

SUBCHAPTER II—CUSTOMS PROVISIONS

§ 3331. **Tariff modifications****(a) Tariff modifications provided for in Agreement****(1) Proclamation authority**

The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 302, 305, 307, 308, and 703 and Annexes 302.2, 307.1, 308.1, 308.2, 300-B, 703.2, and 703.3 of the Agreement.

(2) Effect on Mexican GSP status

Notwithstanding section 502(f)(2) of the Trade Act of 1974 [19 U.S.C. 2462(f)(2)], the President shall terminate the designation of Mexico as a beneficiary developing country for purposes of title V of the Trade Act of 1974 [19 U.S.C. 2461 et seq.] on the date of entry into force of the Agreement between the United States and Mexico.

(b) Other tariff modifications**(1) In general**

Subject to paragraph (2) and the consultation and layover requirements of section 3313(a) of this title, the President may proclaim—

(A) such modifications or continuation of any duty,

(B) such modifications as the United States may agree to with Mexico or Canada regarding the staging of any duty treatment set forth in Annex 302.2 of the Agreement,

(C) such continuation of duty-free or excise treatment, or

(D) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Canada or Mexico provided for by the Agreement.

(2) Special rule for articles with tariff phaseout periods of more than 10 years

The President may not consider a request to accelerate the staging of duty reductions for an article for which the United States tariff phaseout period is more than 10 years if a request for acceleration with respect to such article has been denied in the preceding 3 calendar years.

(c) Conversion to ad valorem rates for certain textiles

For purposes of subsections (a) and (b) of this section, with respect to an article covered by Annex 300-B of the Agreement imported from Mexico for which the base rate in the Schedule of the United States in Annex 300-B is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(Pub. L. 103-182, title II, §201, Dec. 8, 1993, 107 Stat. 2068; Pub. L. 104-188, title I, §1954(a)(5), Aug. 20, 1996, 110 Stat. 1927.)

REFERENCES IN TEXT

The Trade Act of 1974, referred to in subsec. (a)(2), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, as amended. Title V of the Act is classified generally to subchapter V (§2461 et seq.) of chapter 12 of this title. For complete classification of this Act to the Code, see section 2101 of this title and Tables.

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-188 substituted “502(f)(2) of the Trade Act of 1974” for “502(a)(2) of the Trade Act of 1974 (19 U.S.C. 2462(a)(2))”.

EFFECTIVE DATE OF 1996 AMENDMENT

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

EFFECTIVE DATE

Pub. L. 103-182, title II, §213, Dec. 8, 1993, 107 Stat. 2099, provided that:

“(a) PROVISIONS EFFECTIVE ON DATE OF ENACTMENT.—Section 212 [enacting provisions set out as a note under section 58c of this title] and this section take effect on the date of the enactment of this Act [Dec. 8, 1993].

“(b) PROVISIONS EFFECTIVE WHEN AGREEMENT ENTERS INTO FORCE.—Section 201, section 202, section 203(a), (d), and (e), section 210 and section 211, the amendment made by section 203(c), and the amendments made by sections 204 through 209 [enacting this section and sections 3332, 3333(a), (d), (e), 3334, and 3335 of this title and amending sections 58c, 1304, 1313, 1508, 1509, 1514, 1520, 1592, and 1628 of this title] take effect on the date the Agreement enters into force with respect to the United States [Jan. 1, 1994].

“(c) PROVISIONS WITH DELAYED EFFECTIVE DATES.—The amendments made by section 203(b) [amending sections 81c, 1311 to 1313, and 1562 of this title] apply—

“(1) with respect to exports from the United States to Canada—

“(A) on January 1, 1996, if Canada is a NAFTA country on that date, and

“(B) after such date for so long as Canada continues to be a NAFTA country; and

“(2) with respect to exports from the United States to Mexico—

“(A) on January 1, 2001, if Mexico is a NAFTA country on that date; and

“(B) after such date for so long as Mexico continues to be a NAFTA country.”

NORTH AMERICAN FREE TRADE AGREEMENT: ENTRY INTO FORCE

The North American Free Trade Agreement entered into force on Jan. 1, 1994, see note set out under section 3311 of this title.

IMPLEMENTATION OF SAFEGUARD PROVISIONS FOR TEXTILE AND APPAREL GOODS

The Committee for the Implementation of Textile Agreements to implement safeguard provisions for textile and apparel goods pursuant to this section, see section 3 of Ex. Ord. No. 12889, Dec. 27, 1993, 58 F.R. 69681, set out as a note under section 3311 of this title.

§ 3332. **Rules of origin****(a) Originating goods****(1) In general**

For purposes of implementing the tariff treatment and quantitative restrictions pro-