

(B) in making that determination, the President has taken into account each of the factors set forth in section 3202(d) of this title; and

(3) remain in effect with respect to Bolivia after June 30, 2009, except that duty-free treatment and other preferential treatment under this chapter shall remain in effect with respect to Bolivia during the period beginning on July 1, 2009, and ending on December 31, 2009, only if the President reviews the criteria set forth in section 3202 of this title, and on or before June 30, 2009, reports to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives pursuant to subsection (b) that—

(A) the President has determined that Bolivia satisfies the requirements set forth in section 3202(c) of this title for being designated as a beneficiary country; and

(B) in making that determination, the President has taken into account each of the factors set forth in section 3202(d) of this title.

(b) Reports

On or before June 30, 2009, the President shall make determinations pursuant to subsections (a)(2)(A) and (a)(3)(A) and report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on—

- (1) such determinations; and
- (2) the reasons for such determinations.

(Pub. L. 102-182, title II, § 208, Dec. 4, 1991, 105 Stat. 1244; Pub. L. 107-210, div. C, title XXXI, § 3104(a), Aug. 6, 2002, 116 Stat. 1034; Pub. L. 109-432, div. D, title VII, § 7002, Dec. 20, 2006, 120 Stat. 3194; Pub. L. 110-42, § 1, June 30, 2007, 121 Stat. 235; Pub. L. 110-191, § 2(a), Feb. 29, 2008, 122 Stat. 646; Pub. L. 110-436, § 1(a), Oct. 16, 2008, 122 Stat. 4976; Pub. L. 111-124, § 2(a), Dec. 28, 2009, 123 Stat. 3484; Pub. L. 111-344, title II, § 201(a), (b), Dec. 29, 2010, 124 Stat. 3616; Pub. L. 112-42, title V, § 501(a), Oct. 21, 2011, 125 Stat. 494.)

AMENDMENTS

2011—Subsec. (a)(1)(A), (2). Pub. L. 112-42 substituted “July 31, 2013” for “February 12, 2011”.

2010—Subsec. (a)(1). Pub. L. 111-344, § 201(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “remain in effect with respect to Colombia or Peru after December 31, 2010;”.

Subsec. (a)(2). Pub. L. 111-344, § 201(b), substituted “February 12, 2011” for “December 31, 2010” in introductory provisions.

2009—Subsec. (a)(1), (2). Pub. L. 111-124 substituted “December 31, 2010” for “December 31, 2009”.

2008—Pub. L. 110-436 amended section generally. Prior to amendment, text read as follows: “No duty-free treatment or other preferential treatment extended to beneficiary countries under this chapter shall remain in effect after December 31, 2008.”

Pub. L. 110-191 substituted “December 31, 2008” for “February 29, 2008”.

2007—Pub. L. 110-42 struck out subsec. (a) designation and heading at beginning of section, substituted “No” for “Subject to subsection (b), no” and “February 29, 2008” for “June 30, 2007”, and struck out subsec. (b), which provided for certain conditional extensions.

2006—Pub. L. 109-432 designated existing provisions as subsec. (a), inserted heading, substituted “Subject to subsection (b), no” for “No” and “June 30, 2007” for “December 31, 2006”, and added subsec. (b).

2002—Pub. L. 107-210 substituted “Termination of preferential treatment” for “Effective date and termination of duty-free treatment” in section catchline and amended text generally, substituting provisions establishing a termination date of Dec. 31, 2006, for preferential treatment under this chapter for provisions designated subsecs. (a) and (b) establishing an effective date of Dec. 4, 1991, for this chapter and a termination date 10 years later for duty-free treatment under this chapter.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-42 applicable to articles entered on or after the 15th day after Oct. 21, 2011, with retroactive application for certain liquidations and reliquidations, see section 501(c) of Pub. L. 112-42, set out in a note under section 3805 of this title.

RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS

Pub. L. 107-210, div. C, title XXXI, § 3104(b), Aug. 6, 2002, 116 Stat. 1034, provided that:

“(1) 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 paragraph (3), the entry—

“(A) of any article to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) would have applied if the entry had been made on December 4, 2001, and

“(B) that was made after December 4, 2001, and before the date of the enactment of this Act [Aug. 6, 2002],

shall be liquidated or reliquidated as if such duty-free treatment (or preferential treatment) applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

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

“(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, 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.”

[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, set out as a note under section 542 of Title 6.]

CHAPTER 21—NORTH AMERICAN FREE TRADE

Sec.

3301. Definitions.

SUBCHAPTER I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, NORTH AMERICAN FREE TRADE AGREEMENT

3311. Approval and entry into force of North American Free Trade Agreement.
3312. Relationship of Agreement to United States and State law.
3313. Consultation and layover requirements for, and effective date of, proclaimed actions.
3314. Implementing actions in anticipation of entry into force and initial regulations.
3315. United States Section of NAFTA Secretariat.
3316. Appointments to chapter 20 panel proceedings.

Sec.
3317. Congressional intent regarding future accessions.

SUBCHAPTER II—CUSTOMS PROVISIONS

3331. Tariff modifications.
3332. Rules of origin.
3333. Drawback.
3334. Prohibition on drawback for television picture tubes.
3335. Monitoring of television and picture tube imports.

SUBCHAPTER III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

PART A—SAFEGUARDS

SUBPART 1—RELIEF FROM IMPORTS BENEFITING FROM AGREEMENT

3351. Definitions.
3352. Commencing of action for relief.
3353. International Trade Commission action on petition.
3354. Provision of relief.
3355. Termination of relief authority.
3356. Compensation authority.
3357. Submission of petitions.
3358. Price-based snapback for frozen concentrated orange juice.

SUBPART 2—RELIEF FROM IMPORTS FROM ALL COUNTRIES

3371. NAFTA article impact in import relief cases under Trade Act of 1974.
3372. Presidential action regarding NAFTA imports.

SUBPART 3—GENERAL PROVISIONS

3381. Monitoring.
3382. Procedures concerning conduct of International Trade Commission Investigations.

PART B—AGRICULTURE

3391. Agriculture.

PART C—TEMPORARY ENTRY OF BUSINESS PERSONS

3401. Nonimmigrant traders and investors.

PART D—STANDARDS

SUBPART 1—STANDARDS AND MEASURES

3411. Transportation.

SUBPART 2—AGRICULTURAL STANDARDS

3421. Agricultural standards.

SUBCHAPTER IV—DISPUTE SETTLEMENT IN ANTIDUMPING AND COUNTERVAILING DUTY CASES

PART A—ORGANIZATIONAL, ADMINISTRATIVE, AND PROCEDURAL PROVISIONS REGARDING IMPLEMENTATION OF CHAPTER 19 OF AGREEMENT

3431. References in part.
3432. Organizational and administrative provisions.
3433. Testimony and production of papers in extraordinary challenges.
3434. Requests for review of determinations by competent investigating authorities of NAFTA countries.
3435. Rules of procedure for panels and committees.
3436. Subsidy negotiations.
3437. Identification of industries facing subsidized imports.
3438. Treatment of amendments to antidumping and countervailing duty law.

PART B—GENERAL PROVISIONS

3451. Effect of termination of NAFTA country status.

Sec.
SUBCHAPTER V—MISCELLANEOUS PROVISIONS

PART A—PROVISIONS RELATING TO PERFORMANCE UNDER AGREEMENT

3461. Discriminatory taxes.
3462. Review of operation and effects of Agreement.
3463. Report on impact of NAFTA on motor vehicle exports to Mexico.

PART B—IMPLEMENTATION OF NAFTA SUPPLEMENTAL AGREEMENTS

3471. Agreement on Labor Cooperation.
3472. Agreement on Environmental Cooperation.
3473. Agreement on Border Environment Cooperation Commission.

§ 3301. Definitions

For purposes of this Act:

(1) **Agreement**

The term “Agreement” means the North American Free Trade Agreement approved by the Congress under section 3311(a) of this title.

(2) **HTS**

The term “HTS” means the Harmonized Tariff Schedule of the United States.

(3) **Mexico**

Any reference to Mexico shall be considered to be a reference to the United Mexican States.

(4) **NAFTA country**

Except as provided in section 3332 of this title, the term “NAFTA country” means—

(A) Canada for such time as the Agreement is in force with respect to, and the United States applies the Agreement to, Canada; and

(B) Mexico for such time as the Agreement is in force with respect to, and the United States applies the Agreement to, Mexico.

(5) **International Trade Commission**

The term “International Trade Commission” means the United States International Trade Commission.

(6) **Trade Representative**

The term “Trade Representative” means the United States Trade Representative.

(Pub. L. 103-182, §2, Dec. 8, 1993, 107 Stat. 2060.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-182, Dec. 8, 1993, 107 Stat. 2057, known as the North American Free Trade Agreement Implementation Act. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The North American Free Trade Agreement, referred to in par. (1), is not set out in the Code.

The Harmonized Tariff Schedule of the United States, referred to in par. (2), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

SHORT TITLE

Pub. L. 103-182, §1(a), Dec. 8, 1993, 107 Stat. 2057, provided that: “This Act [see Tables for classification] may be cited as the ‘North American Free Trade Agreement Implementation Act.’”