

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) of this section, the Secretary of the Treasury shall liquidate or reliquidate the entries listed or otherwise described in subsection (c) of this section and refund any duty or excess duty that was paid, as provided in subsection (c) of this section.

(b) Requests

Liquidation or reliquidation may be made under subsection (a) of this section 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) of this section 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.)

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.

(Pub. L. 103-465, title I, § 114(b), Dec. 8, 1994, 108 Stat. 4827.)

§ 3524. Consultation and layover requirements for, and effective date of, proclaimed actions

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 2155 of this title, and

(B) the International Trade Commission;

(2) the President has submitted a report to the Committee on Ways and Means and the Committee on Finance of the Senate that sets forth—

(A) the action proposed to be proclaimed and the reasons for such actions, and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of paragraphs (1) and (2) with respect to such action, has expired; and

(4) the President has consulted with such committees regarding the proposed action during the period referred to in paragraph (3).

(Pub. L. 103-465, title I, § 115, Dec. 8, 1994, 108 Stat. 4828.)

REFERENCES IN TEXT

This Act, referred to in text, 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.

DELEGATION OF AUTHORITY

Authority of President under this section delegated to United States Trade Representative by Memorandum.

dum of President of the United States, Sept. 29, 1995, 60 F.R. 52061, set out as a note under section 3313 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3521, 3601 of this title.

PART C—URUGUAY ROUND IMPLEMENTATION AND DISPUTE SETTLEMENT

§ 3531. Definitions

For purposes of this part:

(1) **Administering authority**

The term “administering authority” has the meaning given that term in section 1677(1) of this title.

(2) **Appellate Body**

The term “Appellate Body” means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

(3) **Appropriate congressional committees; congressional committees**

(A) **Appropriate congressional committees**

The term “appropriate congressional committees” means the committees referred to in subparagraph (B) and any other committees of the Congress that have jurisdiction involving the matter with respect to which consultations are to be held.

(B) **Congressional committees**

The term “congressional committees” means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(4) **Dispute settlement panel; panel**

The terms “dispute settlement panel” and “panel” mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(5) **Dispute Settlement Body**

The term “Dispute Settlement Body” means the Dispute Settlement Body administering the rules and procedures set forth in the Dispute Settlement Understanding.

(6) **Dispute Settlement Understanding**

The term “Dispute Settlement Understanding” means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 3511(d)(16) of this title.

(7) **General Council**

The term “General Council” means the General Council established under paragraph 2 of Article IV of the WTO Agreement.

(8) **Ministerial Conference**

The term “Ministerial Conference” means the Ministerial Conference established under paragraph 1 of Article IV of the WTO Agreement.

(9) **Other terms**

The terms “Antidumping Agreement”, “Agreement on Subsidies and Countervailing Measures”, and “Safeguards Agreement”

mean the agreements referred to in section 3511(d)(7), (12), and (13) of this title, respectively.

(Pub. L. 103-465, title I, §121, Dec. 8, 1994, 108 Stat. 4828.)

REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle C (§§121 to 130) of title I of Pub. L. 103-465, which enacted this part, amended sections 1516a, 2155, and 2254 of this title, and enacted provisions set out below. For complete classification of subtitle C to the Code, see Tables.

EFFECTIVE DATE

Section 130 of title I of Pub. L. 103-465 provided that: “This subtitle [subtitle C (§§121-130) of title I of Pub. L. 103-465, enacting this part and amending sections 1516a, 2155, and 2254 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].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2411, 3512 of this title.

§ 3532. Implementation of Uruguay Round Agreements

(a) **Decisionmaking**

In the implementation of the Uruguay Round Agreements and the functioning of the World Trade Organization, it is the objective of the United States to ensure that the Ministerial Conference and the General Council continue the practice of decisionmaking by consensus followed under the GATT 1947, as required by paragraph 1 of article IX of the WTO Agreement.

(b) **Consultations with congressional committees**

In furtherance of the objective set forth in subsection (a) of this section, the Trade Representative shall consult with the appropriate congressional committees before any vote is taken by the Ministerial Conference or the General Council relating to—

- (1) the adoption of an interpretation of the WTO Agreement or another multilateral trade agreement,
- (2) the amendment of any such agreement,
- (3) the granting of a waiver of any obligation under any such agreement,
- (4) the adoption of any amendment to the rules or procedures of the Ministerial Conference or the General Council,
- (5) the accession of a state or separate customs territory to the WTO Agreement, or
- (6) the adoption of any other decision,

if the action described in paragraph (1), (2), (3), (4), (5), or (6) would substantially affect the rights or obligations of the United States under the WTO Agreement or another multilateral trade agreement or potentially entails a change in Federal or State law.

(c) **Report on decisions**

(1) **In general**

Not later than 30 days after the end of any calendar year in which the Ministerial Conference or the General Council adopts by vote any decision to take any action described in