

(i) any protest filed under section 1514 of this title; or

(ii) any petition by an American manufacturer, producer, or wholesaler under section 1516 of this title;

covering articles entered before January 1, 1989.

(B) Nothing in this chapter shall affect the jurisdiction of the courts with respect to articles entered after January 1, 1989.

(2)(A) If any protest or petition referred to in paragraph (1)(A) is sustained in whole or in part by a final judicial decision, the entries subject to that protest or petition and made before January 1, 1989, shall be liquidated or reliquidated, as appropriate, in accordance with such final judicial decision under the old Schedules.

(B) At the earliest practicable date after January 1, 1989, the Commission shall initiate an investigation under section 1332 of this title of those final judicial decisions referred to in subparagraph (A) that—

(i) are published during the 2-year period beginning on February 1, 1988; and

(ii) would have affected tariff treatment if they had been published during the period of the conversion of the old Schedules into the format of the Convention.

No later than September 1, 1990, the Commission shall report the results of the investigation to the President, the Committee on Ways and Means, and the Committee on Finance, and shall recommend those changes to the Harmonized Tariff Schedule that the Commission would have recommended if the final decisions concerned had been made before the conversion into the format of the Convention occurred.

(3) The President shall review all changes recommended by the Commission under paragraph (2)(B) and shall, as soon as practicable, proclaim such of those changes, if any, which he decides are necessary or appropriate to conform such Schedule to the final judicial decisions. Any such change shall be effective with respect to—

(A) entries made on or after the date of such proclamation; and

(B) entries made on or after January 1, 1989, if, notwithstanding section 1514 of this title, application for liquidation or reliquidation thereof is made by the importer to the customs officer concerned within 180 days after the effective date of such proclamation.

(4) If any protest or petition referred to in paragraph (1)(A) is not sustained in whole or in part by a final judicial decision, the entries subject to that petition or protest and made before January 1, 1989, shall be liquidated or reliquidated, as appropriate, in accordance with the final judicial decision under the old Schedules.

(Pub. L. 100-418, title I, §1211, Aug. 23, 1988, 102 Stat. 1153; Pub. L. 104-188, title I, §1954(a)(1), Aug. 20, 1996, 110 Stat. 1927.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule, referred to in subsecs. (a)(1), (c), and (d)(2)(B), (3), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

This chapter, referred to in subsec. (d)(1), was in the original “this subtitle”, meaning subtitle B (§§1201-1217) of title I of Pub. L. 100-418, which is classi-

fied principally to this chapter. For complete classification of this subtitle to the Code, see References in Text note set out under section 3001 of this title and Tables.

AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-188, §1954(a)(1), inserted “(as in effect on July 31, 1995)” after “of this title”.

Subsec. (b)(2). Pub. L. 104-188, §1954(a)(2), inserted “(as in effect on July 31, 1995)” after “of this title”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-188 applicable to articles entered on or after Oct. 1, 1996, with provisions relating to retroactive application, see section 1953 of Pub. L. 104-188, set out as an Effective Date note under section 2461 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1989, see section 1217(b)(2) of Pub. L. 100-418, set out as a note under section 3001 of this title.

§ 3012. Reference to Harmonized Tariff Schedule

Any reference in any law to the “Tariff Schedules of the United States”, “the Tariff Schedules”, “such Schedules”, and any other general reference that clearly refers to the old Schedules shall be treated as a reference to the Harmonized Tariff Schedule.

(Pub. L. 100-418, title I, §1212, Aug. 23, 1988, 102 Stat. 1155.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule, referred to in text, is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1989, see section 1217(b)(2) of Pub. L. 100-418, set out as a note under section 3001 of this title.

CHAPTER 19—TELECOMMUNICATIONS TRADE

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§ 3101. Findings and purposes

(a) Findings

The Congress finds that—

(1) rapid growth in the world market for telecommunications products and services is likely to continue for several decades;

(2) the United States can improve prospects for—

(A) the growth of—

(i) United States exports of telecommunications products and services, and

(ii) export-related employment and consumer services in the United States, and

(B) the continuance of the technological leadership of the United States,

by undertaking a program to achieve an open world market for trade in telecommunications products, services, and investment;

(3) most foreign markets for telecommunications products, services, and investment are characterized by extensive government intervention (including restrictive import practices and discriminatory procurement practices) which adversely affect United States exports of telecommunications products and services and United States investment in telecommunications;

(4) the open nature of the United States telecommunications market, accruing from the liberalization and restructuring of such market, has contributed, and will continue to contribute, to an increase in imports of telecommunications products and a growing imbalance in competitive opportunities for trade in telecommunications;

(5) unless this imbalance is corrected through the achievement of mutually advantageous market opportunities for trade in telecommunications products and services between the United States and foreign countries, the United States should avoid granting continued open access to the telecommunications products and services of such foreign countries in the United States market; and

(6) the unique business conditions in the worldwide market for telecommunications products and services caused by the combination of deregulation and divestiture in the United States, which represents a unilateral liberalization of United States trade with the rest of the world, and continuing government intervention in the domestic industries of many other countries create a need to make an exception in the case of telecommunications products and services that should not necessarily be a precedent for legislating specific sectoral priorities in combating the closed markets or unfair foreign trade practices of other countries.

(b) Purposes

The purposes of this chapter are—

(1) to foster the economic and technological growth of, and employment in, the United States telecommunications industry;

(2) to secure a high quality telecommunications network for the benefit of the people of the United States;

(3) to develop an international consensus in favor of open trade and competition in telecommunications products and services;

(4) to ensure that countries which have made commitments to open telecommunications trade fully abide by those commitments; and

(5) to achieve a more open world trading system for telecommunications products and services through negotiation and provision of mutually advantageous market opportunities for United States telecommunications exporters and their subsidiaries in those markets in which barriers exist to free international trade.

(Pub. L. 100-418, title I, §1372, Aug. 23, 1988, 102 Stat. 1216.)

SHORT TITLE

Pub. L. 100-418, title I, §1371, Aug. 23, 1988, 102 Stat. 1216, provided that: "This part [part 4 (§§1371-1382) of subtitle C of title I of Pub. L. 100-418, enacting this chapter] may be cited as the 'Telecommunications Trade Act of 1988'."

§ 3102. Definitions

For purposes of this chapter—

(1) The term "Trade Representative" means the United States Trade Representative.

(2) The term "telecommunications product" means—

(A) any paging devices provided for under item 685.65 of such Schedules, and

(B) any article classified under any of the following item numbers of such Schedules:

684.57	684.67	685.28	685.39
684.58	684.80	685.30	685.48
684.59	685.16	685.31	688.17
684.65	685.24	685.33	688.41
684.66	685.25	685.34	707.90.

(Pub. L. 100-418, title I, §1373, Aug. 23, 1988, 102 Stat. 1217.)

REFERENCES IN TEXT

Such Schedules, referred to in par. (2), to be treated as a reference to the Harmonized Tariff Schedule, pursuant to section 3012 of this title. The Harmonized Tariff Schedule is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

§ 3103. Investigation of foreign telecommunications trade barriers

(a) In general

The Trade Representative shall conduct an investigation to identify priority foreign countries. Such investigation shall be concluded by no later than the date that is 5 months after August 23, 1988.

(b) Factors to be taken into account

In identifying priority foreign countries under subsection (a), the Trade Representative shall take into account, among other relevant factors—

(1) the nature and significance of the acts, policies, and practices that deny mutually advantageous market opportunities to telecommunications products and services of United States firms;

(2) the economic benefits (actual and potential) accruing to foreign firms from open access to the United States market;

(3) the potential size of the market of a foreign country for telecommunications products and services of United States firms;

(4) the potential to increase United States exports of telecommunications products and services, either directly or through the establishment of a beneficial precedent; and

(5) measurable progress being made to eliminate the objectionable acts, policies, or practices.

(c) Revocations and additional identifications

(1) The Trade Representative may at any time, after taking into account the factors described in subsection (b)—