

**§ 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-

tions of the United States under the Agreement may be filed with the International Trade Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The International Trade Commission shall transmit a copy of any petition filed under this subsection to the Trade Representative.

**(2) Provisional relief**

An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 2252(a) of this title.

**(3) Critical circumstances**

An allegation that critical circumstances exist must be included in the petition or made on or before the 90th day after the date on which the investigation is initiated under subsection (b) of this section.

**(b) Investigation and determination**

Upon the filing of a petition under subsection (a) of this section, the International Trade Commission, unless subsection (d) of this section applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Canadian article or a Mexican article, as the case may be, is being imported into the United States in such increased quantities (in absolute terms) and under such conditions so that imports of the article, alone, constitute a substantial cause of—

- (1) serious injury; or
- (2) except in the case of a Canadian article, a threat of serious injury;

to the domestic industry producing an article that is like, or directly competitive with, the imported article.

**(c) Applicable provisions**

The provisions of—

- (1) paragraphs (1)(B), (3)<sup>1</sup> (except subparagraph (A)), and (4)<sup>1</sup> of subsection (b);
- (2) subsection (c); and
- (3) subsection (d),

of section 2252 of this title apply with respect to any investigation initiated under subsection (b) of this section.

**(d) Articles exempt from investigation**

No investigation may be initiated under this section with respect to—

- (1) any Canadian article or Mexican article if import relief has been provided under this subpart with respect to that article; or
- (2) any textile or apparel article set out in Appendix 1.1 of Annex 300-B of the Agreement.

(Pub. L. 103-182, title III, §302, Dec. 8, 1993, 107 Stat. 2100.)

REFERENCES IN TEXT

Paragraphs (3) and (4) of subsection (b) of section 2252 of this title, referred to in subsec. (c)(1), were repealed and a new paragraph (3) was added by Pub. L. 103-465, title III, §301(c), Dec. 8, 1994, 108 Stat. 4932.

<sup>1</sup> See References in Text note below.

**§ 3353. International Trade Commission action on petition**

**(a) Determination**

By no later than 120 days after the date on which an investigation is initiated under section 3352(b) of this title with respect to a petition, the International Trade Commission shall—

- (1) make the determination required under that section; and
- (2) if the determination referred to in paragraph (1) is affirmative and an allegation regarding critical circumstances was made under section 3352(a) of this title, make a determination regarding that allegation.

**(b) Additional finding and recommendation if determination affirmative**

If the determination made by the International Trade Commission under subsection (a) of this section with respect to imports of an article is affirmative, the International Trade Commission shall find, and recommend to the President in the report required under subsection (c) of this section, the amount of import relief that is necessary to remedy or, except in the case of imports of a Canadian article, prevent the injury found by the International Trade Commission in the determination. The import relief recommended by the International Trade Commission under this subsection shall be limited to that described in section 3354(c) of this title.

**(c) Report to President**

No later than the date that is 30 days after the date on which a determination is made under subsection (a) of this section with respect to an investigation, the International Trade Commission shall submit to the President a report that shall include—

- (1) a statement of the basis for the determination;
- (2) dissenting and separate views; and
- (3) any finding made under subsection (b) of this section regarding import relief.

**(d) Public notice**

Upon submitting a report to the President under subsection (c) of this section, the International Trade Commission shall promptly make public such report (with the exception of information which the International Trade Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

**(e) Applicable provisions**

For purposes of this subpart, the provisions of paragraphs (1), (2), and (3) of section 1330(d) of this title shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 2252 of this title.

(Pub. L. 103-182, title III, §303, Dec. 8, 1993, 107 Stat. 2101.)

**§ 3354. Provision of relief**

**(a) In general**

No later than the date that is 30 days after the date on which the President receives the report