

member concerned within 60 days, the Trade Representative shall promptly publish notice in the Federal Register of any proposed action to prevent or remedy the trade diversion, and provide an opportunity for interested persons to present views and evidence on whether the proposed action is in the public interest.

(g) Recommendation to the President

Within 20 days after the end of consultations pursuant to subsection (e) of this section, the Trade Representative shall make a recommendation to the President on what action, if any, should be taken to prevent or remedy the trade diversion or threat thereof.

(h) Presidential action

Within 20 days after receipt of the recommendation from the Trade Representative, the President shall determine what action to take to prevent or remedy the trade diversion or threat thereof.

(i) Duration of action

Action taken under subsection (h) of this section shall be terminated not later than 30 days after expiration of the action taken by the WTO member or members involved against imports from the People's Republic of China.

(j) Review of circumstances

The Commission shall review the continued need for action taken under subsection (h) of this section if the WTO member or members involved notify the Committee on Safeguards of the WTO of any modification in the action taken by them against the People's Republic of China pursuant to consultation referred to in subsection (a) of this section. The Commission shall, not later than 60 days after such notification, determine whether a significant diversion of trade continues to exist and report its determination to the President. The President shall determine, within 15 days after receiving the Commission's report, whether to modify, withdraw, or keep in place the action taken under subsection (h) of this section.

(Pub. L. 93-618, title IV, § 422, as added Pub. L. 106-286, div. A, title I, § 103(a)(3), Oct. 10, 2000, 114 Stat. 887; amended Pub. L. 108-429, title II, § 2004(d)(4), Dec. 3, 2004, 118 Stat. 2592.)

AMENDMENTS

2004—Subsec. (j). Pub. L. 108-429 struck out par. (1) designation before “The Commission shall review”.

TRANSFER OF FUNCTIONS

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

§ 2451b. Regulations; termination of provision

(a) To carry out restrictions and monitoring

The President shall by regulation provide for the efficient and fair administration of any restriction proclaimed pursuant to the¹ part and

to provide for effective monitoring of imports under section 2451a(a) of this title.

(b) To carry out agreements

To carry out an agreement concluded pursuant to consultations under section 2451(j) or 2451a(e)(2) of this title, the President is authorized to prescribe regulations governing the entry or withdrawal from warehouse of articles covered by such agreement.

(c) Termination date

This part and any regulations issued under this part shall cease to be effective 12 years after the date of entry into force of the Protocol of Accession of the People's Republic of China to the WTO.

(Pub. L. 93-618, title IV, § 423, as added Pub. L. 106-286, div. A, title I, § 103(a)(3), Oct. 10, 2000, 114 Stat. 890.)

REFERENCES IN TEXT

The date of entry into force of the Protocol of Accession of the People's Republic of China to the WTO, referred to in subsec. (c), is Dec. 11, 2001.

CODIFICATION

Part, referred to in subsecs. (a) and (c), was in the original “subtitle” which was translated as reading “chapter”, meaning chapter 2 of title IV of Pub. L. 93-618, as added, which enacted this part, to reflect the probable intent of Congress, because title IV of Pub. L. 93-618 contains no subtitles.

SUBCHAPTER V—GENERALIZED SYSTEM OF PREFERENCES

§ 2461. Authority to extend preferences

The President may provide duty-free treatment for any eligible article from any beneficiary developing country in accordance with the provisions of this subchapter. In taking any such action, the President shall have due regard for—

- (1) the effect such action will have on furthering the economic development of developing countries through the expansion of their exports;
- (2) the extent to which other major developed countries are undertaking a comparable effort to assist developing countries by granting generalized preferences with respect to imports of products of such countries;
- (3) the anticipated impact of such action on United States producers of like or directly competitive products; and
- (4) the extent of the beneficiary developing country's competitiveness with respect to eligible articles.

(Pub. L. 93-618, title V, § 501, as added Pub. L. 104-188, title I, § 1952(a), Aug. 20, 1996, 110 Stat. 1917.)

PRIOR PROVISIONS

A prior section 2461, Pub. L. 93-618, title V, § 501, Jan. 3, 1975, 88 Stat. 2066; Pub. L. 98-573, title V, § 502, Oct. 30, 1984, 98 Stat. 3018, related to authority to extend preferences, prior to the general amendment of this subchapter by Pub. L. 104-188.

EFFECTIVE DATE

Pub. L. 104-188, title I, § 1953, Aug. 20, 1996, 110 Stat. 1926, provided that:

¹ So in original. Probably should be “this”.