

6. In order to implement the tariff treatment provided under the ATPDEA, it is necessary to modify the Harmonized Tariff Schedule of the United States (HTS).

7. Section 604 of the Trade Act of 1974 (19 U.S.C. 2483) (1974 Trade Act) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including section 604 of the 1974 Trade Act, do proclaim as follows:

(1) I have designated the following countries as ATPDEA beneficiary countries pursuant to section 204(b)(6)(B) of the ATPA, as amended, and have determined that these countries have satisfied the requirements of section 204(b)(5)(A)(ii)(I) of the ATPA, as amended, relating to the implementation of procedures and requirements similar to those in chapter 5 of the NAFTA:

Bolivia
Colombia
Ecuador
Peru.

(2) In order to provide for the preferential treatment provided for in section 204(b) of the ATPA, as amended, the HTS is modified as provided in the annex to this proclamation.

(3) The functions of the President under section 203(e)(2)(A) of the ATPA and section 212(e)(2)(A) of the CBERA with respect to publishing notice of an action he proposes to take. [sic] are delegated to the United States Trade Representative.

(4) Any provisions of previous proclamations and Executive Orders that are inconsistent with this proclamation are superseded to the extent of such inconsistency.

(5) This proclamation is effective on the date of signature.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand two, and of the Independence of the United States of America the two hundred and twenty-seventh.

GEORGE W. BUSH.

PRESIDENTIAL SUSPENSION OF DESIGNATION OF
BENEFICIARY COUNTRIES

Proc. No. 8323, Nov. 25, 2008, 73 F.R. 72679, provided in par. (4) that the designation of Bolivia as a beneficiary country for purposes of the Andean Trade Promotion and Drug Eradication Act, title XXXI of div. C of Pub. L. 107-210 (see Tables for classification), was suspended effective Dec. 15, 2008.

§ 3204. International Trade Commission reports on impact of this chapter

(a) Reporting requirements

(1) In general

The United States International Trade Commission (in this section referred to as the “Commission”) shall submit to Congress and the President biennial reports regarding the economic impact of this chapter on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this chapter in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.

(2) Submission

During the period that this chapter is in effect, the report required by paragraph (1) shall

be submitted on December 31 of each year that the report required by section 2704 of this title is not submitted.

(3) Treatment of Puerto Rico, etc.

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.

(b) Report requirements

(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report, of this chapter on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries;

(B) the probable future effect that this chapter will have on the United States economy generally, as well as on such domestic industries, before the provisions of this chapter terminate; and

(C) the estimated effect that this chapter has had on the drug-related crop eradication and crop substitution efforts of the beneficiary countries.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade and consumption of United States products affected by this chapter, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this chapter.

(c) Submission dates; public comment

(1) Each report required under subsection (a) shall be submitted to the Congress before the close of the 9-month period beginning on the day after the last day of the period covered by the report.

(2) The Commission shall provide an opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

(Pub. L. 102-182, title II, §206, Dec. 4, 1991, 105 Stat. 1243; Pub. L. 106-200, title II, §211(d)(2), May 18, 2000, 114 Stat. 287.)

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-200 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “The United States International Trade Commission (hereinafter in this section referred to as the ‘Commission’) shall prepare, and submit to

the Congress, a report regarding the economic impact of this chapter on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this chapter in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries, during—

“(1) the 24-month period beginning with December 4, 1991; and

“(2) each calendar year occurring thereafter until duty-free treatment under this chapter is terminated under section 3206(b) of this title.

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.”

§ 3205. Repealed. Pub. L. 113–188, title XII, § 1201, Nov. 26, 2014, 128 Stat. 2023

Section, Pub. L. 102–182, title II, §207, Dec. 4, 1991, 105 Stat. 1244, required impact studies and annual reports from the Secretary of Labor.

§ 3206. Termination of preferential treatment

(a) In general

No duty-free treatment or other preferential treatment extended to beneficiary countries under this chapter shall—

(1) remain in effect—

(A) with respect to Colombia after July 31, 2013; and

(B) with respect to Peru after December 31, 2010;

(2) remain in effect with respect to Ecuador after June 30, 2009, except that duty-free treatment and other preferential treatment under this chapter shall remain in effect with respect to Ecuador during the period beginning on July 1, 2009, and ending on July 31, 2013, unless 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 Ecuador does not satisfy 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; 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 re-liquidations, 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 Pref-