

eign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 8601 of Title 22 and Tables.

The United States-Israel Strategic Partnership Act of 2014, referred to in subsec. (a)(5), is Pub. L. 113-296, Dec. 19, 2014, 128 Stat. 4075. For complete classification of this Act to the Code, see Short Title of 2014 Amendment note set out under section 8601 of Title 22, Foreign Relations and Intercourse, and Tables.

The Export Administration Act of 1979, referred to in subsec. (a)(6)(B), is Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, which was classified principally to chapter 56 (§ 4601 et seq.) of Title 50, War and National Defense, prior to repeal by Pub. L. 115-232, div. A, title XVII, § 1766(a), Aug. 13, 2018, 132 Stat. 2232, except for sections 11A, 11B, and 11C thereof (50 U.S.C. 4611, 4612, 4613).

The International Emergency Economic Powers Act, referred to in subsec. (a)(6)(B), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

The Tax Reform Act of 1976, referred to in subsec. (a)(6)(C), is Pub. L. 94-455, Oct. 4, 1976, 90 Stat. 1520. For complete classification of this Act to the Code, see Tables.

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under subsec. (d) of this section assigned to Secretary of State, in consultation with other relevant Federal agencies, see Ex. Ord. No. 13733, §1(b), July 22, 2016, 81 F.R. 49515, set out as a note under section 4421 of this title.

§ 4453. Report on compliance with prohibition on importation of goods made with convict, forced, or indentured labor

Not later than 180 days after February 24, 2016, and annually thereafter, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on compliance with section 1307 of this title that includes the following:

- (1) The number of instances in which merchandise was denied entry pursuant to that section during the 1-year period preceding the submission of the report.
- (2) A description of the merchandise denied entry pursuant to that section.
- (3) Such other information as the Commissioner considers appropriate with respect to monitoring and enforcing compliance with that section.

(Pub. L. 114-125, title IX, §910(b), Feb. 24, 2016, 130 Stat. 239.)

§ 4454. Trade preferences for Nepal

(a) Findings

Congress makes the following findings:

- (1) Nepal is among the least developed countries in the world, with a per capita gross national income of \$730 in 2014.
- (2) Nepal suffered a devastating earthquake in April 2015, with subsequent aftershocks. More than 9,000 people died and approximately 23,000 people were injured.

(b) Eligibility requirements

(1) In general

The President may authorize the provision of preferential treatment under this section to

articles that are imported directly from Nepal into the customs territory of the United States pursuant to subsection (c) if the President determines—

(A) that Nepal meets the requirements set forth in paragraphs (1), (2), and (3) of section 3703(a)¹ of this title; and

(B) after taking into account the factors set forth in paragraphs (1) through (7) of subsection (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462), that Nepal meets the eligibility requirements of such section 502.

(2) Withdrawal, suspension, or limitation of preferential treatment; mandatory graduation

The provisions of subsections (d) and (e) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462) shall apply with respect to Nepal to the same extent and in the same manner as such provisions apply with respect to beneficiary developing countries under title V of that Act (19 U.S.C. 2461 et seq.).

(c) Eligible articles

(1) In general

An article described in paragraph (2) may enter the customs territory of the United States free of duty.

(2) Articles described

(A) In general

An article is described in this paragraph if—

- (i)(I) the article is the growth, product, or manufacture of Nepal; and
- (II) in the case of a textile or apparel article, Nepal is the country of origin of the article, as determined under section 102.21 of title 19, Code of Federal Regulations (as in effect on the day before February 24, 2016);
- (ii) the article is imported directly from Nepal into the customs territory of the United States;
- (iii) the article is classified under any of the following subheadings of the Harmonized Tariff Schedule of the United States (as in effect on the day before February 24, 2016):

| | | | | |
|------------|-------|------------|-------|------------|
| 4202.11.00 | ..... | 4202.22.60 | ..... | 4202.92.08 |
| 4202.12.20 | ..... | 4202.22.70 | ..... | 4202.92.15 |
| 4202.12.40 | ..... | 4202.22.80 | ..... | 4202.92.20 |
| 4202.12.60 | ..... | 4202.29.50 | ..... | 4202.92.30 |
| 4202.12.80 | ..... | 4202.29.90 | ..... | 4202.92.45 |
| 4202.21.60 | ..... | 4202.31.60 | ..... | 4202.92.60 |
| 4202.21.90 | ..... | 4202.32.40 | ..... | 4202.92.90 |
| 4202.22.15 | ..... | 4202.32.80 | ..... | 4202.99.90 |
| 4202.22.40 | ..... | 4202.32.95 | ..... | 4203.29.50 |
| 4202.22.45 | ..... | 4202.91.00 | ..... |  |
| | | | | |
| 5701.10.90 | ..... | 5702.91.30 | ..... | 5703.10.80 |
| 5702.31.20 | ..... | 5702.91.40 | ..... | 5703.90.00 |
| 5702.49.20 | ..... | 5702.92.90 | ..... | 5705.00.20 |
| 5702.50.40 | ..... | 5702.99.15 | ..... |  |
| 5702.50.59 | ..... | 5703.10.20 | ..... |  |
| | | | | |
| 6117.10.60 | ..... | 6214.20.00 | ..... | 6217.10.85 |

¹ See References in Text note below.

| | | |
|------------------|------------------|------------|
| 6117.80.85 | 6214.40.00 | 6301.90.00 |
| 6214.10.10 | 6214.90.00 | 6308.00.00 |
| 6214.10.20 | 6216.00.80 | |
| | | |
| 6504.00.90 | 6505.00.30 | 6505.00.90 |
| 6505.00.08 | 6505.00.40 | 6506.99.30 |
| 6505.00.15 | 6505.00.50 | 6506.99.60 |
| 6505.00.20 | 6505.00.60 | |
| 6505.00.25 | 6505.00.80 | |

(iv) the President determines, after receiving the advice of the United States International Trade Commission in accordance with section 503(e) of the Trade Act of 1974 (19 U.S.C. 2463(e)), that the article is not import-sensitive in the context of imports from Nepal; and

(v) subject to subparagraph (C), the sum of the cost or value of the materials produced in, and the direct costs of processing operations performed in, Nepal or the customs territory of the United States is not less than 35 percent of the appraised value of the article at the time it is entered.

(B) Exclusions

An article shall not be treated as the growth, product, or manufacture of Nepal for purposes of subparagraph (A)(i)(I) by virtue of having merely undergone—

(i) simple combining or packaging operations; or

(ii) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(C) Limitation on United States cost

For purposes of subparagraph (A)(v), the cost or value of materials produced in, and the direct costs of processing operations performed in, the customs territory of the United States and attributed to the 35-percent requirement under that subparagraph may not exceed 15 percent of the appraised value of the article at the time it is entered.

(3) Verification with respect to transshipment for textile and apparel articles

(A) In general

Not later than January 1, April 1, July 1, and October 1 of each calendar year, the Commissioner shall verify that textile and apparel articles imported from Nepal to which preferential treatment is extended under this section are not being unlawfully transshipped into the United States.

(B) Report to President

If the Commissioner determines under subparagraph (A) that textile and apparel articles imported from Nepal to which preferential treatment is extended under this section are being unlawfully transshipped into the United States, the Commissioner shall report that determination to the President.

(d) Trade facilitation and capacity building

(1) Findings

Congress makes the following findings:

(A) As a land-locked least-developed country, Nepal has severe challenges reaching

markets and developing capacity to export goods. As of 2015, exports from Nepal are approximately \$800,000,000 per year, with India the major market at \$450,000,000 annually. The United States imports about \$80,000,000 worth of goods from Nepal, or 10 percent of the total goods exported from Nepal.

(B) The World Bank has found evidence that the overall export competitiveness of Nepal has been declining since 2005. Indices compiled by the World Bank and the Organization for Economic Co-operation and Development found that export costs in Nepal are high with respect to both air cargo and container shipments relative to other low-income countries. Such indices also identify particular weaknesses in Nepal with respect to automation of customs and other trade functions, involvement of local exporters and importers in preparing regulations and trade rules, and export finance.

(C) Implementation by Nepal of the Agreement on Trade Facilitation of the World Trade Organization could directly address some of the weaknesses described in subparagraph (B).

(2) Establishment of trade facilitation and capacity building program

Not later than 180 days after February 24, 2016, the President shall, in consultation with the Government of Nepal, establish a trade facilitation and capacity building program for Nepal—

(A) to enhance the central export promotion agency of Nepal to support successful exporters and to build awareness among potential exporters in Nepal about opportunities abroad and ways to manage trade documentation and regulations in the United States and other countries;

(B) to provide export finance training for financial institutions in Nepal and the Government of Nepal;

(C) to assist the Government of Nepal in maintaining publication on the Internet of all trade regulations, forms for exporters and importers, tax and tariff rates, and other documentation relating to exporting goods and developing a robust public-private dialogue, through its National Trade Facilitation Committee, for Nepal to identify timelines for implementation of key reforms and solutions, as provided for under the Agreement on Trade Facilitation of the World Trade Organization; and

(D) to increase access to guides for importers and exporters, through publication of such guides on the Internet, including rules and documentation for United States tariff preference programs.

(e) Reporting requirement

Not later than one year after February 24, 2016, and annually thereafter, the President shall monitor, review, and report to Congress on the implementation of this section, the compliance of Nepal with subsection (b)(1), and the trade and investment policy of the United States with respect to Nepal.

(f) Termination of preferential treatment

No preferential treatment extended under this section shall remain in effect after December 31, 2025.

(g) Effective date

The provisions of this section shall take effect on the date that is 30 days after February 24, 2016.

(Pub. L. 114-125, title IX, §915, Feb. 24, 2016, 130 Stat. 276.)

Editorial Notes

REFERENCES IN TEXT

Section 3703(a) of this title, referred to in subsec. (b)(1)(A), was amended and the subsection (a) designation struck out by Pub. L. 114-27, title I, §111, June 29, 2015, 129 Stat. 370.

The Trade Act of 1974, referred to in subsec. (b)(2), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978. Title V of the Act is classified generally to subchapter V (§2461 et seq.) of chapter 12 of this title. For complete classification of this Act to the Code, see section 2101 of this title and Tables.

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

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under subsec. (d) of this section assigned to the Administrator of the United States Agency for International Development, in consultation with the Secretary of State and the United States Trade Representative, and under subsec. (e) of this section assigned to the United States Trade Representative, in consultation with the Secretary of State, see Ex. Ord. No. 13733, §1(c), (d), July 22, 2016, 81 F.R. 49515, set out as a note under section 4421 of this title.

CHAPTER 29—UNITED STATES-MEXICO-CANADA AGREEMENT IMPLEMENTATION

| | |
|-------|--------------|
| Sec. | |
| 4501. | Purpose. |
| 4502. | Definitions. |

SUBCHAPTER I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE USMCA

| | |
|-------|---|
| 4511. | Approval and entry into force of the USMCA. |
| 4512. | Relationship of the USMCA to United States and State law. |
| 4513. | Implementing actions in anticipation of entry into force; initial regulations; tariff proclamation authority. |
| 4514. | Consultation and layover provisions for, and effective date of, proclaimed actions. |
| 4515. | Administration of dispute settlement proceedings. |
| 4516. | Trade Representative authority. |

SUBCHAPTER II—CUSTOMS PROVISIONS

| | |
|-------|---|
| 4531. | Rules of origin. |
| 4532. | Special rules for automotive goods. |
| 4533. | Actions regarding verification of claims under the USMCA. |
| 4534. | Drawback. |
| 4535. | Regulations. |

SUBCHAPTER III—APPLICATION OF USMCA TO SECTORS AND SERVICES**PART A—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION**

| | |
|-------|--|
| 4551. | USMCA article impact in import relief cases under Trade Act of 1974. |
|-------|--|

| | |
|-------|--|
| Sec. | |
| 4552. | Presidential action regarding USMCA imports. |

PART B—TEMPORARY ENTRY OF BUSINESS PERSONS

| | |
|-------|------------------|
| 4561. | Temporary entry. |
|-------|------------------|

PART C—UNITED STATES-MEXICO CROSS-BORDER LONG-HAUL TRUCKING SERVICES

| | |
|-------|--|
| 4571. | Definitions. |
| 4572. | Investigations and determinations by Commission. |
| 4573. | Commission recommendations and report. |
| 4574. | Action by President with respect to affirmative determination. |

SUBCHAPTER IV—ANTIDUMPING AND COUNTERVAILING DUTIES**PART A—DISPUTE SETTLEMENT**

| | |
|-------|---|
| 4581. | References in part. |
| 4582. | Organizational and administrative provisions. |
| 4583. | Testimony and production of papers in extraordinary challenges. |
| 4584. | Requests for review of determinations by competent investigating authorities. |
| 4585. | Rules of procedure for panels and committees. |
| 4586. | Subsidy negotiations. |
| 4587. | Identification of industries facing subsidized imports. |
| 4588. | Treatment of amendments to antidumping and countervailing duty law. |

PART B—GENERAL PROVISIONS

| | |
|-------|--|
| 4601. | Effect of termination of USMCA country status. |
|-------|--|

SUBCHAPTER V—TRANSITION TO AND EXTENSION OF USMCA**PART A—JOINT REVIEWS REGARDING EXTENSION OF USMCA**

| | |
|-------|--|
| 4611. | Participation in joint reviews with Canada and Mexico regarding extension of the term of the USMCA and other action regarding the USMCA. |
|-------|--|

PART B—TERMINATION OF USMCA

| | |
|-------|-----------------------|
| 4621. | Termination of USMCA. |
|-------|-----------------------|

SUBCHAPTER VI—LABOR MONITORING AND ENFORCEMENT

| | |
|-------|--------------|
| 4631. | Definitions. |
|-------|--------------|

PART A—INTERAGENCY LABOR COMMITTEE FOR MONITORING AND ENFORCEMENT

| | |
|-------|---|
| 4641. | Interagency Labor Committee for Monitoring and Enforcement. |
| 4642. | Duties. |
| 4643. | Enforcement priorities. |
| 4644. | Assessments. |
| 4645. | Recommendation for enforcement action. |
| 4646. | Petition process. |
| 4647. | Hotline. |
| 4648. | Reports. |
| 4649. | Consultations on appointment and funding of rapid response labor panelists. |

PART B—MEXICO LABOR ATTACHÉS

| | |
|-------|----------------|
| 4661. | Establishment. |
| 4662. | Duties. |
| 4663. | Status. |

PART C—INDEPENDENT MEXICO LABOR EXPERT BOARD

| | |
|-------|-------------------|
| 4671. | Establishment. |
| 4672. | Membership; term. |
| 4673. | Funding. |
| 4674. | Reports. |