

Round Agreements and this Act in any judicial proceeding in which a question arises concerning such interpretation or application.

(Pub. L. 103-465, title I, §102, Dec. 8, 1994, 108 Stat. 4815.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(2) and (d), is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809, known as the Uruguay Round Agreements Act. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (b)(1)(B), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 3513. Implementing actions in anticipation of entry into force; regulations**

**(a) Implementing actions**

After December 8, 1994—

- (1) the President may proclaim such actions, and
- (2) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date any of the Uruguay Round Agreements enters into force with respect to the United States is appropriately implemented on such date. Such proclamation or regulation may not have an effective date earlier than the date of entry into force with respect to the United States of the agreement to which the proclamation or regulation relates.

**(b) Regulations**

Any interim regulation necessary or appropriate to carry out any action proposed in the statement of administrative action approved under section 3511(a) of this title to implement an agreement described in section 3511(d)(7), (12), or (13) of this title shall be issued not later than 1 year after the date on which the agreement enters into force with respect to the United States.

(Pub. L. 103-465, title I, §103, Dec. 8, 1994, 108 Stat. 4819.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809, known as the Uruguay Round Agreements Act. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of this title and Tables.

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

PART B—TARIFF MODIFICATIONS

**§ 3521. Tariff modifications**

**(a) In general**

In addition to the authority provided by section 2902 of this title, the President shall have the authority to proclaim—

- (1) such other modification of any duty,
- (2) such other staged rate reduction, or
- (3) such additional duties,

as the President determines to be necessary or appropriate to carry out Schedule XX.

**(b) Other tariff modifications**

Subject to the consultation and layover requirements of section 3524 of this title, the President may proclaim—

- (1) the modification of any duty or staged rate reduction of any duty set forth in Schedule XX if—

(A) the United States agrees to such modification or staged rate reduction in a multilateral negotiation under the auspices of the WTO, and

(B) such modification or staged rate reduction applies to the rate of duty on an article contained in a tariff category that was the subject of reciprocal duty elimination or harmonization negotiations during the Uruguay Round of multilateral trade negotiations, and

- (2) such modifications as are necessary to correct technical errors in Schedule XX or to make other rectifications to the Schedule.

**(c) Authority to increase duties on articles from certain countries**

**(1) In general**

**(A) Determination with respect to certain countries**

Notwithstanding section 1881 of this title, after the entry into force of the WTO Agreement with respect to the United States, if the President—

- (i) determines that a foreign country (other than a foreign country that is a WTO member country) is not according adequate trade benefits to the United States, including substantially equal competitive opportunities for the commerce of the United States, and
- (ii) consults with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate,

the President may proclaim an increase in the rate of duty with respect to any article of such country in accordance with subparagraph (B).

**(B) Rate of duty described**

The President may proclaim a rate of duty on any article of a country identified under subparagraph (A) that is equal to the greater of—

- (i) the rate of duty set forth for such article in the base rate of duty column of Schedule XX, or
- (ii) the rate of duty set forth for such article in the bound rate of duty column of Schedule XX.

**(2) Termination of increased duties**

The President shall terminate any increase in the rate of duty proclaimed under this subsection by a proclamation which shall be effective on the earlier of—

(A) the date set out in such proclamation of termination, or

(B) the date the WTO Agreement enters into force with respect to the foreign country with respect to which the determination under paragraph (1) was made.

**(3) Publication of determination and termination**

The President shall publish in the Federal Register notice of a determination made under paragraph (1) and a termination occurring by reason of paragraph (2).

**(d) Adjustments to certain column 2 rates of duty**

At such time as the President proclaims any modification to the HTS to implement the provisions of Schedule XX, the President shall also proclaim the rate of duty set forth in Column B as the column 2 rate of duty for the subheading of the HTS that corresponds to the subheading in Schedule XX listed in Column A.

Column A	Column B
Schedule XX subheading:	Rate of duty for column 2 of the HTS:
0201.10.50 .....	31.1%
0201.20.80 .....	31.1%
0201.30.80 .....	31.1%
0202.10.50 .....	31.1%
0202.20.80 .....	31.1%
0202.30.80 .....	31.1%
0401.30.25 .....	90.8¢/liter
0401.30.75 .....	\$1.936/kg
0402.10.50 .....	\$1.018/kg
0402.21.25 .....	\$1.018/kg
0402.21.50 .....	\$1.285/kg
0402.21.90 .....	\$1.831/kg
0402.29.50 .....	\$1.299/kg + 17.5%
0402.91.60 .....	36.8¢/kg
0402.99.50 .....	58.4¢/kg
0402.99.90 .....	54.5¢/kg + 17.5%
0403.10.50 .....	\$1.217/kg + 20%
0403.90.16 .....	90.8¢/liter
0403.90.45 .....	\$1.03/kg
0403.90.55 .....	\$1.285/kg
0403.90.65 .....	\$1.831/kg
0403.90.78 .....	\$1.936/kg
0403.90.95 .....	\$1.217/kg + 20%
0404.10.11 .....	20%
0404.10.15 .....	\$1.217/kg + 10%
0404.10.90 .....	\$1.03/kg
0404.90.30 .....	25%
0404.90.50 .....	\$1.399/kg + 10%
0405.00.40 .....	\$1.813/kg
0405.00.90 .....	\$2.194/kg + 10%
0406.10.08 .....	\$1.775/kg
0406.10.18 .....	\$2.67/kg
0406.10.28 .....	\$1.443/kg
0406.10.38 .....	\$1.241/kg
0406.10.48 .....	\$2.121/kg
0406.10.58 .....	\$2.525/kg
0406.10.68 .....	\$1.631/kg
0406.10.78 .....	\$1.328/kg
0406.10.88 .....	\$1.775/kg
0406.20.28 .....	\$2.67/kg
0406.20.33 .....	\$1.443/kg
0406.20.39 .....	\$1.241/kg
0406.20.48 .....	\$2.121/kg
0406.20.53 .....	\$2.525/kg
0406.20.63 .....	\$2.67/kg
0406.20.67 .....	\$1.443/kg
0406.20.71 .....	\$1.241/kg
0406.20.75 .....	\$2.121/kg
0406.20.79 .....	\$2.525/kg
0406.20.83 .....	\$1.631/kg
0406.20.87 .....	\$1.328/kg

Column A	Column B
Schedule XX subheading:	Rate of duty for column 2 of the HTS:
0406.20.91 .....	\$1.775/kg
0406.30.18 .....	\$2.67/kg
0406.30.28 .....	\$1.443/kg
0406.30.38 .....	\$1.241/kg
0406.30.48 .....	\$2.121/kg
0406.30.53 .....	\$1.631/kg
0406.30.63 .....	\$2.67/kg
0406.30.67 .....	\$1.443/kg
0406.30.71 .....	\$1.241/kg
0406.30.75 .....	\$2.121/kg
0406.30.79 .....	\$2.525/kg
0406.30.83 .....	\$1.631/kg
0406.30.87 .....	\$1.328/kg
0406.30.91 .....	\$1.775/kg
0406.40.70 .....	\$2.67/kg
0406.90.12 .....	\$1.443/kg
0406.90.18 .....	\$2.121/kg
0406.90.33 .....	\$2.525/kg
0406.90.38 .....	\$2.525/kg
0406.90.43 .....	\$2.525/kg
0406.90.48 .....	\$2.208/kg
0406.90.64 .....	\$1.241/kg
0406.90.68 .....	\$2.525/kg
0406.90.74 .....	\$2.67/kg
0406.90.78 .....	\$1.443/kg
0406.90.84 .....	\$1.241/kg
0406.90.88 .....	\$2.121/kg
0406.90.92 .....	\$1.631/kg
0406.90.94 .....	\$1.328/kg
0406.90.97 .....	\$1.775/kg
1202.10.80 .....	192.7%
1202.20.80 .....	155%
1517.90.60 .....	40.2¢/kg
1701.11.50 .....	39.85¢/kg
1701.12.10 .....	6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg
1701.12.50 .....	42.05¢/kg
1701.91.10 .....	6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg
1701.91.30 .....	42.05¢/kg
1701.91.48 .....	39.9¢/kg + 6%
1701.91.58 .....	39.9¢/kg + 6%
1701.99.10 .....	6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg
1701.99.50 .....	42.05¢/kg
1702.20.28 .....	19.9¢/kg of total sugars + 6%
1702.30.28 .....	19.9¢/kg of total sugars + 6%
1702.40.28 .....	39.9¢/kg of total sugars + 6%
1702.60.28 .....	39.9¢/kg of total sugars + 6%
1702.90.10 .....	6.58170¢/kg of total sugars
1702.90.20 .....	42.05¢/kg
1702.90.58 .....	39.9¢/kg of total sugars + 6%
1702.90.68 .....	39.9¢/kg + 6%
1704.90.58 .....	47.4¢/kg + 12.2%
1704.90.68 .....	47.4¢/kg + 12.2%
1704.90.78 .....	47.4¢/kg + 12.2%
1806.10.15 .....	25.5¢/kg
1806.10.28 .....	39.5¢/kg
1806.10.38 .....	39.5¢/kg
1806.10.55 .....	39.5¢/kg
1806.10.75 .....	39.5¢/kg
1806.20.26 .....	43.8¢/kg + 5%
1806.20.28 .....	62.1¢/kg + 5%
1806.20.36 .....	43.8¢/kg + 5%
1806.20.38 .....	62.1¢/kg + 5%
1806.20.73 .....	35.9¢/kg + 10%
1806.20.77 .....	35.9¢/kg + 10%

Column A	Column B
Schedule XX subheading:	Rate of duty for column 2 of the HTS:
1806.20.82	43.8¢/kg + 10%
1806.20.83	62.1¢/kg + 10%
1806.20.87	43.8¢/kg + 10%
1806.20.89	62.1¢/kg + 10%
1806.20.92	43.8¢/kg + 10%
1806.20.93	62.1¢/kg + 10%
1806.20.96	43.8¢/kg + 10%
1806.20.97	62.1¢/kg + 10%
1806.32.06	43.8¢/kg + 5%
1806.32.08	62.1¢/kg + 5%
1806.32.16	43.8¢/kg + 5%
1806.32.18	62.1¢/kg + 5%
1806.32.70	43.8¢/kg + 7%
1806.32.80	62.1¢/kg + 7%
1806.90.08	43.8¢/kg + 7%
1806.90.10	62.1¢/kg + 7%
1806.90.18	43.8¢/kg + 7%
1806.90.20	62.1¢/kg + 7%
1806.90.28	43.8¢/kg + 7%
1806.90.30	62.1¢/kg + 7%
1806.90.38	43.8¢/kg + 7%
1806.90.40	62.1¢/kg + 7%
1806.90.48	43.8¢/kg + 7%
1806.90.50	62.1¢/kg + 7%
1806.90.58	43.8¢/kg + 7%
1806.90.60	62.1¢/kg + 7%
1901.10.30	\$1.217/kg + 17.5%
1901.10.40	\$1.217/kg + 17.5%
1901.10.75	\$1.217/kg + 17.5%
1901.10.85	\$1.217/kg + 17.5%
1901.20.15	49.8¢/kg + 10%
1901.20.25	49.8¢/kg + 10%
1901.20.35	49.8¢/kg + 10%
1901.20.50	49.8¢/kg + 10%
1901.20.60	49.8¢/kg + 10%
1901.20.70	49.8¢/kg + 10%
1901.90.36	\$1.328/kg
1901.90.42	25%
1901.90.44	\$1.217/kg + 16%
1901.90.46	25%
1901.90.48	\$1.217/kg + 16%
1901.90.54	27.9¢/kg + 10%
1901.90.58	27.9¢/kg + 10%
2008.11.15	155%
2008.11.35	155%
2008.11.60	155%
2101.10.38	35.9¢/kg + 10%
2101.10.48	35.9¢/kg + 10%
2101.10.58	35.9¢/kg + 10%
2101.20.38	35.9¢/kg + 10%
2101.20.48	35.9¢/kg + 10%
2101.20.58	35.9¢/kg + 10%
2103.90.78	35.9¢/kg + 7.5%
2105.00.20	59¢/kg + 20%
2105.00.40	59¢/kg + 20%
2106.90.02	\$1.014/kg
2106.90.04	\$2.348/kg
2106.90.08	\$2.348/kg
2106.90.11	6.58170¢/kg of total sugars
2106.90.12	42.05¢/kg
2106.90.34	82.8¢/kg + 10%
2106.90.38	82.8¢/kg + 10%
2106.90.44	82.8¢/kg + 10%
2106.90.48	82.8¢/kg + 10%
2106.90.57	33.9¢/kg + 10%
2106.90.67	33.9¢/kg + 10%
2106.90.77	33.9¢/kg + 10%
2106.90.87	33.9¢/kg + 10%
2202.90.28	27.6¢/liter + 17.5%
2309.90.28	94.6¢/kg + 7.5%
2309.90.48	94.6¢/kg + 7.5%
2401.10.70	85¢/kg
2401.10.90	85¢/kg
2401.20.30	\$1.21/kg
2401.20.45	\$1.15/kg
2401.20.55	\$1.15/kg

Column A	Column B
Schedule XX subheading:	Rate of duty for column 2 of the HTS:
2801.30.20	37%
2805.30.00	31.3%
2805.40.00	5.7%
2811.19.10	4.9%
2818.10.20	4.1%
2822.00.00	1.7%
2827.39.20	31.9%
2833.11.50	3.6%
2833.27.00	4.2%
2836.40.20	4.8%
2836.60.00	8.4%
2837.20.10	5.1%
2840.11.00	1.2%
2840.19.00	0.4%
2849.20.20	1.6%
2903.15.00	88%
2903.16.00	33.3%
2903.30.05	46.3%
2906.11.00	6.2%
2907.12.00	48.3%
2909.11.00	4%
2912.11.00	12.1%
2916.15.10	35.2%
2916.19.30	24.4%
2923.20.20	33.4%
3213.90.00	48.6%
3307.10.20	81.7%
3307.49.00	73.2%
3403.11.20	0.4%
3403.19.10	0.4%
3506.10.10	30.4%
3603.00.30	8.3%
3603.00.90	0.3%
3604.10.00	12.5%
3606.90.30	56.7%
3706.10.30	7%
3807.00.00	0.2%
3823.90.33	26.3%
3904.61.00	34.1%
3916.90.10	40.6%
3920.51.50	48.2%
3920.59.80	51.7%
3926.90.65	8.4%
5201.00.18	36.9¢/kg
5201.00.28	36.9¢/kg
5201.00.38	36.9¢/kg
5201.00.80	36.9¢/kg
5202.99.30	9.2¢/kg
5203.00.30	36.9¢/kg

**(e) Authority to consolidate subheadings and modify column 2 rates of duty for tariff simplification purposes**

**(1) In general**

Whenever the HTS column 1 general rates of duty for 2 or more 8-digit subheadings are at the same level and such subheadings are subordinate to a provision required by the International Convention on the Harmonized Commodity Description and Coding System, the President may proclaim, subject to the consultation and layover requirements of section 3524 of this title, that the goods described in such subheadings be provided for in a single 8-digit subheading of the HTS, and that—

(A) the HTS column 1 general rate of duty for such single subheading be the column 1 general rate of duty common to all such subheadings, and

(B) the HTS column 2 rate of duty for such single subheading be the highest column 2 rate of duty for such subheadings that is in effect on the day before the effective date of such proclamation.

**(2) Same level of duty**

The provisions of this subsection apply to subheadings described in paragraph (1) that have the same column 1 general rate of duty—

(A) on December 8, 1994, or

(B) after December 8, 1994, as a result of a staged reduction in such column 1 rates of duty.

(Pub. L. 103-465, title I, §111, Dec. 8, 1994, 108 Stat. 4819.)

## EFFECTIVE DATE

Pub. L. 103-465, title I, §116, Dec. 8, 1994, 108 Stat. 4828, provided that:

“(a) IN GENERAL.—Except as provided in section 114(a) [108 Stat. 4827] and subsection (b) of this section, this subtitle [subtitle B (§§111-116) of title I of Pub. L. 103-465, enacting this part and amending section 1466 of this title and provisions set out as a note under section 1466 of this title] and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995].

“(b) SECTION 115.—Section 115 [enacting section 3524 of this title] takes effect on the date of the enactment of this Act [Dec. 8, 1994].”

## URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

**§ 3522. Liquidation or reliquidation and refund of duty paid on certain entries****(a) Liquidation or reliquidation**

Notwithstanding section 1514 of this title or any other provision of law, and subject to subsection (b), the Secretary of the Treasury shall liquidate or reliquidate the entries listed or otherwise described in subsection (c) and refund any duty or excess duty that was paid, as provided in subsection (c).

**(b) Requests**

Liquidation or reliquidation may be made under subsection (a) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date on which the WTO Agreement enters into force with respect to the United States, that contains sufficient information to enable the Customs Service—

(1) to locate the entry; or

(2) to reconstruct the entry if it cannot be located.

**(c) Entries**

The entries referred to in subsection (a) are as follows:

**(1) Agglomerated stone tiles**

Any goods—

(A) for which the importer claimed or would have claimed entry under subheading 6810.19.12 of the HTS on or after October 1, 1990, and before the effective date of a proclamation issued by the President under section 3513(a) of this title with respect to items under such subheading in order to carry out Schedule XX, or

(B) entered on or after January 1, 1989, and before October 1, 1990, for which entry would have been claimed under subheading 6810.19.12 of the HTS on or after October 1, 1990,

shall be liquidated or reliquidated as if the wording of that subheading were “Of stone agglomerated with binders other than cement”, and the Secretary of the Treasury shall refund any excess duties paid with respect to such entries.

**(2) Clomiphene citrate**

(A) Any entry, or withdrawal from warehouse for consumption, of goods described in heading 9902.29.95 of the HTS (relating to clomiphene citrate) which was made after December 31, 1988, and before January 1, 1993, and with respect to which there would have been no duty if the reference to subheading “2922.19.15” in such heading were a reference to subheading “2922.19.15 or any subheading of chapter 30” at the time of such entry or withdrawal, shall be liquidated or reliquidated as free of duty.

(B) The Secretary of the Treasury shall refund any duties paid with respect to entries described in subparagraph (A).

(Pub. L. 103-465, title I, §113, Dec. 8, 1994, 108 Stat. 4826.)

## EFFECTIVE DATE

Section effective on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995], see section 116(a) of Pub. L. 103-465, set out as a note under section 3521 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

## URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

**§ 3523. Duty free treatment for octadecyl isocyanate and 5-Chloro-2-(2,4-dichlorophenoxy)phenol**

The President—

(1) shall proclaim duty-free entry for octadecyl isocyanate and 5-Chloro-2-(2,4-dichlorophenoxy)phenol, to be effective on the effective date of the proclamation issued by the President under section 3513(a) of this title to carry out Schedule XX, and

(2) shall take such actions as are necessary to reflect such tariff treatment in Schedule XX.