

TRADE LAW TECHNICAL CORRECTIONS AND
MISCELLANEOUS AMENDMENTS ACT OF 1996

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JULY 29, 1996.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. ARCHER, from the Committee on Ways and Means,
submitted the following

R E P O R T

[To accompany H.R. 3815]

[Including cost estimate of the Congressional Budget Office]

The Committee on Ways and Means, to whom was referred the bill (H.R. 3815) to make technical corrections and miscellaneous amendments to trade laws, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PAYMENT OF DUTIES AND FEES.

(a) **INTEREST ACCRUAL.**—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended in the second sentence by inserting after “duties, fees, and interest” the following: “or, in a case in which a claim is made under section 520(d), from the date on which such claim is made,”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to claims made pursuant to section 520(d) of the Tariff Act of 1930 on or after April 25, 1995.

SEC. 2. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) **EXAMINATION OF BOOKS AND WITNESSES.**—Section 509(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(2)) is amended by striking “(c)(1)(A)” and inserting “(d)(1)(A)”.

(b) **REQUIREMENT FOR CERTIFICATE FOR IMPORTATION OF ALCOHOLIC LIQUORS IN SMALL VESSELS.**—Section 7 of the Act of August 5, 1935 (19 U.S.C. 1707; 49 Stat. 520), is repealed.

(c) **PENALTIES FOR CERTAIN VIOLATIONS.**—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (a)(1), by striking “lawful duty” and inserting “lawful duty, tax, or fee”; and

- (2) in subsections (b)(1)(A)(vi), (c)(2)(A)(ii), (c)(3)(A)(ii), (c)(4)(A)(i), and (c)(4)(B) by striking “lawful duties” each place it appears and inserting “lawful duties, taxes, and fees”.
- (d) DEPRIVATION OF LAWFUL DUTIES, TAXES, OR FEES.—Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) is amended by striking “or fees be restored” and inserting “and fees be restored”.
- (e) RECONCILIATION TREATED AS ENTRY FOR RECORDKEEPING.—
- (1) Section 401(s) of the Tariff Act of 1930 (19 U.S.C. 1401(s)) is amended by inserting “recordkeeping,” after “reliquidation.”
- (2) Section 508(c)(1) of such Act (19 U.S.C. 1508(c)(1)) is amended by inserting “, filing of a reconciliation,” after “entry”.
- (f) EXTENSION OF LIQUIDATION.—Section 504(d) of the Tariff Act of 1930 (19 U.S.C. 1504(d)) is amended by inserting “, unless liquidation is extended under subsection (b),” after “shall liquidate the entry”.
- (g) EXEMPTION FROM DUTY FOR PERSONAL AND HOUSEHOLD GOODS ACCOMPANYING RETURNING RESIDENTS.—Section 321(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(B)) is amended by inserting “, 9804.00.65,” after “9804.00.30”.
- (h) DEBT COLLECTION.—Section 631(a) of the Tariff Act of 1930 (19 U.S.C. 1631(a)) is amended—
- (1) by inserting after “law,” the following: “including section 3302 of title 31, United States Code, and subchapters I and II of chapter 37 of such title.”; and
- (2) by inserting “and the expenses associated with recovering such indebtedness,” after “Government.”
- (i) EXAMINATION OF BOOKS AND WITNESSES.—Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended in paragraphs (3) and (4) by striking “appropriate regional commissioner” and inserting “officer designated pursuant to regulations”.
- (j) REVIEW OF PROTESTS.—Section 515(d) of the Tariff Act of 1930 (19 U.S.C. 1515(d)) is amended by striking “district director” and inserting “port director”.
- (k) EFFECTIVE DATE.—The amendments made by this section apply as of December 8, 1993.

SEC. 3. CLARIFICATION REGARDING THE APPLICATION OF CUSTOMS USER FEES.

- (a) IN GENERAL.—Subparagraph (D) of section 13031(b)(8) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(8)(D)) is amended—
- (1) in clause (iv)—
- (A) by striking “subparagraph 9802.00.80 of such Schedules” and inserting “heading 9802.00.80 of such Schedule”; and
- (B) by striking “and” at the end of clause (iv);
- (2) by striking the period at the end of clause (v) and inserting “; and”; and
- (3) by inserting after clause (v) the following new clause:
- “(vi) in the case of merchandise entered from a foreign trade zone (other than merchandise to which clause (v) applies), be applied only to the value of the privileged or nonprivileged foreign status merchandise under section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c).”
- (b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to—
- (1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and
- (2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if liquidation of the entry was not final before such 15th day.
- (c) APPLICATION OF FEES TO CERTAIN AGRICULTURAL PRODUCTS.—The amendment made by section 111(b)(2)(D)(iv) of the Customs and Trade Act of 1990 shall apply to—
- (1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and
- (2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if the liquidation of the entry was not final before such 15th day.

SEC. 4. TECHNICAL AMENDMENT TO THE CUSTOMS AND TRADE ACT OF 1990.

Subsection (b) of section 484H of the Customs and Trade Act of 1990 (19 U.S.C. 1553 note) is amended by striking “, or withdrawn from warehouse for consumption,” and inserting “for transportation in bond”.

SEC. 5. CLARIFICATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended—

- (1) by striking “centralized hub facility or” in clause (i); and
- (2) in clause (ii)—
 - (A) by striking “facility—” and inserting “facility or centralized hub facility—”;
 - (B) by striking “customs inspectional” in subclause (I), and
 - (C) by striking “at the facility” in subclause (I) and inserting “for the facility”.

(b) DEFINITIONS.—Section 13031(b)(9)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(i)) is amended—

- (1) by striking “, as in effect on July 30, 1990”, and
- (2) by adding at the end thereof the following new sentence: “Nothing in this paragraph shall be construed as prohibiting the Secretary of the Treasury from processing merchandise that is informally entered or released at any centralized hub facility or express consignment carrier facility during the normal operating hours of the Customs Service, subject to reimbursement and payment under subparagraph (A).”.

(c) CITATION.—Section 13031(b)(9)(B)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(ii)) is amended by striking “section 236 of the Tariff and Trade Act of 1984” and inserting “section 236 of the Trade and Tariff Act of 1984”.

SEC. 6. SPECIAL RULE FOR EXTENDING TIME FOR FILING DRAWBACK CLAIMS.

Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)) is amended by adding at the end the following:

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

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

“(II) the claimant files a request for such extension with the Customs Service within one year from the last day of the 3-year period referred to in paragraph (1).

“(ii) In the case of a major disaster occurring on or after January 1, 1994, and before the date of the enactment of this paragraph—

“(I) the Customs Service may extend the time for filing the drawback claim for a period not to exceed 1 year; and

“(II) the request under clause (i)(II) must be filed not later than 1 year from the date of the enactment of this paragraph.

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

“(C) For purposes of this paragraph, the term ‘major disaster’ has the meaning given that term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).”.

SEC. 7. TREATMENT OF CERTAIN ENTRIES.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), and any other provision of law, the United States Customs Service shall liquidate or reliquidate those entry numbers made at New York, New York, which are listed in subsection (c), in accordance with the final results of the administrative review, covering the period from May 1, 1984, through March 31, 1985, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A-580-008).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
84-4426808	August 29, 1984
84-4427823	September 4, 1984
84-4077985	July 25, 1984
84-4080859	August 3, 1984

Entry Number	Date of Entry
84-4080817	August 3, 1984
84-4077723	August 1, 1984
84-4075194	July 10, 1984
84-4076481	July 17, 1984
84-4080930	August 9, 1984.

SEC. 8. TEMPORARY DUTY SUSPENSION FOR PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.98.05	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1998 Goodwill Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing event by or on behalf of the foregoing persons or the organizing committee of such event; articles to be used in exhibitions depicting the culture of a country participating in such event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow	Free	No change	Free	On or before 2/1/99	”.
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(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.05 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 9. MISCELLANEOUS TECHNICAL CORRECTION.

Section 313(s)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(s)(2)(B)) is amended by striking “successor” the first place it appears and inserting “predecessor”.

SEC. 10. URUGUAY ROUND AGREEMENTS ACT.

Section 405(b) of the Uruguay Round Agreements Act (19 U.S.C. 3602(b)) is amended—

- (1) in paragraph (1) by striking “1(a)” and inserting “1(b)”; and
- (2) in paragraph (2) by striking “1(b)” and inserting “1(a)”.

SEC. 11. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) is amended—

- (1) in subparagraph (A), by inserting “a place” after “aircraft from”; and
- (2) in subparagraph (B), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A)(i)”.

(b) LIMITATION ON FEES.—Section 13031(b)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)) is amended to read as follows:

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

- “(i) the arrival of any passenger whose journey—
 - “(I) originated in—
 - “(aa) Canada,
 - “(bb) Mexico,
 - “(cc) a territory or possession of the United States, or
 - “(dd) any adjacent island (within the meaning of section 101(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(5))), or
 - “(II) originated in the United States and was limited to—
 - “(aa) Canada,
 - “(bb) Mexico,
 - “(cc) territories and possessions of the United States, and
 - “(dd) such adjacent islands;

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

“(iii) the arrival of any ferry; or

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

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

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

(c) FEE ASSESSED ONLY ONCE.—Section 13031(b)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(4)) is amended—

- (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;
- (2) by striking “No fee” and inserting “(A) No fee”; and
- (3) by adding at the end the following new subparagraph:

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

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 521 of the North American Free Trade Agreement Implementation Act.

SEC. 12. TECHNICAL CORRECTION TO CERTAIN CHEMICAL DESCRIPTION.

(a) AMENDMENT TO SUBHEADING 2933.90.02.—The article description for subheading 2933.90.02 of the Harmonized Tariff Schedule of the United States is amended by striking “(Quizalofop ethyl)”.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE PROVISION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request (which includes sufficient information to identify and locate the entry) filed with the Customs Service on or before the date that is 180 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article that occurred—

(A) after December 31, 1994, and before the date that is 15 days after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a lesser duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

SEC. 13. MARKING OF IMPORTED ARTICLES AND CONTAINERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (h), (i), (j), and (k), respectively, and

(2) by inserting after subsection (e) the following new subsections:

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

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

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

SEC. 14. RELIQUIDATING ENTRY OF WARP KNITTING MACHINES.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 180th day after the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as duty free Entry No. 100–3022436–3, made on July 12, 1989, at the port of Charleston, South Carolina; and

(2) refund any duties and interest paid with respect to such entry.

SEC. 15. INJURY DETERMINATIONS FOR CERTAIN COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Section 753 of the Tariff Act of 1930 (19 U.S.C. 1675b) is amended—

(1) by inserting “or section 701(c)” after “section 303” each place it appears in the section heading and text; and

(2) in subsections (a)(2) and (c) by striking “under section 303(a)(2)”;

SEC. 16. TREATMENT OF DIFFERENCE BETWEEN COLLECTIONS OF ESTIMATED ANTIDUMPING DUTY AND FINAL ASSESSED DUTY UNDER ANTIDUMPING DUTY ORDER.

Section 737(a) of the Tariff Act of 1930 (19 U.S.C. 1673f(a)) is amended—

(1) in the matter preceding paragraph (1) by striking “deposit collected” and inserting “deposit, or the amount of any bond or other security, required”;

(2) in paragraph (1) by striking “the cash deposit collected” and inserting “that the cash deposit, bond, or other security”; and

(3) in paragraph (2) by striking “refunded, to the extent the cash deposit” and inserting “refunded or released, to the extent that the cash deposit, bond, or other security”.

SEC. 17. PERSONAL ALLOWANCE EXEMPTION FROM DUTIES.

Section 555(b)(6) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(6)) is amended by inserting after “customs territory” the following: “, except that merchandise purchased by United States residents is eligible for exemption from duty under subheadings 9804.00.65, 9804.00.70, and 9804.00.72 of the Harmonized Tariff Schedule of the United States upon the United States resident’s return to the customs territory of the United States, if the person meets the eligibility requirements for the exemption claimed. Notwithstanding any other provision of law, such merchandise shall be considered to be articles acquired abroad as an incident of the journey from which the person is returning, for purposes of determining eligibility for any such exemption”.

SEC. 18. TARIFF TREATMENT OF CERTAIN SILVER AND GOLD BARS.

(a) IN GENERAL.—Subchapter II of chapter 71 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking subheading 7106.92.00 and inserting in numerical sequence the following new subheadings and superior text thereto, with such text having the same degree of indentation as subheading 7106.91:

“	7106.92 7106.92.10	Semimanufactured: Rectangular or near- rectangular shapes, each having a purity of 99.5 percent or higher and not other- wise marked or deco- rated than with weight, purity or other identifying informa- tion	Free	Free (A*, CA, E, IL, J, MX)	Free 65%	”;
	7106.92.50	Other	4.8%			

(2) by striking subheading 7108.13.50 and inserting in numerical sequence the following new subheadings and superior text thereto, with such text having the same degree of indentation as subheading 7108.13.10:

“	7108.13.55	Other: Rectangular or near- rectangular shapes, each having a purity of 99.5 percent or higher and not other- wise marked or deco- rated than with weight, purity or other identifying in- formation	Free	Free (CA, E, IL, J, MX)	Free 65%	”;
	7108.13.70	Other	6.6%			and

(3) by striking subheadings 7115.90.10 through 7115.90.50 and inserting in numerical sequence the following new subheadings and superior text, with the article description for subheading 7115.90.15 having the same degree of indentation as the article description of subheading 7116.10.10:

“	7115.90.15	Gold, not clad with pre- cious metal, in rectangu- lar or near-rectangular shapes, each having a pu- rity of 99.5 percent or higher and not otherwise marked or decorated than with weight, purity or other identifying informa- tion	Free		Free	
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7115.90.25	Silver, not clad with precious metal, in rectangular or near-rectangular shapes, each having a purity of 99.5 percent or higher and not otherwise marked or decorated than with weight, purity or other identifying information	Free		Free
	Other:			
7115.90.30	Of gold, including metal clad with gold	6.2%	Free (A*, CA, E, IL, J, MX)	110%
7115.90.40	Of silver, including metal clad with silver	4.8%	Free (A*, CA, E, IL, J, MX)	65%
7115.90.60	Other	6.4%	Free (A, CA, E, IL, J, MX)	65%

(b) CONFORMING AMENDMENTS.—General note 4(d) of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking “7106.92.00 Chile” and inserting “7106.92.50 Chile”; and

(2) by striking “7115.90.10 Argentina” and “7115.90.20 Argentina” and inserting “7115.90.30 Argentina” and “7115.90.40 Argentina”, respectively.

(c) STAGED RATE REDUCTIONS.—Any staged rate reduction that was proclaimed by the President before the date of the enactment of this Act to take effect on or after the date of the enactment of this Act—

(1) of a rate of duty set forth in subheading 7106.92.00 of the Harmonized Tariff Schedule of the United States shall apply to the corresponding rate of duty in subheading 7106.92.50 of such Schedule (as added by subsection (a)(1));

(2) of a rate of duty set forth in subheading 7108.13.50 shall apply to the corresponding rate of duty in subheading 7108.13.70 of such Schedule (as added by subsection (a)(2));

(3) of a rate of duty set forth in subheading 7115.90.10 shall apply to the corresponding rate of duty in subheading 7115.90.30 of such Schedule (as added by subsection (a)(3));

(4) of a rate of duty set forth in subheading 7115.90.20 shall apply to the corresponding rate of duty in subheading 7115.90.40 of such Schedule (as added by subsection (a)(3)); and

(5) of a rate of duty set forth in subheading 7115.90.50 shall apply to the corresponding rate of duty in subheading 7115.90.60 of such Schedule (as added by subsection (a)(3)).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods that are entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

SEC. 19. CERTAIN LEAD FUEL TEST ASSEMBLIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as free of duty the entries listed in subsection (b), and

(2) refund any duties paid with respect to such entry, if the importer files a request therefor with the Customs Service within 60 days after the date of the enactment of this Act.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Date of Entry
110-0675952-3	March 9, 1990
110-1525996-0	September 19, 1990
110-3667810-7	November 7, 1990
110-1526938-1	December 21, 1990

SEC. 20. CERTAIN UNLIQUIDATED VESSEL REPAIR ENTRIES.

(a) TEMPORARY EXEMPTION EXTENDED.—Section 484E of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) is amended—

(1) in subsection (b)—

(A) by striking “and” at the end of paragraph (2)(B);

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph;

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

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

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

(2) by adding at the end the following:

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

“(1) NUMBERED ENTRIES.—

Entry Number	Date of Entry
C14-0025455-8	August 18, 1993
C14-0025456-6	August 18, 1993
C14-0025457-4	August 18, 1993
C14-0025473-1	August 27, 1993
C14-0025478-0	September 13, 1993
C14-0025479-8	September 13, 1993
C14-0025480-6	September 13, 1993
C14-0025481-4	September 13, 1993
C14-0025511-8	April 16, 1993
C14-0025533-2	April 30, 1993
C14-0025545-6	May 21, 1993
C14-0025546-4	May 21, 1993
C14-0025547-2	May 21, 1993
C14-0025558-9	June 15, 1993
C14-0025560-5	June 15, 1993
C14-0025574-6	July 21, 1993
C14-0025575-3	July 21, 1993
C14-0025603-3	July 23, 1993
C14-0025604-1	July 23, 1993
C14-0025605-8	July 23, 1993
C14-0025623-1	October 25, 1993
C14-0025624-9	October 25, 1993
C14-0025625-6	October 25, 1993
C14-0025635-5	November 8, 1993
C14-0025636-3	November 8, 1993
C14-0025637-1	November 8, 1993
C14-0025653-8	November 30, 1993
C14-0025654-6	November 30, 1993
C14-0025655-3	November 30, 1993
C14-0025657-9	November 30, 1993
C14-0025679-3	January 3, 1994
C14-0025680-1	January 3, 1994
C14-0025688-4	February 14, 1994
C14-0025689-2	February 14, 1994
C14-0025690-0	February 14, 1994
C14-0025691-8	February 14, 1994
C14-0025692-6	February 14, 1994
C14-0026803-8	January 24, 1994
C14-0026804-6	January 24, 1994
C14-0026805-3	January 24, 1994
C14-0026807-9	January 24, 1994
C14-0026808-7	January 24, 1994
C14-0026809-5	January 24, 1994
C14-0026810-3	January 24, 1994
C14-0026811-1	January 24, 1994
C14-0026826-9	March 10, 1994
C14-0026827-7	March 10, 1994
C14-0026828-5	March 10, 1994

Entry Number	Date of Entry
C14-0026829-3	March 10, 1994
C14-0026830-1	March 10, 1994
C14-0026831-9	March 10, 1994
C14-0026832-7	March 10, 1994
C14-0026833-5	March 10, 1994
C14-0026841-8	March 31, 1994
C14-0026843-4	March 31, 1994
C14-0026852-5	May 5, 1994
C14-0026853-3	May 5, 1994
C14-0026854-1	May 5, 1994
C14-0026867-3	May 18, 1994
C14-0026869-9	May 18, 1994
C14-0026874-9	June 8, 1994
C14-0026875-6	June 8, 1994
C14-0026898-8	August 2, 1994
C14-0026899-6	August 2, 1994
C14-0040625-7	October 5, 1994

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

SEC. 21. IMPORTS OF CIVIL AIRCRAFT.

General Note 6 of the Harmonized Tariff Schedule of the United States is amended to read as follows:

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

“(a) Whenever a product is entered under a provision for which the rate of duty ‘Free (C)’ appears in the ‘Special’ subcolumn, the importer—

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

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

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

“(b) For purposes of the tariff schedule, the term ‘civil aircraft’ means—

“(i) any aircraft—

“(A) that is manufactured or operated pursuant to any certificate issued by the Administrator of the FAA under section 44704 of title 49, United States Code, or pursuant to the approval of the airworthiness authority in the country of exportation, if such approval is recognized by the FAA as an acceptable substitute for such an FAA certificate, or

“(B) for which an application for such a certificate has been submitted to, and accepted by, the Administrator of the FAA, and

“(ii) any aircraft not described in clause (i), other than aircraft purchased for use by the Department of Defense or the United States Coast Guard.”.

SEC. 22. TEMPORARY SUSPENSION OF DUTY ON DICHLOROFOP-METHYL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.30.16	Methyl 2-[4-(2,4-dichlorophenoxy)phenoxy]propionate (dichlorofop-methyl) in bulk form or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15)	Free	No change	No change	On or before 12/31/98	”.
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(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 23. DUTY ON DISPLAY FIREWORKS.

(a) IN GENERAL.—Chapter 36 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 3604.10.00 and inserting the following new subheadings, with the article description for subheading 3604.10 having the same degree of indentation as the article description for subheading 3604.90.00:

“	3604.10	Fireworks:					
	3604.10.10	Display or special fireworks (Class 1.3G)	2.4%		Free (A*, CA, E, IL, J, MX)	12.5%	
	3604.10.90	Other (including Class 1.4G)	5.3%		Free (A*, CA, E, IL, J, MX)	12.5%	”.

(b) CONFORMING AMENDMENT.—General note 4(d) of the Harmonized Tariff Schedule of the United States is amended by striking “3604.00.00 India” and inserting “3604.10.10 India” and “3604.10.90 India”.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 24. ELIMINATION OF DUTIES ON 3,3'-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

(a) IN GENERAL.—Subheading 2921.59.17 of the Harmonized Tariff Schedule of the United States is amended by striking “and m-Xylenediamine” and inserting “m-Xylenediamine; and 3,3'-Diaminobenzidine (tetraamino biphenyl)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 25. TEMPORARY REDUCTION IN DUTY ON THIDIAZURON.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.30.17	N-phenyl-n'-(1,2,3-thiadiazol-5-yl) urea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707-55-2) (provided for in subheading 2934.90.15 or 3808.30.15)	4.0%	No change	No change	On or before 12/31/98	”.
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(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 26. ELIMINATION OF DUTY ON 2-AMINO-3-CHLOROBENZOIC ACID, METHYL ESTER.

(a) **IN GENERAL.**—Subheading 2922.49.05 of the Harmonized Tariff Schedule of the United States is amended by inserting after “acid” the following: “; 2-Amino-3-chlorobenzoic acid, methyl ester”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 27. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 103-465.(a) **TITLE I.**—

(1) Section 516A(a)(2)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)(A)(i)(I)) is amended by adding a comma after “subparagraph (B)”.

(2) Section 132 of the Uruguay Round Agreements Act (19 U.S.C. 3552) is amended by striking “title” and inserting “section”.

(b) **TITLE II.**—

(1)(A) The item relating to section 221 in the table of contents of the Uruguay Round Agreements Act is amended to read as follows:

“Sec. 221. Special rules for review of determinations.”.

(B) The section heading for section 221 of that Act is amended to read as follows:

“SEC. 221. SPECIAL RULES FOR REVIEW OF DETERMINATIONS.”.

(2) Section 270(a)(2)(B) of the Uruguay Round Agreements Act is amended by striking “771(A)(c)” and inserting “771A(c)”.

(3) Section 702(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1671a(c)(5)) is amended by striking “(b)(1)(A)” and inserting “(b)(1)”.

(4) Section 732(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1673a(c)(5)) is amended by striking “(b)(1)(A)” and inserting “(b)(1)”.

(5) Section 212(b)(1)(C)(i)(I) of the Uruguay Round Agreements Act is amended by striking “the petition” and inserting “a petition”.

(6) Section 214(b)(2)(A)(i)(II) of the Uruguay Round Agreements Act is amended by striking “the merchandise” and inserting “merchandise”.

(7) Section 771(16)(B)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(16)(B)(i)) is amended by striking “merchandise which is the subject of the investigation” and inserting “subject merchandise”.

(8) Section 732(e)(1) of the Tariff Act of 1930 (19 U.S.C. 1673a(e)(1)) is amended by striking “the the” and inserting “the”.

(9) Section 233(a)(6)(C) of the Uruguay Round Agreements Act is amended by inserting “each place it appears” after “commence”.

(10) Section 261(d)(1)(A)(ii) of the Uruguay Round Agreements Act is amended by inserting after “is amended” the following: “by striking ‘as follows:’ and inserting a comma and”.

(11) Section 261(d)(1)(B)(ii)(I) of the Uruguay Round Agreements Act is amended by inserting “of” after “section 303 or”.

(12) Section 337(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1337(b)(3)) is amended in the first sentence by striking “such section and”.

(13) Section 281(h)(4) of the Uruguay Round Agreements Act is amended by striking “(A).”.

(14) Section 771(30) of the Tariff Act of 1930 (19 U.S.C. 1677(30)) is amended by striking “agreement” and inserting “Agreement”.

(15) Section 705(c)(1)(B)(i)(II) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(1)(B)(i)(II)) is amended by inserting “section” after “if”.

(16) Section 282(d) of the Uruguay Round Agreements Act (19 U.S.C. 3572(d)) is amended by aligning the text of the last sentence with the text of the first sentence.

(c) **TITLE III.**—

(1) Section 314(e) of the Uruguay Round Agreements Act is amended in the matter proposed to be inserted as section 306(b)(1) of the Trade Act of 1974, by striking the closed quotation marks and second period at the end.

(2) Section 321(a)(1)(C)(i) of the Uruguay Round Agreements Act is amended to read as follows:

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

(3) Section 592A(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1592A(a)(3)) is amended by striking “list under paragraph (2)” and inserting “list under paragraph (1)”.

(4) Section 301(c)(4) of the Trade Act of 1974 (19 U.S.C. 2411(c)(4)) is amended by striking “paragraph (1)(C)(iii)” and inserting “paragraph (1)(D)(iii)”.

(5) Section 202(d)(4)(A)(i) of the Trade Act of 1974 (19 U.S.C. 2252(d)(4)(A)(i)) is amended by striking “section 202(b)” and inserting “subsection (b)”.

(6) Section 304(a)(3)(A) of the Trade Act of 1974 (19 U.S.C. 2414(a)(3)(A)) is amended by inserting “Rights” after “Intellectual Property”.

(7) Section 331 of the Uruguay Round Agreements Act (19 U.S.C. 3591) is amended by striking “, as defined in section 2(9) of the Uruguay Round Implementation Act,”.

(8) Section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854) is amended in the second sentence by striking “Implementation” and inserting “Agreements”.

(9) Section 334(b)(1)(B)(ii) of the Uruguay Round Agreements Act (19 U.S.C. 3592(b)(1)(B)(ii)) is amended by striking “possession,” and inserting “possession;”.

(10) Section 305(d)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(d)(2)) is amended—

- (A) by striking “or” after the semicolon at the end of subparagraph (B); and
- (B) in subparagraph (C) by striking the period at the end and inserting a semicolon.

(11) Section 304 of the Trade Agreements Act of 1979 (19 U.S.C. 2514) is amended—

- (A) in subsection (a) by striking the comma after “XXIV(7)”; and
- (B) in subsection (c)—
 - (i) by striking the comma after “XXIV(7)”; and
 - (ii) by striking the comma after “XIX(5)”.

(12) Section 308(4)(D) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(D)) is amended by striking “the the” and inserting “the”.

(13) Section 305(g) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)) is amended—

- (A) in paragraph (1)—
 - (i) by striking “of such subsection” and inserting “of subsection (d)(2)”; and
 - (ii) by inserting “of subsection (d)(2)” after “(as the case may be)”; and
- (B) in paragraph (3)—
 - (i) by striking “the the” and inserting “the”; and
 - (ii) by inserting “of subsection (d)(2)” after “(as the case may be)”.

(14) Section 402(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2532(4)) is amended by inserting a comma after “system, if any”.

(15) Section 414(b)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 2544(b)(1)) is amended by striking “procedures,,” each place it appears and inserting “procedures,”.

(16) Section 451(6)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2571(6)(A)) is amended by striking “Members.” and inserting “Members; and”.

(d) TITLE IV.—

(1) Section 492(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2578a(c)) is amended by striking “phytosanitary” and inserting “phytosanitary”.

(2) Section 412(b) of the Uruguay Round Agreements Act is amended by striking “1853” and inserting “972”.

(e) TITLE V.—

(1) Section 154(c)(2) of title 35, United States Code, is amended in the matter preceding subparagraph (A) by striking “Acts” and inserting “acts”.

(2) Section 104A(h)(3) of title 17, United States Code, is amended by striking “section 104A(g)” and inserting “subsection (g)”.

(f) TITLE VI.—

(1) Section 141(c)(1)(D) of the Trade Act of 1974 (19 U.S.C. 2171(c)(1)(D)) is amended by striking the second comma after “World Trade Organization”.

(2) Section 601(b)(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 2465 note) is amended by striking “such date of enactment” and inserting “the date of the enactment of this Act”.

SEC. 28. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 103-182.

(a) TITLE II.—

(1) Section 13031(b)(10)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(10)(A)) is amended—

- (A) by striking “Agreement” and inserting “Agreement Implementation Act of 1988); and
- (B) by striking “section 403” and inserting “article 403”.

- (2) Section 202 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332) is amended—
- (A) in subsection (m)(4)(C) by striking “(o)” and inserting “(p)”; and
- (B) in subsection (p)(18) by striking “federal government” and inserting “Federal Government”.
- (b) TITLE III.—
- (1) Section 351(b)(2) of the North American Free Trade Agreement Implementation Act is amended by striking “Agreement Act” and inserting “Agreements Act”.
- (2) Section 411(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2541(c)) is amended by striking “Special Representatives” and inserting “Trade Representative”.
- (3) Section 316 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3381) is amended by striking “subsection 202(d)(1)(C)(i)” and inserting “subsection (d)(1)(C)(i)”.
- (4) Section 309(c) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3358(c)) is amended in paragraphs (1) and (2) by striking “column 1—General” and inserting “column 1 general”.
- (c) TITLE IV.—
- (1) Section 402(d)(3) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3432(d)(3)) is amended in the matter preceding subparagraph (A) by striking “(c)(4)” and inserting “subsection (c)(4)”.
- (2) Section 407(e)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3437(e)(2)) is amended by striking “petition,” and inserting “petition;”.
- (3) Section 516A(g)(12)(D) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(12)(D)) is amended—
- (A) by striking “(D)(i)” and inserting “(D)”; and
- (B) by striking “If the Trade Representative” and inserting “(i) If the Trade Representative”.
- (4) Section 415(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3451(b)(2)) is amended by striking “under 516A(a)” and inserting “under section 516A(a)”.
- (d) TITLE V.—Section 219 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2707) is amended—
- (1) in subsection (b)(1) by striking “Hemisphere,” and inserting “Hemisphere;” and
- (2) in paragraphs (1) and (2) of subsection (h) by striking “Center,” and inserting “Center;”.
- (e) TITLE VI.—
- (1) Section 3126 of the Revised Statutes of the United States (19 U.S.C. 293) is amended by striking “or both” and inserting “or both;”.
- (2) Section 3127 of the Revised Statutes of the United States (19 U.S.C. 294) is amended by striking “conveyed a United States” and inserting “conveyed in a United States”.
- (3) Section 436(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1436(a)(2)) is amended—
- (A) by striking “431(e)” and inserting “431”; and
- (B) by striking “or” after the semicolon at the end.
- (4) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended—
- (A) in subsection (j)(2) by realigning the text following subparagraph (C)(ii)(II) beginning with “then upon the exportation” and ending with “duty, tax, or fee.” two ems to the left so that the text has the same degree of indentation as paragraph (3) of section 313(j) of such Act; and
- (B) in subsection (t) by striking “chapter” and inserting “Act”.
- (5) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended—
- (A) in each of paragraphs (1), (2), and (4) by striking the semicolon at the end and inserting a period; and
- (B) in paragraph (5) by striking “; and” and inserting a period.
- (6) Section 484(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(1)) is amended by striking “553, and 336(j)” and inserting “and 553”.
- (7) Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking “section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud)” and inserting “and section 520 (relating to refunds and errors)”.
- (8) Section 491(a) of the Tariff Act of 1930 (19 U.S.C. 1491(a)) is amended in the first sentence—
- (A) by striking “in in” and inserting “in”; and

(B) by striking “appropriate customs officer” and inserting “Customs Service”.

(9) Section 490(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1490(c)(1)) is amended by striking “paragraphs (1) through (4) of subsection (a)” and inserting “subparagraphs (A) through (D) of subsection (a)(1)”.

(10) Sections 1207(b)(2) and 1210(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3007(b)(2) and 3010(b)(1)) are each amended by striking “484(e)” and “1484(e)” and inserting “484(f)” and “1484(f)”, respectively.

(11) Section 641(d)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1641(d)(2)(B)) is amended in the second to the last sentence by striking “his” and inserting “the”.

(12) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act is amended by striking “disclosure in 30 days” and inserting “disclosure within 30 days”.

(13) Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) is amended in the subsection heading by striking “TAXES” and inserting “TAXES,”.

(14) Section 625(a) of the Tariff Act of 1930 (19 U.S.C. 1625(a)) is amended by striking “chapter” and inserting “Act”.

(15) Section 413(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1413(a)(1)) is amended by striking “this Act” and inserting “the North American Free Trade Agreement Implementation Act”.

SEC. 29. OTHER TECHNICAL AMENDMENT.

Section 516A(g)(4)(A) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(4)(A)) is amended by striking “Implementation Agreement Act of 1988” and inserting “Agreement Implementation Act of 1988”.

SEC. 30. MORATORIUM ON MARKINGS OF METAL FORGINGS AND HAND TOOLS; CONSULTATION AND LAYOVER REQUIREMENTS IN GENERAL.

(a) MORATORIUM ON EXISTING AGENCY ACTIONS.—

(1) MORATORIUM.—Any regulations, rulings, guidelines, or other administrative decisions of the Secretary of the Treasury or of the United States Customs Service relating to rules of origin or country of origin marking requirements in effect on July 17, 1996, with respect to hand tools or metal forgings for hand tools may not be changed, modified, or revoked for a period of 1 year beginning on the date of the enactment of this Act.

(2) DEFINITION.—For purposes of this subsection, the term “metal forgings for hand tools” means metal forgings that—

(A) are imported for processing into finished hand tools in the United States; and

(B) have not been improved in condition beyond rough burring, trimming, grinding, turning, hammering, chiseling, or filing.

(b) CONSULTATION WITH CONGRESS.—

(1) HAND TOOLS AND METAL FORGINGS.—Any regulations, rulings, guidelines, or other administrative decisions referred to in subsection (a) may be changed, modified, or revoked, consistent with United States law, after the end of the 1-year period described in that subsection, but only if the requirements of paragraph (3) are met.

(2) OTHER CHANGES IN RULE OF ORIGIN OR COUNTRY OF ORIGIN MARKING REQUIREMENTS.—Any regulations, rulings, guidelines, or other administrative decisions of the Secretary of the Treasury or of the United States Customs Service constituting a significant policy change in rules of origin or country of origin marking requirements in effect on July 17, 1996, may be issued only if the requirements of paragraph (3) are met.

(3) PROCEDURAL REQUIREMENTS.—The requirements referred to in paragraphs (1) and (2) are that—

(A) in addition to any other requirement of law or public notice procedure, the Secretary of the Treasury has consulted with interested and potentially affected persons regarding the proposed action referred to in paragraph (1) or (2), as the case may be;

(B) the Secretary of the Treasury 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 the action proposed, the extent to which such action constitutes a significant policy change from that underlying the regulations, rulings, guidelines, or administrative decisions in effect, and the reasons for such change;

(C) a period of 60 days, beginning with the first day on which the Secretary of the Treasury has met the requirements of subparagraphs (A) and (B) with respect to the proposed action has expired; and

(D) the Secretary of the Treasury has consulted with the committees referred to in subparagraph (B) regarding the proposed action during the period referred to in subparagraph (C).

(4) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in paragraph (3)(C) shall be computed by excluding—

(A) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.

(c) EFFECT ON OTHER LAWS AND OBLIGATIONS.—Nothing in this section shall affect section 132 or 334 of the Uruguay Round Agreements Act (19 U.S.C. 3552, 3592), or require actions inconsistent with United States obligations under the WTO Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

I. INTRODUCTION

A. PURPOSE AND SUMMARY

During the 104th Congress, the Committee on Ways and Means reviewed the need for technical, clerical and substantive changes to trade laws, particularly as a result of the enactment during the 103rd Congress of the North American Free Trade Implementation Act (P.L. 103–182) and the Uruguay Round Agreements Act (P.L. 103–465). Trade Subcommittee Chairman Philip Crane has periodically requested written comments from parties interested in technical corrections to trade legislation, and other miscellaneous trade proposals. H.R. 3815 includes many of the proposals that were suggested as a result of this review and request for comments.

B. BACKGROUND

On April 25, 1995, Trade Subcommittee Chairman Crane requested written comments from parties interested in technical corrections and other miscellaneous changes to U.S. trade laws. Among these provisions were a set of technical amendments approved by the Committee during the 103rd Congress for inclusion in the Uruguay Round Agreements Act, but which were not included in the final version of the bill submitted to the President. In response to Chairman Crane’s request, the Committee on Ways and Means received many proposals from the private sector and the Administration.

C. LEGISLATIVE HISTORY

Legislative hearing

On July 11, 1995, the Subcommittee held a hearing on rules of origin. The hearing reviewed the administration of U.S. laws for preferential and non-preferential rules of origin and country-of-origin marking requirements, and the prospects for the WTO rules of origin working program referred to in section 132 of the Uruguay Round Agreements Act. Requests for exemptions from country-of-origin marking requirements for certain imports were included as part of the record of this hearing. Legislative proposals were subsequently introduced to provide these marking exemptions.

Committee bill

On June 14 and August 2, 1995, the Subcommittee favorably reported by voice vote two draft bills to make technical corrections to trade laws, and other miscellaneous trade provisions. On September 13, 1995, the Committee on Ways and Means ordered favorably reported to the House Budget Committee the technical corrections and miscellaneous trade provisions in the two draft bills which had been favorably reported by the Trade Subcommittee the previous June and August. These provisions were included in H.R. 2491, the "Seven-Year Balanced Budget Reconciliation Act of 1995," which passed the House of Representatives in November 1995. However, subtitle A was subsequently removed from the bill prior to the House-Senate conference, due to the application of the "Byrd Rule" (section 313 of the Congressional Budget Act of 1974).

On August 9, 1995, and January 31, 1996, Chairman Crane requested written comments from parties interested in additional miscellaneous trade proposals and technical corrections to trade laws. In response to these comments, the Trade Subcommittee prepared a draft bill. The Administration and business and industry groups reviewed each of these provisions and concluded that they were non-controversial. In addition, the Office of Law Revision Counsel identified the need for a number of technical and clerical changes to trade laws. These items were also included in the draft Subcommittee bill. On May 9, 1996, the Subcommittee on Trade ordered favorably reported draft legislation to make technical and clerical corrections and certain other changes to facilitate Customs administration or change rates of duty on particular products.

On July 17, 1996, the Committee on Ways and Means ordered favorably reported H.R. 3815, which combined proposals passed by the House as part of Budget Reconciliation, proposals favorably reported by the Subcommittee on Trade on May 9, 1996, with minor modifications, and two additional proposals. The bill was ordered favorably reported by voice vote, as amended.

II. EXPLANATION OF PROVISIONS

A. SEC. 1. PAYMENT OF DUTIES AND FEES

Present law

Section 505(c) of the Tariff Act of 1930, as amended by section 642 of the North American Free Trade Agreement (NAFTA) Implementation Act (which includes the Customs Modernization Act) provides for interest accrual on entries from the date of deposit to the date of liquidation or reliquidation. Under this authority, interest is collected or refunded, as appropriate. Section 642 of the NAFTA Act (and the Customs Modernization Act) became effective on the date of enactment, December 8, 1993.

Explanation of provision

The provision would amend section 505(c) of the Tariff Act of 1930 to provide an exemption for interest accrual on duty paid or owed where an entry is liquidated or reliquidated due to an importer's claim for preferential tariff treatment under the NAFTA Implementation Act.

Reason for change

The interest accrual provision under section 642 of the NAFTA Implementation Act was intended to encourage importers to use reasonable care in determining duty liability on making an entry. This rationale does not apply in cases where an importer has up to a year after the entry to make a claim for preferential tariff treatment under the NAFTA. Otherwise, an importer would be assured a guaranteed return on funds by routinely delaying claims for NAFTA treatment and thereby receive a refund of duties with interest. The application of the interest provision in this way was not contemplated at the time of adoption of the NAFTA Implementation Act. The change is needed to conform with the Committee's original intent.

Effective date

The provision would be effective for NAFTA claims made on or after April 25, 1995, the date of the Subcommittee press release announcing consideration of this change.

B. SEC. 2. OTHER TECHNICAL AND CONFORMING AMENDMENTS

1. EXAMINATION OF BOOKS AND WITNESSES

Present Law

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

Explanation of provision

The provision would amend section 509(a)(2) of the Tariff Act of 1930 to make a technical correction changing the citation from "subsection (c)(1)(A)" to "subsection (d)(1)(A)."

Reason for change

The provision would revise an incorrect citation.

Effective date

December 8, 1993.

2. REQUIREMENT FOR CERTIFICATE FOR IMPORTATION OF ALCOHOLIC LIQUORS IN SMALL VESSELS

Present law

Section 7 of the Act of August 5, 1935 requires certificates of importation for alcoholic beverages on small vessels.

Explanation of provision

The provision would repeal section 7 of the Act of August 5, 1935.

Reason for change

Section 7 of the Act of August 5, 1935 is an obsolete statute.

Effective date

December 8, 1993.

3. PENALTIES FOR CERTAIN VIOLATIONS

Present law

Section 592 of the Tariff Act of 1930 provides rules for the imposition of penalties for fraud, negligence, and gross negligence.

Explanation of provision

The provision would amend section 592 to replace references to “lawful duty” with “lawful duty, tax, or fee.”

Reason for change

The technical correction recognizes that Customs collects taxes and fees, as well as duties.

Effective date

December 8, 1993.

4. DEPRIVATION OF LAWFUL DUTIES, TAXES, OR FEES

Present law

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

Explanation of provision

The provision would amend section 592(d) of the Tariff Act to replace the phrase “or fees be restored” with “and fees be restored.”

Reason for change

The provision would ensure the restoration of duties, taxes, and fees if the United States has been deprived of any duties, taxes, or fees by a violation of Section 592.

Effective date

December 8, 1993.

5. RECONCILIATION TREATED AS ENTRY FOR RECORDKEEPING

Present law

Section 401 of the Tariff Act of 1930 provides miscellaneous definitions, and section 508 of that Act provides the requirements, time periods, and limitations for import recordkeeping.

Explanation of provision

The provision would amend sections 401(s) and 508(c)(1) of the Tariff Act of 1930 to clarify that a reconciliation should be treated as an entry for purposes of the recordkeeping laws.

Reason for change

The provision would clarify that records pertaining to reconciliation should be retained for a period of five years from the date of filing of the reconciliation, in conformance with the general recordkeeping requirement.

Effective date

December 8, 1993.

6. EXTENSION OF LIQUIDATION

Present law

Section 504 of the Tariff Act of 1930 provides for limitations on the liquidation of entries.

Explanation of provision

The provision would amend section 504(d) of the Tariff Act of 1930 to ensure that when a suspension of liquidation is removed, the entry is not liquidated if an extension has been issued.

Reason for change

By operation of law, when a suspension of liquidation is removed, Customs must liquidate entries within a specified time period. The provision would clarify that such liquidation should not occur if an extension has been issued.

Effective date

December 8, 1993.

7. EXEMPTION FROM DUTY FOR PERSONAL AND HOUSEHOLD GOODS
ACCOMPANYING RETURNING RESIDENTS*Present law*

Section 321(a)(2)(B) of the Tariff Act of 1930 originally applied to returning residents arriving from foreign countries other than the insular possessions. Due to a split in tariff classification numbers, the tariff numbers applicable to residents returning from a foreign country were inadvertently dropped.

Explanation of provision

The provision would amend section 321(a)(2)(B) to restore HTS item number 9804.00.65.

Reason for change

The provision would correct the error and allow the Customs Service to apply administrative exemptions from duty for personal and household goods of returning residents arriving from foreign countries other than insular possessions. It would ensure that U.S. residents returning from foreign countries other than insular possessions are entitled to bring articles for personal or household use free of duty, if such articles are valued at not more than \$400.

Effective date

December 8, 1993.

8. DEBT COLLECTION

Present law

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

Explanation of provision

The provision would amend section 631(a) to clarify that compensation paid to debt-collection agencies applies to debts owed to Customs.

Reason for change

The provision would correct the operation of section 631(a) of the Tariff Act of 1930. It would enable Customs to recover expenses associated with collecting debts when the Customs Service contracts with private collection agencies for the recovery of debts. The provision would also allow Customs to pay collection agencies from recovered funds prior to depositing these funds in the Treasury.

Effective date

December 8, 1993.

9. EXAMINATION OF BOOKS AND WITNESSES

Present law

Section 509 of the Tariff Act of 1930 provides Customs with the authority to examine books and summon witnesses in its investigations and inquiries.

Explanation of provision

The provision would amend section 509(b) of the Tariff Act of 1930 to delete “appropriate regional commissioner” and substitute “officer designated pursuant to regulations.”

Reason for change

The technical correction would reflect the Customs reorganization by replacing an obsolete administrative reference.

Effective date

December 8, 1993.

10. REVIEW OF PROTESTS

Present law

Section 515 of the Tariff Act of 1930 provides for the review of protests, administrative reviews, modifications of decisions, and requests for accelerated disposition of requests by the district director.

Explanation of provision

The provision would amend section 515(d) of the Tariff Act of 1930 to delete “district director” and substitute “port director.”

Reason for change

The technical correction would reflect the Customs reorganization by replacing an obsolete administrative reference.

Effective date

December 8, 1993.

C. SEC. 3. CLARIFICATION REGARDING THE APPLICATION OF
CUSTOMS USER FEES

Present law

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended by section 111(b) of the Customs and Trade Act of 1990 provides that, in the case of agricultural products of the United States processed and packed in foreign trade zones, the ad valorem merchandise processing fee (MPF) applies solely to the value of the foreign material used to make the container. It exempts the value of domestic agricultural products from the MPF.

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

Explanation of provision

The provision would amend section 13031(b)(8) of the COBRA to clarify that the MPF would be applied only to the foreign value of merchandise entered from a foreign trade zone. In addition, the provision would clarify that section 111(b)(2)(D)(iv) of the Trade Act of 1990, regarding the application of the MPF to processed agricultural products, would apply to all entries for which liquidation has not been finalized from foreign trade zones after November 30, 1986.

Reason for change

The provision would clarify that the MPF applicable solely to foreign merchandise entered from a foreign trade zone, exempting domestic value, for agricultural products, also would apply to non-agricultural products.

Effective date

The provision applies to any entry made on or after the 15th day after the date of enactment, and to any entry made after November 30, 1986, and before such 15th day, if the entry liquidation is not finalized before such 15th day.

D. SEC. 4. TECHNICAL AMENDMENT TO THE CUSTOMS AND TRADE
ACT OF 1990

Present law

Subsection (b) of section 484H of the Customs and Trade Act of 1990 provides for the transportation in bond of Canadian lottery material.

Explanation of provision

The provision would amend subsection (b) of section 484H of the Customs and Trade Act of 1990 to replace the phrase “entered or withdrawn from warehouse for consumption” in the “Effective Date” section with “entered for transportation in bond.”

Reason for change

The provision would clarify that Canadian lottery material transported in bond is not entered into the United States for consumption.

Effective date

Date of enactment.

E. SEC. 5. CLARIFICATION OF FEES FOR CERTAIN CUSTOMS SERVICES

Present law

Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) authorizes the Customs Service to provide reimbursable services to air couriers operating in express consignment carrier facilities and in centralized hub facilities. Customs interprets the statute to mean that they are prevented from providing reimbursable services during daytime hours to centralized hub facilities.

Explanation of provision

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

Reason for change

The provision removes an outdated statutory impediment and allows Customs to provide services and accept reimbursement during all hours of operation at centralized hub facilities.

Effective date

Date of enactment.

F. SEC. 6. SPECIAL RULE FOR EXTENDING TIME FOR FILING
DRAWBACK CLAIMS*Present law*

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

Explanation of provision

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

Reason for change

As a result of a natural disaster declared by the President, such as the most recent major California earthquake, businesses may be unable to file timely drawback petitions, resulting in significant financial loss. Under current law, the Customs Service is unable to extend the filing deadline. This provision would extend the Customs Service filing deadline.

Effective date

Date of enactment, with respect to disasters on or after January 1, 1994.

G. SEC. 7. TREATMENT OF CERTAIN ENTRIES

Present law

Sections 514 and 520 of the Tariff Act of 1930 provides for protests against decisions of the Customs Service, and refunds and errors, respectively.

Explanation of provision

The provision would provide for the liquidation or reliquidation of certain entries in accordance with an administrative review by the International Trade Administration of the Department of Commerce. Any amounts owed by the United States pursuant to the liquidation or reliquidation of these entries would be paid within 90 days after such liquidation or reliquidation.

Reason for change

The provision would address an administrative error in which certain liquidation notices were not issued by the Customs Service before the expiration period. The error was discovered too late for an administrative solution.

Effective date

Date of enactment.

H. SEC. 8. TEMPORARY DUTY SUSPENSION FOR PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS

Present Law

Subchapter II of chapter 99 of the Harmonized Tariff Schedule (HTS) provides for temporary reductions in rates of duty. HTS subheading 9902.98.04 provides for the duty-free entry of the personal effects, equipment, and other materials of participants in, officials of, or accredited members of delegations to world athletic events, including the XXVI Summer Olympiad and the 1996 Atlanta Paralympic Games.

Explanation of provision

The provision would add HTS subheading 9902.98.05 to provide duty-free treatment for the personal effects, equipment, and other materials of participants in, officials of, or accredited members of delegations to the 1998 Goodwill Games.

Reason for change

The provision would grant a temporary suspension of duty on the personal effects of participants in, and certain other individuals associated with, the 1998 Goodwill Games until February 1, 1999, consistent with the treatment of such personal effects of participants in similar world athletic events.

Effective date

The provision applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment.

I. SEC. 9. MISCELLANEOUS TECHNICAL CORRECTIONS

A. DRAWBACK AND REFUNDS

Present law

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

Explanation of provision

The provision would amend section 313(s)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(s)(2)(B)) by changing the first use of the word “successor” to “predecessor.”

Reason for change

The technical correction would eliminate confusion stemming from incorrect wording.

Effective date

Date of enactment.

J. SEC. 10. URUGUAY ROUND AGREEMENTS ACT

Present law

Section 405(b) of the Uruguay Round Agreements Act (19 U.S.C. 3602(b)) provides the President with the authority to impose a duty with respect to a special safeguard agricultural good.

Explanation of provision

The provision would amend section 405(b) of the Uruguay Round Agreements Act (19 U.S.C. 3602(b)) to make a technical correction to a citation.

Reason for change

The technical correction would eliminate confusion stemming from an incorrect citation.

Effective date

Date of enactment.

K. SEC. 11. FEES FOR CERTAIN CUSTOMS SERVICES

Present law

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 (19 U.S.C. 58c(b)) provides for limitations on the collection of fees for Customs services. Section 521 of the North American Free Trade Agreement (NAFTA) Implementation Act (19 U.S.C. 58c(a)(5)) increased the Customs COBRA passenger processing fee from \$5 to \$6.50, and temporarily lifted the exemption on passengers arriving from Canada, Mexico, and the Caribbean during the period from January 1, 1994 to September 30, 1997. The statutory language was also modified to apply the fee to so-called "cruises to nowhere," that is, cruises which leave U.S. customs territory and return, without calling on any port outside the U.S.

Explanation of provision

The provision would amend section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) to clarify the application of section 521 of the NAFTA Implementation Act to provide for the collection of fees only one time in the course of a single voyage for a passenger aboard a commercial vessel.

Reason for change

Prior to the NAFTA, a COBRA fee applied to passenger arrivals "from a place outside the United States." In order to cover so-called "cruises to nowhere," the statute was amended to apply to the arrival of passengers "from outside the customs territory." However, the Customs Service has adopted a legal opinion that would require the collection of the fee multiple times from cruise passengers on a single continuous voyage that touches at more than one United States port. This interpretation was never intended by the Committee. This technical correction would clarify the original intent that no multiple collections be made.

Effective date

The amendments made by this provision would take effect as if they were included in the amendments made by section 521 of the NAFTA Implementation Act.

L. SEC. 12. TECHNICAL CORRECTION TO CERTAIN CHEMICAL DESCRIPTION

Present law

Subheading 2933.90.02 of the Harmonized Tariff Schedule of the United States provides for the entry of heterocyclic compounds with nitrogen hetero-atom(s) only, and nucleic acids and their salts.

Explanation of provision

The provision would amend subheading 2933.90.02 of the Harmonized Tariff Schedule of the United States to strike quizalofop-ethyl.

Reason for change

One of the chemical products in this subheading, 2-[4-[(6-Chloro-2-quinoxalinyloxy)phenoxy]propionic acid, ethyl ester, is an agricultural herbicide for which a temporary suspension was established in 1990, as HTSUS 9902.30.58. The Uruguay Round implementing legislation made this temporary suspension permanent under HTS 2933.90.02.

The subject herbicide exists physically as two stereoisomers, or compounds with identical chemical formulas and atomic connectivity but with different spatial orientations of atomic groups. By striking quizalofop ethyl, the provision would clarify that this HTS category covers all stereoisomers of this chemical product and not just one particular form of the product imported at the time of enactment of the Uruguay Round Agreements Act.

Effective date

In general, the effective date of this provision would be the 15th day on or after the date of enactment of this provision. The provision would also have a retroactive provision which provides for the liquidation or reliquidation of any entry under subheading 2933.90.02 made after December 31, 1994 and before the date 15 days after the date of enactment of this provision.

M. SEC. 13. MARKING OF IMPORTED ARTICLES AND CONTAINERS

Present law

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

Explanation of provision

The provision, as amended, would amend section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) to exempt certain coffee products, teas, and spices from country-of-origin marking requirements.

Reason for change

During hearings on July 11, 1995, on the administration of rules of origin and country-of-origin marking requirements, the Trade Subcommittee became aware of instances in which the interpretation of the current country-of-origin marking requirements are incompatible with certain manufacturing processes. Since coffee, tea, and spice products are often blended from numerous imported sources, producers are required to constantly change labels to reflect import sources as each batch of product is manufactured. The current marking requirements with regard to the coffee products, teas, and spices outlined in this provision, impose substantial additional costs, while yielding information of little benefit to consumers. The provision would bring the country-of-origin marking re-

quirements for certain coffee products, teas, and spices in line with commercial reality.

Effective date

The provision applies to articles entered, or withdrawn from warehouse for consumption, on or after the date of enactment.

N. SEC. 14. RELIQUIDATING ENTRY OF WARP KNITTING MACHINES

Present law

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

Explanation of provision

The provision would instruct the Customs Service to treat the re-entry of a single entry of four warp knitting machines from Venezuela as a duty-free entry, and to refund any duties and interest which the American company has paid.

Reason for change

In the Fall of 1988, D&S International, an import-export business in Burlington, North Carolina, imported four German-made warp knitting machines under a non-dutiable HTS number. D&S subsequently sold the machines to a Venezuelan company which, finding the machines unsatisfactory, returned them to D&S. Upon re-entry at Charleston, South Carolina, the Customs Service mistakenly classified the machinery under an incorrect HTS number at a duty of 4.4%. While D&S conveyed its protest to Customs in a timely manner, the company initially used the wrong Customs forms. Before D&S could re-submit their protest on the correct forms, the 90-day deadline for filing protests had passed. Eventually, D&S owed \$28,000, plus interest. The provision would provide redress for an acknowledged mistake.

Effective date

Date of enactment.

O. SEC. 15. INJURY DETERMINATIONS FOR CERTAIN COUNTERVAILING DUTY ORDERS

Present law

Section 753 of the Tariff Act of 1930 provides an injury test for outstanding countervailing duty orders formerly issued under section 303 (19 U.S.C. 1675b), applicable to countries which were not parties to the 1979 Subsidies Agreement, when the order was issued, but have subsequently become parties to the Uruguay Round Subsidies Agreement.

Explanation of provision

The provision would amend section 753 of the Tariff Act of 1930 (19 U.S.C. 1675b) to provide an injury test for countervailing duty orders imposed under section 701(c)—investigations involving imports not entitled to a material injury determination—for any coun-

try that later becomes a WTO signatory and thereby party to the Subsidies Agreement.

Reason for change

The provision would facilitate administration by providing an injury test for countervailing duty orders for countries that later become WTO signatories and parties to the Subsidies Agreement.

Effective date

Date of enactment.

P. SEC. 16. TREATMENT OF DIFFERENCE BETWEEN COLLECTIONS OF ESTIMATED ANTIDUMPING DUTY AND FINAL ASSESSED DUTY UNDER ANTIDUMPING DUTY ORDER

Present law

Section 737(a) of the Tariff Act of 1930, as amended by section 219(c)(10) of the Uruguay Round Agreements Act (19 U.S.C. 1673f), imposes a “cap” on the amount of the final antidumping duty assessment, which cannot exceed the amount of cash deposit collected as security for the estimated antidumping duty.

Explanation of provision

The provision would amend section 737 of the Tariff Act of 1930 (19 U.S.C. 1673f) regarding the imposition of the “cap” on the amount of the final antidumping duty assessment, which must be “capped” by the amount of the cash deposit collected as security for the estimated antidumping duty. The amendment clarifies that the “cap” should apply also to a bond or other security posted in lieu of a cash deposit.

Reason for change

The provision would facilitate administration by clarifying that the “cap” on the amount of the final antidumping duty assessment should also apply to other securities posted in lieu of a cash deposit.

Effective date

Date of enactment.

Q. SEC. 17. PERSONAL ALLOWANCE EXEMPTION FROM DUTIES

Present law

Under section 555(b)(6) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(6)) merchandise purchased in duty-free sales enterprises, which is brought back to U.S. Customs territory, is not eligible for a duty-free exemption under the personal allowance for returning U.S. residents.

Explanation of provision

The provision would amend section 555(b)(6) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(6)) to make merchandise purchased by U.S. residents in duty-free enterprises eligible for a duty-free exemption under the existing personal allowance exemption for U.S.

residents returning to U.S. Customs territory, if the person meets the eligibility requirements of the exemption.

Reason for change

The provision would provide a duty-free exemption for merchandise purchased in duty-free enterprises by U.S. residents returning to U.S. Customs territory.

Effective date

Date of enactment.

R. SEC. 18. TARIFF TREATMENT OF CERTAIN SILVER AND GOLD BARS

Present law

Definitions in Subchapter II of Chapter 71 of the Harmonized Tariff Schedule (HTS) conversion from the former Tariff Schedules of the United States (TSUS) exclude gold and silver bullion bars which are cast or minted, from previous eligibility for duty-free treatment.

Explanation of provision

The provision would amend Subchapter II of Chapter 71 of the HTS so that gold and silver bullion bars, whether cast or minted, retain previous duty-free treatment.

Reason for change

The provision would ensure that gold and silver bullion bars, whether cast or minted, retain the same duty-free treatment under the HTS which they were provided under the former TSUS.

Effective date

The provision applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment.

S. SEC. 19. CERTAIN LEAD FUEL TEST ASSEMBLIES

Present law

Various test items enter duty-free provided that they are re-exported or destroyed within three years of entry.

Explanation of provision

The provision directs the Secretary of the Treasury to liquidate or reliquidate as duty-free and to refund duties paid on four entries of lead-fuel test assemblies of nuclear fuel rods, if the importer files a request within 60 days.

Reason for change

U.S. utilities require a period of six to eight years for analyzing the entire useful life of lead-fuel test assemblies of nuclear fuel rods. Disposal of the assemblies is subsequently conducted under U.S. law governing radioactive scrap. The provision would provide an exception to the three-year test period limitation.

Effective date

Date of enactment.

T. SEC. 20. CERTAIN UNLIQUIDATED VESSEL REPAIR ENTRIES

Present law

Section 484E(b)(2)(B) of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) provides a temporary exemption from duties imposed on the foreign repair of vessels.

Explanation of provision

The provision would amend section 484E(b)(2)(B) of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) by providing an exemption from duty for specified entries made during the period from January 1, 1993 and ending on December 31, 1994, to the extent that such entry involves the purchase of equipment, the use of materials, or the expense of repairs in a foreign country for 66 LASH (Lighter Aboard Ship) barges.

Reason for change

The provision would exempt from duty portions of 66 LASH barge repairs involving equipment, materials, and other repairs for a specific period.

Effective date

Date of enactment.

U. SEC. 21. IMPORTS OF CIVIL AIRCRAFT

Present law

General Note 6 of the HTS requires importers of duty-free civil aircraft parts to file a written statement accompanied by supporting documentation as the Secretary of the Treasury may require, with the appropriate customs officer stating that the imported article has been approved for such use by the FAA. The term “civil aircraft” means all aircraft other than aircraft purchased for use by the Department of Defense or the Coast Guard.

Explanation of provision

The provision would amend General Note 6 of the HTS to read as follows: “Whenever a product is entered under a provision for which the rate of duty ‘Free (C)’ appears in the ‘Special’ subcolumn, the importer shall maintain such supporting documentation as the Secretary of the Treasury may require; and, shall be deemed to certify that the imported article is a civil aircraft, or has been imported for use as a civil aircraft and will be so used. For purposes of the tariff schedule, the term ‘civil aircraft’ means any aircraft that is manufactured or operated pursuant to any certificate issued by the Administrator of the FAA under 49 U.S.C. 44704, or pursuant to the approval of the airworthiness authority in the country of exportation, if such approval is recognized by the FAA as an acceptable substitute for such an FAA certificate. ‘Civil aircraft’ may also mean any aircraft for which an application for such a certificate has been submitted to, and accepted by, the Administrator of

the FAA; and any other aircraft purchased for use by the Department of Defense or the United States Coast Guard.”

Reason for change

The provision would facilitate the administration of General Note 6 of the HTS by changing the requirements for document filing. The provision would also facilitate the importation of these products into U.S. Customs territory by providing a new definition of “civil aircraft” in the HTS.

Effective date

Date of enactment.

V. SEC. 22. TEMPORARY SUSPENSION OF DUTY FOR DICHLOROFOP-METHYL

Present law

Chapter 99, Subchapter II of the HTS prescribes temporary duty reductions or suspensions. Dichlorofop-methyl is subject to an MFN duty of 6.5%.

Explanation of provision

The provision would amend Subchapter II of Chapter 99 of the HTS by inserting a new heading suspending the MFN duty on dichlorofop-methyl until December 31, 1998.

Reason for change

The provision would add a new heading under the HTS suspending the MFN duty on dichlorofop-methyl until December 31, 1998.

Effective date

Applies to goods entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of enactment.

W. SEC. 23. DUTY ON DISPLAY FIREWORKS

Present law

HTS heading 3604 does not distinguish larger fireworks intended for public displays from consumer fireworks, which contain limited amounts of pyrotechnic and explosive compositions, and are intended for use by the general public. Both types of fireworks are subject to an MFN duty of 5.3%.

Explanation of provision

The provision would amend the HTS to create a separate tariff heading for display fireworks (Class 1.3G (Class B)) with an MFN tariff of 2.4%.

Reason for change

To provide a separate HTS tariff heading and an ad valorem MFN tariff equivalent to the per-weight tariff which display fireworks were provided under the TSUS.

Effective date

Applies to goods entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of enactment.

X. SEC. 24. ELIMINATION OF DUTIES ON 3,3'-DIAMINOBIENSIDINE
(TETRAAMINO BIPHENYL)

Present law

Under the U.S. Schedule XX of the Uruguay Round tariff concessions and HTS subheading 2921.59.40, tetraamino biphenyl (3,3'-diaminobenzidine) is classified at a duty rate of 12.8%.

Explanation of provision

The provision would amend the HTS to provide duty-free treatment for tetraamino biphenyl (3,3'-diaminobenzidine).

Reason for change

The provision would correct an oversight in the drafting of the list of chemicals covered by Schedule XX of the Uruguay Round tariff concessions by providing duty-free treatment in the HTS for tetraamino biphenyl.

Effective date

Applies to goods entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of enactment.

Y. SEC. 25. TEMPORARY REDUCTION IN DUTY ON THIDIAZURON

Present law

Subchapter II of Chapter 99 of the HTS prescribes temporary duty reductions and suspensions. Thidiazuron is subject to MFN duties of 6.5%.

Explanation of provision

The provision would amend Subchapter II of Chapter 99 of the HTS by inserting a new subheading 9902.30.16, and reducing to 4.0% the MFN duty on thidiazuron until December 31, 1998.

Reason for change

The provision would add a new subheading under the HTS reducing to 4.0% the MFN duty on thidiazuron until December 31, 1998.

Effective date

Applies to goods entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of enactment.

Z. SEC. 26. ELIMINATION OF DUTY ON 2-AMINO-3-CHLOROBENZOIC
ACID, METHYL ESTER

Present law

Subheading 22 of Chapter 29 of the HTS prescribes MFN duties for oxygen-function amino compounds, amino-acids and their esters.

Explanation of provision

The provision would amend subheading HTS subheading 2922.49.05 to include 2-amino-3-chlorobenzoic acid, methyl ester, and provides permanent duty-free MFN treatment.

Reason for change

The provision would add a new HTS subheading reducing to 4.0% the duty on 2-amino-3-chlorobenzoic acid, methyl ester.

Effective date

Applies to goods entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of enactment.

AA. SECS. 27–29. TECHNICAL AND CLERICAL AMENDMENTS

Present law

Minor technical and clerical errors were identified by the Office of the Law Revision Counsel while codifying certain trade laws.

Explanation of provisions

Amendments in these sections would correct technical and clerical errors in the Tariff Act of 1930, the Trade Act of 1974, the Trade Agreements Act of 1979, the Consolidated Omnibus Budget Reconciliation Act of 1985, the Uruguay Round Agreements Act, and the North American Free Trade Agreement Implementation Act.

Reason for change

The provision would facilitate administration by making technical and clerical changes to these trade laws.

Effective date

Date of enactment.

AB. SEC. 30. MORATORIUM ON MARKINGS OF METAL FORGINGS AND HAND TOOLS; CONSULTATION AND LAYOVER REQUIREMENTS IN GENERAL

Present law

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

Explanation of provision

This provision involves consultation and layover requirements pertaining to revisions of rules of origin and country of origin marking requirements.

Subsection (a)(1) would place a one-year moratorium from the date of enactment of this Act, on any regulations, rulings, guidelines, or other administrative decisions of the Secretary of the Treasury or of the United States Customs Service pertaining to rules of origin or country of origin marking requirements in effect on July 17, 1996, for hand tools or metal forgings for hand tools.

Subsection (a)(2) would define “metal forgings for hand tools” to mean metal forgings that are imported for processing into finished hand tools in the United States and have not been improved in condition beyond rough burring, trimming, grinding, turning, hammering, chiseling, or filing.

Subsection (b) would provide that any regulations, rulings, guidelines, or other administrative decisions referred to in subsection (a), and any regulations, rulings, guidelines, or other administrative decisions of the Secretary of the Treasury or the United States Customs Service constituting a significant policy change pertaining to rules of origin or country of origin marking requirements in effect on July 17, 1996 may be changed, modified, or revoked, consistent with U.S. law, only if—

in addition to any other requirements of law or public notice procedure, the Secretary of the Treasury has consulted with interested and potentially affected persons regarding any proposed change, modification, or revocation;

the Secretary of the Treasury has submitted a report to the Committee on Ways and Means and the Committee on Finance that sets forth the action proposed, the extent to which such action constitutes a significant policy change from that underlying the earlier regulations, rulings, guidelines or administrative decisions, and the reasons for such change;

a period of 60 legislative days, beginning on the first day on which the Secretary of the Treasury has met the procedural requirements of this subsection, has expired; and

the Secretary of Treasury has consulted with the committees regarding the proposed action.

The requirements of subsection (b) shall not apply to hand tools or metal forgings for hand tools until expiration of the one-year period referred to in subsection (a).

Subsection (c) would clarify that nothing in this provision would affect sections 132 or 334 of the Uruguay Round Agreements Act, or require actions inconsistent with United States obligations under the WTO Agreements.

Reason for change

The issue of rule of origin and country-of-origin marking requirements remains contentious and unresolved, both domestically and internationally. The specific issue of country-of-origin marking requirements for metal forgings for hand tools has become symbolic of the larger debate. Section 30 would place a one-year moratorium on any changes in Customs regulations, rulings, guidelines, or other administrative decisions pertaining to country-of-origin marking requirements for hand tools or metal forgings for hand tools. The one-year moratorium would allow the Committee additional time to consult with interested parties and consider possible policy guidance with respect to any new rules and the timing for their implementation in light of inconsistent court decisions and administrative rulings.

In particular, with respect to certain hand tools and metal forgings for hand tools, the Customs Service proposed a revocation of longstanding administrative rulings which held that, when imported forgings underwent significant processing in the United

States which changed the “name, character, and use” of the articles, thereby achieving a substantial transformation, the completed tools were not deemed to be the product of the country where the forgings were made and need not be marked as such. Customs proposed a new rule by which the origin of the finished hand tool would be the country producing the metal forging if that imported forging has a predetermined end-use, regardless of any processing or machining operation performed on the metal forging in the United States or of the costs incurred or value added by domestic manufacturing to produce the finished hand tool.

Customs cites the 1993 Court of International Trade decision in *National Hand Tool Corp. v. United States*, *aff'd* 989 F.2d 1201 (1993) as the basis for revoking the previous rulings. U.S. hand tool manufacturers are divided in their view of whether the proposed change is warranted by this court decision and in their assessment as to the potential impact on their business and manufacturing operations.

Section 30 also reflects a broader Committee concern, in view of the international work program underway in the WTO, comments received by the Committee from U.S. industries, and studies by the U.S. International Trade Commission (ITC), about the potential impact of possible changes in U.S. rules of origin or marking requirements on domestic industries and commercial practices generally.

The Uruguay Round Agreement on Rules of Origin sets forth a three-year work program in the WTO to develop harmonized rules of origin to apply on a global basis to non-preferential trade. Section 132 of the Uruguay Round Agreements Act requires a grant of legislative authority for the United States to implement any WTO agreement on rules of origin, a requirement which is not changed by section 30. To assist the Administration in preparing U.S. positions and proposals for the WTO work program, the ITC initiated a study under section 332 of the Tariff Act of 1930 on April 19, 1995, on the international harmonization of rules of origin. The ITC is currently soliciting public input which should ensure that sufficient recognition is given in the WTO negotiating process to industry and business interests. Given the interrelation of rules of origin and country-of-origin marking requirements, as well as the need to review the application of the 1930 marking statute, the Committee requested on December 22, 1995 that the ITC initiate a study under section 332 of the Tariff Act of 1930 of country-of-origin marking requirements. Results of this report were made available to the Committee on July 11, 1996. [“Country of Origin Marking: Review of Laws, Regulations, and Practices,” International Trade Commission, Publication 2975].

On May 5, 1995, the Customs Service republished, with modifications, proposed amendments to its regulations for uniform rules of origin for non-preferential trade. These proposed rules are based on the NAFTA rules of origin—the so-called “NAFTA 102 Rules”—and would generally extend the “change-in-tariff-heading” or “tariff-shift” approach to all non-preferential trade. During and subsequent to hearings held by the Subcommittee on Trade on July 11, 1995 on rules of origin, the Committee became aware of concerns of many domestic industries as to the substance of Treasury’s proposed extension of the NAFTA 102 Rules to all non-preferential

trade. Many industries also were very concerned about Treasury's timetable for implementation that would require adjusting business and manufacturing operations to one set of rules now, even before the U.S. develops a WTO proposal, and another set of rules after the WTO working group completes its work. Some also claim that the proposed tariff shift rules do not reflect current practice or conform to the substantial transformation standard in specific instances.

Consequently, on October 16, 1995, Mr. Crane and Mr. Rangel wrote to Secretary Rubin requesting that the proposed extension of the NAFTA 102 Rules be delayed until completion of the WTO working group on the global harmonization of rules of origin. Chairmen Archer and Roth sent a letter to Secretary Rubin expressing similar views on November 14, 1995. On March 20, Treasury agreed in writing not to publish a final rule on the extension of the NAFTA 102 Rules for the present, and agreed to consult closely with the committees of jurisdiction prior to any decision to proceed further. Section 30 does not affect these commitments.

The Committee's recommendation with respect to the 60-legislative day layover and consultation period is intended to provide a statutory mechanism for consultation with, and oversight by, the committees of jurisdiction when the Treasury Department or Customs Service proposes to make significant policy changes in rules of origin or country-of-origin marking requirements as they pertain to any product from the requirements in effect on July 17, 1996, the date the Committee ordered the bill reported. Section 30 does not preclude the Treasury Department from issuing new regulations, rulings, internal guidelines or other administrative decisions consistent with the provisions of Section 30, nor does it affect the rights of private parties to protest such administrative actions. Requirements for public notice and comment under existing law on proposed rules are also not affected. The Committee believes, however, that a one-year moratorium with respect to new administrative actions affecting rules of origin or country-of-origin marking requirements for hand tools and metal forgings for hand tools, and a consultative procedure for Congressional input prior to implementation of significant policy changes in such requirements as they apply to all products, is necessary to permit further review and evaluation of existing law and practice and proposed policy changes, particularly in the context of ongoing negotiations to develop harmonized global rules of origin.

Lastly, to address the concerns of those seeking to retain the status quo with regard to rules of origin and country-of-origin marking requirements for textile and apparel products, section 30 would not affect section 334 of the Uruguay Round Agreements Act, or require any action inconsistent with U.S. obligations under the WTO.

Effective date

Date of enactment.

III. VOTE OF THE COMMITTEE

In compliance with clause 2(1)(2)(B) of rule XI of the Rules of the House of Representatives, the following statement is made relative to the vote of the Committee in its consideration of the bill:

Motion to report H.R. 3815

On July 17, 1996, H.R. 3815, was ordered favorably reported, as amended, by voice vote, with a quorum present.

IV. BUDGET EFFECTS OF THE BILL**A. COMMITTEE ESTIMATE OF BUDGETARY EFFECTS**

In compliance with clause 7(a) of the rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effects on the budget of H.R. 3815, as reported. The Committee agrees with the estimate prepared by CBO which is included below.

B. STATEMENT REGARDING NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with subdivision (B) of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, the Committee states that the provisions of H.R. 3815 would result in a loss of offsetting receipts of \$1 million annually for each of the fiscal years from 1997 to 2002 and would not affect direct spending. Pay-as-you-go procedures would apply to the bill.

C. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET OFFICE

In compliance with subdivision (C) of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, requiring a cost estimate prepared by the Congressional Budget Office, the following report prepared by CBO is provided:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 1996.

Hon. BILL ARCHER,
*Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3815, as ordered reported by the Committee on Ways and Means on July 17, 1996. CBO estimates that the bill would result in a loss of offsetting receipts of \$1 million annually for each of the fiscal years from 1997 to 2002. None of the provisions in the bill would reduce governmental receipts by more than \$500,000 annually. The proposed legislation contains no intergovernmental or private sector mandates as defined in Public Law 104-4 and would impose no direct costs on state, local, or tribal governments. Because enacting H.R. 3815 would affect direct spending and receipts, pay-as-you-go procedures would apply to the bill.

H.R. 3815 would make technical corrects and miscellaneous amendments to certain trade laws. Section 11 of the bill would ensure that customs user fees are collected only one time in the course of a single voyage for passenger on a commercial vessel. CBO estimates that this would result in a net decrease of offsetting receipts of about \$1 million annually, beginning in fiscal year 1997.

Four of the provisions in the bill (Sections 7, 14, 19, and 20) would authorize the liquidation or reliquidation of certain entries made to the U.S. Customs Service. Based on information from Customs, CBO estimates that each of these provisions would reduce governmental receipts by less than \$500,000 annually. In addition, eight of the provisions in the bill (Sections 8, 12, 18, and 22 through 26) would amend the Harmonized Tariff Schedule to provide either tariff reductions or exemptions from duty for certain products. Based on information from the International Trade Commission, CBO estimates that each of these provisions would decrease governmental receipts by less than \$500,000 annually. The remaining provisions in the bill would have no significant impact on the budget.

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

PAY-AS-YOU-GO CONSIDERATIONS

[By fiscal years, in millions of dollars]

	1996	1997	1998
Changes in receipts	0	0	0
Changes in outlays	0	1	1

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Stephanie Weiner and Mark Grabowicz.

Sincerely,

JUNE E. O'NEILL, *Director*.

**V. OTHER MATTERS REQUIRED TO BE DISCUSSED
UNDER THE RULES OF THE HOUSE**

A. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee concludes that the actions taken in this legislation are appropriate given its oversight of international trade matters.

**B. SUMMARY OF FINDINGS AND RECOMMENDATIONS OF THE
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT**

With respect to subdivision (D) of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, the Committee states that no oversight findings or recommendations have been submitted to the Committee by the Committee on Government Reform and Oversight with respect to the subject matter contained in H.R. 3815.

C. INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee states that H.R. 3815 would not have an inflationary impact on prices and costs in the operation of the economy.

VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TARIFF ACT OF 1930

TITLE III—SPECIAL PROVISIONS

Part I—Miscellaneous

* * * * *

SEC. 304. MARKING OF IMPORTED ARTICLES AND CONTAINERS.

(a) * * *

* * * * *

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

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

[(f)] (h) ADDITIONAL DUTIES FOR FAILURE TO MARK.—If at the time of importation any article (or its container, as provided in subsection (h) hereof) is not marked in accordance with the requirements of this section, and if such article is not exported or destroyed or the article (or its container, as provided in subsection (b) hereof) marked after importation in accordance with the requirements of this section (such exportation, destruction, or marking to be accomplished under customs supervision prior to the liquidation of the entry covering the article, and to be allowed whether or not the article has remained in continuous customs custody), there shall be levied, collected, and paid upon such article a duty of 10

per centum ad valorem, which shall be deemed to have accrued at the time of importation, shall not be construed to be penal, and shall not be remitted wholly or in part nor shall payment thereof be avoidable for any cause. Such duty shall be levied, collected, and paid in addition to any other duty imposed by law and whether or not the article is exempt from the payment of ordinary customs duties. The compensation and expenses of customs officers and employees assigned to supervise the exportation, destruction, or marking to exempt articles from the application of the duty provided for in this subsection shall be reimbursed to the Government by the importer.

[(g)] (i) DELIVERY WITHHELD UNTIL MARKED.—No imported article held in customs custody for inspection, examination, or appraisement shall be delivered until such article and every other article of the importation (or their containers), whether or not released from customs custody, shall have been marked in accordance with the requirements of this section or until the amount of duty estimated to be payable under subsection (f) of this section has been deposited. Nothing in this section shall be construed as excepting any article (or its container) from the particular requirements of marking provided for in any other provision of law.

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

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

* * * * *

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

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

* * * * *

SEC. 313. DRAWBACK AND REFUNDS.

(a) * * *

* * * * *

(j) **UNUSED MERCHANDISE DRAWBACK.**—

(1) * * *

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

(A) * * *

* * * * *

(C) before such exportation or destruction—

(i) is not used within the United States, and

(ii) is in the possession of, including ownership while in bailment, in leased facilities, in transit to, or in any other manner under the operational control of, the party claiming drawback under this paragraph, if that party—

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

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

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

* * * * *

(r) FILING DRAWBACK CLAIMS.—

(1) * * *

* * * * *

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

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

(II) *the claimant files a request for such extension with the Customs Service within one year from the last day of the 3-year period referred to in paragraph (1).*

(ii) *In the case of a major disaster occurring on or after January 1, 1994, and before the date of the enactment of this paragraph—*

(I) *the Customs Service may extend the time for filing the drawback claim for a period not to exceed 1 year; and*

(II) *the request under clause (i)(II) must be filed not later than 1 year from the date of the enactment of this paragraph.*

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

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

(s) DESIGNATION OF MERCHANDISE BY SUCCESSOR.—

(1) * * *

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

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

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

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

* * * * *

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

* * * * *

SEC. 321. ADMINISTRATIVE EXEMPTIONS.

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

(1) * * *

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

(A) * * *

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

* * * * *

SEC. 337. UNFAIR PRACTICES IN IMPORT TRADE.

(a) * * *

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

* * * * *

(3) Whenever, in the course of an investigation under this section, the Commission has reason to believe, based on information

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

* * * * *

TITLE IV—ADMINISTRATIVE PROVISIONS

**PART I—DEFINITIONS AND NATIONAL CUSTOMS
AUTOMATION PROGRAM**

Subpart A—Definitions

SEC. 401. MISCELLANEOUS.

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

(a) * * *

* * * * *

(s) The term “reconciliation” means an electronic process, initiated at the request of an importer, under which the elements of an entry, other than those elements related to the admissibility of the merchandise, that are undetermined at the time of entry summary are provided to the Customs Service at a later time. A reconciliation is treated as an entry for purposes of liquidation, reliquidation, *recordkeeping*, and protest.

* * * * *

SEC. 413. IMPLEMENTATION AND EVALUATION OF PROGRAM.

(a) OVERALL PROGRAM PLAN.—

(1) IN GENERAL.—Before the 180th day after the date of the enactment of [this Act] *the North American Free Trade Agree-*

ment Implementation Act, the Secretary shall develop and transmit to the Committees an overall plan for the Program. The overall Program plan shall set forth—

(A) * * *

* * * * *

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

* * * * *

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

(a) UNLAWFUL ACTS.—It is unlawful—

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

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

* * * * *

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

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

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

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

* * * * *

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

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

(B) the vessel has not visited any hovering vessel; and

(C) the master of, and any other person on board, the vessel, if the master or such person has on board any article required by law to be entered or declared, reports such article to the Customs Service immediately upon arrival[;].

(5) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, sea stores, or ship's stores and which shall depart within twenty-four hours after arrival without having land-

ed or taken on board any passengers, or any merchandise other than bunker coal, bunker oil, sea stores, or ship's stores: *Provided*, That the master, owner or agent of such vessel shall report under oath to the appropriate customs officer the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, sea stores, or ship's stores taken on board[; and].

* * * * *

Part III—Ascertainment, Collection, and Recovery of Duties

* * * * *

SEC. 484. ENTRY OF MERCHANDISE.

(a) REQUIREMENT AND TIME.—

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

(A) * * *

* * * * *

SEC. 490. GENERAL ORDERS.

(a) * * *

* * * * *

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

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

* * * * *

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

(a) Any entered or unentered merchandise (except merchandise entered under section 557 of this Act, but including merchandise entered for transportation in bond or for exportation) which shall remain [in in] in a bonded warehouse pursuant to section 490 for 6 months from the date of importation thereof, without all estimated duties, taxes, fees, interest, storage, or other charges thereon having been paid, shall be considered unclaimed and abandoned to the Government and shall be appraised and sold by the [appropriate customs officer] *Customs Service* at public auction under such regulations as the Secretary of the Treasury shall prescribe. All gunpowder and other explosive substances and merchandise liable to depreciation in value by damage, leakage, or other cause to such extent that the proceeds of sale thereof may be insufficient to pay the duties, taxes, fees, interest, storage, and other charges, if permitted to remain in pursuant to section 490 in a bonded warehouse for 6 months, may be sold forthwith, under such regulations as the Secretary of the Treasury may prescribe. Merchandise subject to sale hereunder or under section 559 of this Act may be entered or withdrawn for consumption at any time prior to such sale upon payment of all duties, taxes, fees, interest, storage, and other charges, and expenses that may have accrued thereon, but such

merchandise after becoming subject to sale may not be exported prior to sale without the payment of such duties, taxes, fees, interest, charges, and expenses nor may it be entered for warehouse. The computation of duties, taxes, interest, and fees for the purposes of this section and sections 493 and 559 of this Act shall be at the rate of rates applicable at the time the merchandise becomes subject to sale.

* * * * *

SEC. 504. LIMITATION ON LIQUIDATION.

(a) * * *

* * * * *

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

SEC. 505. PAYMENT OF DUTIES AND FEES.

(a) * * *

* * * * *

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

* * * * *

SEC. 508. RECORDKEEPING.

(a) * * *

* * * * *

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

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

* * * * *

SEC. 509. EXAMINATION OF BOOKS AND WITNESSES.

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

(1) * * *

(2) **summon, upon reasonable notice—**

(A) * * *

* * * * *

(D) any other person he may deem proper;

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

* * * * *

(b) **REGULATORY AUDIT PROCEDURES.**—

(1) * * *

* * * * *

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

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

* * * * *

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

(a) **FINALITY OF DECISIONS.**—Except as provided in subsection (b) of this section, section 501 (relating to voluntary reliquidations), section 516 (relating to petitions by domestic interested parties), [section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud)] *and section 520 (relat-*

ing to refunds and errors) of this Act, decisions of the Customs Service, including the legality of all orders and findings entering into the same, as to—

(1) * * *

* * * * *

SEC. 515. REVIEW OF PROTESTS.—

(a) * * *

* * * * *

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

* * * * *

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

(a) REVIEW OF DETERMINATION.—

(1) * * *

(2) REVIEW OF DETERMINATIONS ON RECORD.—

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

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

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

* * * * *

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

(1) * * *

* * * * *

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

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

* * * * *

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

(A) * * *

* * * * *

(D)**[(i)]** TRANSFER FOR JUDICIAL REVIEW UPON SETTLEMENT.—(i) If the Trade Representative achieves a settlement with the government of a country described in subsection (f)(10)(A) or (B) pursuant to paragraph 7 of article 1905 of the NAFTA, and referral for judicial review is among the terms of such settlement, any final determination that is the subject of a binational panel review or an extraordinary challenge committee review shall, upon a request described in clause (ii), be transferred to the United States Court of International Trade (in accordance with rules issued by the Court) for review under subsection (a).

* * * * *

SEC. 555. BONDED WAREHOUSES.

(a) * * *

(b) DUTY-FREE SALES ENTERPRISES.—

(1) * * *

* * * * *

(6) Merchandise that is purchased in a duty-free sales enterprise is not eligible for exemption from duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States if such merchandise is brought back to the customs territory, *except that merchandise purchased by United States residents is eligible for exemption from duty under subheadings 9804.00.65, 9804.00.70, and 9804.00.72 of the Harmonized Tariff Schedule of the United States upon the United States resident's return to the customs territory of the United States, if the person meets the eligibility requirements for the exemption claimed. Notwithstanding any other provision of law, such merchandise shall be considered to be articles acquired abroad as an incident of the journey from which the person is returning, for purposes of determining eligibility for any such exemption.*

* * * * *

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

(a) PROHIBITION.—

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

(A) * * *

* * * * *

(b) PROCEDURES.—

(1) PRE-PENALTY NOTICE.—

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

notice of its intention to issue a claim for a monetary penalty. Such notice shall—

(i) * * *

* * * * *

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

* * * * *

(c) MAXIMUM PENALTIES.—

(1) * * *

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

(A) the lesser of—

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

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

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

(A) the lesser of—

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

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

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

(A) if the violation resulted from fraud—

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

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

(B) if such violation resulted from negligence or gross negligence, the interest (computed from the date of liquidation at the prevailing rate of interest applied under section 6621 of the Internal Revenue Code of 1954) on the amount of **lawful duties** *lawful duties, taxes, and fees* of

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

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

* * * * *

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

* * * * *

SEC. 592A. SPECIAL PROVISIONS REGARDING CERTAIN VIOLATIONS.

(a) PUBLICATION OF NAMES OF CERTAIN VIOLATORS.—

(1) * * *

* * * * *

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

* * * * *

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

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

* * * * *

SEC. 631. USE OF PRIVATE COLLECTION AGENCIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, *including section 3302 of title 31, United States Code, and sub-*

chapters I and II of chapter 37 of such title, the Secretary, under such terms and conditions as the Secretary considers appropriate, shall enter into contracts and incur obligations with one or more persons for collection services to recover indebtedness arising under the customs laws and owed the United States Government, *and the expenses associated with recovering such indebtedness*, but only after the Customs Service has exhausted all administrative efforts, including all claims against applicable surety bonds, to collect the indebtedness.

* * * * *

Part VI—Miscellaneous Provisions

SEC. 641. CUSTOMS BROKERS.

(a) * * *

* * * * *

(d) DISCIPLINARY PROCEEDINGS.—

(1) * * *

(2) PROCEDURES.—

(A) * * *

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

sanction contained in the notice to show cause or any lesser sanction authorized by this subsection, including a monetary penalty not to exceed \$30,000, then was contained in the notice to show cause.

* * * * *

TITLE VII—COUNTERVAILING AND ANTIDUMPING DUTIES

* * * * *

Subtitle A—Imposition of Countervailing Duties

* * * * *

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

(a) * * *

* * * * *

(c) PETITION DETERMINATION.—

(1) * * *

* * * * *

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

* * * * *

SEC. 705. FINAL DETERMINATIONS.

(a) * * *

* * * * *

(c) EFFECT OF FINAL DETERMINATIONS.—

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

(A) * * *

(B)(i) the administering authority shall—

(I) * * *

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

* * * * *

Subtitle B—Imposition of Antidumping Duties

* * * * *

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

(a) * * *

* * * * *

(c) PETITION DETERMINATION.—

(1) * * *

* * * * *

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

* * * * *

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

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

* * * * *

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

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

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

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

* * * * *

Subtitle C—Reviews; Other Actions Regarding Agreements

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

* * * * *

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

(a) IN GENERAL.—

(1) * * *

(2) DESCRIPTION OF COUNTERVAILING DUTY ORDERS.—A countervailing duty order described in this paragraph is an order issued under section 303 or section 701(c) with respect to which the requirement of an affirmative determination of material injury [under section 303(a)(2)] was not applicable at the time such order was issued.

* * * * *

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

(1) * * *

* * * * *

Subtitle D—General Provisions

SEC. 771. DEFINITIONS; SPECIAL RULES.

For purposes of this title—

(1) * * *

* * * * *

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

(A) * * *

(B) MERCHANDISE.—

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

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

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

* * * * *

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

* * * * *

ACT OF AUGUST 5, 1935

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

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

TITLE I

* * * * *

[SEC. 7. In addition to any other requirement of law, every vessel, not exceeding five hundred net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certifi-

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

* * * * *

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

SEC. 13031. FEES FOR CERTAIN CUSTOMS SERVICES.

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

(1) * * *

* * * * *

(5)(A) For fiscal years 1994, 1995, 1996, and 1997, for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a *place* outside the customs territory of the United States, \$6.50.

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

* * * * *

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

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

 【(i) originated in—

 【(I) Canada,

[(II) Mexico,
 [(III) a territory or possession of the United States,
 or
 [(IV) any adjacent island (within the meaning of
 section 101(b)(5) of the Immigration and Nationality
 Act (8 U.S.C. 1101(b)(5)), or
 [(ii) originated in the United States and was limited

to—

[(I) Canada,
 [(II) Mexico,
 [(III) territories and possessions of the United
 States, and
 [(IV) such adjacent islands;

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

[(C) the arrival of any ferry.

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

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

(i) the arrival of any passenger whose journey—

(I) originated in—

(aa) Canada,

(bb) Mexico,

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

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

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

(aa) Canada,

(bb) Mexico,

(cc) territories and possessions of the United States,

and

(dd) such adjacent islands;

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

(iii) the arrival of any ferry; or

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

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

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

* * * * *

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

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

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

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

* * * * *

(8)(A) * * *

* * * * *

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

(i) * * *

* * * * *

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

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

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

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

* * * * *

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

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

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

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

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

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

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

(B) For purposes of this paragraph:

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

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

(10)(A) The fee charged under subsection (a) (9) or (10) with respect to goods of Canadian origin (as determined under section 202 of the United States-Canada Free-Trade ~~Agreement~~) *Agreement Implementation Act of 1988*) when the United States-Canada Free-Trade Agreement is in force shall be in accordance with ~~section~~ *article* 403 of that Agreement.

* * * * *

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

* * * * *

CUSTOMS AND TRADE ACT OF 1990

* * * * *

TITLE III—TARIFF PROVISIONS

* * * * *

PART 2—MISCELLANEOUS PROVISIONS

* * * * *

SEC. 484E. FOREIGN REPAIR OF VESSELS.

(a) * * *

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

(1) * * *

(2) any entry made—

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

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

* * * * *

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

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

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

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

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

(1) **NUMBERED ENTRIES.**—

Entry Number	Date of Entry
C14-0025455-8	August 18, 1993
C14-0025456-6	August 18, 1993
C14-0025457-4	August 18, 1993
C14-0025473-1	August 27, 1993
C14-0025478-0	September 13, 1993
C14-0025479-8	September 13, 1993
C14-0025480-6	September 13, 1993
C14-0025481-4	September 13, 1993
C14-0025511-8	April 16, 1993
C14-0025533-2	April 30, 1993
C14-0025545-6	May 21, 1993
C14-0025546-4	May 21, 1993
C14-0025547-2	May 21, 1993
C14-0025558-9	June 15, 1993
C14-0025560-5	June 15, 1993
C14-0025574-6	July 21, 1993

<i>Entry Number</i>	<i>Date of Entry</i>
<i>C14-0025575-3</i>	<i>July 21, 1993</i>
<i>C14-0025603-3</i>	<i>July 23, 1993</i>
<i>C14-0025604-1</i>	<i>July 23, 1993</i>
<i>C14-0025605-8</i>	<i>July 23, 1993</i>
<i>C14-0025623-1</i>	<i>October 25, 1993</i>
<i>C14-0025624-9</i>	<i>October 25, 1993</i>
<i>C14-0025625-6</i>	<i>October 25, 1993</i>
<i>C14-0025635-5</i>	<i>November 8, 1993</i>
<i>C14-0025636-3</i>	<i>November 8, 1993</i>
<i>C14-0025637-1</i>	<i>November 8, 1993</i>
<i>C14-0025653-8</i>	<i>November 30, 1993</i>
<i>C14-0025654-6</i>	<i>November 30, 1993</i>
<i>C14-0025655-3</i>	<i>November 30, 1993</i>
<i>C14-0025657-9</i>	<i>November 30, 1993</i>
<i>C14-0025679-3</i>	<i>January 3, 1994</i>
<i>C14-0025680-1</i>	<i>January 3, 1994</i>
<i>C14-0025688-4</i>	<i>February 14, 1994</i>
<i>C14-0025689-2</i>	<i>February 14, 1994</i>
<i>C14-0025690-0</i>	<i>February 14, 1994</i>
<i>C14-0025691-8</i>	<i>February 14, 1994</i>
<i>C14-0025692-6</i>	<i>February 14, 1994</i>
<i>C14-0026803-8</i>	<i>January 24, 1994</i>
<i>C14-0026804-6</i>	<i>January 24, 1994</i>
<i>C14-0026805-3</i>	<i>January 24, 1994</i>
<i>C14-0026807-9</i>	<i>January 24, 1994</i>
<i>C14-0026808-7</i>	<i>January 24, 1994</i>
<i>C14-0026809-5</i>	<i>January 24, 1994</i>
<i>C14-0026810-3</i>	<i>January 24, 1994</i>
<i>C14-0026811-1</i>	<i>January 24, 1994</i>
<i>C14-0026826-9</i>	<i>March 10, 1994</i>
<i>C14-0026827-7</i>	<i>March 10, 1994</i>
<i>C14-0026828-5</i>	<i>March 10, 1994</i>
<i>C14-0026829-3</i>	<i>March 10, 1994</i>
<i>C14-0026830-1</i>	<i>March 10, 1994</i>
<i>C14-0026831-9</i>	<i>March 10, 1994</i>
<i>C14-0026832-7</i>	<i>March 10, 1994</i>
<i>C14-0026833-5</i>	<i>March 10, 1994</i>
<i>C14-0026841-8</i>	<i>March 31, 1994</i>
<i>C14-0026843-4</i>	<i>March 31, 1994</i>
<i>C14-0026852-5</i>	<i>May 5, 1994</i>
<i>C14-0026853-3</i>	<i>May 5, 1994</i>
<i>C14-0026854-1</i>	<i>May 5, 1994</i>
<i>C14-0026867-3</i>	<i>May 18, 1994</i>
<i>C14-0026869-9</i>	<i>May 18, 1994</i>
<i>C14-0026874-9</i>	<i>June 8, 1994</i>
<i>C14-0026875-6</i>	<i>June 8, 1994</i>
<i>C14-0026898-8</i>	<i>August 2, 1994</i>
<i>C14-0026899-6</i>	<i>August 2, 1994</i>
<i>C14-0040625-7</i>	<i>October 5, 1994</i>

(2) *ADDITIONAL ENTRY.*—*The entry of a 66th LASH barge (No. CG E69), for which no entry number is available, if, with-*

in 60 days after the date of the enactment of this subsection, a proper entry is filed with the Customs Service.

* * * * *

SEC. 484H. CANADIAN LOTTERY MATERIAL.

(a) * * *

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

* * * * *

HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

* * * * *

GENERAL NOTES

* * * * *

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

(a) * * *

* * * * *

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

* * * * *

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

* * * * *

[7106.92.00 Chile]
 7106.92.50 *Chile*

* * * * *

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

* * * * *

[6. Articles Eligible for Duty-Free Treatment Pursuant to the Agreement on Trade in Civil Aircraft. Whenever a product is entered under a provision for which the rate of duty “Free (C)” appears in the “Special” subcolumn, the importer shall file a written statement, accompanied by such supporting documentation as the Secretary of the Treasury may require, with the appropriate customs officer stating that the imported article is a civil aircraft or has been imported for use in civil aircraft, that it will be so used and that such article has been approved for such use by the Administrator of the Federal Aviation Administration (FAA) or by the air-

Heading/subheading	Stat. suffix	Article description	Units of quantity	Rates of duty		
				General	Special	2
		[m-Xylenediamine] <i>Xylenediamine; and m-3,3'-Diaminobenzidine (tetraamino biphenyl).</i>	kg	Free		15.4¢/kg + 60%.
2922.49		Other:				
2922.49.05	00	Aromatic: (R)- α -Aminobenzeneacetic acid 2-Amino-3-chlorobenzoic acid, methyl ester.	kg	Free		15.4¢/kg + 50%.
2933.90		Other:				
2933.90.02	00	Aromatic or modified aromatic: 2-[4-[(6-Chloro-2-quinoxalinyloxy)phenoxy]propionic acid, ethyl ester I (Quizalofop ethyl)]; and O,O-Dimethyl-S-[4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl]-phosphorodithioate.	kg	Free		15.4¢/kg +64.5%.

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

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

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

Heading/subheading	Stat. suffix	Article description	Units of quantity	Rates of Duty		
				General	Special	2
		II. PRECIOUS METALS AND METALS CLAD WITH PRECIOUS METAL				
7106		Silver (including silver plated with gold or platinum), unwrought or in semimanufactured forms or in powder form:				
[7106.92.00	00	Semimanufactured	g	4.8%	Free (A*, CA, E, IL, J, MX)	65%]
7106.92		Semimanufactured:				

Heading/ subheading	Stat. suffix	Article description	Units of quan- tity	Rates of Duty		
				1 Gen- eral	2 Special	
7106.92.10	.....	<i>Rectangular or near-rectangular shapes, each having a purity of 99.5 percent or higher and not otherwise marked or decorated than with weight, purity, or other identifying information.</i>		Free	Free	
7106.92.50	.....	<i>Other</i>		4.8%	Free (A*, CA, E, IL, J, MX)	65%
7108.13		* * * * *				
7108.13.10	00	Other semimanufactured forms: Gold leaf	cm ²	1.9%	Free (A, CA, E, IL, J, MX)	8%
		gold content	g			
7108.13.50	00	Other	g	6.6%	Free (CA, E, IL, J, MX)	65%】
7108.13.55	.....	<i>Other:</i> <i>Rectangular or near-rectangular shapes, each having a purity of 99.5 percent or higher and not otherwise marked or decorated than with weight, purity, or other identifying information.</i>		Free		Free
7108.13.70	.....	<i>Other</i>		6.6%	Free (CA, E, IL, J, MX)	65%
7115.90		* * * * *				
7115.90.10	00	Other: Of gold, including metal clad with gold	X	6.2%	Free (A*, CA, E, IL, J, MX)	110%
7115.90.20	00	Of silver, including metal, clad with silver	X	4.8%	Free (A*, CA, E, IL, J, MX)	65%
7115.90.50	00	Other	X	6.4%	Free (A, CA, E, IL, J, MX)	65%】
7115.90.15	.....	<i>Gold, not clad with precious metal, in rectangular or near-rectangular shapes, each having a purity of 99.5 percent or higher and not otherwise marked or decorated than with weight, purity, or other identifying information.</i>		Free		Free
7115.90.25	.....	<i>Silver, not clad with precious metal, in rectangular or near-rectangular shapes, each having a purity of 99.5 percent or higher and not otherwise marked or decorated than with weight, purity, or other identifying information.</i>		Free		Free
7115.90.30	.....	<i>Other:</i> <i>Of gold, including metal clad with gold</i>		6.2%	Free (A*, CA, E, IL, J, MX)	110%
7115.90.40	.....	<i>Of silver, including metal clad with silver</i> ...		4.8%	Free (A*, CA, E, IL, J, MX)	65%
7115.90.60	.....	<i>Other</i>		6.4%	Free (A, CA, E, IL, J, MX)	65%
		* * * * *				

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

* * * * *

Subchapter II—Temporary Reductions in Rates of Duty

Heading/ subheading	Article description	Rates of duty			Effective pe- riod
		1	2		
		Gen- eral	Special		
	* * * *	*	*	*	
9902.30.16	<i>Methyl 2-[4-(2,4-dichlorophenoxy)phenoxy] propionate (dichlorofopmethyl) in bulk form or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15).</i>	Free	No change	No change	On or before 12/31/98
9902.30.17	<i>N-phenyl-n'-(1,2,3-thiadiazol-5-yl)ureaa (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707-55-2) (provided for in subheading 2934.90.15 or 3808.30.15).</i>	4.0%	No change	No change	On or before 12/31/98
	* * * *	*	*	*	
9902.98.05	<i>Any of the following articles not intended for sale or distribution to the public personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1998 Goodwill Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing event by or on behalf of the foregoing persons or the organizing committee of such event; articles to be used in exhibitions depicting the culture of a country participating in such event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow.</i>	Free	No change	Free	On or before 2/199
	* * * *	*	*	*	

TRADE ACT OF 1974

* * * * *

**TITLE I—NEGOTIATING AND OTHER
AUTHORITY**

* * * * *

**CHAPTER 4—OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

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

(a) * * *

* * * * *

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

* * * * *

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

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

* * * * *

TITLE II—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION

CHAPTER 1—POSITIVE ADJUSTMENT BY INDUSTRIES INJURED BY IMPORTS

* * * * *

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

(a) * * *

* * * * *

(d) PROVISIONAL RELIEF.—

(1) * * *

* * * * *

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

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

* * * * *

TITLE III—RELIEF FROM UNFAIR TRADE PRACTICES

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

SEC. 301. ACTIONS BY UNITED STATES TRADE REPRESENTATIVE.

(a) * * *

* * * * *

(c) SCOPE OF AUTHORITY.—

(1) * * *

* * * * *

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

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

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

* * * * *

SEC. 304. DETERMINATIONS BY THE TRADE REPRESENTATIVE.

(a) IN GENERAL.—

(1) * * *

* * * * *

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

* * * * *

URUGUAY ROUND AGREEMENTS ACT

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.

* * * * *

TITLE II—ANTIDUMPING AND COUNTERVAILING DUTY PROVISIONS

Sec. 201. Reference.

Subtitle A—General Provisions

Sec. 211. Action with respect to petitions.

* * * * *

[Sec. 221. Review determinations.]

Sec. 221. Special rules for review of determinations.

* * * * *

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

* * * * *

Subtitle D—Related Provisions

* * * * *

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

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

* * * * *

**TITLE II—ANTIDUMPING AND
COUNTERVAILING DUTY PROVISIONS**

* * * * *

Subtitle A—General Provisions

* * * * *

SEC. 212. PETITION AND PRELIMINARY DETERMINATION.

(a) * * *

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

(1) COUNTERVAILING DUTY INVESTIGATIONS.—

(A) * * *

* * * * *

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

(i) in paragraph (1)—

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

* * * * *

SEC. 214. CRITICAL CIRCUMSTANCES.

(a) * * *

(b) ANTIDUMPING INVESTIGATIONS.—

(1) * * *

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

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

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

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

* * * * *

[SEC. 221. REVIEW DETERMINATIONS.]

SEC. 221. SPECIAL RULES FOR REVIEW OF DETERMINATIONS.

(a) * * *

* * * * *

SEC. 233. CONFORMING AMENDMENTS.

(a) TERMINOLOGY.—

(1) * * *

* * * * *

(6) INITIATE.—(A) * * *

* * * * *

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

* * * * *

Subtitle B—Subsidies Provisions

* * * * *

PART 2—REPEAL OF SECTION 303 AND CONFORMING AMENDMENTS

SEC. 261. REPEAL OF SECTION 303.

(a) * * *

* * * * *

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) AMENDMENTS TO TRADE ACT OF 1974.—

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

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

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

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

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

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

* * * * *

SEC. 270. CONFORMING AMENDMENTS.

(a) COUNTERAVAILABLE SUBSIDY.—

(1) * * *

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

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

* * * * *

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

SEC. 281. SUBSIDIES ENFORCEMENT.

(a) * * *

* * * * *

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

(1) * * *

* * * * *

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

* * * * *

SEC. 282. REVIEW OF SUBSIDIES AGREEMENT.

(a) * * *

* * * * *

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

(1) * * *

* * * * *

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

* * * * *

TITLE III—ADDITIONAL IMPLEMENTATION OF AGREEMENTS

* * * * *

Subtitle B—Foreign Trade Barriers and Unfair Trade Practices

* * * * *

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

(a) * * *

* * * * *

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

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

“(b) **FURTHER ACTION.**—

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

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

* * * * *

Subtitle C—Unfair Practices in Import Trade

SEC. 321. UNFAIR PRACTICES IN IMPORT TRADE.

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

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

(A) * * *

* * * * *

(C) in paragraph (3)—

[(i) in the first sentence—

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

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

* * * * *

Subtitle D—Textiles

SEC. 331. TEXTILE PRODUCT INTEGRATION.

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

* * * * *

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

(a) * * *

(b) PRINCIPLES.—

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

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

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

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

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

* * * * *

TITLE IV—AGRICULTURE-RELATED PROVISIONS

Subtitle A—Agriculture

PART I—MARKET ACCESS

* * * * *

SEC. 405. SPECIAL AGRICULTURAL SAFEGUARD AUTHORITY.

(a) * * *

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

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

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

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

* * * * *

PART II—EXPORTS

* * * * *

SEC. 412. OTHER CONFORMING AMENDMENTS.

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

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

* * * * *

TITLE VI—RELATED PROVISIONS

Subtitle A—Expiring Provisions

SEC. 601. GENERALIZED SYSTEM OF PREFERENCES.

(a) * * *

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

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

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

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

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

* * * * *



SECTION 204 OF THE AGRICULTURAL ACT OF 1956

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

TRADE AGREEMENTS ACT OF 1979

* * * * *

TITLE III—GOVERNMENT PROCUREMENT

* * * * *

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

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

* * * * *

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

* * * * *

SEC. 305. MONITORING AND ENFORCEMENT.

(a) * * *

* * * * *

(d) ANNUAL REPORT ON FOREIGN DISCRIMINATION.—

(1) * * *

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

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

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

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

* * * * *

(g) PROCEDURES WITH RESPECT TO OTHER DISCRIMINATION.—

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

(A) * * *

* * * * *

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

* * * * *

SEC. 308. DEFINITIONS.

As used in this title—

(1) * * *

* * * * *

(4) ELIGIBLE PRODUCTS.—

(A) * * *

* * * * *

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

* * * * *

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

Subtitle A—Obligations of the United States

* * * * *

SEC. 402. FEDERAL STANDARDS-RELATED ACTIVITIES.

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

(1) * * *

* * * * *

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

* * * * *

Subtitle B—Functions of Federal Agencies

SEC. 411. FUNCTIONS OF TRADE REPRESENTATIVE.

(a) * * *

* * * * *

(c) CROSS REFERENCE.—

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

* * * * *

SEC. 414. STANDARDS INFORMATION CENTER.

(a) * * *

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

(1) serve as the central national collection facility for information relating to (A) standards, technical regulations, conformity assessment procedures, [] and standards-related ac-

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

* * * * *

Subtitle D—Definitions and Miscellaneous Provisions

SEC. 451. DEFINITIONS.

As used in this title—

(1) * * *

* * * * *

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

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

* * * * *

Subtitle F—International Standard-Setting Activities

* * * * *

SEC. 492. EQUIVALENCE DETERMINATIONS.

(a) * * *

* * * * *

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

* * * * *



SECTION 154 OF TITLE 35, UNITED STATES CODE

§ 154. Contents and term of patent

(a) * * *

* * * * *

(c) CONTINUATION.—

(1) * * *

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

(A) * * *

* * * * *

SECTION 104A OF TITLE 17, UNITED STATES CODE

§ 104A. Copyright in restored works

(a) * * *

* * * * *

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

(1) * * *

* * * * *

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

* * * * *

**NORTH AMERICAN FREE TRADE AGREEMENT
IMPLEMENTATION ACT**

* * * * *

TITLE II—CUSTOMS PROVISIONS

* * * * *

SEC. 202. RULES OF ORIGIN.

(a) * * *

* * * * *

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

(1) * * *

* * * * *

(4) In applying the Customs Valuation Code—

(A) * * *

* * * * *

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

* * * * *
(p) DEFINITIONS.—For purposes of this section—
(1) * * *

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

TITLE III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

Subtitle A—Safeguards

PART 1—RELIEF FROM IMPORTS BENEFITING FROM THE AGREEMENT

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

(a) * * *
* * * * *
(c) RATE OF DUTY.—The rate of duty specified for purposes of subsection (b) for articles entered on any day is the rate in the HTS that is the lower of—
(1) the [column 1–General] *column 1 general* rate of duty in effect for such articles on July 1, 1991; or
(2) the [column 1–General] *column 1 general* rate of duty in effect on that day.

PART 3—GENERAL PROVISIONS

* * * * *
SEC. 316. MONITORING.

For purposes of expediting an investigation concerning provisional relief under this subtitle or section 202 of the Trade Act of 1974 regarding—
(1) fresh or chilled tomatoes provided for in subheading 0702.00.00 of the HTS; and
(2) fresh or chilled peppers, other than chili peppers provided for in subheading 0709.60.00 of the HTS;

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

* * * * *

Subtitle E—Standards

PART 1—STANDARDS AND MEASURES

SEC. 351. STANDARDS AND SANITARY AND PHYTOSANITARY MEASURES.

(a) * * *

(b) TECHNICAL AMENDMENTS.—

(1) * * *

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

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

* * * * *

TITLE IV—DISPUTE SETTLEMENT IN ANTIDUMPING AND COUNTERVAILING DUTY CASES

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

* * * * *

SEC. 402. ORGANIZATIONAL AND ADMINISTRATIVE PROVISIONS.

(a) * * *

* * * * *

(d) SELECTION AND APPOINTMENT.—

(1) * * *

* * * * *

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

(A) * * *

* * * * *

SEC. 407. IDENTIFICATION OF INDUSTRIES FACING SUBSIDIZED IMPORTS.

(a) * * *

* * * * *

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

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

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

* * * * *

Subtitle B—Conforming Amendments and Provisions

* * * * *

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

(a) * * *

(b) TRANSITION PROVISIONS.—

(1) * * *

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

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

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

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

* * * * *

TITLE VI—CUSTOMS MODERNIZATION

* * * * *

Subtitle A—Improvements in Customs Enforcement

* * * * *

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

Section 592 (19 U.S.C. 1592) is amended—
 (1) * * *

* * * * *

(4) by amending subsection (c)(4)—

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

* * * * *

SECTION 219 OF THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT

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

(a) * * *

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

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

* * * * *

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

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

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

* * * * *

REVISED STATUTES OF THE UNITED STATES

* * * * *

TITLE XXXIV.

COLLECTION OF DUTIES UPON IMPORTS.

* * * * *

CHAPTER ELEVEN.

PROVISIONS APPLYING TO COMMERCE WITH CONTIGUOUS COUNTRIES.

* * * * *

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

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

* * * * *

OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

* * * * *

TITLE I—TRADE, CUSTOMS, AND TARIFF LAWS

* * * * *

Subtitle B—Implementation of the Harmonized Tariff Schedule

* * * * *

SEC. 1207. PUBLICATION OF THE HARMONIZED TARIFF SCHEDULE.

(a) * * *

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

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

* * * * *

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

(a) * * *

(b) DEVELOPMENT OF TECHNICAL PROPOSALS.—

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

* * * * *

