

(b) Exception

Import relief may be provided under this subpart in the case of a Canadian article or Mexican article after the date on which such relief would, but for this subsection, terminate under subsection (a) of this section, but only if the Government of Canada or Mexico, as the case may be, consents to such provision.

(Pub. L. 103-182, title III, §305, Dec. 8, 1993, 107 Stat. 2103.)

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.

§ 3356. Compensation authority

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 3354 of this title shall be treated as action taken under chapter 1 of title II of such Act [19 U.S.C. 2251 et seq.].

(Pub. L. 103-182, title III, §306, Dec. 8, 1993, 107 Stat. 2104.)

REFERENCES IN TEXT

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

§ 3357. Submission of petitions

A petition for import relief may be submitted to the International Trade Commission under—

- (1) this subpart;
- (2) chapter 1 of title II of the Trade Act of 1974 [19 U.S.C. 2251 et seq.]; or
- (3) under both this subpart and such chapter 1 at the same time, in which case the International Trade Commission shall consider such petitions jointly.

(Pub. L. 103-182, title III, §307, Dec. 8, 1993, 107 Stat. 2104.)

REFERENCES IN TEXT

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

§ 3358. Price-based snapback for frozen concentrated orange juice**(a) Trigger price determination****(1) In general**

The Secretary shall determine—

(A) each period of 5 consecutive business days in which the daily price for frozen concentrated orange juice is less than the trigger price; and

(B) for each period determined under subparagraph (A), the first period occurring thereafter of 5 consecutive business days in which the daily price for frozen concentrated orange juice is greater than the trigger price.

(2) Notice of determinations

The Secretary shall immediately notify the Commissioner of Customs and publish notice in the Federal Register of any determination under paragraph (1), and the date of such publication shall be the determination date for that determination.

(b) Imports of Mexican articles

Whenever after any determination date for a determination under subsection (a)(1)(A) of this section, the quantity of Mexican articles of frozen concentrated orange juice that is entered exceeds—

- (1) 264,978,000 liters (single strength equivalent) in any of calendar years 1994 through 2002; or
- (2) 340,560,000 liters (single strength equivalent) in any of calendar years 2003 through 2007;

the rate of duty on Mexican articles of frozen concentrated orange juice that are entered after the date on which the applicable limitation in paragraph (1) or (2) is reached and before the determination date for the related determination under subsection (a)(1)(B) of this section shall be the rate of duty specified in subsection (c) of this section.

(c) Rate of duty

The rate of duty specified for purposes of subsection (b) of this section for articles entered on any day is the rate in the HTS that is the lower of—

- (1) the column 1 general rate of duty in effect for such articles on July 1, 1991; or
- (2) the column 1 general rate of duty in effect on that day.

(d) Definitions

For purposes of this section—

(1) The term “daily price” means the daily closing price of the New York Cotton Exchange, or any successor as determined by the Secretary, for the closest month in which contracts for frozen concentrated orange juice are being traded on the Exchange.

(2) The term “business day” means a day in which contracts for frozen concentrated orange juice are being traded on the New York Cotton Exchange, or any successor as determined by the Secretary.

(3) The term “entered” means entered or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) The term “frozen concentrated orange juice” means all products classifiable under subheading 2009.11.00 of the HTS.

(5) The term “Secretary” means the Secretary of Agriculture.

(6) The term “trigger price” means the average daily closing price of the New York Cotton Exchange, or any successor as determined by the Secretary, for the corresponding month during the previous 5-year period, excluding the year with the highest average price for the corresponding month and the year with the lowest average price for the corresponding month.

(Pub. L. 103-182, title III, §309, Dec. 8, 1993, 107 Stat. 2105; Pub. L. 104-295, §21(b)(4), Oct. 11, 1996, 110 Stat. 3530.)