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§ 3201. Authority to grant duty-free treatment

The President may proclaim duty-free treatment (or other preferential treatment) for all eligible articles from any beneficiary country in accordance with the provisions of this chapter.

(Pub. L. 102-182, title II, §202, Dec. 4, 1991, 105 Stat. 1236; Pub. L. 107-210, div. C, title XXXI, §3103(c)(1), Aug. 6, 2002, 116 Stat. 1033.)

AMENDMENTS

2002—Pub. L. 107-210 inserted “(or other preferential treatment)” after “treatment”.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-191, §1, Feb. 29, 2008, 122 Stat. 646, provided that: “This Act [amending sections 58c, 3203, and 3206 of this title and enacting provisions set out as a note under section 6655 of Title 26, Internal Revenue Code] may be cited as the ‘Andean Trade Preference Extension Act of 2008’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-432, div. D, title VII, §7001, Dec. 20, 2006, 120 Stat. 3194, provided that: “This title [amending sections 3203 and 3206 of this title] may be cited as the ‘Andean Trade Preferences Extension Act’.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-210, div. C, title XXXI, §3101, Aug. 6, 2002, 116 Stat. 1023, provided that: “This title [amending sections 2703, 3201 to 3203, 3206, and 3721 of this title and enacting provisions set out as notes under this section and sections 2703, 3202, 3206, and 3721 of this title] may be cited as the ‘Andean Trade Promotion and Drug Eradication Act’.”

SHORT TITLE

Pub. L. 102-182, title II, §201, Dec. 4, 1991, 105 Stat. 1236, provided that: “This title [enacting this chapter] may be cited as the ‘Andean Trade Preference Act’.”

TERMINATION OF PREFERENTIAL TREATMENT

For termination of preferential treatment, see section 3206 of this title.

FINDINGS

Pub. L. 107-210, div. C, title XXXI, §3102, Aug. 6, 2002, 116 Stat. 1023, provided that: “Congress makes the following findings:

“(1) Since the Andean Trade Preference Act [19 U.S.C. 3201 et seq.] was enacted in 1991, it has had a positive impact on United States trade with Bolivia, Colombia, Ecuador, and Peru. Two-way trade has doubled, with the United States serving as the leading source of imports and leading export market for each of the Andean beneficiary countries. This has resulted in increased jobs and expanded export opportunities in both the United States and the Andean region.

“(2) The Andean Trade Preference Act has been a key element in the United States counternarcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic alternatives to drug-crop production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit trade in coca.

“(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains

threatened by political and economic instability and fragility, vulnerable to the consequences of the drug war and fierce global competition for its legitimate trade.

“(4) The continuing instability in the Andean region poses a threat to the security interests of the United States and the world. This problem has been partially addressed through foreign aid, such as Plan Colombia, enacted by Congress in 2000. However, foreign aid alone is not sufficient. Enhancement of legitimate trade with the United States provides an alternative means for reviving and stabilizing the economies in the Andean region.

“(5) The Andean Trade Preference Act constitutes a tangible commitment by the United States to the promotion of prosperity, stability, and democracy in the beneficiary countries.

“(6) Renewal and enhancement of the Andean Trade Preference Act will bolster the confidence of domestic private enterprise and foreign investors in the economic prospects of the region, ensuring that legitimate private enterprise can be the engine of economic development and political stability in the region.

“(7) Each of the Andean beneficiary countries is committed to conclude negotiation of a Free Trade Area of the Americas by the year 2005, as a means of enhancing the economic security of the region.

“(8) Temporarily enhancing trade benefits for Andean beneficiary countries will promote the growth of free enterprise and economic opportunity in these countries and serve the security interests of the United States, the region, and the world.”

§ 3202. Beneficiary country

(a) Definitions

For purposes of this chapter—

(1) The term “beneficiary country” means any country listed in subsection (b)(1) with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this chapter.

(2) The term “entered” means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

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

(b) Countries eligible for designation; congressional notification

(1) In designating countries as beneficiary countries under this chapter, the President shall consider only the following countries or successor political entities:

Bolivia
Ecuador
Colombia
Peru.

(2) Before the President designates any country as a beneficiary country for purposes of this chapter, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(c) Limitations on designation

The President shall not designate any country a beneficiary country under this chapter—

(1) if such country is a Communist country;
(2) if such country—

(A) has nationalized, expropriated or otherwise seized ownership or control of property owned by a United States citizen or