

§ 3334. Prohibition on drawback for television picture tubes

Notwithstanding any other provision of law, no customs duties may be refunded, waived, or reduced on color cathode-ray television picture tubes, including video monitor cathode-ray tubes (provided for in subheading 8540.11.00 of the HTS), that are nonoriginating goods under section 3332(p)(19) of this title and are—

(A) exported to a NAFTA country;

(B) used as a material in the production of other goods that are exported to a NAFTA country; or

(C) substituted for by goods of the same kind and quality used as a material in the production of other goods that are exported to a NAFTA country.

(Pub. L. 103-182, title II, §210, Dec. 8, 1993, 107 Stat. 2099.)

EFFECTIVE DATE

Section effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 213(b) of Pub. L. 103-182, set out as a note under section 3331 of this title.

§ 3335. Monitoring of television and picture tube imports

(a) Monitoring

Beginning on the date the Agreement enters into force with respect to the United States, the United States Customs Service shall, for a period of 5 years, monitor imports into the United States of articles described in subheading 8528.10 of the HTS from NAFTA countries and shall take action to exercise all rights of the United States under chapter 5 of the Agreement with respect to such imports. The United States Customs Service shall take appropriate action under chapter 5 of the Agreement with respect to such imports, including verifications to ensure that the rules of origin under the Agreement are fully complied with and that the duty drawback obligations contained in article 303 and Annex 303.8 of the Agreement are fully implemented and duties are correctly assessed.

(b) Report to Trade Representative

The United States Customs Service shall make the results of the monitoring and verification required by subsection (a) of this section available to the President and the Trade Representative. If, based on such information, the President has reason to believe that articles described in subheading 8540.11 of the HTS, intended for ultimate consumption in the United States, are entering the territory of a NAFTA country inconsistent with the provisions of the Agreement, or have been undervalued in a manner that may raise concerns under United States trade laws, the President shall promptly take such action as may be appropriate under all relevant provisions of the Agreement, including article 317 and chapter 20, and under applicable United States trade statutes.

(Pub. L. 103-182, title II, §211, Dec. 8, 1993, 107 Stat. 2099.)

EFFECTIVE DATE

Section effective on the date the North American Free Trade Agreement enters into force with respect to

the United States [Jan. 1, 1994], see section 213(b) of Pub. L. 103-182, set out as a note under section 3331 of this title.

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.

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.

SUBCHAPTER III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

PART A—SAFEGUARDS

SUBPART 1—RELIEF FROM IMPORTS BENEFITING FROM AGREEMENT

§ 3351. Definitions

As used in this subpart:

(1) Canadian article

The term “Canadian article” means an article that—

(A) is an originating good under chapter 4 of the Agreement; and

(B) qualifies under the Agreement to be marked as a good of Canada.

(2) Mexican article

The term “Mexican article” means an article that—

(A) is an originating good under chapter 4 of the Agreement; and

(B) qualifies under the Agreement to be marked as a good of Mexico.

(Pub. L. 103-182, title III, §301, Dec. 8, 1993, 107 Stat. 2100.)

REFERENCES IN TEXT

This subpart, referred to in text, was in the original “this part”, meaning part 1 (§§301-308) of subtitle A of title III of Pub. L. 103-182, Dec. 8, 1993, 107 Stat. 2100, which enacted this subpart and provisions set out as a note under section 2112 of this title, and amended provisions set out as a note under section 2112 of this title.

EFFECTIVE DATE

Pub. L. 103-182, title III, §318, Dec. 8, 1993, 107 Stat. 2108, provided that: “Except as provided in section 308(b) [enacting provisions set out as a note under section 2112 of this title], the provisions of this subtitle [subtitle A (§§301-318) of title III of Pub. L. 103-182, enacting this part and amending section 2252 of this title and provisions set out as a note under section 2112 of this title] take effect on the date the Agreement enters into force with respect to the United States [Jan. 1, 1994].”

§ 3352. Commencing of action for relief

(a) Filing of petition

(1) In general

A petition requesting action under this subpart for the purpose of adjusting to the obliga-