

oping country has exported to the United States (directly or indirectly) during the preceding calendar year a quantity of the article—

(I) having an appraised value in excess of 1.5 times the applicable amount set forth in subsection (c)(2)(A)(ii) for that calendar year; or

(II) exceeding 75 percent of the appraised value of the total imports of that article into the United States during that calendar year.

(C) Calculation of limitations

There shall be counted against the limitations imposed under subparagraphs (A) and (B) for any calendar year only that value of any eligible article of any country that—

(i) entered duty-free under this subchapter during such calendar year; and

(ii) is in excess of the value of that article that would have been so entered during such calendar year if the limitations under subsection (c)(2)(A) of this section applied.

(5) Effective period of waiver

Any waiver granted under this subsection shall remain in effect until the President determines that such waiver is no longer warranted due to changed circumstances.

(e) International Trade Commission advice

Before designating articles as eligible articles under subsection (a)(1) of this section, the President shall publish and furnish the International Trade Commission with lists of articles which may be considered for designation as eligible articles for purposes of this subchapter. The provisions of sections 2151, 2152, 2153, and 2154 of this title shall be complied with as though action under section 2461 of this title and this section were action under section 2133 of this title to carry out a trade agreement entered into under section 2133 of this title.

(f) Special rule concerning Puerto Rico

No action under this subchapter may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 1319 of this title on coffee imported into Puerto Rico.

(Pub. L. 93-618, title V, § 503, as added Pub. L. 104-188, title I, § 1952(a), Aug. 20, 1996, 110 Stat. 1921; amended Pub. L. 106-36, title I, § 1001(a)(7), June 25, 1999, 113 Stat. 130; Pub. L. 106-200, title I, § 111(b), May 18, 2000, 114 Stat. 258; Pub. L. 108-429, title I, § 1555(a), (b), Dec. 3, 2004, 118 Stat. 2578, 2579; Pub. L. 109-432, div. D, title VIII, § 8001, Dec. 20, 2006, 120 Stat. 3195.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (b)(4), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

PRIOR PROVISIONS

A prior section 2463, Pub. L. 93-618, title V, § 503, Jan. 3, 1975, 88 Stat. 2069; Pub. L. 96-39, title XI, § 1111(a)(3), July 26, 1979, 93 Stat. 315; Pub. L. 98-573, title V, § 504, Oct. 30, 1984, 98 Stat. 3020; Pub. L. 99-47, § 8(b)(2), June 11, 1985, 99 Stat. 85; Pub. L. 99-514, title XVIII, § 1889(7), Oct. 22, 1986, 100 Stat. 2926; Pub. L. 100-418, title I, § 1903, Aug. 23, 1988, 102 Stat. 1313; Pub. L. 101-382, title II,

§ 226, Aug. 20, 1990, 104 Stat. 660; Pub. L. 103-465, title IV, § 404(e)(3), Dec. 8, 1994, 108 Stat. 4961, related to eligible articles, prior to the general amendment of this subchapter by Pub. L. 104-188.

AMENDMENTS

2006—Subsec. (d)(4)(B). Pub. L. 109-432 designated existing provisions as cl. (i), redesignated former cls. (i) and (ii) as subcls. (I) and (II), respectively, and added cl. (ii).

2004—Subsec. (b)(1)(A). Pub. L. 108-429, § 1555(b), substituted “Except as provided in paragraph (4), textile” for “Textile”.

Subsec. (b)(4). Pub. L. 108-429, § 1555(a), added par. (4).

2000—Subsec. (c)(2)(D). Pub. L. 106-200 amended heading and text of subpar. (D) generally. Prior to amendment, text read as follows: “Subparagraph (A) shall not apply to any least-developed beneficiary developing country.”

1999—Subsec. (a)(2)(A)(ii). Pub. L. 106-36 added subcl. (II) and concluding provisions and struck out former subcl. (II) which read as follows: “the direct costs of processing operations performed in such beneficiary developing country or such member countries, is not less than 35 percent of the appraised value of such article at the time it is entered.”

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-429, title I, § 1555(c), Dec. 3, 2004, 118 Stat. 2579, provided that: “The amendments made by subsections (a) and (b) [amending this section] shall apply to any article entered, or withdrawn from warehouse for consumption, on or after the date on which the President makes a designation with respect to the article under section 503(b)(4) of the Trade Act of 1974 [subsec. (b)(4) of this section], as added by subsection (a).”

§ 2464. Review and report to Congress

The President shall submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary developing country, including the findings of the Secretary of Labor with respect to the beneficiary country’s implementation of its international commitments to eliminate the worst forms of child labor.

(Pub. L. 93-618, title V, § 504, as added Pub. L. 104-188, title I, § 1952(a), Aug. 20, 1996, 110 Stat. 1925; amended Pub. L. 106-200, title IV, § 412(c), May 18, 2000, 114 Stat. 299.)

PRIOR PROVISIONS

A prior section 2464, Pub. L. 93-618, title V, § 504, Jan. 3, 1975, 88 Stat. 2070; Pub. L. 96-39, title XI, §§ 1106(g)(3), 1111(a)(4), July 26, 1979, 93 Stat. 313, 315; Pub. L. 98-573, title V, § 505, Oct. 30, 1984, 98 Stat. 3020; Pub. L. 99-47, § 8(b)(2), June 11, 1985, 99 Stat. 85; Pub. L. 99-514, title XVIII, § 1887(a)(6), Oct. 22, 1986, 100 Stat. 2923, related to limitations on preferential treatment, prior to the general amendment of this subchapter by Pub. L. 104-188.

AMENDMENTS

2000—Pub. L. 106-200 inserted before period at end “, including the findings of the Secretary of Labor with respect to the beneficiary country’s implementation of its international commitments to eliminate the worst forms of child labor”.

§ 2465. Date of termination

No duty-free treatment provided under this subchapter shall remain in effect after July 31, 2013.

(Pub. L. 93-618, title V, § 505, as added Pub. L. 104-188, title I, § 1952(a), Aug. 20, 1996, 110 Stat.