative shall notify the appropriate congressional committees of—

(1) the nature of the dispute, including the matters set forth in the request for the establishment of the panel, the legal basis of the complaint, and the specific measures, in particular any State or Federal law cited in the request for establishment of the panel;

(2) the identity of the persons serving on the panel; and

(3) whether there was any departure from the rule of consensus with respect to the selection of persons to serve on the panel.

(e) Notice of appeals of panel reports

If an appeal is taken of a report of a panel in a proceeding described in subsection (d) of this section, the Trade Representative shall, promptly after the notice of appeal is filed, notify the appropriate congressional committees of—

(1) the issues under appeal; and

(2) the identity of the persons serving on the Appellate Body who are reviewing the report of the panel.

(f) Actions upon circulation of reports

Promptly after the circulation of a report of a panel or of the Appellate Body to WTO members in a proceeding described in subsection (d) of this section, the Trade Representative shall—

(1) notify the appropriate congressional committees of the report;

(2) in the case of a report of a panel, consult with the appropriate congressional committees concerning the nature of any appeal that may be taken of the report; and

(3) if the report is adverse to the United States, consult with the appropriate congressional committees concerning whether to implement the report's recommendation and, if so, the manner of such implementation and the period of time needed for such implementation.

(g) Requirements for agency action

(1) Changes in agency regulations or practice

In any case in which a dispute settlement panel or the Appellate Body finds in its report that a regulation or practice of a department or agency of the United States is inconsistent with any of the Uruguay Round Agreements, that regulation or practice may not be amended, rescinded, or otherwise modified in the implementation of such report unless and until—

(A) the appropriate congressional committees have been consulted under subsection (f) of this section;

(B) the Trade Representative has sought advice regarding the modification from relevant private sector advisory committees established under section 2155 of this title;

(C) the head of the relevant department or agency has provided an opportunity for public comment by publishing in the Federal Register the proposed modification and the explanation for the modification;

(D) the Trade Representative has submitted to the appropriate congressional committees a report describing the proposed modification, the reasons for the modification, and a summary of the advice obtained under subparagraph (B) with respect to the modification;

(E) the Trade Representative and the head of the relevant department or agency have consulted with the appropriate congressional committees on the proposed contents of the final rule or other modification; and

(F) the final rule or other modification has been published in the Federal Register.

(2) Effective date of modification

A final rule or other modification to which paragraph (1) applies may not go into effect before the end of the 60-day period beginning on the date on which consultations under paragraph (1)(E) begin, unless the President determines that an earlier effective date is in the national interest.

(3) Vote by congressional committees

During the 60-day period described in paragraph (2), the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate may vote to indicate the agreement or disagreement of the committee with the proposed contents of the final rule or other modification. Any such vote shall not be binding on the department or agency which is implementing the rule or other modification.

(4) Inapplicability to ITC

This subsection does not apply to any regulation or practice of the International Trade Commission.

(h) Consultations regarding review of WTO rules and procedures

Before the review is conducted of the dispute settlement rules and procedures of the WTO that is provided for in the Decision on the Application of the Understanding on Rules and Procedures Governing the Settlement of Disputes, as such decision is set forth in the Ministerial Declarations and Decisions adopted on April 15, 1994, together with the Uruguay Round Agreements, the Trade Representative shall consult with the congressional committees regarding the policy of the United States concerning the review.

(Pub. L. 103-465, title I, §123, Dec. 8, 1994, 108 Stat. 4830.)

§ 3534. Annual report on WTO

Not later than March 1 of each year beginning in 1996, the Trade Representative shall submit to

the Congress a report describing, for the preceding fiscal year of the WTO—

(1) the major activities and work programs of the WTO, including the functions and activities of the committees established under article IV of the WTO Agreement, and the expenditures made by the WTO in connection with those activities and programs;

(2) the percentage of budgetary assessments by the WTO that were accounted for by each WTO member country, including the United States;

(3) the total number of personnel employed or retained by the Secretariat of the WTO, and the number of professional, administrative, and support staff of the WTO;

(4) for each personnel category described in paragraph (3), the number of citizens of each country, and the average salary of the personnel, in that category;

(5) each report issued by a panel or the Appellate Body in a dispute settlement proceeding regarding Federal or State law, and any efforts by the Trade Representative to provide for implementation of the recommendations contained in a report that is adverse to the United States;

(6) each proceeding before a panel or the Appellate Body that was initiated during that fiscal year regarding Federal or State law, the status of the proceeding, and the matter at issue;

(7) the status of consultations with any State whose law was the subject of a report adverse to the United States that was issued by a panel or the Appellate Body; and

(8) any progress achieved in increasing the transparency of proceedings of the Ministerial Conference and the General Council, and of dispute settlement proceedings conducted pursuant to the Dispute Settlement Understanding.

(Pub. L. 103-465, title I, §124, Dec. 8, 1994, 108 Stat. 4832.)

§ 3535. Review of participation in WTO

(a) Report on operation of WTO

The first annual report submitted to the Congress under section 3534 of this title—

(1) after the end of the 5-year period beginning on the date on which the WTO Agreement enters into force with respect to the United States, and

(2) after the end of every 5-year period thereafter,

shall include an analysis of the effects of the WTO Agreement on the interests of the United States, the costs and benefits to the United States of its participation in the WTO, and the value of the continued participation of the United States in the WTO.

(b) Congressional disapproval of U.S. participation in WTO

(1) General rule

The approval of the Congress, provided under section 3511(a) of this title, of the WTO Agreement shall cease to be effective if, and only if, a joint resolution described in sub-

section (c) of this section is enacted into law pursuant to the provisions of paragraph (2).

(2) Procedural provisions

(A) The requirements of this paragraph are met if the joint resolution is enacted under subsection (c) of this section, and—

(i) the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 2194(b) of this title), beginning on the date on which the Congress receives a report referred to in subsection (a) of this section, and

(ii) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in clause (i) or the last day of the 15-day period (excluding any day described in section 2194(b) of this title) beginning on the date on which the Congress receives the veto message from the President.

(B) A joint resolution to which this section applies may be introduced at any time on or after the date on which the President transmits to the Congress a report described in subsection (a) of this section, and before the end of the 90-day period referred to in subparagraph (A).

(c) Joint resolutions

(1) Joint resolutions

For purposes of this section, the term “joint resolution” means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: “That the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.”

(2) Procedures

(A) Joint resolutions may be introduced in either House of the Congress by any member of such House.

(B) Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 2192 of this title apply to joint resolutions to the same extent as such provisions apply to resolutions under such section.

(C) If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 2194(b) of this title), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (C); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (C).

(E) A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) Consideration of second resolution not in order

It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

(d) Rules of House of Representatives and Senate

This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(Pub. L. 103-465, title I, §125, Dec. 8, 1994, 108 Stat. 4833.)

REFERENCES IN TEXT

Sections 101(a) and 2(9) of the Uruguay Round Agreements Act, referred to in subsec. (c)(1), are classified to sections 3511(a) and 3501(9), respectively, of this title.

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

§ 3536. Increased transparency

The Trade Representative shall seek the adoption by the Ministerial Conference and General Council of procedures that will ensure broader application of the principle of transparency and clarification of the costs and benefits of trade policy actions, through the observance of open and equitable procedures in trade matters by the Ministerial Conference and the General Council, and by the dispute settlement panels and the Appellate Body under the Dispute Settlement Understanding.

(Pub. L. 103-465, title I, §126, Dec. 8, 1994, 108 Stat. 4834.)

§ 3537. Access to WTO dispute settlement process

(a) In general

Whenever the United States is a party before a dispute settlement panel established pursuant to Article 6 of the Dispute Settlement Understanding, the Trade Representative shall, at each stage of the proceeding before the panel or the Appellate Body, consult with the appro-

appropriate congressional committees, the petitioner (if any) under section 2412(a) of this title with respect to the matter that is the subject of the proceeding, and relevant private sector advisory committees established under section 2155 of this title, and shall consider the views of representatives of appropriate interested private sector and nongovernmental organizations concerning the matter.

(b) Notice and public comment

In any proceeding described in subsection (a) of this section, the Trade Representative shall—

(1) promptly after requesting the establishment of a panel, or receiving a request from another WTO member country for the establishment of a panel, publish a notice in the Federal Register—

(A) identifying the initial parties to the dispute,

(B) setting forth the major issues raised by the country requesting the establishment of a panel and the legal basis of the complaint,

(C) identifying the specific measures, including any State or Federal law cited in the request for establishment of the panel, and

(D) seeking written comments from the public concerning the issues raised in the dispute; and

(2) take into account any advice received from appropriate congressional committees and relevant private sector advisory committees referred to in subsection (a) of this section, and written comments received pursuant to paragraph (1)(D), in preparing United States submissions to the panel or the Appellate Body.

(c) Access to documents

In each proceeding described in subsection (a) of this section, the Trade Representative shall—

(1) make written submissions by the United States referred to in subsection (b) of this section available to the public promptly after they are submitted to the panel or Appellate Body, except that the Trade Representative is authorized to withhold from disclosure any information contained in such submissions identified by the provider of the information as proprietary information or information treated as confidential by a foreign government;

(2) request each other party to the dispute to permit the Trade Representative to make that party's written submissions to the panel or the Appellate Body available to the public; and

(3) make each report of the panel or the Appellate Body available to the public promptly after it is circulated to WTO members, and inform the public of such availability.

(d) Requests for nonconfidential summaries

In any dispute settlement proceeding conducted pursuant to the Dispute Settlement Understanding, the Trade Representative shall request each party to the dispute to provide nonconfidential summaries of its written submissions, if that party has not made its written submissions public, and shall make those summaries available to the public promptly after receiving them.

(e) Public file

The Trade Representative shall maintain a file accessible to the public on each dispute settlement proceeding to which the United States is a party that is conducted pursuant to the Dispute Settlement Understanding. The file shall include all United States submissions in the proceeding and a listing of any submissions to the Trade Representative from the public with respect to the proceeding, as well as the report of the dispute settlement panel and the report of the Appellate Body.

(Pub. L. 103-465, title I, §127, Dec. 8, 1994, 108 Stat. 4835.)

CODIFICATION

Section is comprised of section 127 of Pub. L. 103-465. Subsec. (f) of section 127 of Pub. L. 103-465 amended section 2155 of this title.

§ 3538. Administrative action following WTO panel reports**(a) Action by United States International Trade Commission****(1) Advisory report**

If a dispute settlement panel finds in an interim report under Article 15 of the Dispute Settlement Understanding, or the Appellate Body finds in a report under Article 17 of that Understanding, that an action by the International Trade Commission in connection with a particular proceeding is not in conformity with the obligations of the United States under the Antidumping Agreement, the Safeguards Agreement, or the Agreement on Subsidies and Countervailing Measures, the Trade Representative may request the Commission to issue an advisory report on whether title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.] or title II of the Trade Act of 1974 [19 U.S.C. 2251 et seq.], as the case may be, permits the Commission to take steps in connection with the particular proceeding that would render its action not inconsistent with the findings of the panel or the Appellate Body concerning those obligations. The Trade Representative shall notify the congressional committees of such request.

(2) Time limits for report

The Commission shall transmit its report under paragraph (1) to the Trade Representative—

(A) in the case of an interim report described in paragraph (1), within 30 calendar days after the Trade Representative requests the report; and

(B) in the case of a report of the Appellate Body, within 21 calendar days after the Trade Representative requests the report.

(3) Consultations on request for Commission determination

If a majority of the Commissioners issues an affirmative report under paragraph (1), the Trade Representative shall consult with the congressional committees concerning the matter.

(4) Commission determination

Notwithstanding any provision of the Tariff Act of 1930 [19 U.S.C. 1202 et seq.] or title II of

the Trade Act of 1974 [19 U.S.C. 2251 et seq.], if a majority of the Commissioners issues an affirmative report under paragraph (1), the Commission, upon the written request of the Trade Representative, shall issue a determination in connection with the particular proceeding that would render the Commission's action described in paragraph (1) not inconsistent with the findings of the panel or Appellate Body. The Commission shall issue its determination not later than 120 days after the request from the Trade Representative is made.

(5) Consultations on implementation of Commission determination

The Trade Representative shall consult with the congressional committees before the Commission's determination under paragraph (4) is implemented.

(6) Revocation of order

If, by virtue of the Commission's determination under paragraph (4), an antidumping or countervailing duty order with respect to some or all of the imports that are subject to the action of the Commission described in paragraph (1) is no longer supported by an affirmative Commission determination under title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.] or this subsection, the Trade Representative may, after consulting with the congressional committees under paragraph (5), direct the administering authority to revoke the antidumping or countervailing duty order in whole or in part.

(b) Action by administering authority**(1) Consultations with administering authority and congressional committees**

Promptly after a report by a dispute settlement panel or the Appellate Body is issued that contains findings that an action by the administering authority in a proceeding under title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.] is not in conformity with the obligations of the United States under the Antidumping Agreement or the Agreement on Subsidies and Countervailing Measures, the Trade Representative shall consult with the administering authority and the congressional committees on the matter.

(2) Determination by administering authority

Notwithstanding any provision of the Tariff Act of 1930 [19 U.S.C. 1202 et seq.], the administering authority shall, within 180 days after receipt of a written request from the Trade Representative, issue a determination in connection with the particular proceeding that would render the administering authority's action described in paragraph (1) not inconsistent with the findings of the panel or the Appellate Body.

(3) Consultations before implementation

Before the administering authority implements any determination under paragraph (2), the Trade Representative shall consult with the administering authority and the congressional committees with respect to such determination.

(4) Implementation of determination

The Trade Representative may, after consulting with the administering authority and

the congressional committees under paragraph (3), direct the administering authority to implement, in whole or in part, the determination made under paragraph (2).

(c) Effects of determinations; notice of implementation

(1) Effects of determinations

Determinations concerning title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.] that are implemented under this section shall apply with respect to unliquidated entries of the subject merchandise (as defined in section 771 of that Act [19 U.S.C. 1677]) that are entered, or withdrawn from warehouse, for consumption on or after—

(A) in the case of a determination by the Commission under subsection (a)(4) of this section, the date on which the Trade Representative directs the administering authority under subsection (a)(6) of this section to revoke an order pursuant to that determination, and

(B) in the case of a determination by the administering authority under subsection (b)(2) of this section, the date on which the Trade Representative directs the administering authority under subsection (b)(4) of this section to implement that determination.

(2) Notice of implementation

(A) The administering authority shall publish in the Federal Register notice of the implementation of any determination made under this section with respect to title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.].

(B) The Trade Representative shall publish in the Federal Register notice of the implementation of any determination made under this section with respect to title II of the Trade Act of 1974 [19 U.S.C. 2251 et seq.].

(d) Opportunity for comment by interested parties

Prior to issuing a determination under this section, the administering authority or the Commission, as the case may be, shall provide interested parties with an opportunity to submit written comments and, in appropriate cases, may hold a hearing, with respect to the determination.

(Pub. L. 103-465, title I, §129, Dec. 8, 1994, 108 Stat. 4836.)

REFERENCES IN TEXT

The Tariff Act of 1930, referred to in subsecs. (a)(1), (4), (6), (b)(1), (2), and (c)(1), (2)(A), is act June 17, 1930, ch. 497, 46 Stat. 590, as amended, which is classified generally to chapter 4 (§1202 et seq.) of this title. Title VII of the Act is classified generally to subtitle IV (§1671 et seq.) of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

The Trade Act of 1974, referred to in subsecs. (a)(1), (4) and (c)(2)(B), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, as amended. Title II of the Act is classified generally to subchapter II (§2251 et seq.) of chapter 12 of this title. For complete classification of this Act to the Code, see section 2101 of this title and Tables.

CODIFICATION

Section is comprised of section 129 of Pub. L. 103-465. Subsecs. (a)(7) and (e) of section 129 of Pub. L. 103-465

amended sections 2254 and 1516a, respectively, of this title.

§ 3539. Fund for WTO dispute settlements

(a) Establishment of fund

There is established in the Treasury a fund for the payment of settlements under this section.

(b) Authority of USTR to pay settlements

Amounts in the fund established under subsection (a) of this section shall be available, as provided in appropriations Acts, only for the payment by the United States Trade Representative of the amount of the total or partial settlement of any dispute pursuant to proceedings under the auspices of the World Trade Organization, if—

(1) in the case of a total or partial settlement in an amount of not more than \$10,000,000, the Trade Representative certifies to the Secretary of the Treasury that the settlement is in the best interests of the United States; and

(2) in the case of a total or partial settlement in an amount of more than \$10,000,000, the Trade Representative certifies to the Congress that the settlement is in the best interests of the United States.

(c) Appropriations

There are authorized to be appropriated to the fund established under subsection (a) of this section—

(1) \$50,000,000; and

(2) amounts equivalent to amounts recovered by the United States pursuant to the settlement of disputes pursuant to proceedings under the auspices of the World Trade Organization.

Amounts appropriated to the fund are authorized to remain available until expended.

(d) Management of fund

Sections 9601 and 9602(b) of title 26 shall apply to the fund established under subsection (a) of this section to the same extent as such provisions apply to trust funds established under subchapter A of chapter 98 of such title.

(Pub. L. 107-210, div. E, title L, §5201, Aug. 6, 2002, 116 Stat. 1047.)

CODIFICATION

Section was enacted as part of the Trade Act of 2002, and not as part of the Uruguay Round Agreements Act which enacted this chapter.

PART D—RELATED PROVISIONS

§ 3551. Working party on worker rights

(a) In general

The President shall seek the establishment in the GATT 1947, and, upon entry into force of the WTO Agreement with respect to the United States, in the WTO, of a working party to examine the relationship of internationally recognized worker rights, as defined in section 2467(4) of this title, to the articles, objectives, and related instruments of the GATT 1947 and of the WTO, respectively.

(b) Objectives of working party

The objectives of the United States for the working party described in subsection (a) of this section are to—

(1) explore the linkage between international trade and internationally recognized worker rights, as defined in section 2467(4) of this title, taking into account differences in the level of development among countries;

(2) examine the effects on international trade of the systematic denial of such rights;

(3) consider ways to address such effects; and

(4) develop methods to coordinate the work program of the working party with the International Labor Organization.

(c) Report to Congress

The President shall report to the Congress, not later than 1 year after December 8, 1994, on the progress made in establishing the working party under this section, and on United States objectives with respect to the working party's work program.

(Pub. L. 103-465, title I, §131, Dec. 8, 1994, 108 Stat. 4839; Pub. L. 104-188, title I, §1954(a)(6), Aug. 20, 1996, 110 Stat. 1928.)

AMENDMENTS

1996—Subsecs. (a), (b)(1). Pub. L. 104-188 substituted “2467(4)” for “2462(a)(4)”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-188 applicable to articles entered on or after Oct. 1, 1996, with provisions relating to retroactive application, see section 1953 of Pub. L. 104-188, set out as an Effective Date note under section 2461 of this title.

EFFECTIVE DATE

Section 138 of title I of Pub. L. 103-465 provided that: “(a) IN GENERAL.—Except as provided in section 136(d) [enacting provisions set out as a note under section 5001 of Title 26, Internal Revenue Code] and subsection (b) of this section, this subtitle [subtitle D (§§ 131-138) of title I of Pub. L. 103-465, enacting this part, amending sections 5001, 5002, 5005, 5007, 5061, 5131, 5132, 5134, and 7652 of Title 26, Internal Revenue Code, and enacting provisions set out as a note under section 5001 of Title 26] and the amendments made by this subtitle take effect on the date of the enactment of this Act [Dec. 8, 1994].

“(b) SECTIONS 132 AND 135.—Sections 132 and 135 [enacting sections 3552 and 3555 of this title] take effect on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995].”

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

§ 3552. 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 3511(d)(10) of this title, the President may implement 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 section.

(Pub. L. 103-465, title I, §132, Dec. 8, 1994, 108 Stat. 4839; Pub. L. 104-295, §20(a)(2), Oct. 11, 1996, 110 Stat. 3527.)

REFERENCES IN TEXT

For effective date of this section, referred to in text, see Effective Date note below.

AMENDMENTS

1996—Pub. L. 104-295 substituted “effective date of this section” for “effective date of this title”.

EFFECTIVE DATE

Section effective on date on which WTO Agreement enters into force with respect to United States [Jan. 1, 1995], see section 138(b) of Pub. L. 103-465, set out as a note under section 3551 of this title.

§ 3553. Membership in WTO of boycotting countries

It is the sense of the Congress that the Trade Representative should vigorously oppose the admission into the World Trade Organization of any country which, through its laws, regulations, official policies, or governmental practices, fosters, imposes, complies with, furthers, or supports any boycott described in section 2407(a) of title 50, Appendix (as in effect on August 20, 1994), including requiring or encouraging entities within that country to refuse to do business with persons who do not comply with requests to take any action prohibited under that section.

(Pub. L. 103-465, title I, §133, Dec. 8, 1994, 108 Stat. 4839.)

§ 3554. Africa trade and development policy

(a) Development of policy

The President should develop and implement a comprehensive trade and development policy for the countries of Africa.

(b) Reports to Congress

The President shall, not later than 12 months after December 8, 1994, and annually thereafter for a period of 4 years, submit to the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives, the Committee on Finance and the Committee on Foreign Relations of the Senate, and other appropriate committees of the Congress, a report on the steps taken to carry out subsection (a) of this section.

(Pub. L. 103-465, title I, §134, Dec. 8, 1994, 108 Stat. 4840.)

§ 3555. Objectives for extended negotiations

(a) Trade in financial services

The principal negotiating objective of the United States in the extended negotiations on financial services to be conducted under the auspices of the WTO is to seek to secure commitments, from a wide range of commercially important developed and developing countries, to reduce or eliminate barriers to the supply of financial services, including barriers that deny national treatment or market access by restricting the establishment or operation of financial services providers, as the condition for the United States—

(1) offering commitments to provide national treatment and market access in each of the financial services subsectors, and

(2) making such commitments on a normal trade relations basis.

(b) Trade in basic telecommunications services

The principal negotiating objective of the United States in the extended negotiations on basic telecommunications services to be conducted under the auspices of the WTO is to obtain the opening on nondiscriminatory terms and conditions of foreign markets for basic telecommunications services through facilities-based competition or through the resale of services on existing networks.

(c) Trade in civil aircraft

(1) Negotiations

The principal negotiating objectives of the United States in the extended negotiations on trade in civil aircraft to be conducted under the auspices of the WTO are—

(A) to obtain competitive opportunities for United States exports in foreign markets substantially equivalent to those afforded to foreign products in the United States,

(B) to obtain the reduction or elimination of specific tariff and nontariff barriers, including through expanded membership in the Agreement on Trade in Civil Aircraft and in the US-EC bilateral agreement for large civil aircraft,

(C) to maintain vigorous and effective disciplines on subsidies practices with respect to civil aircraft products under the Agreement on Subsidies and Countervailing Measures referred to in section 3511(d)(12) of this title,

(D) to maintain the scope and coverage on indirect support as specified in the US-EC bilateral agreement on large civil aircraft, and

(E) to obtain increased transparency with respect to foreign subsidy programs in the civil aircraft sector, both through greater government disclosure with respect to the use of taxpayer moneys and higher financial disclosure standards for companies receiving government supports (including disclosure comparable to that required under United States securities laws).

(2) Definitions

For purposes of paragraph (1)—

(A) the term “civil aircraft” means those products to which the Agreement on Trade in Civil Aircraft applies,

(B) the term “large civil aircraft” has the meaning given that term in Annex II to the US-EC bilateral agreement,

(C) the term “indirect support” means indirect government support as defined in Annex II to the US-EC bilateral agreement,

(D) the term “Agreement on Trade in Civil Aircraft” means the Agreement on Trade in Civil Aircraft approved by the Congress under section 2503 of this title, and

(E) the term “US-EC bilateral agreement” means the Agreement Concerning the Application of the GATT Agreement on Trade in Civil Aircraft Between the European Economic Community and the Government of the United States of America on trade in large civil aircraft, entered into on July 17, 1992.

(Pub. L. 103-465, title I, §135, Dec. 8, 1994, 108 Stat. 4840; Pub. L. 105-206, title V, §5003(b)(5), July 22, 1998, 112 Stat. 790.)

AMENDMENTS

1998—Subsec. (a)(2). Pub. L. 105-206 substituted “normal trade relations” for “most-favored-nation”.

EFFECTIVE DATE

Section effective on date on which WTO Agreement enters into force with respect to United States [Jan. 1, 1995], see section 138(b) of Pub. L. 103-465, set out as a note under section 3551 of this title.

§ 3556. Certain nonrubber footwear

In the case of nonrubber footwear imported from Brazil—

(1) which is subject to Treasury Decision 74-233, dated September 9, 1974,

(2) which was entered, or withdrawn from warehouse for consumption, on or before October 28, 1981, and

(3) with respect to which entries are unliquidated on December 8, 1994,

countervailing duties shall be assessed at rates equal to the amount of the cash deposit of the estimated countervailing duties required on such footwear at the time of entry or withdrawal from warehouse for consumption. Interest on underpayments of amounts required to be deposited as countervailing duties shall be paid in accordance with section 1677g of this title.

(Pub. L. 103-465, title I, §137, Dec. 8, 1994, 108 Stat. 4842.)

SUBCHAPTER II—ENFORCEMENT OF UNITED STATES RIGHTS UNDER SUBSIDIES AGREEMENT

§ 3571. Subsidies enforcement

(a) Assistance regarding multilateral subsidy remedies

The administering authority shall provide information to the public upon request, and, to the extent feasible, assistance and advice to interested parties concerning—

(1) remedies and benefits available under relevant provisions of the Subsidies Agreement, and

(2) the procedures relating to such remedies and benefits.

(b) Prohibited subsidies

(1) Notification of Trade Representative

If the administering authority determines pursuant to title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.] that a class or kind of merchandise is benefiting from a subsidy which is prohibited under Article 3 of the Subsidies Agreement, the administering authority shall notify the Trade Representative and shall provide the Trade Representative with the information upon which the administering authority based its determination.

(2) Request by interested party regarding prohibited subsidy

An interested party may request that the administering authority determine if there is reason to believe that merchandise produced

in a WTO member country is benefiting from a subsidy which is prohibited under Article 3 of the Subsidies Agreement. The request shall contain such information as the administering authority may require to support the allegations contained in the request. If the administering authority, after analyzing the request and other information reasonably available to the administering authority, determines that there is reason to believe that such merchandise is benefiting from a subsidy which is prohibited under Article 3 of the Subsidies Agreement, the administering authority shall so notify the Trade Representative, and shall include supporting information with the notification.

(c) Subsidies actionable under Agreement

(1) In general

If the administering authority determines pursuant to title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.] that a class or kind of merchandise is benefiting from a subsidy described in Article 6.1 of the Subsidies Agreement, the administering authority shall notify the Trade Representative, and shall provide the Trade Representative with the information upon which the administering authority based its determination.

(2) Request by interested party regarding adverse effects

An interested party may request the administering authority to determine if there is reason to believe that a subsidy which is actionable under the Subsidies Agreement is causing adverse effects. The request shall contain such information as the administering authority may require to support the allegations contained in the request. At the request of the administering authority, the Commission shall assist the administering authority in analyzing the information pertaining to the existence of such adverse effects. If the administering authority, after analyzing the request and other information reasonably available to the administering authority, determines that there is reason to believe that a subsidy which is actionable under the Subsidies Agreement is causing adverse effects, the administering authority shall so notify the Trade Representative, and shall include supporting information with the notification.

(d) Initiation of section 2411 investigation

On the basis of the notification and information provided by the administering authority pursuant to subsection (b) or (c) of this section, such other information as the Trade Representative may have or obtain, and where applicable, after consultation with an interested party referred to in subsection (b)(2) or (c)(2) of this section, the Trade Representative shall, unless such interested party objects, determine as expeditiously as possible, in accordance with the procedures in section 302(b)(1) of the Trade Act of 1974 (19 U.S.C. 2412(b)(1)), whether to initiate an investigation pursuant to title III of that Act (19 U.S.C. 2411 et seq.). At the request of the Trade Representative, the administering authority and the Commission shall assist the Trade Representative in an investigation initiated pursuant to this subsection.

(e) Nonactionable subsidies

(1) Compliance with Article 8 of the Subsidies Agreement

(A) Monitoring

In order to monitor whether a subsidy meets the conditions and criteria described in Article 8.2 of the Subsidies Agreement and is nonactionable, the Trade Representative shall provide the administering authority on a timely basis with any information submitted or report made pursuant to Article 8.3 or 8.4 of the Subsidies Agreement regarding a notified subsidy program. The administering authority shall review such information and reports, and where appropriate, shall recommend to the Trade Representative that the Trade Representative seek pursuant to Article 8.3 or 8.4 of the Subsidies Agreement additional information regarding the notified subsidy program or a subsidy granted pursuant to the notified subsidy program. If the administering authority has reason to believe that a violation of Article 8 of the Subsidies Agreement exists, the administering authority shall so notify the Trade Representative, and shall include supporting information with the notification.

(B) Request by interested party regarding violation of Article 8

An interested party may request the administering authority to determine if there is reason to believe that a violation of Article 8 of the Subsidies Agreement exists. The request shall contain such information as the administering authority may require to support the allegations contained in the request. If the administering authority, after analyzing the request and other information reasonably available to the administering authority, determines that additional information is needed, the administering authority shall recommend to the Trade Representative that the Trade Representative seek, pursuant to Article 8.3 or 8.4 of the Subsidies Agreement, additional information regarding the particular notified subsidy program or a subsidy granted pursuant to the notified subsidy program. If the administering authority determines that there is reason to believe that a violation of Article 8 of the Subsidies Agreement exists, the administering authority shall so notify the Trade Representative, and shall include supporting information with the notification.

(C) Action by Trade Representative

(i) If the Trade Representative, on the basis of the notification and information provided by the administering authority pursuant to subparagraph (A) or (B), and such other information as the Trade Representative may have or obtain, and after consulting with the interested party referred to in subparagraph (B) and appropriate domestic industries, determines that there is reason to believe that a violation of Article 8 of the Subsidies Agreement exists, the Trade Representative shall invoke the procedures of Article 8.4 or 8.5 of the Subsidies Agreement.

(ii) For purposes of clause (i), the Trade Representative shall determine that there is reason to believe that a violation of Article 8 exists in any case in which the Trade Representative determines that a notified subsidy program or a subsidy granted pursuant to a notified subsidy program does not satisfy the conditions and criteria required for a nonactionable subsidy program under this Act, the Subsidies Agreement, and the statement of administrative action approved under section 3511(a) of this title.

(D) Notification of administering authority

The Trade Representative shall notify the administering authority whenever a violation of Article 8 of the Subsidies Agreement has been found to exist pursuant to Article 8.4 or 8.5 of that Agreement.

(2) Serious adverse effects

(A) Request by interested party

An interested party may request the administering authority to determine if there is reason to believe that serious adverse effects resulting from a program referred to in Article 8.2 of the Subsidies Agreement exist. The request shall contain such information as the administering authority may require to support the allegations contained in the request.

(B) Action by administering authority

Within 90 days after receipt of the request described in subparagraph (A), the administering authority, after analyzing the request and other information reasonably available to the administering authority, shall determine if there is reason to believe that serious adverse effects resulting from a program referred to in Article 8.2 of the Subsidies Agreement exist. If the determination of the administering authority is affirmative, it shall so notify the Trade Representative and shall include supporting information with the notification. The Commission shall assist the administering authority in analyzing the information pertaining to the existence of such serious adverse effects if the administering authority requests the Commission's assistance. If the subsidy program that is alleged to result in serious adverse effects has been the subject of a countervailing duty investigation or review under subtitle A or C of title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq., 1675 et seq.], the administering authority shall take into account the determinations made by the administering authority and the Commission in such investigation or review and the administering authority shall complete its analysis as expeditiously as possible.

(C) Action by Trade Representative

The Trade Representative, on the basis of the notification and information provided by the administering authority pursuant to subparagraph (B), and such other information as the Trade Representative may have or obtain, shall determine as expeditiously as possible, but not later than 30 days after receipt of the notification provided by the

administering authority, if there is reason to believe that serious adverse effects exist resulting from the subsidy program which is the subject of the administering authority's notification. The Trade Representative shall make an affirmative determination regarding the existence of such serious adverse effects unless the Trade Representative finds that the notification of the administering authority is not supported by the facts.

(D) Consultations

If the Trade Representative determines that there is reason to believe that serious adverse effects resulting from the subsidy program exist, the Trade Representative, unless the interested party referred to in subparagraph (A) objects, shall invoke the procedures of Article 9 of the Subsidies Agreement, and shall request consultations pursuant to Article 9.2 of the Subsidies Agreement with respect to such serious adverse effects. If such consultations have not resulted in a mutually acceptable solution within 60 days after the request is made for such consultations, the Trade Representative shall refer the matter to the Subsidies Committee pursuant to Article 9.3 of the Subsidies Agreement.

(E) Determination by Subsidies Committee

If the Trade Representative determines that—

(i) the Subsidies Committee has been prevented from making an affirmative determination regarding the existence of serious adverse effects under Article 9 of the Subsidies Agreement by reason of the refusal of the WTO member country with respect to which the consultations have been invoked to join in an affirmative consensus—

(I) that such serious adverse effects exist, or

(II) regarding a recommendation to such WTO member country to modify the subsidy program in such a way as to remove the serious adverse effects, or

(ii) the Subsidies Committee has not presented its conclusions regarding the existence of such serious adverse effects within 120 days after the date the matter was referred to it, as required by Article 9.4 of the Subsidies Agreement,

the Trade Representative shall, within 30 days after such determination, make a determination under section 304(a)(1) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)) regarding what action to take under section 301(a)(1)(A) of that Act [19 U.S.C. 2411(a)(1)(A)].

(F) Noncompliance with Committee recommendation

In the event that the Subsidies Committee makes a recommendation under Article 9.4 of the Subsidies Agreement and the WTO member country with respect to which such recommendation is made does not comply with such recommendation within 6 months after the date of the recommendation, the

Trade Representative shall make a determination under section 304(a)(1) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)) regarding what action to take under section 301(a) of that Act [19 U.S.C. 2411(a)].

(f) Notification, consultation, and publication

(1) Notification of Congress

The Trade Representative shall submit promptly to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and other appropriate committees of the Congress any information submitted or report made pursuant to Article 8.3 or 8.4 of the Subsidies Agreement regarding a notified subsidy program.

(2) Publication in the Federal Register

The administering authority shall publish regularly in the Federal Register a summary notice of any information submitted or report made pursuant to Article 8.3 or 8.4 of the Subsidies Agreement regarding notified subsidy programs.

(3) Consultations with Congress and private sector

The Trade Representative and the administering authority promptly shall consult with the committees referred to in paragraph (1), and with interested representatives of the private sector, regarding all information submitted or reports made pursuant to Article 8.3 or 8.4 of the Subsidies Agreement regarding a notified subsidy program.

(4) Annual report

Not later than February 1 of each year beginning in 1996, the Trade Representative and the administering authority shall issue a joint report to the Congress detailing—

(A) the subsidies practices of major trading partners of the United States, including subsidies that are prohibited, are causing serious prejudice, or are nonactionable, under the Subsidies Agreement, and

(B) the monitoring and enforcement activities of the Trade Representative and the administering authority during the preceding calendar year which relate to subsidies practices.

(g) Cooperation of other agencies

All agencies, departments, and independent agencies of the Federal Government shall cooperate fully with one another in carrying out the provisions of this section, and, upon the request of the administering authority, shall furnish to the administering authority all records, papers, and information in their possession which relate to the requirements of this section.

(h) Definitions

For purposes of this section:

(1) Adverse effects

The term “adverse effects” has the meaning given that term in Articles 5(a) and 5(c) of the Subsidies Agreement.

(2) Administering authority

The term “administering authority” has the meaning given that term in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)).

(3) Commission

The term “Commission” means the United States International Trade Commission.

(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)(C), (D), (E), (F), or (G)).

(5) Nonactionable subsidy

The term “nonactionable subsidy” means a subsidy described in Article 8.1(b) of the Subsidies Agreement.

(6) Notified subsidy program

The term “notified subsidy program” means a subsidy program which has been notified pursuant to Article 8.3 of the Subsidies Agreement.

(7) Serious adverse effects

The term “serious adverse effects” has the meaning given that term in Article 9.1 of the Subsidies Agreement.

(8) Subsidies Agreement

The term “Subsidies Agreement” means the Agreement on Subsidies and Countervailing Measures described in section 771(8) of the Tariff Act of 1930 (19 U.S.C. 1677(8)).

(9) Subsidies Committee

The term “Subsidies Committee” means the committee established pursuant to Article 24 of the Subsidies Agreement.

(10) Subsidy

The term “subsidy” has the meaning given that term in Article 1 of the Subsidies Agreement.

(11) Trade Representative

The term “Trade Representative” means the United States Trade Representative.

(12) Violation of Article 8

The term “violation of Article 8” means the failure of a notified subsidy program or an individual subsidy granted pursuant to a notified subsidy program to meet the applicable conditions and criteria described in Article 8.2 of the Subsidies Agreement.

(i) Treatment of proprietary information

Notwithstanding any other provision of law, the administering authority may provide the Trade Representative with a copy of proprietary information submitted to, or obtained by, the administering authority that the Trade Representative considers relevant in carrying out its responsibilities under this subchapter. The Trade Representative shall protect from public disclosure proprietary information obtained from the administering authority under this subchapter.

(Pub. L. 103-465, title II, §281, Dec. 8, 1994, 108 Stat. 4922; Pub. L. 104-295, §20(b)(13), Oct. 11, 1996, 110 Stat. 3527.)

REFERENCES IN TEXT

The Tariff Act of 1930, referred to in subsecs. (b)(1), (c)(1), and (e)(2)(B), is act June 17, 1930, ch. 497, 46 Stat. 590, as amended. Title VII of the Act is classified gener-

ally to subtitle IV (§1671 et seq.) of chapter 4 of this title. Subtitles A and C of title VII of the Act are classified generally to parts I (§1671 et seq.) and III (§1675 et seq.), respectively, of subtitle IV of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

The Trade Act of 1974, referred to in subsec. (d), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, as amended. Title III of the Act is classified principally to subchapter III (§2411 et seq.) of chapter 12 of this title. For complete classification of this Act to the Code, see section 2101 of this title and Tables.

This Act, referred to in subsec. (e)(1)(C)(ii), is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809, known as the Uruguay Round Agreements Act. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of this title and Tables.

This subchapter, referred to in subsec. (i), was in the original “this part”, meaning part 4 (§§281 to 283) of subtitle B of title II of Pub. L. 103-465, which enacted this subchapter and amended sections 1671b, 1675, 1677d, and 2191 of this title. For complete classification of this part to the Code, see Tables.

AMENDMENTS

1996—Subsec. (h)(4). Pub. L. 104-295 struck out “(A),” after “1677(9)”.

EFFECTIVE DATE

Subchapter effective, except as otherwise provided, on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995], and applicable with respect to investigations, reviews, and inquiries initiated and petitions filed under specified provisions of subtitle IV (§1671 et seq.) of chapter 4 of this title after such date, see section 291 of Pub. L. 103-465, set out as an Effective Date of 1994 Amendment note under section 1671 of this title.

§ 3572. Review of Subsidies Agreement

(a) General objectives

The general objectives of the United States under this subchapter are—

(1) to ensure that parts II and III of the Agreement on Subsidies and Countervailing Measures referred to in section 3511(d)(12) of this title (hereafter in this section referred to as the “Subsidies Agreement”) are effective in disciplining the use of subsidies and in remedying the adverse effects of subsidies, and

(2) to ensure that part IV of the Subsidies Agreement does not undermine the benefits derived from any other part of that Agreement.

(b) Specific objective

The specific objective of the United States under this subchapter shall be to create a mechanism which will provide for an ongoing review of the operation of part IV of the Subsidies Agreement.

(c) Sunset of noncountervailable subsidies provisions

(1) In general

Subparagraphs (B), (C), (D), and (E) of section 1677(5B) of this title shall cease to apply as provided in subparagraph (G)(i) of such section, unless, before the date referred to in such subparagraph (G)(i)—

(A) the Subsidies Committee determines to extend Articles 6.1, 8, and 9 of the Subsidies Agreement as in effect on the date on which the Subsidies Agreement enters into force or

in a modified form, in accordance with Article 31 of such Agreement,

(B) the President consults with the Congress in accordance with paragraph (2), and

(C) an implementing bill is submitted and enacted into law in accordance with paragraphs (3) and (4).¹

(2) Consultation with Congress before Subsidies Committee agrees to extend

Before a determination is made by the Subsidies Committee to extend Articles 6.1, 8, and 9 of the Subsidies Agreement, the President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding such extension.

(3) Implementation of extension

(A) Notification and submission

Any extension of subparagraphs (B), (C), (D), and (E) of section 1677(5B) of this title shall take effect if (and only if)—

(i) after the Subsidies Committee determines to extend Articles 6.1, 8, and 9 of the Subsidies Agreement, the President submits to the committees referred to in paragraph (2) a copy of the document describing the terms of such extension, together with—

(I) a draft of an implementing bill,

(II) a statement of any administrative action proposed to implement the extension, and

(III) the supporting information described in subparagraph (C); and

(ii) the implementing bill is enacted into law.

(B) Implementing bill

The implementing bill referred to in subparagraph (A) shall contain only those provisions that are necessary or appropriate to implement an extension of the provisions of section 1677(5B)(B), (C), (D), and (E) of this title as in effect on the day before the date of the enactment of the implementing bill or as modified to reflect the determination of the Subsidies Committee to extend Articles 6.1, 8, and 9 of the Subsidies Agreement.

(C) Supporting information

The supporting information required under subparagraph (A)(i)(III) consists of—

(i) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(ii) a statement regarding—

(I) how the extension serves the interests of United States commerce, and

(II) why the implementing bill and proposed administrative action is required or appropriate to carry out the extension.

(4) Omitted

(5) Report by the Trade Representative

Not later than the date referred to in section 1677(5B)(G)(i) of this title, the Trade Rep-

¹ See Codification note below.

representative shall submit to the Congress a report setting forth the provisions of law which were enacted to implement Articles 6.1, 8, and 9 of the Subsidies Agreement and should be repealed or modified if such provisions are not extended.

(d) Review of operation of 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) the effectiveness of part II of the Subsidies Agreement in disciplining the use of subsidies which are prohibited under Article 3 of the Agreement,

(2) the effectiveness of part III and, in particular, Article 6.1 of the Subsidies Agreement, in remedying the adverse effects of subsidies which are actionable under the Agreement, and

(3) the extent to which the provisions of part IV of the Subsidies Agreement may have undermined the benefits derived from other parts of the Agreement, and, in particular—

(A) the extent to which WTO member countries have cooperated in reviewing and improving the operation of part IV of the Subsidies Agreement,

(B) the extent to which the provisions of Articles 8.4 and 8.5 of the Subsidies Agreement have been effective in identifying and remedying violations of the conditions and criteria described in Article 8.2 of the Agreement, and

(C) the extent to which the provisions of Article 9 of the Subsidies Agreement have been effective in remedying the serious adverse effects of subsidy programs described in Article 8.2 of the Agreement.

Not later than 4 years and 6 months after December 8, 1994, the Secretary of Commerce shall submit to the Congress a report on the review required under this subsection.

(Pub. L. 103-465, title II, §282, Dec. 8, 1994, 108 Stat. 4927; Pub. L. 104-295, §20(b)(16), Oct. 11, 1996, 110 Stat. 3527.)

CODIFICATION

Section is comprised of section 282 of Pub. L. 103-465. Subsec. (c)(4) of section 282 of Pub. L. 103-465 amended section 2191 of this title.

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-295 realigned margins.

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

SUBCHAPTER III—ADDITIONAL IMPLEMENTATION OF AGREEMENTS

PART A—FOREIGN TRADE BARRIERS AND UNFAIR TRADE PRACTICES

§ 3581. Objectives in intellectual property

It is the objective of the United States—

(1) to accelerate the implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 3511(d)(15) of this title,

(2) to seek enactment and effective implementation by foreign countries of laws to protect and enforce intellectual property rights that supplement and strengthen the standards of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 3511(d)(15) of this title and the North American Free Trade Agreement and, in particular—

(A) to conclude bilateral and multilateral agreements that create obligations to protect and enforce intellectual property rights that cover new and emerging technologies and new methods of transmission and distribution, and

(B) to prevent or eliminate discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights,

(3) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection,

(4) to take an active role in the development of the intellectual property regime under the World Trade Organization to ensure that it is consistent with other United States objectives, and

(5) to take an active role in the World Intellectual Property Organization (WIPO) to develop a cooperative and mutually supportive relationship between the World Trade Organization and WIPO.

(Pub. L. 103-465, title III, §315, Dec. 8, 1994, 108 Stat. 4942.)

EFFECTIVE DATE

Section 316 of title III of Pub. L. 103-465 provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this subtitle [subtitle B (§§311-316) of title III of Pub. L. 103-465, enacting this section and amending sections 2241, 2242, 2411, 2414, 2416, and 2420 of this title] and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995].

“(b) SECTION 314(f).—The amendment made by section 314(f) [amending section 2420 of this title] takes effect on the date of the enactment of this Act [Dec. 8, 1994].”

PART B—TEXTILES

§ 3591. Textile product integration

Not later than 120 days after the date that the WTO Agreement 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 3511(d)(4) of this title. 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.

(Pub. L. 103-465, title III, § 331, Dec. 8, 1994, 108 Stat. 4947; Pub. L. 104-295, § 20(c)(7), Oct. 11, 1996, 110 Stat. 3528.)

AMENDMENTS

1996—Pub. L. 104-295 struck out “, as defined in section 3501(9) of this title,” after “WTO Agreement”.

EFFECTIVE DATE

Section 335 of title III of Pub. L. 103-465 provided that: “Except as provided in section 334 [enacting section 3592 of this title], this subtitle [subtitle D (§§ 331-335) of title III of Pub. L. 103-465, enacting this part and section 1592a of this title, and amending section 1854 of Title 7, Agriculture] and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995].”

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

§ 3592. Rules of origin for textile and apparel products

(a) Regulatory authority

The Secretary of the Treasury shall prescribe rules implementing the principles contained in subsection (b) of this section for determining the origin of textiles and apparel products. Such rules shall be promulgated in final form not later than July 1, 1995.

(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;

(C) the product is a fabric, including a fabric classified under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in that country, territory, or possession; or

(D) the product is any other textile or apparel product that is wholly assembled in that country, territory, or possession from its component pieces.

(2) Special rules

(A) Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (B) and (C)—

(i) the origin of a good that is classified under one of the following HTS headings or subheadings shall be determined under subparagraph (A), (B), or (C) of paragraph (1), as appropriate: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, or 9404.90; and

(ii) a textile or apparel product which is knit to shape shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which it is knit.

(B) Notwithstanding paragraph (1)(C), fabric classified under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which the fabric is both dyed and printed when accompanied by two or more of the following finishing operations: bleaching, shrinking, fulling, napping, decatizing, permanent stiffening, weighting, permanent embossing, or moireing.

(C) Notwithstanding paragraph (1)(D), goods classified under HTS heading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95, except for goods classified under such headings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which the fabric is both dyed and printed when accompanied by two or more of the following finishing operations: bleaching, shrinking, fulling, napping, decatizing, permanent stiffening, weighting, permanent embossing, or moireing.

(3) Multicountry rule

If the origin of a good cannot be determined under paragraph (1) or (2), then that good shall be considered to originate in, and be the growth, product, or manufacture of—

(A) the country, territory, or possession in which the most important assembly or manufacturing process occurs, or

(B) if the origin of the good cannot be determined under subparagraph (A), the last country, territory, or possession in which important assembly or manufacturing occurs.

(4) Components cut in the United States

(A) The value of a component that is cut to shape (but not to length, width, or both) in the United States from foreign fabric and exported to another country, territory, or insular possession for assembly into an article that is then returned to the United States—

(i) shall not be included in the dutiable value of such article, and

(ii) may be applied toward determining the percentage referred to in General Note 7(b)(i)(B) of the HTS, subject to the limitation provided in that note.

(B) No article (except a textile or apparel product) assembled in whole of components described in subparagraph (A), or of such components and components that are products of the United States, in a beneficiary country as defined in General Note 7(a) of the HTS shall be treated as a foreign article, or as subject to duty if—

- (i) the components after exportation from the United States, and
- (ii) the article itself before importation into the United States

do not enter into the commerce of any foreign country other than such a beneficiary country.

(5) Exception for United States-Israel Free Trade Agreement

This section shall not affect, for purposes of the customs laws and administration of quantitative restrictions, the status of goods that, under rulings and administrative practices in effect immediately before December 8, 1994, would have originated in, or been the growth, product, or manufacture of, a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1987. For such purposes, such rulings and administrative practices that were applied, immediately before December 8, 1994, to determine the origin of textile and apparel products covered by such agreement shall continue to apply after December 8, 1994, and on and after the effective date described in subsection (c) of this section, unless such rulings and practices are modified by the mutual consent of the parties to the agreement.

(c) Effective date

This section shall apply to goods entered, or withdrawn from warehouse, for consumption on or after July 1, 1996, except that this section shall not apply to goods if—

- (1) the contract for the sale of such goods to the United States is entered into before July 20, 1994;
- (2) all of the material terms of sale in such contract, including the price and quantity of the goods, are fixed and determinable before July 20, 1994;
- (3) a copy of the contract is filed with the Commissioner of Customs within 60 days after December 8, 1994, together with a certification that the contract meets the requirements of paragraphs (1) and (2); and
- (4) the goods are entered, or withdrawn from warehouse, for consumption on or before January 1, 1998.

The origin of goods to which this section does not apply shall be determined in accordance with the applicable rules in effect on July 20, 1994.

(Pub. L. 103-465, title III, § 334, Dec. 8, 1994, 108 Stat. 4949; Pub. L. 104-295, § 20(c)(9), Oct. 11, 1996, 110 Stat. 3528; Pub. L. 106-200, title IV, § 405(a), May 18, 2000, 114 Stat. 292.)

AMENDMENTS

2000—Subsec. (b)(2). Pub. L. 106-200 designated existing provisions as subpar. (A), in introductory provi-

sions substituted “Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (B) and (C)” for “Notwithstanding paragraph (1)(D)”, added subpars. (B) and (C), and redesignated former subpars. (A) and (B) as cls. (i) and (ii), respectively, of subpar. (A).

1996—Subsec. (b)(1)(B)(ii). Pub. L. 104-295 substituted “possession;” for “possession,”.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-200, title IV, § 405(b), May 18, 2000, 114 Stat. 293, provided that: “The amendments made by this section [amending this section] apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act [May 18, 2000].”

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, set out as a note under section 542 of Title 6.

SUBCHAPTER IV—AGRICULTURE-RELATED PROVISIONS

PART A—MARKET ACCESS

§ 3601. Administration of tariff-rate quotas

(a) Orderly marketing

In implementing the tariff-rate quotas set out in Schedule XX for the entry, or withdrawal from warehouse, for consumption of goods in the United States, the President shall take such action as may be necessary to ensure that imports of agricultural products do not disrupt the orderly marketing of commodities in the United States.

(b) Inadequate supply

Where imports of an agricultural product are subject to a tariff-rate quota, and where the President determines and proclaims that the supply of the same or directly competitive or substitutable agricultural product will be inadequate, because of a natural disaster, disease, or major national market disruption, to meet domestic demand at reasonable prices, the President may temporarily increase the quantity of imports of the agricultural product that is subject to the in-quota rate of duty established under the tariff-rate quota.

(c) Monitoring

The Secretary of Agriculture shall monitor the domestic supply of agricultural products subject to a tariff-rate quota as the Secretary considers appropriate and shall advise the President when the domestic supply of the products and substitutable products combined with the estimated imports of the products under the tariff-rate quota may be inadequate to meet domestic demand at reasonable prices.

(d) Coverage of tariff-rate quotas

(1) Exclusions

The President may, subject to terms and conditions determined appropriate by the President, provide that the entry, or with-

drawal from warehouse, for consumption in the United States of an agricultural product shall not be subject to the over-quota rate of duty established under a tariff-rate quota if the agricultural product—

(A) is imported by, or for the account of, any agency of the United States or of any foreign embassy;

(B) is imported as a sample for taking orders, for the personal use of the importer, or for the testing of equipment;

(C) is a commercial sample or is entered for exhibition, display, or sampling at a trade fair or for research; or

(D) is a blended syrup provided for in subheadings 1702.20.28, 1702.30.28, 1702.40.28, 1702.60.28, 1702.90.58, 1806.20.92, 1806.20.93, 1806.90.38, 1806.90.40, 2101.10.38, 2101.20.38, 2106.90.38, or 2106.90.67 of Schedule XX, if entered from a foreign trade zone by a foreign trade zone user whose facilities were in operation on June 1, 1990, to the extent that the annual quantity entered into the customs territory from such zone does not contain a quantity of sugar of nondomestic origin greater than the quantity authorized by the Foreign Trade Zones Board for processing in that zone during calendar year 1985.

(2) Reclassification

Subject to the consultation and layover requirements of section 3524 of this title, the President may proclaim a modification to the coverage of a tariff-rate quota for any agricultural product if the President determines the modification is necessary or appropriate to conform the tariff-rate quota to Schedule XX as a result of a reclassification of any item by the Secretary of the Treasury.

(3) Allocation

The President may allocate the in-quota quantity of a tariff-rate quota for any agricultural product among supplying countries or customs areas and may modify any allocation as determined appropriate by the President.

(4) Bilateral agreement

The President may proclaim an increase in the tariff-rate quota for beef if the President determines that an increase is necessary to implement—

(A) the March 24, 1994, agreement between the United States and Argentina; or

(B) the March 9, 1994, agreement between the United States and Uruguay.

(5) Continuation of sugar headnote

The President is authorized to proclaim additional United States note 3 to chapter 17 of the HTS, and to proclaim the modifications to the note, as determined appropriate by the President to reflect Schedule XX.

(Pub. L. 103-465, title IV, § 404, Dec. 8, 1994, 108 Stat. 4959.)

CODIFICATION

Section is comprised of section 404 of Pub. L. 103-465. Subsec. (e) of section 404 of Pub. L. 103-465 amended sections 1313, 2463, 2703, and 3203 of this title and section 1359a of Title 7, Agriculture, and enacted provisions set out as a note under section 1313 of this title.

EFFECTIVE DATE

Section 451 of title IV of Pub. L. 103-465 provided that: “Except as otherwise provided in this title, this title [enacting this subchapter, sections 2578 to 2578b of this title, and section 1585 of Title 7, Agriculture, amending sections 1306, 1313, 2463, 2544, 2703, and 3203 of this title, sections 149, 150bb, 150cc, 154, 156, 281, 624, 1314i, 1359a, 1444-2, 1445, 1581, 1582, 1586, 1852, 2803, 5623, and 5651 of Title 7, section 713a-14 of Title 15, Commerce and Trade, and sections 104, 105, 135, 466, and 620 of Title 21, Food and Drugs, repealing sections 1585 and 1853 of Title 7, enacting provisions set out as notes under section 2135 of this title and sections 624, 1314i, 1445, and 5601 of Title 7, amending provisions set out as a note under section 1313 of this title and section 1731 of Title 7, and repealing provisions set out as a note under section 2253 of this title], and the amendments made by this title, shall take effect on the date of entry into force of the WTO Agreement with respect to the United States [Jan. 1, 1995].”

DELEGATION OF AUTHORITY

Authority of President under subsec. (d)(3) of this section delegated to United States Trade Representative by par. (3) of Proc. No. 6763, Dec. 23, 1994, 60 F.R. 1010, set out as a note under section 3511 of this title.

Authority of President under this section to implement certain Memorandum of Understanding with Argentina delegated to United States Trade Representative by par. (5) of Proc. No. 6780, Mar. 23, 1995, 60 F.R. 15847, set out as a note under section 3511 of this title.

PROC. NO. 7235. TO DELEGATE AUTHORITY FOR THE ADMINISTRATION OF THE TARIFF-RATE QUOTAS ON SUGAR-CONTAINING PRODUCTS AND OTHER AGRICULTURAL PRODUCTS TO THE UNITED STATES TRADE REPRESENTATIVE AND THE SECRETARY OF AGRICULTURE

Proc. No. 7235, Oct. 7, 1999, 64 F.R. 55611, provided:

1. On April 15, 1994, the President entered into trade agreements resulting from the Uruguay Round of multilateral trade negotiations (“Uruguay Round Agreements”). As part of those agreements, the United States converted quotas on imports of beef, cotton, dairy products, peanuts, peanut butter and peanut paste, sugar, and sugar-containing products (as defined in additional U.S. notes 2 and 3 of the Harmonized Tariff Schedule of the United States [see 19 U.S.C. 1202]) into tariff-rate quotas. In section 101(a) of the Uruguay Round Agreements Act [19 U.S.C. 3511(a)] (the “URAA”) (Public Law 103-65 [Pub. L. 103-465]; 108 Stat. 4809), Congress approved the Uruguay Round Agreements listed in section 101(d) of that Act, including the General Agreement on Tariffs and Trade 1994.

2. On December 23, 1994, the President issued Presidential Proclamation 6763 [19 U.S.C. 3511 note], implementing the Uruguay Round Agreements consistent with the URAA. Presidential Proclamation 6763 included a delegation of the President’s authority under the statutes cited in the proclamation, including section 404(a) of the URAA, 19 U.S.C. 3601(a), to the Secretary of Agriculture, the Secretary of the Treasury, and the United States Trade Representative, as necessary to perform functions assigned to them to implement the proclamation. Section 404(a) directs the President to take such action as may be necessary in implementing the tariff-rate quotas set out in Schedule XX - United States of America, annexed to the Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994, to ensure that imports of agricultural products do not disrupt the orderly marketing of commodities in the United States.

3. I have determined that it is necessary to delegate my authority under section 404(a) to administer the tariff-rate quotas relating to cotton, dairy products, peanuts, peanut butter and peanut paste, sugar, and sugar-containing products to the United States Trade Representative and to delegate to the Secretary of Agriculture authority to issue licenses governing the importation of such products under the applicable tariff-

rate quotas. The Secretary of Agriculture shall exercise such licensing authority in consultation with the United States Trade Representative.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 301 of title 3, United States Code, and section 404(a) of the URAA, do hereby proclaim:

(1) The United States Trade Representative is authorized to exercise my authority pursuant to section 404(a) of the URAA to take all action necessary, including the promulgation of regulations, to administer the tariff-rate quotas relating respectively, to cotton, dairy products, peanuts, peanut butter and peanut paste, sugar, and sugar-containing products, as the latter products are defined in additional U.S. notes 2 and 3 of the Harmonized Tariff Schedule of the United States. The Secretary of Agriculture, in consultation with the United States Trade Representative, is authorized to exercise my authority pursuant to section 404(a) to issue import licenses governing the importation of such products within the applicable tariff-rate quotas.

(2) All provisions of previous proclamations and Executive orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON.

§ 3602. Special agricultural safeguard authority

(a) Determination of trigger levels

Consistent with Article 5 as determined by the President, the President shall cause to be published in the Federal Register—

(1) the list of special safeguard agricultural goods not later than the date of entry into force of the WTO Agreement with respect to the United States; and

(2) for each special safeguard agricultural good—

(A) the trigger level specified in subparagraph 1(a) of Article 5, on an annual basis;

(B) the trigger price specified in subparagraph 1(b) of Article 5; and

(C) the relevant period.

(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(b) of Article 5; or

(2) the volume-based safeguard in accordance with subparagraph 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.

(c) Imposition of safeguard

The President shall direct the Secretary of the Treasury to impose a duty on a special safeguard agricultural good entered, or withdrawn from warehouse, for consumption in the United States in accordance with a determination made under subsection (b) of this section.

(d) No simultaneous safeguard

A duty may not be in effect for a special safeguard agricultural good pursuant to this section

during any period in which such good is the subject of any action proclaimed pursuant to section 2252 or 2253 of this title.

(e) Exclusion of NAFTA countries

The President may exempt from any duty imposed under this section any good originating in a NAFTA country (as determined in accordance with section 3332 of this title).

(f) Advice of Secretary of Agriculture

The Secretary of Agriculture shall advise the President on the implementation of this section.

(g) Termination date

This section shall cease to be effective on the date, as determined by the President, that the special safeguard provisions of Article 5 are no longer in force with respect to the United States.

(h) Definitions

For purposes of this section—

(1) the term “Article 5” means Article 5 of the Agreement on Agriculture described in section 3511(d)(2) of this title;

(2) the term “relevant period” means the period determined by the President to be applicable to a special safeguard agricultural good for purposes of applying this section; and

(3) the term “special safeguard agricultural good” means an agricultural good on which an additional duty may be imposed pursuant to the special safeguard provisions of Article 5.

(Pub. L. 103-465, title IV, §405, Dec. 8, 1994, 108 Stat. 4961; Pub. L. 104-295, §11, Oct. 11, 1996, 110 Stat. 3520.)

AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-295, §11(1), substituted “1(b)” for “1(a)”.

Subsec. (b)(2). Pub. L. 104-295, §11(2), substituted “1(a)” for “1(b)”.

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

DELEGATION OF AUTHORITY

Authority of President under subsec. (a) of this section delegated to Secretary of Agriculture by par. (4) of Proc. No. 6763, Dec. 23, 1994, 60 F.R. 1010, set out as a note under section 3511 of this title.

PART B—EXPORTS

§ 3611. Repealed. Pub. L. 104-127, title II, § 201(b), Apr. 4, 1996, 110 Stat. 951

Section, Pub. L. 103-465, title IV, §411(e), Dec. 8, 1994, 108 Stat. 4963, reaffirmed commitment of United States to provide food aid to developing countries.

PART C—OTHER PROVISIONS

§ 3621. Tobacco proclamation authority

(a) In general

The President, after consultation with the Committee on Ways and Means of the House of Representatives and with the Committee on Fi-

nance of the Senate, may proclaim the reduction or elimination of any duty with respect to cigar binder and filler tobacco, wrapper tobacco, or oriental tobacco set forth in Schedule XX.

(b) Effective date

This section shall take effect on December 8, 1994.

(Pub. L. 103-465, title IV, § 423, Dec. 8, 1994, 108 Stat. 4965.)

§ 3622. Repealed. Pub. L. 105-362, title XIV, § 1401(c), Nov. 10, 1998, 112 Stat. 3294

Section, Pub. L. 103-465, title IV, § 424, Dec. 8, 1994, 108 Stat. 4965, related to the President's report to Congress on access to Canadian dairy and poultry markets.

§ 3623. Study of milk marketing order system

The Secretary of Agriculture shall conduct a study to determine the effects of the Uruguay Round Agreements on the Federal milk marketing order system. Not later than 6 months after the date of entry into force of the WTO Agreement with respect to the United States, the Secretary of Agriculture shall report to the Congress on the results of the study.

(Pub. L. 103-465, title IV, § 425, Dec. 8, 1994, 108 Stat. 4965.)

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

§ 3624. Additional program funding

(a) Use of additional funds

Consistent, as determined by the President, with the obligations undertaken by the United States set forth in the Uruguay Round Agreements, the Commodity Credit Corporation shall use, in addition to any other funds appropriated or made available for such purposes, any funds made available under subsection (b) of this section for authorized export promotion, foreign market development, export credit financing, and promoting the development, commercialization, and marketing of products resulting from alternative uses of agricultural commodities.

(b) Amount of additional funds

Amounts shall be credited to the Commodity Credit Corporation in fiscal year 1995 equal to the lesser of the dollar amount of—

- (1) the fiscal year 1995 Pay-As-You-Go savings; and
- (2) the 5-year Pay-As-You-Go savings;

under section 902 of title 2, resulting from the enactment of the Federal Crop Insurance Reform Act of 1994.

(c) Effective date

This section shall take effect on December 8, 1994.

(Pub. L. 103-465, title IV, § 426, Dec. 8, 1994, 108 Stat. 4966.)

REFERENCES IN TEXT

The Federal Crop Insurance Reform Act of 1994, referred to in subsec. (b), is title I of Pub. L. 103-354, Oct.

13, 1994, 108 Stat. 3179. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 1501 of Title 7, Agriculture, and Tables.

CHAPTER 23—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

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SUBCHAPTER I—TRADE POLICY FOR SUB-SAHARAN AFRICA

§ 3701. Findings

Congress finds that—

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced the strengthening of democracy as countries in sub-Saharan Africa have taken steps to encourage broader participation in the political process;

(5) certain countries in sub-Saharan Africa have increased their economic growth rates,