

(2) Agreement on Safeguards

The term “Agreement on Safeguards¹ means the agreement referred to in section 3511(d)(13) of this title.

(3) Agreement on Subsidies and Countervailing Measures

The term “Agreement on Subsidies and Countervailing Measures” means the agreement referred to in section 3511(d)(12) of this title.

(4) Antidumping Agreement

The term “Antidumping Agreement”² means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 referred to in section 3511(d)(7) of this title.

(5) Appellate Body

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

(6) Core labor standards

The term “core labor standards” means—

- (A) the right of association;
- (B) the right to organize and bargain collectively;
- (C) a prohibition on the use of any form of forced or compulsory labor;
- (D) a minimum age for the employment of children; and
- (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(7) 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.

(8) GATT 1994

The term “GATT 1994” has the meaning given that term in section 3501 of this title.

(9) ILO

The term “ILO” means the International Labor Organization.

(10) Import sensitive agricultural product

The term “import sensitive agricultural product” means an agricultural product—

- (A) with respect to which, as a result of the Uruguay Round Agreements the rate of duty was the subject of tariff reductions by the United States and, pursuant to such Agreements, was reduced on January 1, 1995, to a rate that was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or
- (B) which was subject to a tariff-rate quota on August 6, 2002.

(11) United States person

The term “United States person” means—

- (A) a United States citizen;
- (B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(12) Uruguay Round Agreements

The term “Uruguay Round Agreements” has the meaning given that term in section 3501(7) of this title.

(13) World Trade Organization; WTO

The terms “World Trade Organization” and “WTO” mean the organization established pursuant to the WTO Agreement.

(14) WTO Agreement

The term “WTO Agreement” means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(15) WTO member

The term “WTO member” has the meaning given that term in section 3501(10) of this title.

(Pub. L. 107–210, div. B, title XXI, § 2113, Aug. 6, 2002, 116 Stat. 1021; Pub. L. 108–429, title II, § 2004(a)(19), Dec. 3, 2004, 118 Stat. 2591.)

Editorial Notes**AMENDMENTS**

2004—Pars. (2), (3). Pub. L. 108–429 redesignated second par. (2), relating to Agreement on Subsidies and Countervailing Measures, as (3), substituted “3511(d)(12)” for “3511(d)(13)”, and in par. (2) relating to Agreement on Safeguards, substituted “3511(d)(13)” for “3511(d)(12)”.

CHAPTER 25—CLEAN DIAMOND TRADE

Sec.	Findings.
3901.	Definitions.
3902.	Measures for the importation and exportation of rough diamonds.
3903.	Regulatory and other authority.
3904.	Importing and exporting authorities.
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§ 3901. Findings

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

¹ So in original. Probably should be followed by closing quotation marks.

² So in original. Probably should be closing quotation marks.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights and humanitarian advocates, the diamond trade as represented by the World Diamond Council, and the United States Government have been working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. The United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the “Kimberley Process”, toward devising a solution to this problem. As the consumer of a majority of the world’s supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

(9) The Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002, states that Participants will ensure that measures taken to implement the Kimberley Process Certification Scheme for Rough Diamonds will be consistent with international trade rules.

(Pub. L. 108–19, §2, Apr. 25, 2003, 117 Stat. 631.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 108–19, §15, Apr. 25, 2003, 117 Stat. 637, provided that: “This Act [enacting this chapter] shall take effect on the date on which the President certifies to the Congress that—

“(1) an applicable waiver that has been granted by the World Trade Organization is in effect; or

“(2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect.

This Act shall thereafter remain in effect during those periods in which, as certified by the President to the Congress, an applicable waiver or decision referred to in paragraph (1) or (2) is in effect.”

[A Presidential message to Congress dated July 29, 2003, set out in 39 Weekly Compilation of Presidential Documents 1002, Aug. 4, 2003, certified that an applicable waiver granted by the World Trade Organization was in effect and would remain in effect until Dec. 31, 2006. On Oct. 8, 2009, the President certified to Congress that an applicable waiver granted by the World Trade Organization had been in effect since Jan. 1, 2003, and would remain in effect through Dec. 31, 2012. See H. Doc. 111–67, Cong. Rec., vol 155, p. H11143, Daily Issue, Oct. 8, 2009. In WTO Document WT/L/876 (Doc. No. 12–6823), dated Dec. 14, 2012, and entitled “Extension of Waiver Concerning Kimberley Process Certification Scheme for Rough Diamonds”, the World Trade Organization General Council extended a waiver as of Jan. 1, 2013, through Dec. 31, 2018. In WTO Document WT/L/1039 (Doc. No. 18–4778), dated July 30, 2018, and entitled “Extension of Waiver Concerning Kimberley Process Certification Scheme for Rough Diamonds”, the World Trade Organization General Council extended a waiver as of Jan. 1, 2019, through Dec. 31, 2024.]

SHORT TITLE

Pub. L. 108–19, §1, Apr. 25, 2003, 117 Stat. 631, provided that: “This Act [enacting this chapter] may be cited as the ‘Clean Diamond Trade Act.’”

Executive Documents

EX. ORD. NO. 13312. IMPLEMENTING THE CLEAN DIAMOND TRADE ACT

Ex. Ord. No. 13312, July 29, 2003, 68 F.R. 45151, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Clean Diamond Trade Act (Public Law 108–19) [19 U.S.C. 3901 *et seq.*] (the “Act”), the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act [of 1945], as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code, and in view of the national emergency described and declared in Executive Order 13194 of January 18, 2001 [listed in a table under section 1701 of Title 50, War and National Defense], and expanded in scope in Executive Order 13213 of May 22, 2001 [listed in a table under section 1701 of Title 50],

I, GEORGE W. BUSH, President of the United States of America, note that, in response to the role played by the illicit trade in diamonds in fueling conflict and human rights violations in Sierra Leone, the President declared a national emergency in Executive Order 13194 and imposed restrictions on the importation of rough diamonds into the United States from Sierra Leone. I expanded the scope of that emergency in Executive Order 13213 and prohibited absolutely the importation of rough diamonds from Liberia. I further note that representatives of the United States and numerous other countries announced in the Interlaken Declaration of November 5, 2002, the launch of the Kimberley Process Certification Scheme (KPCS) for rough dia-

monds, under which Participants prohibit the importation of rough diamonds from, or the exportation of rough diamonds to, a non-Participant and require that shipments of rough diamonds from or to a Participant be controlled through the KPCS. The Clean Diamond Trade Act authorizes the President to take steps to implement the KPCS. Therefore, in order to implement the Act, to harmonize Executive Orders 13194 and 13213 with the Act, to address further threats to international peace and security posed by the trade in conflict diamonds, and to avoid undermining the legitimate diamond trade, it is hereby ordered as follows:

SECTION 1. *Prohibitions.* Notwithstanding the existence of any rights or obligations conferred or imposed by any contract entered into or any license or permit granted prior to July 30, 2003, the following are, except to the extent a waiver issued under section 4(b) of the Act [19 U.S.C. 3903(b)] applies, prohibited:

(a) the importation into, or exportation from, the United States on or after July 30, 2003, of any rough diamond, from whatever source, unless the rough diamond has been controlled through the KPCS;

(b) any transaction by a United States person anywhere, or any transaction that occurs in whole or in part within the United States, that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this section; and

(c) any conspiracy formed to violate any of the prohibitions of this section.

SEC. 2. *Assignment of Functions.* (a) The functions of the President under the Act are assigned as follows:

(i) sections 4(b) [19 U.S.C. 3903(b)], 5(c) [19 U.S.C. 3904(c)], 6(b) [19 U.S.C. 3905(b)], 11 [19 U.S.C. 3910], and 12 [19 U.S.C. 3911] to the Secretary of State; and

(ii) sections 5(a) [19 U.S.C. 3904(a)] and 5(b) [19 U.S.C. 3904(b)] to the Secretary of the Treasury.

(b) The Secretary of State and the Secretary of the Treasury may reassign any of these functions to other officers, officials, departments, and agencies within the executive branch, consistent with applicable law.

(c) In performing the function of the President under section 11 of the Act, the Secretary of State shall establish the coordinating committee as part of the Department of State for administrative purposes only, and shall, consistent with applicable law, provide administrative support to the coordinating committee. In the performance of functions assigned by subsection 2(a) of this order or by the Act, the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security shall consult the coordinating committee, as appropriate.

SEC. 3. *Amendments to Related Executive Orders.* (a) [Amended Ex. Ord. No. 13194.]

(b) [Amended Ex. Ord. No. 13194.]

(c) [Amended Ex. Ord. No. 13194.]

(d) [Amended Ex. Ord. No. 13213.]

SEC. 4. *Definitions.* For the purposes of this order and Executive Order 13194, the definitions set forth in section 3 of the Act [19 U.S.C. 3902] shall apply, and the term “Kimberley Process Certification Scheme” shall not be construed to include any changes to the KPCS after April 25, 2003.

SEC. 5. *General Provisions.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

SEC. 6. *Effective Date and Transmittal.* (a) Sections 1 and 3 of this order are effective at 12:01 a.m. eastern daylight time on July 30, 2003. The remaining provisions of this order are effective immediately.

(b) This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

§ 3902. Definitions

In this chapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, and the Committee on Finance and the Committee on Foreign Relations of the Senate.

(2) Controlled through the Kimberley Process Certification Scheme

An importation or exportation of rough diamonds is “controlled through the Kimberley Process Certification Scheme” if it is an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is—

(A) carried out in accordance with the Kimberley Process Certification Scheme, as set forth in regulations promulgated by the President; or

(B) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the Kimberley Process Certification Scheme.

(3) Exporting authority

The term “exporting authority” means 1 or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate the Kimberley Process Certificate.

(4) Importing authority

The term “importing authority” means 1 or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regulating imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

(5) Kimberley Process Certificate

The term “Kimberley Process Certificate” means a forgery resistant document of a Participant that demonstrates that an importation or exportation of rough diamonds has been controlled through the Kimberley Process Certification Scheme and contains the minimum elements set forth in Annex I to the Kimberley Process Certification Scheme.

(6) Kimberley Process Certification Scheme

The term “Kimberley Process Certification Scheme” means those standards, practices, and procedures of the international certification scheme for rough diamonds presented in the document entitled “Kimberley Process Certification Scheme” referred to in the Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002.

(7) Participant

The term “Participant” means a state, customs territory, or regional economic integration organization identified by the Secretary of State.

(8) Person

The term “person” means an individual or entity.

(9) Rough diamond

The term “rough diamond” means any diamond that is unworked or simply sawn, cleaved, or bruted and classifiable under subheading 7102.10, 7102.21, or 7102.31 of the Harmonized Tariff Schedule of the United States.

(10) United States

The term “United States”, when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(11) United States person

The term “United States person” means—

(A) any United States citizen or any alien admitted for permanent residence into the United States;

(B) any entity organized under the laws of the United States or any jurisdiction within the United States (including its foreign branches); and

(C) any person in the United States.

(Pub. L. 108–19, §3, Apr. 25, 2003, 117 Stat. 632.)

Editorial Notes

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in par. (9), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

§ 3903. Measures for the importation and exportation of rough diamonds**(a) Prohibition**

The President shall prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.

(b) Waiver

The President may waive the requirements set forth in subsection (a) with respect to a particular country for periods of not more than 1 year each, if, with respect to each such waiver—

(1) the President determines and reports to the appropriate congressional committees that such country is taking effective steps to implement the Kimberley Process Certification Scheme; or

(2) the President determines that the waiver is in the national interests of the United States, and reports such determination to the appropriate congressional committees, together with the reasons therefor.

(Pub. L. 108–19, §4, Apr. 25, 2003, 117 Stat. 633.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

For assignment of functions of President under subsec. (b) of this section, see section 2 of Ex. Ord. No. 13312, July 29, 2003, 68 F.R. 45151, set out as a note under section 3901 of this title.

§ 3904. Regulatory and other authority**(a) In general**

The President is authorized to and shall as necessary issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to carry out this chapter.

(b) Recordkeeping

Any United States person seeking to export from or import into the United States any rough diamonds shall keep a full record of, in the form of reports or otherwise, complete information relating to any act or transaction to which any prohibition imposed under section 3903(a) of this title applies. The President may require such person to furnish such information under oath, including the production of books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(c) Oversight

The President shall require the appropriate Government agency to conduct annual reviews of the standards, practices, and procedures of any entity in the United States that issues Kimberley Process Certificates for the exportation from the United States of rough diamonds to determine whether such standards, practices, and procedures are in accordance with the Kimberley Process Certification Scheme. The President shall transmit to the appropriate congressional committees a report on each annual review under this subsection.

(Pub. L. 108–19, §5, Apr. 25, 2003, 117 Stat. 634.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

For assignment of functions of President under this section, see section 2 of Ex. Ord. No. 13312, July 29, 2003, 68 F.R. 45151, set out as a note under section 3901 of this title.

§ 3905. Importing and exporting authorities**(a) In the United States**

For purposes of this chapter—

(1) the importing authority shall be the United States Bureau of Customs and Border Protection or, in the case of a territory or pos-

session of the United States with its own customs administration, analogous officials; and
 (2) the exporting authority shall be the Bureau of the Census.

(b) Of other countries

The President shall publish in the Federal Register a list of all Participants, and all exporting authorities and importing authorities of Participants. The President shall update the list as necessary.

(Pub. L. 108–19, § 6, Apr. 25, 2003, 117 Stat. 634.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

For assignment of functions of President under sec. (b) of this section, see section 2 of Ex. Ord. No. 13312, July 29, 2003, 68 F.R. 45151, set out as a note under section 3901 of this title.

§ 3906. Statement of policy

The Congress supports the policy that the President shall take appropriate steps to promote and facilitate the adoption by the international community of the Kimberley Process Certification Scheme implemented under this chapter.

(Pub. L. 108–19, § 7, Apr. 25, 2003, 117 Stat. 634.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

§ 3907. Enforcement

(a) In general

In addition to the enforcement provisions set forth in subsection (b)—

(1) a civil penalty of not to exceed \$10,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this chapter; and

(2) whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this chapter shall, upon conviction, be fined not more than \$50,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who willfully participates in such violation may be punished by a like fine, imprisonment, or both.

(b) Import violations

Those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws shall apply with respect to rough diamonds imported in violation of this chapter.

(c) Authority to enforce

The United States Bureau of Customs and Border Protection and the United States Bureau of

Immigration and Customs Enforcement are authorized, as appropriate, to enforce the provisions of subsection (a) and to enforce the laws and regulations governing exports of rough diamonds, including with respect to the validation of the Kimberley Process Certificate by the exporting authority.

(Pub. L. 108–19, § 8, Apr. 25, 2003, 117 Stat. 634.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

§ 3908. Technical assistance

The President may direct the appropriate agencies of the United States Government to make available technical assistance to countries seeking to implement the Kimberley Process Certification Scheme.

(Pub. L. 108–19, § 9, Apr. 25, 2003, 117 Stat. 635.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

§ 3909. Sense of Congress

(a) Ongoing process

It is the sense of the Congress that the Kimberley Process Certification Scheme, officially launched on January 1, 2003, is an ongoing process. The President should work with Participants to strengthen the Kimberley Process Certification Scheme through the adoption of measures for the sharing of statistics on the production of and trade in rough diamonds, and for monitoring the effectiveness of the Kimberley Process Certification Scheme in stemming trade in diamonds the importation or exportation of which is not controlled through the Kimberley Process Certification Scheme.

(b) Statistics and reporting

It is the sense of the Congress that under Annex III to the Kimberley Process Certification Scheme, Participants recognized that reliable and comparable data on the international trade in rough diamonds are an essential tool for the effective implementation of the Kimberley Process Certification Scheme. Therefore, the executive branch should continue to—

(1) keep and publish statistics on imports and exports of rough diamonds under subheadings 7102.10.00, 7102.21, and 7102.31.00 of the Harmonized Tariff Schedule of the United States;

(2) make these statistics available for analysis by interested parties and by Participants; and

(3) take a leadership role in negotiating a standardized methodology among Participants for reporting statistics on imports and exports of rough diamonds.

(Pub. L. 108–19, § 10, Apr. 25, 2003, 117 Stat. 635.)

Editorial Notes

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (b)(1), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

§ 3910. Kimberley Process Implementation Coordinating Committee

The President shall establish a Kimberley Process Implementation Coordinating Committee to coordinate the implementation of this chapter. The Committee shall be composed of the following individuals or their designees:

- (1) The Secretary of the Treasury and the Secretary of State, who shall be co-chairpersons.
- (2) The Secretary of Commerce.
- (3) The United States Trade Representative.
- (4) The Secretary of Homeland Security.
- (5) A representative of any other agency the President deems appropriate.

(Pub. L. 108–19, § 11, Apr. 25, 2003, 117 Stat. 635.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

For assignment of functions of President under this section, see section 2 of Ex. Ord. No. 13312, July 29, 2003, 68 F.R. 45151, set out as a note under section 3901 of this title.

§ 3911. Reports**(a) Annual reports**

Not later than 1 year after April 25, 2003, and every 12 months thereafter for such period as this chapter is in effect, the President shall transmit to the Congress a report—

- (1) describing actions taken by countries that have exported rough diamonds to the United States during the preceding 12-month period to control the exportation of the diamonds through the Kimberley Process Certification Scheme;
- (2) describing whether there is statistical information or other evidence that would indicate efforts to circumvent the Kimberley Process Certification Scheme, including cutting rough diamonds for the purpose of circumventing the Kimberley Process Certification Scheme;
- (3) identifying each country that, during the preceding 12-month period, exported rough diamonds to the United States and was exporting rough diamonds not controlled through the Kimberley Process Certification Scheme,

if the failure to do so has significantly increased the likelihood that those diamonds not so controlled are being imported into the United States; and

- (4) identifying any problems or obstacles encountered in the implementation of this chapter or the Kimberly¹ Process Certification Scheme.

(b) Semiannual reports

For each country identified in subsection (a)(3), the President, during such period as this chapter is in effect, shall, every 6 months after the initial report in which the country was identified, transmit to the Congress a report that explains what actions have been taken by the United States or such country since the previous report to ensure that diamonds the exportation of which was not controlled through the Kimberley Process Certification Scheme are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country is controlling the importation and exportation of rough diamonds through the Kimberley Process Certification Scheme.

(Pub. L. 108–19, § 12, Apr. 25, 2003, 117 Stat. 636.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

For assignment of functions of President under this section, see section 2 of Ex. Ord. No. 13312, July 29, 2003, 68 F.R. 45151, set out as a note under section 3901 of this title.

§ 3912. GAO report

Not later than 24 months after the effective date of this chapter, the Comptroller General of the United States shall transmit a report to the Congress on the effectiveness of the provisions of this chapter in preventing the importation or exportation of rough diamonds that is prohibited under section 3903 of this title. The Comptroller General shall include in the report any recommendations on any modifications to this chapter that may be necessary.

(Pub. L. 108–19, § 13, Apr. 25, 2003, 117 Stat. 636.)

Editorial Notes

REFERENCES IN TEXT

For effective date of this chapter, see section 15 of Pub. L. 108–19, set out as an Effective Date note under section 3901 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

¹ So in original. Probably should be “Kimberley”.

§ 3913. Delegation of authorities

The President may delegate the duties and authorities under this chapter to such officers, officials, departments, or agencies of the United States Government as the President deems appropriate.

(Pub. L. 108–19, §14, Apr. 25, 2003, 117 Stat. 636.)

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

CHAPTER 26—DOMINICAN REPUBLIC-CENTRAL AMERICA FREE TRADE

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TERMINATION OF CHAPTER

For termination of chapter by section 107(d) of Pub. L. 109–53, see Effective and Termination Dates note set out under section 4001 of this title.

§ 4001. Purposes

The purposes of this chapter are—

(1) to approve and implement the Free Trade Agreement between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua entered into under the authority of section 3803(b) of this title;

(2) to strengthen and develop economic relations between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua for their mutual benefit;

(3) to establish free trade between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

(Pub. L. 109–53, §2, Aug. 2, 2005, 119 Stat. 463.)

TERMINATION OF SECTION

For termination of section by section 107(d) of Pub. L. 109–53, see Effective and Termination Dates note below.

Editorial Notes**REFERENCES IN TEXT**

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 109–53, Aug. 2, 2005, 119 Stat. 462, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries**EFFECTIVE AND TERMINATION DATES**

Pub. L. 109–53, title I, §107, Aug. 2, 2005, 119 Stat. 466, provided that:

“(a) **EFFECTIVE DATES.**—Except as provided in subsection (b), the provisions of this Act [see Short Title note set out below] and the amendments made by this Act take effect on the date the Agreement [Dominican Republic-Central America-United States Free Trade Agreement] enters into force [Mar. 1, 2006].

“(b) **EXCEPTIONS.**—Sections 1 through 3 and this title [enacting this section, section 4002 of this title, and provisions set out as a note below] take effect on the date of the enactment of this Act [Aug. 2, 2005].

“(c) **TERMINATION OF CAFTA-DR STATUS.**—During any period in which a country ceases to be a CAFTA-DR country, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to have effect with respect to that country.

“(d) **TERMINATION OF THE AGREEMENT.**—On the date on which the Agreement ceases to be in force with respect to the United States, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to have effect.”

[For definition of “CAFTA-DR country” as used in section 107(c) of Pub. L. 109–53, set out above, see section 4002 of this title.]