Tricare, we'll even bury them in a veterans' cemetery. But under current law, that member of that reserve component, if they weren't called up under title 10 for more than 179 days, the honor we will not bestow upon them is the right to call themselves veterans, and that truly is a gross injustice. I believe it's an oversight to them, and its an oversight to their families who understood the respect they had. I think it is basic common sense. A reservist can be buried in a Federal cemetery. They should have the right—and what this bestows upon them, no money, no extra benefits, but when the flag comes by on Veterans Day, they can render a hand salute in taking part when that national anthem is played. It is about honor.

It may not seem important to some, but for those who wear the uniform subject to the Uniform Code of Military Justice, received the same training, and spent 20 years away from their families and had the ability to be called up, this lack of recognition is a gross injustice. H.R. 1025 will finally correct this in a straightforward way, including the Guard and Reserve retiree in the definition of the term ''veteran.'' It will ensure they're no longer regulated to second-class status.

As I've said, the sole purpose is to grant veteran's status to those who've been denied it to this point. In light of this fact, let me be absolutely clear: it's about honor. It's not about monetary benefits or material privilege. Both the Congressional Research Service as well as the Department of Veterans Affairs concluded this legislation will provide no additional benefits; instead, it is a tribute to their service. It has been reinforced by the Congressional Budget Office which says it has a zero cost to taxpayers. It's a simple bill. It simply states that those members of the Guard who've served for all of their time, stood ready to be deployed for whatever reason at a moment's notice, have earned the right to be considered veterans.

I would like to point out this legislation is supported by the Military Coalition and the National Military Veterans Alliance, which together represent more than 4 million active-duty servicemember veterans and their families.

I'd like to thank everyone who has engaged in this. It's been a long process. We've got a companion version in the Senate, Madam Speaker, and the time is right to bestow this honor on those who have given so much. So with that, I encourage my colleagues to use this as an opportunity to right an injustice, to stand tall with our Guard and Reserve soldiers, to set this right and allow them to proudly, by this Veterans Day, be able to render their hand salute to our flag.

Mr. RUNYAN. I yield such time as he may consume to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Madam Speaker, I want to thank my friend, Mr. WALZ, for his leadership on this very important issue which is long overdue. I think both sides of the aisle feel this is an injustice. It's gone on far too long. When you take the oath to uphold the Constitution, you put on the service uniform of our country, you serve your obligation and are honorably discharged. You are a veteran. You're as much a veteran as I am, who served on active duty.

Just a few hours ago, Congressman WALZ and others who he mentioned were in Landstuhl, Germany, before we flew home, and saw National Guardsmen, who may not be able to be called veterans, flying planes home to bring our wounded warriors home.

I knew that this legislation was coming up tonight, and I felt compelled, after meeting these young men and women who are doing an incredible job to protect our wounded warriors and protect our country, they be offered this status of veterans. This bill rights a long-standing wrong. I urge very strong support of this much-needed legislation.

□ 2010

Mr. FILNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. RUNYAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1025.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RUNYAN. I once again encourage all Members to support H.R. 1025, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. RUNYAN) that the House suspend the rules and pass the bill, H.R. 1025.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2020

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Mr. BRADY of Texas. Madam Speaker, pursuant to House Resolution 425, I call up the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the bill is considered read.

The text of the bill is as follows:

H.R. 3078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States–Colombia Trade Promotion Agreement Implementation Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the free trade agreement between the United States and

Colombia entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Colombia for their mutual benefit;

(3) to establish free trade between the United States and Colombia 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.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States–Colombia Trade Promotion Agreement approved by Congress under section 101(a)(1).

(2) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(3) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(4) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3-C of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States–Colombia Trade Promotion Agreement entered into on November 22, 2006, with the Government of Colombia, as amended on June 28, 2007, by the United States and Colombia, and submitted to Congress on October 3, 2011; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on October 3, 2011.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Colombia has taken measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Colombia providing for the entry into force, on or after January 1, 2012, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) 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 on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS 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 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

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

(A) the action proposed to be proclaimed and the reasons therefor; and

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

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 21 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2011 to the Department of Commerce up to $262,500 for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 21 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b) and title V, this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 1 through 3, this title, and title VI take effect on the date of the enactment of this Act.

(2) CERTAIN AMENDATORY PROVISIONS.—The amendments made by sections 204, 205, 207, and 401 of this Act take effect on the date of the enactment of this Act and apply with respect to Colombia on the date on which the Agreement enters into force.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, this Act (other than this subsection and titles V and VI) and the amendments made by this Act (other than the amendments made by titles V and VI) shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, and 3.3.13, and Annex 2.3, of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of

1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Colombia as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(3) EFFECT ON ATPA STATUS.—Notwithstanding section 203(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Colombia as a beneficiary country for purposes of that Act.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Colombia regarding the staging of any duty treatment set forth in Annex 2.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Colombia provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 2.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set forth in Appendix I to the General Notes to the Schedule of the United States to Annex 2.3 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE NTR (MFN) RATE OF DUTY.—The term ''applicable NTR (MFN) rate of duty'' means, with respect to a safeguard good, a rate of duty equal to the lowest of—

(A) the base rate in the Schedule of the United States to Annex 2.3 of the Agreement;

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(C) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(2) SCHEDULE RATE OF DUTY.—The term ''schedule rate of duty'' means, with respect to a safeguard good, the rate of duty for that good that is set forth in the Schedule of the United States to Annex 2.3 of the Agreement.

(3) SAFEGUARD GOOD.—The term ''safeguard good'' means a good—

(A) that is included in the Schedule of the United States to Annex 2.18 of the Agreement;

(B) that qualifies as an originating good under section 203, except that operations performed in or material obtained from the United States shall be considered as if the operations were performed in, or the material was obtained from, a country that is not a party to the Agreement; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(4) YEAR 1 OF THE AGREEMENT.—The term ''year 1 of the Agreement'' means the period beginning on the date, in a calendar year, on which the Agreement enters into force and ending on December 31 of that calendar year.

(5) YEARS OTHER THAN YEAR 1 OF THE AGREEMENT.—Any reference to a year of the Agreement subsequent to year 1 of the Agreement shall be deemed to be a reference to the corresponding calendar year in which the Agreement is in force.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good that is imported into the United States in that calendar year exceeds 140 percent of the volume that is provided for that safeguard good in the corresponding year in the applicable table contained in Appendix I of the General Notes to the Schedule of the United States to Annex 2.3 of the Agreement. For purposes of this subsection, year 1 in the table means year 1 of the Agreement.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in year 1 of the Agreement through year 4 of the Agreement, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(B) in year 5 of the Agreement through year 7 of the Agreement, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(C) in year 8 of the Agreement through year 9 of the Agreement, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

(3) NOTICE.—Not later than 60 days after the date on which the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under this subsection, the Secretary shall notify the Government of Colombia in writing of such action and shall provide to that Government data supporting the assessment of the additional duty.

(c) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(1) subtitle A of title III of this Act; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(d) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 2.3 of the Agreement.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Colombia or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Colombia, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Colombia, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 3-A or Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 3-A or Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Colombia, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VOM.—The term ''VOM'' means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement shall be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term ''automotive good'' means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term ''RVC'' means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term ''NC'' means the net cost of the automotive good.

(iv) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the net cost formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of the United States or Colombia.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of motor vehicles, and is produced in the same plant in the territory of Colombia or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Colombia or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Colombia or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the net cost formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Colombia or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Colombia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Colombia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Colombia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Colombia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Colombia, the United States, or both.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF THE OTHER COUNTRY.—Originating materials from the territory of Colombia or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) MULTIPLE PRODUCERS.—A good that is produced in the territory of Colombia, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A)(i) the value of all nonoriginating materials that—

(I) are used in the production of the good, and

(II) do not undergo the applicable change in tariff classification (set forth in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(ii) the good meets all other applicable requirements of this section; and

(iii) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good; or

(B) the good meets the requirements set forth in paragraph 2 of Annex 4.6 of the Agreement.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of any of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11

through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in any of headings 1501 through 1508, or any of headings 1511 through 1515.

(F) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(G) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(H) Except as provided in subparagraphs (A) through (G) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(I) A nonoriginating material that is a textile or apparel good.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set forth in Annex 3-A of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV)) (as in effect on February 12, 2011).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Colombia, the United States, or both.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term ''inventory management method'' means—

(i) averaging;

(ii) ''last-in, first-out'';

(iii) ''first-in, first-out''; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Colombia or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether such accessories, spare parts, or tools are specified or are separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 3-A or Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Colombia or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Colombia or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Colombia or the United States.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 3-A and Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of goods, other than textile or apparel goods, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term ''adjusted value'' means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CLASS OF MOTOR VEHICLES.—The term ''class of motor vehicles'' means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term ''fungible good'' or ''fungible material'' means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term ''generally accepted accounting principles''—

(A) means the recognized consensus or substantial authoritative support given in the territory of Colombia or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements; and

(B) may encompass broad guidelines for general application as well as detailed standards, practices, and procedures.

(5) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF COLOMBIA, THE UNITED STATES, OR BOTH.—The term ''good wholly obtained or produced entirely in the territory of Colombia, the United States, or both'' means any of the following:

(A) Plants and plant products harvested or gathered in the territory of Colombia, the United States, or both.

(B) Live animals born and raised in the territory of Colombia, the United States, or both.

(C) Goods obtained in the territory of Colombia, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Colombia, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Colombia, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Colombia or the United States by—

(i) a vessel that is registered or recorded with Colombia and flying the flag of Colombia; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Colombia and flies the flag of Colombia; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Colombia or a person of Colombia from the seabed or subsoil outside the territorial waters of Colombia, if Colombia has rights to exploit such seabed or subsoil.

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territorial waters of the United States, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Colombia or the United States or a person of Colombia or the United States and not processed in the territory of a country other than Colombia or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Colombia, the United States, or both; or

(ii) used goods collected in the territory of Colombia, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Colombia, the United States, or both, from used goods, and used in the territory of Colombia, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Colombia, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J); or

(ii) the derivatives of goods referred to in clause (i).

(6) IDENTICAL GOODS.—The term ''identical goods'' means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other good that is not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) MATERIAL.—The term ''material'' means a good that is used in the production of another good, including a part or an ingredient.

(9) MATERIAL THAT IS SELF-PRODUCED.—The term ''material that is self-produced'' means an originating material that is produced by a producer of a good and used in the production of that good.

(10) MODEL LINE OF MOTOR VEHICLES.—The term ''model line of motor vehicles'' means a group of motor vehicles having the same platform or model name.

(11) NET COST.—The term ''net cost'' means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost.

(12) NONALLOWABLE INTEREST COSTS.—The term ''nonallowable interest costs'' means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The term ''nonoriginating good'' or ''nonoriginating material'' means a good or material, as the case may be, that does not qualify as originating under this section.

(14) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term ''packing materials and containers for shipment'' means goods used to protect another good during its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) PREFERENTIAL TARIFF TREATMENT.—The term ''preferential tariff treatment'' means the customs duty rate, and the treatment under article 2.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(16) PRODUCER.—The term ''producer'' means a person who engages in the production of a good in the territory of Colombia or the United States.

(17) PRODUCTION.—The term ''production'' means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) REASONABLY ALLOCATE.—The term ''reasonably allocate'' means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good assembled in the territory of Colombia or the United States, or both, that is classified under chapter 84, 85, 87, or 90 or heading 9402, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) TOTAL COST.—

(A) IN GENERAL.—The term ''total cost''—

(i) means all product costs, period costs, and other costs for a good incurred in the territory of Colombia, the United States, or both; and

(ii) does not include profits that are earned by the producer, regardless of whether they are retained by the producer or paid out to other persons as dividends, or taxes paid on those profits, including capital gains taxes.

(B) OTHER DEFINITIONS.—In this paragraph:

(i) PRODUCT COSTS.—The term ''product costs'' means costs that are associated with the production of a good and include the value of materials, direct labor costs, and direct overhead.

(ii) PERIOD COSTS.—The term ''period costs'' means costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses.

(iii) OTHER COSTS.—The term ''other costs'' means all costs recorded on the books of the producer that are not product costs or period costs, such as interest.

(22) USED.—The term ''used'' means utilized or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3-A and Annex 4.1 of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) FABRICS AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric or yarn is added to the list in Annex 3-B of the Agreement in an unrestricted quantity, as provided in article 3.3.5(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 3-A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date on which the Agreement enters into force, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 3-A of the Agreement).

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN COLOMBIA AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding paragraph (3)(A), the list of fabrics, yarns, and fibers set forth in Annex 3-B of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) INTERESTED ENTITY.—The term ''interested entity'' means the Government of Colombia, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) DAY; DAYS.—All references to ''day'' and ''days'' exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—

(i) IN GENERAL.—An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States and to add that fabric, yarn, or fiber to the list in Annex 3-B of the Agreement in a restricted or unrestricted quantity.

(ii) DETERMINATION.—After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in Colombia or the United States; or

(II) any interested entity objects to the request.

(iii) PROCLAMATION AUTHORITY.—The President may, within the time periods specified in clause (iv), proclaim that the fabric, yarn,

or fiber that is the subject of the request is added to the list in Annex 3-B of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President has determined under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States; or

(II) no interested entity has objected to the request.

(iv) TIME PERIODS.—The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) EFFECTIVE DATE.—Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) SUBSEQUENT ACTION.—Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3-B of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3-B of the Agreement beginning—

(i) 45 days after the date on which the request is submitted; or

(ii) 60 days after the date on which the request is submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—

(i) IN GENERAL.—Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3-B of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D) of this paragraph; or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) TIME PERIOD FOR SUBMISSION.—An interested entity may submit a request under clause (i) at any time beginning on the date that is 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) PROCLAMATION AUTHORITY.—Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in Colombia or the United States.

(iv) EFFECTIVE DATE.—A proclamation issued under clause (iii) may not take effect earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (19), the following:

''(20) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.''.

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph:

''(12) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good.''; and

(2) by adding at the end the following new subsection:

''(k) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a CTPA certification of origin (as defined in section 508 of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

''(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a CTPA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

''(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

''(A) the information was correct at the time it was provided in a CTPA certification of origin but was later rendered incorrect due to a change in circumstances; and

''(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.''.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

''(k) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States-Colombia Trade Promotion Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 203.''.

SEC. 206. RELIQUIDATION OF ENTRIES.

Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

(1) by striking ''or''; and

(2) by striking ''for which'' and inserting '', or section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act for which''.

SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (j) as subsection (k);

(2) by inserting after subsection (i) the following new subsection:

''(j) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

''(i) the purchase, cost, and value of, and payment for, the good;

''(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

''(iii) the production of the good in the form in which it was exported.

''(B) CTPA CERTIFICATION OF ORIGIN.—The term 'CTPA certification of origin' means the certification established under article 4.15 of the United States-Colombia Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

''(2) EXPORTS TO COLOMBIA.—Any person who completes and issues a CTPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

''(3) RETENTION PERIOD.—The person who issues a CTPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.''; and

(3) in subsection (k), as so redesignated by striking ''(h), or (i)'' and inserting ''(h), (i), or (j)''.

SEC. 208. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Colombia to conduct a verification pursuant to article 3.2 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an exporter or producer in Colombia is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods, or

(B) a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203, or

(ii) is a good of Colombia,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary of the Treasury determines that there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a)(1), the President may direct the Secretary of the Treasury to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary of the Treasury determines that there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 3.2.6 of the Agreement, the Secretary of the Treasury may publish the name of any person that the Secretary has determined—

(1) is engaged in circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

SEC. 209. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) COLOMBIAN ARTICLE.—The term ''Colombian article'' means an article that qualifies as an originating good under section 203(b).

(2) COLOMBIAN TEXTILE OR APPAREL ARTICLE.—The term ''Colombian textile or apparel article'' means a textile or apparel good (as defined in section 3(4)) that is a Colombian article.

Subtitle A—Relief From Imports Benefitting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Colombian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Colombian article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Colombian article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Colombian article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives a report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2.3 of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.2 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section by up to 2 years, if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 2.3 of the Agreement, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which such termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set forth in the Schedule of the United States to Annex 2.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set forth in the Schedule of the United States to Annex 2.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on—

(1) any article that is subject to import relief under—

(A) subtitle B; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) any article on which an additional duty assessed under section 202(b) is in effect.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 2.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Colombia Trade Promotion Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a Colombian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits and losses, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in consumer preference or changes in technology in the United States as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this

subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under section 322(b) may not be in effect for more than 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 1 year, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 3 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON COLOMBIAN ARTICLES.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the Colombian article are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING COLOMBIAN ARTICLES.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action Colombian articles with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking ''or'' at the end of clause (vii);

(2) by striking the period at the end of clause (viii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(ix) a party to the United States-Colombia Trade Promotion Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.''.

TITLE V—EXTENSION OF ANDEAN TRADE PREFERENCE ACT

SEC. 501. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208(a) of the Andean Trade Preference Act (19 U.S.C. 3206(a)) is amended—

(1) in paragraph (1)(A), by striking ''February 12, 2011'' and inserting ''July 31, 2013''; and

(2) in paragraph (2), by striking ''February 12, 2011'' and inserting ''July 31, 2013''.

(b) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) in subclause (II), by striking ''8 succeeding 1-year periods'' and inserting ''10 succeeding 1-year periods''; and

(ii) in subclause (III)(bb), by striking ''and for the succeeding 3-year period'' and inserting ''and for the succeeding 5-year period''; and

(B) in clause (v)(II), by striking ''7 succeeding 1-year periods'' and inserting ''9 succeeding 1-year periods''; and

(2) in subparagraph (E)(ii)(II), by striking ''February 12, 2011'' and inserting ''July 31, 2013''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to articles entered on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to subparagraph (B), any entry of an article to which duty-free treatment or other preferential treatment under the Andean Trade Preference Act would have applied if the entry had been made on February 12, 2011, that was made—

(i) after February 12, 2011, and

(ii) before the 15th day after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on the date that is 15 days after the date of the enactment of this Act.

(B) REQUESTS.—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(i) to locate the entry; or

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

(C) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(3) DEFINITION.—As used in this subsection, the term ''entry'' includes a withdrawal from warehouse for consumption.

TITLE VI—OFFSETS

SEC. 601. ELIMINATION OF CERTAIN NAFTA CUSTOMS FEES EXEMPTION.

(a) IN GENERAL.—Section 13031(b)(1)(A)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(i)) is amended to read as follows:

''(i) the arrival of any passenger whose journey—

''(I) originated in a territory or possession of the United States; or

''(II) originated in the United States and was limited to territories and possessions of the United States;''.

(b) USE OF FEES.—The fees collected as a result of the amendment made by this section shall be deposited in the Customs User Fee Account, shall be available for reimbursement of customs services and inspections costs, and shall be available only to the extent provided in appropriations Acts.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to passengers arriving from Canada, Mexico, or an adjacent island on or after the date that is 15 days after the date of the enactment of this Act.

SEC. 602. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(C)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on August 3, 2021, and ending on September 30, 2021.

''(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on December 9, 2020, and ending on August 31, 2021.''.

SEC. 603. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2016 shall be increased by 0.50 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BRADY) and

the gentleman from Michigan (Mr. LEVIN) each will control 45 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Madam Speaker, at this time I reserve the balance of my time.

Mr. LEVIN. It is now my privilege to yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT), the ranking member on Trade.

Mr. MCDERMOTT. Madam Speaker, tonight the fat is in the fire. We're starting with the tough one up front, and I rise in opposition to the Colombia free trade agreement.

I believe that trade can have transformative effects on a society and its economy. I've seen it firsthand in Seattle, where one out of three or one out of four people make their living directly from trade. I've seen it in southern Africa. I helped write the AGOA Act, and I've seen the effects that it has had there. When trade is done right, it creates opportunities, it generates jobs, and it lifts people up the economic ladder—if it is done right.

Now, I don't come to this with any kind of ideological knee jerk. I am one who believes that you need to go and look. And I've been to Colombia on several different occasions, once with Commerce Secretary Gutierrez. We went out to community meetings. We sat down and listened to people talk. President Uribe had a community meeting, and we saw what was going on. I've been to Medellin, which was one of the most dangerous cities in Central America—in fact, in the world. And one day when one of the drug lords was taken out, the people of Medellin said, No mas, no more. We don't want anymore.

Colombia has come a long way from the image that people have of that country, but there still are problems—too many remaining—and the efforts to address them have not been really activated. Now, the labor problems are really grave. Last year, more union leaders were killed in Colombia than the rest of the world combined. Nearly every murder has been gotten away with. No one has been arrested, no prosecution, nothing.

Now, effective organizing would save lives in Colombia just like it has in the rest of the world, but Colombian laws compound this culture of impunity by making it easy to deny workers their basic rights. Imagine what it does to a worker thinking about joining a union to improve his lot or her lot. No wonder only 4.4 percent of Colombia's labor force dares to unionize.

Democrats have been clear from the very start that this situation needs to be addressed—for the sake of the working people in Colombia, for the safety of Colombian workers and their families, and for the working people here in the United States, because the working community around the world is all one, really. What happens to workers in one area has an effect in other areas. And if we allow people to take jobs where the cheapest labor is or where there are no rules or no anything, we then damage our own workers. And that's part of the problem in this whole issue as we discuss it here tonight.

Now, to be sure, we've made some important victories in trying to renegotiate this agreement. After the Bush administration had written these agreements, we said no. And then we took over in the House, and Mr. RANGEL and Mr. LEVIN negotiated the ''May 10'' agreement with the President of the United States. That included minimum internationally recognized labor standards, and it was a crucial step.

The renegotiation of the U.S.-Colombia free trade agreement has also a produced a Labor Action Plan, which was another part of the development of what was going on with Colombia.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCDERMOTT. I will save a little of this for tomorrow because we're going to debate on this again tomorrow.

Mr. BRADY of Texas. Madam Speaker, I yield the balance of my time to the chairman of the committee, Mr. CAMP, and I ask unanimous consent that he may control the time.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan will control the time.

There was no objection.

Mr. CAMP. I yield myself such time as I may consume.

Madam Speaker, today is a good day. Many of us have been working for years for the opportunity to approve our pending trade agreements with Colombia, Panama, and South Korea. We have called on the President throughout his term to submit all three agreements to Congress, but opposition among some Democrats led many to believe that we would have to settle for just one or two of the agreements. Today, we have all three pending agreements before us. Approving them will resuscitate the U.S. trade agenda, create U.S. jobs, and help get our economy moving again.

The U.S. International Trade Commission has estimated that the three agreements will increase U.S. exports by at least $13 billion. By the President's own estimation, that could generate 250,000 new jobs. The ITC has also determined that these agreements will increase U.S. gross domestic product by at least $10 billion, a stimulus that doesn't cost a single dime in government spending.

This agreement disproportionately benefits the U.S. because it rectifies the current imbalance in U.S.-Colombian trade. Last year, Colombian exporters paid virtually no tariffs when they shipped goods here, but our exporters paid an average of over 11 percent. The agreement removes that imbalance by eliminating Colombian duties. The need is urgent: Our exporters have paid nearly $4 billion in unnecessary duties since this agreement was signed.

We know from experience that these agreements will yield benefits. Between 2000 and 2010, total U.S. exports increased by just over 60 percent, but our exports to countries with which we have trade agreements increased by over 90 percent. Our exports to Peru, for example, more than doubled since passage of the U.S.-Peru trade agreement, from $2.7 billion in 2006 to $6.1 billion in 2010. That's $2.4 billion more than the ITC had forecast.

In the face of this major economic opportunity, delay has been costly. Major economies whose workers and exporters compete directly with ours have moved aggressively to sign and implement trade agreements with Colombia, undermining our competitive edge. Our workers and job-creating exporters are falling behind, losing export market share that took years to build. For example, the U.S. share of Colombia's corn, wheat, and soybean imports fell from 71 percent in 2008 to 27 percent in 2010 after Argentina's exporters gained preferential access to the Colombian market. And after Canada's trade agreement with Colombia went into effect on August 15, Colombia's largest wheat importer dropped U.S. suppliers in favor of Canadian wheat. Adding insult to injury, Canada signed its trade agreement with Colombia 2 years after we signed our agreement with Colombia.

In short, we owe it to U.S. workers and exporters to approve this agreement now and to press the President for prompt implementation.

□ 2030

It's not only considerable economic benefits that are at stake. The delay in implementing these agreements has left strong allies out in the cold. Colombia, for example, currently sits with the United States on the U.N. Security Council and chairs its Iran sanctions committee.

Colombian troops have served alongside U.S. troops at war, and Colombia has been training militaries and police around the world in counter-narcotics and counter-insurgency. As five former commanders of U.S. Southern Command have said: ''This agreement will meet our duty to stand shoulder-to-shoulder with Colombians as they have stood by the United States as friends and allies.''

I urge my colleagues to join me in approving this important agreement, and I reserve the balance of my time.

Mr. LEVIN. I am now privileged to yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), a very distinguished member of our committee.

Mr. PASCRELL. Madam Speaker, I want to challenge just about everything that my very good friend Mr. CAMP laid before this House.

First, let's talk about the numbers. The updated report that Mr. CAMP referred to in terms of the number of jobs that would be created by this Colombian deal contains a very specific disclaimer that it is not an official estimate.

Additionally, both—any reports estimate that the overall trade deficit will increase. An increasing trade deficit cannot lead to job creation. It's never happened. It will not happen.

And you throw numbers in front of people and you know what? You better know what you're talking about. In fact, given the projected changes, the growth of the United States trade deficit with Colombia will displace 83,000 jobs in the United States of America by 2015, for a net loss of an additional 55,000 jobs. Those are the numbers. I didn't make them up.

So when you think that anytime you're going to parade a trade deal in front of us—and I voted for Peru because I thought it was a great step forward—and think that we're just going to have to believe, anybody's going to have to believe on either side of the aisle that what you're saying is really what the truth is, you're done, you're over. The American people don't accept it. Four to one they don't accept these trade deals that have diminished us.

But the worst part of the Colombia deal is this: since the new President, Mr. Santos, we've had 38 union people killed, family men, teachers, lawyers, shot in the back of the head, wired up on a tree. And one indictment.

You want to bring the Colombian trade deal here—here we go—and make us believe that you're not only going to create jobs, but that these victims are going to be no more. Well, you had an opportunity.

Here's the numbers, Madam Speaker. Here are the numbers, very clear, very succinct. From 2007 to 2010, 51 murders last year, no convictions. Of the 94 percent of the cases, 130 human rights defenders were detained in 2010.

This is an aberration, this is wrong, and the American people aren't going to take it anymore.

Mr. CAMP. Madam Speaker, I yield 3 minutes to my distinguished colleague on the Ways and Means Committee, the chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Thank you, Chairman CAMP, for your leadership on trade and, really, your critical role of working across the aisle and with this administration to finally bring this free trade agreement and others to the floor.

The world's changed. It's not enough to simply sell American or to buy American anymore. We have to sell American. We have to go out in every corner of this world and sell American products and services and agricultural products. But when we do, we find too much of the world was tilted against us. Too many countries have an America need not apply sign. But these trade agreements change that. They tear that sign down; and with our best trading allies, they level the playing field and create two-way trade, where it's not just sales into America, we get the chance to sell our products and compete for new customers in their country, and that's critical because so much of the world's consumers live outside of America.

This Colombia agreement is critical because, one, Colombia is such a critical ally of ours. As a country, they've made remarkable progress on human rights, labor rights, democracy and rule of law. They fought terrorism to a halt. They've created a much safer country than a decade ago. And, in fact, if they were a company, we would call them the turn-around of the decade.

Colombia is a trusted ally. More important, they're a dynamic economy that wants to trade first with the United States, and that's what this agreement does. It opens the door for over $1 billion of new sales from America into Colombia. It increases our economy by $2.5 billion. It creates new standards that allow, not just our agricultural community, not just our manufacturing community to sell two-way, but creates the standard so that our financial and telecommunications and energy management and accounting, and a whole list of other services, can sell on a standard equal to equal, plug in together so that we can both compete and buy and sell as equal trading partners.

It's critical, too, that we not allow America to fall farther behind. It has been, as Chairman CAMP said, nearly 5 years since this agreement has been signed. President Bush signed, I think, a very strong agreement. President Obama, to his credit, continued to work with both sides of the aisle, I think, to put on some preconditions that have been very important to our Democrat Members and to labor.

This agreement has strong bipartisan support, has strong economic support, and is critical for a national security ally like Colombia that we wait no longer; that Congress stand up, Republicans and Democrats together, to pass a bipartisan jobs bill that creates two-way trade, creates real jobs, and strengthens our security relationship with a remarkable ally in our hemisphere.

I strongly support this agreement, and I urge its passage.

Madam Speaker, I am very pleased that we have finally reached this important moment. Next month we will mark five years since the United States and Colombia signed the United States-Colombia Trade Promotion Agreement. U.S. workers and job-creating exporters have had to wait for far too long for the President to submit this promising agreement to Congress, but it has now reached the floor—and I look forward to a bipartisan vote to approve the agreement.

This agreement, like our other trade agreements, will create well-paid American jobs without any government spending. I like to call our trade agreements "Sell American" agreements because they lower other countries' barriers to American goods and services. More U.S. exports translate into more U.S. jobs. With over 90 percent of consumers living outside our borders, we must look to other markets in order to sell more of our goods and services.

The U.S. International Trade Commission estimates that the Colombia trade agreement alone will increase U.S. goods exports by $1.1 billion and expand U.S. gross domestic product by $2.5 billion. This agreement is all upside for us. Last year, Colombian exporters to the United States paid an average tariff of less than one percent because, under the Andean Trade Preference Act, most Colombian goods entered duty-free. In contrast, U.S. exporters to Colombia paid an average tariff of over eleven percent last year—and now this agreement will eliminate Colombian tariffs on most U.S. exports.

As co-chairman of the Congressional Services Caucus, I should also note that this trade agreement with Colombia will reduce non-tariff and regulatory barriers and provide expanded market access and increased protections for U.S. services exporters. For example, Colombia estimates that its public infrastructure spending will exceed $55 billion this decade—and our world-class construction, energy, engineering, and other services firms will now have a leg-up in pursuing that work, which will generate substantial economic growth and jobs back home.

The United States has been sitting on the sidelines for far too long. Now we finally have the opportunity to get back in the game, so I ask my colleagues to join me in voting to approve the United States-Colombia Trade Promotion Agreement, as well as our other two pending agreements.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the distinguished Representative from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank my dear friend Mr. LEVIN for yielding.

It's time for America to negotiate fair trade agreements that create jobs in America and are based on a rule of law, respect for life and liberty before profits for the few.

I rise in opposition to this Colombia deal. It's just another NAFTA-like trade accord that too often are job-killers, people-killers and democracy-killers. This administration promised an agreement with Colombia would not be moved forward until the violence and targeted killings of union leaders and religious leaders stopped.

This is a picture of Father Jose Restrepo, who was found murdered along a roadside in rural Colombia, gunned down as he traveled through the countryside. The week before his murder, Father Restrepo had traveled to Bogota, the capital city there, to raise concerns of his community about the impact of a giant open pit gold mine. Father is one of six Catholic priests killed this year alone in Colombia, in addition to 22 union leaders that have been killed there just since January.

What kind of a deal is this with a nation that has had dozens and dozens and dozens since 2010, 51 people murdered for their trade union activities in Colombia alone?

What is wrong with our country that we cannot stand up for democracy, for human rights, and for job creation in this country?

Mr. CAMP. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 38 minutes, and the gentleman from Michigan (Mr. LEVIN) has 37½ minutes remaining.

Mr. CAMP. At this time I yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of the Ways and Means Committee.

□ 2040

Mr. HERGER. Madam Speaker, the trade agreements before us represent a major opportunity for American small businesses and workers. By leveling the playing field for U.S. goods and services entering Colombia, Panama, and South Korea, these agreements will provide a significant boost to our economy and create an estimated 250,000 new jobs. They are commonsense, win-win agreements for the American people. Here's why. Removing tariffs and other barriers to U.S. exports means that our U.S. products become more competitive in foreign markets, which in turn generates more sales and more business for our farmers, ranchers, manufacturers, and service providers.

Passing these agreements will mean more jobs, more economic growth, and more opportunities both on and off the farm for the men and women in my northern California congressional district and the rest of our Nation. Perhaps best of all, these trade agreements will provide real, permanent economic stimulus at no cost to the American taxpayers. They represent fundamentally sound economics—getting government-imposed barriers out of the way and letting American business and workers do what they do best.

As the former ranking Republican on the Ways and Means Subcommittee on Trade, I have joined many others in urging support for these agreements. While I believe this week should have come a lot sooner, these are real job bills, and I urge my colleagues to support all three.

Mr. LEVIN. I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I rise in opposition to the three free trade pacts up for consideration this week. It's essential that we work to keep jobs here in the United States, and I believe the trade agreements with South Korea, Colombia, and Panama will cost U.S. jobs. We should be doing everything we can to create jobs and advance economic opportunity here at home.

These trade pacts are modeled on the NAFTA agreement, and the results will be the same. In the last decade alone, we've lost 55,000 manufacturing plants and 6 million jobs with NAFTA in place. We don't want to repeat the ill effects of NAFTA. The essential issue at hand, Madam Speaker, is that trade deals between a large economy and a smaller economy naturally benefit the smaller economy, in this case South Korea, Colombia, and Panama. The economies of these countries are a fraction of the size of the U.S. economy, and they will stand to benefit greatly by exporting their goods here while, I fear, U.S. exports will not have the same advantage.

Madam Speaker, we should be focusing on passing the American Jobs Act, which provides incentives to businesses to hire new workers in the United States, and not passing free trade pacts that will further encourage U.S. companies to move jobs overseas.

Mr. CAMP. Madam Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Madam Speaker, Colombia is a key ally of the United States and the third-largest export market in Latin America for U.S. goods and services, and that's despite having tariff barriers in place.

This agreement was negotiated in good faith years ago. Basically, American credibility is on the line—our credibility as to whether or not we will follow through with our commitments. After years of delay, U.S. businesses, farmers, and ranchers have been losing market share because of the inability to move forward on this agreement. In 2008, U.S. agricultural producers had 71 percent of that market. By 2010, we were down to 27 percent, and we're still dropping. And that's because other countries who have fulfilled agreements with Colombia, after we have already negotiated this, have gained that market share. They have picked up the market share we have lost.

Passing this agreement is a very important step in reversing this onerous trend for our farmers, our ranchers, and our businesses in this country. Colombia is currently the tenth-largest export market in my home State of Louisiana, and it stands to grow as a result.

Pass this agreement.

Mr. LEVIN. I yield 1 minute to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, today with unemployment in the United States at over 9 percent and the middle class under siege, we're considering a Colombian trade bill that would cost, according to the Economic Policy Institute, 55,000 jobs. That makes absolutely no sense.

It's bad enough to ship U.S. jobs overseas, but particularly to a country that leads the world in deadly violence against union members. In Colombia, to band together in solidarity with your fellow workers is to take your life into your own hands. Twenty-three trade unionists have been murdered so far this year, including one teacher—a teacher—who was hanged with barbed wire. Last year, 51 such murders. As the AFL–CIO put it, ''if 51 CEOs had been murdered in Colombia, this deal would be on a very slow track indeed.''

Let's reject these trade agreements, and let's put America back to work with a big, bold jobs plan for the American people.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GERLACH), a member of the Ways and Means Committee.

Mr. GERLACH. I thank the gentleman.

Madam Speaker, I rise this evening in support of the Colombia free trade agreement, and, indeed, all three free trade agreements, the most significant trade package for our country in more than a decade. These trade pacts with Colombia, South Korea, and Panama are significant. They will unlock new opportunities and markets for Pennsylvania companies to sell their products overseas, and that means more jobs.

By leveling the playing field and eliminating burdensome tariffs, these agreements will improve our ability to sell American-made products overseas. Specifically, in Pennsylvania, these agreements will be a boon for the Commonwealth's farmers and provide new opportunities in other key export sectors of Pennsylvania, including primary metal producers. Tariffs on more than 90 percent of primary metals, such as steel, titanium, aluminum, and zinc will be eliminated immediately.

Once the free trade agreement with South Korea is fully implemented, more than 70 percent of all Pennsylvania exports will be duty-free. And similar trade opportunities exist in the Colombia and Panama free trade agreements as well.

As we continue to lose market share in these regions, Pennsylvanians, and indeed all Americans, simply cannot afford another delay in these agreements. Pass them now.

Mr. LEVIN. I yield 1½ minutes to a very active Member on these issues, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, the Colombia FTA is bad for American workers, bad for jobs, and bad for Colombian workers, small farmers, and human rights defenders. Colombia is still a country in conflict that affects thousands every year. We know Colombia is the deadliest place in the world to be a trade unionist, but it also suffers from over 4 million internally displaced, second only to Sudan. Over 1 million Colombians are refugees in neighboring countries. They are fleeing terrifying, crippling violence from paramilitaries, guerrillas, and even Colombia's own army. And after these people leave, drug traffickers, criminals, and wealthy interests come in and they take over.

This FTA will only increase that vicious cycle. Nearly every study done asserts that the FTA will push even more small farmers off their land. They will either be forced to join the ranks of the displaced, grow coca or join the guerrillas or paramilitaries just to feed their families. They won't be buying American goods, Madam Speaker.

And when Colombian workers have no rights, then there's no level playing field for American workers, and that costs jobs. This FTA is set up to help the rich get richer and the poor get poorer. It's the last thing Colombia's workers, farmers, and human rights defenders need.

Finally, Madam Speaker, let me ask my colleagues in this Chamber, do human rights matter anymore? If so, we should not be debating this FTA today. We should be waiting until we see real, honest-to-goodness results on the ground in terms of improvements of human rights. When it comes to human rights, Madam Speaker, the United States of America should not be a cheap date. We should stand firm, and we should be unabashed in our support for human rights.

Madam Speaker, that is why I urge all my colleagues to vote ''no'' on this FTA agreement.

[From Pittsburgh Post-Gazette, Oct. 10, 2011]

FREE TRADE: THE BIG LIE—WE SHOULD STOP MAKING TRADE AGREEMENTS THAT HURT WORKERS

(By Daniel Kovalik)

On March 10, 2010, former President Bill Clinton made this stunning confession to the Senate Foreign Relations Committee regarding his free trade policies in Haiti:

''It may have been good for some of my farmers in Arkansas, but it has not worked. It was a mistake. I had to live every day with the consequences of the loss of capacity to produce a rice crop in Haiti to feed those people because of what I did; nobody else.''

Even more surprisingly, Mr. Clinton, one of the founding fathers of the modern free trade agreement, admitted that this type of trade policy ''failed everywhere it's been tried. . . .'' Truer words have never been spoken. And yet, even in the face of such a confession, and in the face of incontrovertible facts, the U.S. Congress is poised to pass not just one, but three new free trade agreements—with Colombia, South Korea and Panama—of the very type that Mr. Clinton now loses sleep over.

So, what are the facts?

Let's start with the mother of all free trade agreements—the North American Free Trade Agreement—the one which Mr. Clinton had promised would create jobs in the United States but which presidential candidates Hillary Clinton and Barack Obama ran from in 2008, claiming that it needed fixing. And fixing it surely needs. According to the Economic Policy Institute, nearly 900,000 (mostly high-paying) U.S. jobs were lost to NAFTA between 1993 and 2002 alone.

Meanwhile, Mexico has fared even worse. Indeed, the same devastation Mr. Clinton's policies wrought in Haiti have been experienced in Mexico. Thus, the agricultural provisions of NAFTA—almost identical to those contained in the Colombia Free Trade Agreement now being considered—cost the livelihood and land of 1.3 million small farmers in Mexico.

Where did these small farmers go? Many are being forced to emigrate to the United States. Indeed, while small farmers make up a relatively small percentage of the Mexican population, they make up around 40 percent of Mexicans immigrating into the United States. Still others have been pushed into the illicit drug trade—the very drug trade the United States purports to fight there.

Meanwhile, the good industrial jobs lost in the United States under NAFTA never translated into good jobs in Mexico. Rather, NAFTA created low-paying, dangerous and environmentally damaging industries on the other side of the border which have devastated Mexican workers and their communities. One only need look at Juarez, Mexico—the city that was to be a model of development under NAFTA and which instead is experiencing violence at wartime levels, with 4,300 civilians murdered in the last two years out of a population of 2 million.

Again, it was NAFTA and the ''free trade'' principles it embodied which have done this, which have transformed Mexico into the near failed state it is today.

This now brings us to the Colombia FTA—the one I know most about and which represents the biggest concern for labor and human rights advocates.

When running for office, President Obama took a principled stance against the Colombia FTA, echoing the concerns of labor that we shouldn't enter into a free trade agreement with Colombia in light of its abysmal labor and human rights situation. As Mr. Obama explained, ''We have to stand for human rights and we have to make sure that violence isn't being perpetrated against workers who are just trying to organize for their rights.''

The rationale behind this stance continues to this day, with 51 unionists killed in Colombia in 2010 and 23 killed so far this year, allowing Colombia to retain its dubious distinction as the most dangerous country in the world in which to be a trade unionist. In addition to unionists, human rights defenders, indigenous and Afro-Colombian leaders, and Catholic priests defending the poor are also targeted in Colombia. This year alone, six Catholic priests have been murdered in Colombia.

Meanwhile, according to Colombia's own prosecutor general, right-wing paramilitaries aligned with the Colombian state have murdered more than 170,000 civilians over the past 15 years. Of these, around 50,000 have ''disappeared.'' Yet this is a country to which the United States may give special trade preferences.

The Colombia FTA, while costing the United States an estimated 55,000 net jobs, according to the Economic Policy Institute, would wreak further havoc in Colombia. The agricultural policies that devastated Haiti and Mexico—those allowing the United States to dump cheap, subsidized food into those countries—would be applied to Colombia. This would lead to the impoverishment and dislocation of hundreds of thousands of small farmers in Colombia, many of whom would join the ranks of the 5 million internally displaced persons in Colombia—the largest internally displaced population in the world.

In short, free trade has never worked as promised and it will not work now. But sadly, like the false prophets of a bad religion, those holding the reins of power in the United States continue to push ''free trade'' policies despite all the evidence that they have failed. These false prophets exhort us to believe in the magical force of the ''invisible hand'' of the ''free market'' to save us, all the while giving real and visible aid to corporations and Wall Street banks even as they tell working people to keep tightening their belts. It is time that these lies and these bad economic and trade policies be rejected.

□ 2050

Mr. CAMP. Madam Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. I stand in strong support of this trade agreement that will open up U.S. production to over 40 million consumers close to our shores.

While the national economic and strategic impact of the Colombia agreement is very important, obviously the increased marketing opportunity for Nebraska is tremendous as well. Specifically for agriculture, the agreement with Colombia will lead to gains for Nebraska's major commodities, such as soybeans and wheat.

Currently, all U.S. ag exports to Colombia face tariffs. Upon implementation of the agreement, three-quarters of Colombia's tariff lines will become duty free for U.S. exports. Specifically, Colombia places an 80 percent tariff on U.S. beef imports today, making it one of the highest tariffs on U.S. beef in the world. This agreement changes that.

Colombia has also lifted unscientific restrictions. Colombia will recognize the equivalence of the U.S. food safety system for meat, poultry, and processed foods—a significant victory for U.S. livestock producers. I want to make sure Nebraska products and producers make the most of the opportunities provided by international sales to increased exports.

Mr. LEVIN. I yield 1 minute to the gentlelady from California (Ms. LEE).

Ms. LEE of California. Madam Speaker, I rise in opposition to the Colombia free trade agreement.

I support trade that is fair: trade that protects labor rights, trade that protects the environment, and trade that creates American jobs. Unfortunately, these trade agreements before us this week fail at all three. Labor leaders continue to be murdered in Colombia simply for standing up for basic rights, and the Colombian Government has failed to act.

How in the world can those who support these deals turn a blind eye to the thousands of Colombians killed by right-wing death squads? Are we really rewarding these death squads with this agreement?

Also, free trade agreements are supposed to open up foreign markets and create more good-paying American jobs. Instead, these agreements will only increase our trade deficits and cost over 190,000 American jobs. We cannot create American jobs by doing more of the same. We have to put American workers first and stop shipping jobs overseas.

In addition to being fair, these trade agreements must be free; and until they are, I cannot support the Colombia free trade agreement.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished chair of the Foreign Relations Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend, the chairman of the committee, for yielding.

I am just astounded, but I am very pleased to hear my good friends from the other side speak so eloquently about support for human rights and support for labor leaders and workers' rights. Yet some of these folks are the very same ones who want to lift those sanctions against Communist, totalitarian Cuba, where labor unions are outlawed, where workers have no rights, and where human rights are not respected at all. I don't think the Castro brothers can even spell ''human rights'' in either language.

But on to the point of human rights and free trade and dignity for workers in Colombia, I am so pleased that, finally, we are going to pass this agreement.

In south Florida, Colombia is already south Florida's second largest trading partner. Our two largest economic engines are the Port of Miami and the Miami International Airport, both of which will benefit tremendously from the increase in trade with a free, democratic Colombia.

So I welcome this, and I hope that this newfound love for human rights and trade and labor unions will extend to my native homeland of Cuba one day.

Madam Speaker, I rise in strong support of the U.S.-Colombia Free Trade Agreement.

After having waited for years since this agreement was first signed the time has finally come for Congress to vote to approve it.

This agreement is, good for Colombia but is even better for the United States.

According to the International Trade Commission, the U.S.-Colombia Free Trade Agreement will expand exports of U.S. goods by more than $1 billion dollars every year which will allow businesses to create thousands of new jobs for those Americans who are struggling to find one.

In South Florida, Colombia is already our second largest trading partner.

Our two largest economic engines are the Port of Miami and Miami International Airport, both of which will benefit tremendously from the increase in trade with Colombia.

In 2010, Colombia was the 10th largest trading partner with the Port of Miami, with bilateral trade worth $6.8 billion.

And 96 percent of the flowers that are sent to the U.S. from Colombia come through Miami International Airport, which helps support tens of thousands of jobs related to the airport and several aviation industries.

These figures will grow rapidly once this agreement has been approved.

But there is more at stake here than increased trade.

Colombia has been a strong democracy and a steadfast ally in a region where U.S. interests are under assault.

We have jointly battled narco-terrorists, leftist guerrillas, and the aggressive actions of Venezuelan strongman Hugo Chavez.

This agreement will strengthen that vital partnership between our two nations and demonstrate to our friends and enemies alike that the U.S. intends to remain a strong presence in the region.

Madam Speaker, it is time to put American interests first instead of the partisan political considerations that have delayed this agreement for years.

I strongly encourage my colleagues to vote yes on the U.S.-Colombia Free Trade Agreement and allow our businesses to finally begin creating the jobs that so many Americans are searching for.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the very distinguished gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman from Michigan for yielding.

The only thing I have agreed with so far in tonight's debate from the other side is that America's credibility is on the line. I really do believe that. We've had 2,697 trade unionists killed over the past two decades in Colombia, and 94 percent of these murders go unprosecuted.

I was an ironworker at the General Motors plant when we signed NAFTA. Mexico, of course, was 4 percent of the U.S. economy, and not long after that they closed the plant that I was working at and moved it over the border to Mexico. Colombia is 3 percent of the U.S. economy, not even 3 percent. This is all about shifting American jobs down to Colombia. That's what this is all about. Give me a break. The reason we have 9 percent unemployment in this country is that we keep shipping jobs overseas. When you find yourself in a ditch, it's time to stop digging, okay? This is a bad deal. We should be ashamed of ourselves.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, I rise in support of all three market-opening agreements.

Over the past 3 years, the United States posted a surplus of over $70 billion in manufactured goods with our free trade agreement partners. These three free trade agreements that we're discussing have the potential to generate more exports to create or sustain 250,000 jobs.

Last year, the Brookings Institute released a study that the Rockford, Illinois, metropolitan area, with a population of 350,000, exported a whopping $3.3 billion in 2008, making Rockford the most export-intensive city in all of Illinois. Over 16,000 jobs in the Rockford area are directly related to these exports.

With the passage of these three free trade agreements, we can have even more exports coming from northern Illinois to the rest of the world.

Mr. LEVIN. This is a somewhat unusual structure here. Each of us is going to take 15 minutes of our total allotment. I want to talk to Mr. CAMP.

I think we have used all but 2 of our minutes. I want to use those 2 minutes to close the 15 minutes, but I'm not quite sure where you are on your 15 minutes.

Mr. CAMP. I have two more speakers at 1 minute each; so my plan is to have those be the conclusion of my time.

Mr. LEVIN. So why don't you call on one. Then I'll take mine, and then you'll have one more person.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 31 minutes remaining.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. RIVERA).

Mr. RIVERA. The Colombia free trade agreement represents a critical juncture in our trade relations. It does so because it's about economic security, but it's also about national security.

It's about economic security because the Colombia free trade agreement means jobs—thousands of jobs for America. In my community and for our national economy in particular, international commerce is important to creating those jobs. It's also about national security because the Colombia free trade agreement will send a message to our allies, and just as importantly, it will send a message to our enemies. All of Latin America and, indeed, the world will be watching to see if we are going to stand up with our allies—those who are fighting for democracy and who are fighting against narcoterror.

Vote ''yes'' on this trade agreement, and stand up for our best ally in Latin America, Colombia. Vote ''yes'' on this agreement, and stand up for jobs in America.

Madam Speaker, we have come to a crucial point in the free trade debate.

The world is watching.

Our best friends and allies in Latin America are watching.

Madam Speaker, our enemies are watching.

The choice that is presented to us with these trade agreements could not be any clearer. Are we going to stand with our allies? Or are we going to continue turning our back to them? The choice is an easy one to make, and the stakes could not be any higher.

Madam Speaker, just as American ingenuity has made our nation the model for developed economies for decades, in an ever more globalized economy, free trade is integral to promoting economic growth, to creating American jobs, and to raising the standard of living in the United States and abroad. At the same time, Colombia is our best and strongest ally in Latin America and the oldest functioning democracy in the region. The Colombian people have a passion to be free and full partners in the global economy and have shown great enthusiasm about trading with the United States. As someone who represents the largest Colombian-American community in the country, I know this first hand.

I have seen what the Colombian people have been through over the past two decades and the improvements that have been made in that country.

Madam Speaker, Colombia has become a model for success in the region.

Colombia is a nation that looks to the United States as its role model and has worked to emulate us in its own legislative, judicial, and social structures. What's more, today Colombia is a nation of people determined to crush the drug trade and break free from the bonds of their difficult past to reclaim their homeland.

American aid to Colombia has made it possible for Colombia to upgrade its social infrastructure and improve its schools, health care, and labor laws. There is no more important task before us right now that will help the Colombian people achieve further advancement, than to quickly pass the Colombia Free Trade Agreement.

So, Madam Speaker, what does passage of these free trade agreements show to the world?

It shows that we will stand by our allies.

It shows what the United States values. It shows that we value human rights. It shows that we value democracy. It shows that we value liberty.

Colombia has achieved, and continues to achieve, all of those things. Colombia's democracy has withstood terrorism. It has withstood civil war. And Colombia is a pillar of freedom in the region. The more trade and economic benefits the Colombian people receive, the less difficult it becomes for the Colombian government to destroy terrorism and put an end to the illicit drug trade in their country.

Madam Speaker, the bottom line is that trade, and this agreement, will create opportunity in Colombia as well as in the United States. This agreement will mean better, high quality jobs for Colombian citizens. It will mean better, high quality jobs for our own citizens; a much-needed boost in this struggling economy.

Madam Speaker, let's send a message to our enemies. Let's send a message to our best friends and allies in Latin America. Let's send a message to the world.

Let's send the message that America rewards its allies. Let's send the message that America wants to do business with another country that values freedom and democracy. And let's send a message that America will not let political gamesmanship continue to get in the way of improving our nation's economy.

In the 112th Congress, both Democrats and Republicans are united and ready to approve the Colombia Free Trade Agreement.

Madam Speaker, it's time to pass the Colombia Free Trade Agreement.

□ 2100

Mr. LEVIN. I yield myself 2 minutes.

We have three FTAs before us. Each one of those should be taken on their own. And let me express my strong views about the Colombia FTA based on my three trips there. Trade is about more than tariffs or the flow of goods. As important as they are, it's about people. And where workers have no rights, increased trade with another country can work against us and can work against the other country. Colombia, in that regard, has presented a special case. A violation of basic rights has gone on for decades, and not only those violations of laws but violation of persons, violence, and death.

The Santos administration came to power and said it wanted to do it differently. Our two governments sat down and worked on an agreement on worker rights. It was a step forward, but there is a serious set of problems. First of all, the implementation of that in important instances has been spotty, especially as to the vehement misuse of cooperatives in Colombia and so-called collective PACs. And, secondly, there was an absolute resistance, refusal on the part of the Republican majority to have any reference in the action plan to the implementation bill. That is a serious, serious flaw. For that reason, I am very much opposed to this agreement.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3078 is postponed.

UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Mr. CAMP. Madam Speaker, pursuant to House Resolution 425, I call up the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the bill is considered read.

The text of the bill is as follows:

H.R. 3079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States–Panama Trade Promotion Agreement Implementation Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the free trade agreement between the United States and Panama entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Panama for their mutual benefit;

(3) to establish free trade between the United States and Panama 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.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States–Panama Trade Promotion Agreement approved by Congress under section 101(a)(1).

(2) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(3) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(4) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3.30 of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States–Panama Trade Promotion Agreement entered into on June 28, 2007, with the Government of Panama and submitted to Congress on October 3, 2011; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on October 3, 2011.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Panama has taken