

Public Law 96-490
96th Congress

An Act

Dec. 2, 1980
[H.R. 7942]

To approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes.

Customs
valuation.
Trade
agreement
protocol,
approval and
implementation.
19 USC 2503
note.

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

SECTION 1. APPROVAL OF PROTOCOL TO THE TRADE AGREEMENT RELATING TO CUSTOMS VALUATION.

(a) **APPROVAL OF PROTOCOL.**—In accordance with the provisions of sections 102 and 151 of the Trade Act of 1974 (19 U.S.C. 2112 and 2191), the Congress approves—

(1) the trade agreement entitled "Protocol to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade" (hereinafter in this Act referred to as the "Protocol") submitted to the Congress on August 1, 1980; and

(2) the statement of administrative action proposed to implement such trade agreement submitted to the Congress on that date.

(b) **ACCEPTANCE OF PROTOCOL BY THE PRESIDENT.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the President may accept the Protocol for the United States.

(2) **LIMITATION ON ACCEPTANCE OF PROTOCOL.**—Paragraph (3) of section 2(b) of the Trade Agreements Act of 1979 (19 U.S.C. 2503(b)(3)) (relating to the limitation on acceptance of trade agreements concerning major industrial countries) applies to the Protocol and for such purpose the Protocol shall be treated as a trade agreement that is referred to in such paragraph (3).

(c) **APPLICATION OF PROTOCOL.**—Paragraph (2) of section 2(b) of such Act of 1979 (19 U.S.C. 2503(b)(2)) (relating to the application of agreements between the United States and other countries) applies to the Protocol and for such purpose the Protocol shall be treated as a trade agreement that is accepted by the President under paragraph (1) of such section 2(b).

(d) **RELATIONSHIP OF PROTOCOL TO UNITED STATES LAW.**—Subsections (a), (b), (c), and (f) of section 3 of such Act of 1979 (19 U.S.C. 2504 (a), (b), (c), and (f)) (relating to the priority of domestic law in case of conflict, implementing regulations, statutory changes to implement agreement amendments, and disclaimer regarding the creation of any private right of action or remedy) apply to the Protocol and for such purpose the Protocol shall be treated as a trade agreement approved by the Congress under section 2(a) of such Act of 1979.

19 USC 2503.

19 USC 1401a
note.

SEC. 2. CONSEQUENTIAL AMENDMENT TO UNITED STATES LAW RELATING TO CUSTOMS VALUATION.

Effective on the latest of—

(1) the date on which the amendments made by title II of the Trade Agreements Act of 1979 (except the amendments made by section 223(b)) take effect,

93 Stat. 194.

19 USC 1202.

(2) the date on which the President accepts the Protocol for the United States, or

(3) the date on which the President determines that the European Economic Community has implemented the Protocol under its laws,

and effective with respect to merchandise exported to the United States on or after that date, section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a), as amended by section 201 of such title II, is further amended by striking out subparagraph (B) of subsection (b)(2) and inserting in lieu thereof the following:

“(B) The transaction value between a related buyer and seller is acceptable for the purposes of this subsection if an examination of the circumstances of the sale of the imported merchandise indicates that the relationship between such buyer and seller did not influence the price actually paid or payable; or if the transaction value of the imported merchandise closely approximates—

“(i) the transaction value of identical merchandise, or of similar merchandise, in sales to unrelated buyers in the United States; or

“(ii) the deductive value or computed value for identical merchandise or similar merchandise;

but only if each value referred to in clause (i) or (ii) that is used for comparison relates to merchandise that was exported to the United States at or about the same time as the imported merchandise.”.

SEC. 3. TECHNICAL AMENDMENTS RELATING TO TARIFF CLASSIFICATION OF CERTAIN CHEMICALS.

(a) GENERAL AMENDMENTS.—Effective on the later of—

(1) the date on which the amendments made by title II of the Trade Agreements Act of 1979 (except the amendments made by section 223(b)) take effect, or

(2) the date of the enactment of this Act,

and effective with respect to merchandise exported to the United States on or after such later date, subparts B and C of part 1 of schedule 4 of the Tariff Schedules of the United States, as amended by section 223(d) of such title II, are further amended as follows:

(A) Subpart B is amended—

(i) by striking out the superior heading for item 402.84 and inserting in lieu thereof “Other hydrocarbon derivatives.”;

(ii) by amending the article description for item 403.61 to read as follows: “5-Chloro-2-nitroanisole; 6-Chloro-3-nitro-p-dimethoxybenzene; Dimethyl diphenyl ether; 4-Ethylguaiaicol; and 2-(α -Hydroxyethoxy)phenol”;

(iii) by striking out item 403.76 and inserting in lieu thereof the following:

	Aldehydes, aldehyde-alcohols, aldehyde-ethers, aldehyde-phenols, and other single or complex oxygen-function aldehydes; cyclic polymers of aldehydes and paraformaldehyde:		
403.74	Terephthalaldehyde	1.7¢ per lb. + 11.6% ad val.	7¢ per lb. + 37% ad val.
403.76	Other	1.7¢ per lb. + 12.9% ad val.	7¢ per lb. + 41% ad val.

Transaction value.

93 Stat. 194.
19 USC 1202.

19 USC 1202.

”;

(iv) by amending the article description for item 404.32 to read as follows: "Naphthalic anhydride; Phthalic acid; and 4-Sulfo-1,8-naphthalic anhydride";

(v) by striking out "p-Aminobenzoylaminonaphthalene sulfonic acid;" "Aminophenol, substituted;" "3-(N-Ethylanilino)propionic acid, methyl ester;" "1-(p-Nitrophenyl)-2-amino-1,3-propanediol;" and "Toluidine carbonate;" in item 404.84:

(vi) by amending item 404.92—

(I) by striking out "p-Acetaminobenzaldehyde;"

(II) by inserting "3-(N-Ethylanilino)propionic acid, methyl ester;" immediately after "4-Dimethylaminobenzaldehyde;"

(III) by inserting "1-(p-Nitrophenyl)-2-amino-1,3-propanediol;" immediately after "2-Methyl-p-anisidine [$\text{NH}_2=1$];"

(IV) by striking out "Nitra acid amide (1-Amino-9,10-dihydro-N-(3-methoxypropyl)-4-nitro-9,10-dioxo-2-anthramide); and"; and

(V) by inserting "; and Toluidine carbonate" immediately after " λ -Phenylalanine";

(vii) by amending item 405.28—

(I) by inserting "p-Acetaminobenzaldehyde;" immediately before "p-Acetaniside;"

(II) by inserting "p-Aminobenzoylaminonaphthalenesulfonic acid;" immediately after "p-Aminobenzoic acid isooctylamide;"

(III) by inserting "2-(m-Hydroxyanilino)acetamide;" immediately after "Gentisamide;"

(IV) by striking out "and" after "N-(7-Hydroxy-1-naphthyl)acetamide;" and

(V) by inserting "Nitra acid amide (1-amino-9,10-dihydro-N-(3-methoxypropyl)-4-nitro-9,10-dioxo-2-anthramide); and" immediately before "Phenacetin, technical";

(viii) by striking out "2-Amino-5-nitrobenzonitrile;" in item 405.56;

(ix) by inserting immediately after item 405.84 the following new item:

"	405.85	4,4'-Diphenyl-bis-phosphonous acid, di(2',2'',4',4''-di-tert-butyl)phenyl ester.....	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.	";
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(x) by amending item 406.36—

(I) by inserting "3-(5-Amino-3-methyl-1-H-pyrazol-1-yl)benzenesulfonic acid;" immediately after "Aminomethylphenylpyrazole (Phenylmethylaminopyrazole);"

(II) by inserting "4-[[4,6-Bis(octylthio)-1,3,5-triazine-2-yl]amino]-2,6-di-tert-butyl-phenol;" immediately after "3-Amino-1-(2,4,6-trichloro-phenyl)-5-pyrazolone;"

(III) by inserting "1-(o-Ethylphenyl)-3-methyl-2-pyrazolin-5-one;" immediately after "6-Ethoxy-2-benzothiazolethiol;" and

(IV) by striking out "4-Chloro-1-methylpiperidine hydrochloride;" "1,4-Dimethyl-6-hydroxy-3-cyanpyri-

done-2;," "o-Ethylpyrazolone;," "Iminopyrazole-3-sulfonic acid;," and "3-Quinuclidinol;,"

(xi) by inserting immediately after item 406.72 the following new item:

" 406.73	4-Chloro-1-methylpiperidine hydrochloride; 1,4-Dimethyl-6-hydroxy-3-cyanopyridone-2; Di(2,2,6,6-tetramethyl-4-hydroxypiperidine)sebacate; and 3-Quinuclidinol.....	1.7¢ per lb.	7¢ per lb.	";
		+ 12.4% ad val.	+ 39.5% ad val.	

and

(xii) by inserting immediately after item 406.81 the following new item:

" 406.82	Dehydrolinalool and Isophytol	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.	"
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(B) Subpart C is amended—

(i) by amending the headnotes to such subpart by striking out headnote 6, and by redesignating headnotes 7 through 13 as headnotes 6 through 12, respectively;

(ii) by striking out "2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb);" in item 408.21;

(iii) by amending item 408.24—

(I) by striking out "1,2-Benzisothiazolin-3-one;,"

(II) by striking out "and" immediately after "(Phosalone);," and

(III) by inserting "2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb); and" immediately below "(Phosalone);,"

(iv) by striking out item 408.32 and inserting in lieu thereof the following:

" 408.31	Other:			";
	1,2-Benzisothiazolin-3-one.....	1.7¢ per lb. + 12.8% ad val.	7¢ per lb. + 41% ad val.	
408.32	Other	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.	"

(v) by striking out item 408.52;

(vi) by striking out items 411.36 and 411.40, and the superior heading thereto, and inserting in lieu thereof the following:

" 411.40	Papaverine and its salts.....	1.7¢ per lb. + 28.9% ad val.	7¢ per lb. + 104% ad val.	"
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(vii) by inserting "Ethaverine hydrochloride;" immediately after "Ergonovine maleate;" in item 411.44;

(viii) by inserting "Clemastine hydrogen fumarate;" immediately before "Diphenhydramine" in item 411.52; and

(ix) by striking out the article description for item 413.50 and inserting in lieu thereof "Paints and enamel paints, and stains".

(b) SPECIAL AMENDMENTS.—The President may proclaim the following amendments to subpart B of part 1 of schedule 4 of such schedules, to be effective not sooner than the date on which the amendments made by subsection (a) take effect:

(1) In numerical sequence insert the following:

19 USC 1202.

406.83	Dimethylsuccinoyl succinate	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.	"
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(2) Strike out item 407.15 and insert the following:

Other:				
407.14	Mixtures of 1,3,6-Naphthalenetrisulfonic acid and 1,3,7-Naphthalenetrisulfonic acid	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.	"
407.16	Other	1.7¢ per lb. + 13.6% ad val., but not less than the highest rate applica- ble to any compo- nent material.	7¢ per lb. + 43.5% ad val., but not less than the highest rate applica- ble to any compo- nent material.	

(c) **STAGING.**—The rates of duty in column numbered 1 for items 403.74, 406.73, and 408.31 (as added by subsection (a)) shall be subject to any staged rate reductions proclaimed by the President for items 404.32, 406.36, and 408.24, respectively.

Approved December 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1346 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Nov. 14, considered and passed House.

Nov. 17, considered and passed Senate.