

national Trade Commission shall submit the findings of its investigation to the President no later than 30 days after the request is received by the International Trade Commission.

(3) “Surge” defined

For purposes of this subsection, the term “surge” means a significant increase in imports over the trend for a recent representative base period.

(d) Condition applicable to quantitative restrictions

Any action taken under this section proclaiming a quantitative restriction shall permit the importation of a quantity or value of the article which is not less than the quantity or value of such article imported into the United States during the most recent period that is representative of imports of such article, with allowance for reasonable growth.

(Pub. L. 103–182, title III, §312, Dec. 8, 1993, 107 Stat. 2107.)

REFERENCES IN TEXT

The Trade Act of 1974, referred to in subsecs. (a) to (c), 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.

SUBPART 3—GENERAL PROVISIONS

§ 3381. Monitoring

For purposes of expediting an investigation concerning provisional relief under this part or section 2252 of this title regarding—

- (1) fresh or chilled tomatoes provided for in subheading 0702.00.00 of the HTS; and
- (2) fresh or chilled peppers, other than chili peppers provided for in subheading 0709.60.00 of the HTS;

the International Trade Commission, until January 1, 2009, shall monitor imports of such goods as if proper requests for such monitoring had been made under subsection (d)(1)(C)(i) of section 2252 of this title. At the request of the International Trade Commission, the Secretary of Agriculture and the Commissioner of Customs shall provide to the International Trade Commission information relevant to the monitoring carried out under this section.

(Pub. L. 103–182, title III, §316, Dec. 8, 1993, 107 Stat. 2108; Pub. L. 104–295, §21(b)(3), Oct. 11, 1996, 110 Stat. 3530.)

REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle A (§§301–318) of title III of Pub. L. 103–182, Dec. 8, 1993, 107 Stat. 2100, which enacted this part, amended section 2252 of this title, enacted provisions set out as notes under sections 2112 and 3351 of this title, and amended provisions set out as a note under section 2112 of this title.

AMENDMENTS

1996—Pub. L. 104–295 substituted “subsection (d)(1)(C)(i) of section 2252” for “section 2252(d)(1)(C)(i) of section 2252”.

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.

§ 3382. Procedures concerning conduct of International Trade Commission investigations

The International Trade Commission shall adopt such procedures and rules and regulations as are necessary to bring its procedures into conformity with chapter 8 of the Agreement.

(Pub. L. 103–182, title III, §317(a), Dec. 8, 1993, 107 Stat. 2108.)

PART B—AGRICULTURE

§ 3391. Agriculture

(a) Omitted

(b) Section 624 of title 7

(1) In general

The President may, pursuant to article 309 and Annex 703.2 of the Agreement, exempt from any quantitative limitation or fee imposed pursuant to section 624 of title 7 any article which originates in Mexico, if Mexico is a NAFTA country.

(2) Qualification of articles

The determination of whether an article originates in Mexico shall be made in accordance with section 3332 of this title, except that operations performed in, or materials obtained from, any country other than the United States or Mexico shall be treated as if performed in or obtained from a country other than a NAFTA country.

(c) Tariff rate quotas

In implementing the tariff rate quotas set out in the United States Schedule to Annex 302.2 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

(d) Peanuts

(1) Effect of the Agreement

(A) In general

Nothing in the Agreement or this Act reduces or eliminates—

- (i) any penalty required under section 1359a(d)¹ of title 7; or
- (ii) any requirement under Marketing Agreement No. 146, Regulating the Quality of Domestically Produced Peanuts, on peanuts in the domestic market, pursuant to section 1445c–3(f)¹ of title 7.

(B) Omitted

(2) Consultations on imports

It is the sense of Congress that the United States should request consultations in the

¹ See References in Text note below.