

praised value of which exceeds 15 percent of the aggregate appraised value of all articles that have entered duty-free under this subchapter during the preceding calendar year from those beneficiary developing countries which for the preceding calendar year—

(I) had a per capita gross national product (calculated on the basis of the best available information, including that of the International Bank for Reconstruction and Development) of \$5,000 or more; or

(II) had exported (either directly or indirectly) to the United States a quantity of articles that was duty-free under this subchapter that had an aggregate appraised value of more than 10 percent of the aggregate appraised value of all articles that entered duty-free under this subchapter during that year.

(ii) Not later than July 1 of each year, the President should revoke any waiver that has then been in effect with respect to an article for 5 years or more if the beneficiary developing 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. 1925; amended Pub. L. 105-34, title IX, § 981(a), Aug. 5, 1997, 111 Stat. 902; Pub. L. 105-277, div. J, title I, § 1011(a), Oct. 21, 1998, 112 Stat. 2681-900; Pub. L. 106-170, title V, § 508(a), Dec. 17, 1999, 113 Stat. 1923; Pub. L. 107-210, div. D, title XLI, § 4101(a), Aug. 6, 2002, 116 Stat. 1040; Pub. L. 109-432, div. D, title VIII, § 8002, Dec. 20, 2006, 120 Stat. 3195; Pub. L. 110-436, § 4, Oct. 16, 2008, 122 Stat. 4981; Pub. L. 111-124, § 1, Dec. 28, 2009, 123 Stat. 3484; Pub. L. 112-40, § 1(a), Oct. 21, 2011, 125 Stat. 401.)

PRIOR PROVISIONS

A prior section 2465, Pub. L. 93-618, title V, § 505, Jan. 3, 1975, 88 Stat. 2071; Pub. L. 98-573, title V, § 506(a), Oct. 30, 1984, 98 Stat. 3023; Pub. L. 103-66, title XIII, § 13802(b)(1), Aug. 10, 1993, 107 Stat. 667; Pub. L. 103-465, title VI, § 601(a), Dec. 8, 1994, 108 Stat. 4990, related to termination of duty-free treatment and reports, prior to the general amendment of this subchapter by Pub. L. 104-188.

AMENDMENTS

2011—Pub. L. 112-40 substituted “July 31, 2013” for “December 31, 2010”.

2009—Pub. L. 111-124 substituted “December 31, 2010” for “December 31, 2009”.

2008—Pub. L. 110-436 substituted “December 31, 2009” for “December 31, 2008”.

2006—Pub. L. 109-432 substituted “December 31, 2008” for “December 31, 2006”.

2002—Pub. L. 107-210 substituted “December 31, 2006” for “September 30, 2001”.

1999—Pub. L. 106-170 substituted “September 30, 2001” for “June 30, 1999”.

1998—Pub. L. 105-277 substituted “June 30, 1999” for “June 30, 1998”.

1997—Pub. L. 105-34 substituted “June 30, 1998” for “May 31, 1997”.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-40, § 1(b), Oct. 21, 2011, 125 Stat. 401, provided that:

“(1) IN GENERAL.—The amendment made by subsection (a) [amending this section] shall apply to articles entered on or after the 15th day after the date of the enactment of this Act [Oct. 21, 2011].

“(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

“(A) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to subparagraph (B), any entry of an article to which duty-free treatment or other preferential treatment under title V of the Trade Act of 1974 [19 U.S.C. 2461 et seq.] would have applied if the entry had been made on December 31, 2010, that was made—

“(i) after December 31, 2010; and

“(ii) before the 15th day after the date of the enactment of this Act, shall be liquidated or reliquidated as though such entry occurred on the 15th day after the date of the enactment of this Act.

“(B) REQUESTS.—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act [Oct. 21, 2011] that contains sufficient information to enable U.S. Customs and Border Protection—

“(i) to locate the entry; or

“(ii) to reconstruct the entry if it cannot be located.

“(C) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

“(3) DEFINITION.—As used in this subsection, the terms ‘enter’ and ‘entry’ include a withdrawal from warehouse for consumption.”

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-170, title V, § 508(b), Dec. 17, 1999, 113 Stat. 1923, provided that:

“(1) IN GENERAL.—The amendment made by this section [amending this section] applies to articles entered on or after the date of the enactment of this Act [Dec. 17, 1999].

“(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

“(A) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 [19 U.S.C. 1514] or any other provision of law, and subject to paragraph (3), any entry—

“(i) of an article to which duty-free treatment under title V of the Trade Act of 1974 [19 U.S.C. 2461 et seq.] would have applied if such entry had been made on July 1, 1999, and such title had been in effect on July 1, 1999; and

“(ii) that was made—

“(I) after June 30, 1999; and

“(II) before the date of the enactment of this Act [Dec. 17, 1999],

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.

“(B) ENTRY.—As used in this paragraph, the term ‘entry’ includes a withdrawal from warehouse for consumption.

“(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefore is filed with the Customs Service, within 180 days after the date of the enactment of this Act [Dec. 17, 1999], that contains sufficient information to enable the Customs Service—

“(A) to locate the entry; or

“(B) to reconstruct the entry if it cannot be located.”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-277, div. J, title I, § 1011(b), Oct. 21, 1998, 112 Stat. 2681-900, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending this section] apply to articles entered on or after the date of the enactment of this Act [Oct. 21, 1998].

“(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

“(A) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 [19 U.S.C. 1514] or any other provision of law, and subject to paragraph (3), any entry—

“(i) of an article to which duty-free treatment under title V of the Trade Act of 1974 [19 U.S.C. 2461