

Encouragement Act of 2008 [Pub. L. 110-234, title XV, subtitle D, part I, and Pub. L. 110-246, title XV, subtitle D, part I, see Tables for classification]), which extend duty-free tariff treatment to certain apparel produced in Haiti, have made an important contribution to Haiti's economic development efforts.

“(6) However, the Haitian apparel sector has been hard hit by the January 12, 2010, earthquake. A number of apparel factories based in and around Port-au-Prince have been heavily damaged, including the collapse of one major apparel factory that had employed nearly 4,000 workers.

“(7) The Port-au-Prince seaport that had served the apparel trade has been badly damaged. And extensive damage to roads has made it difficult to transport apparel to the Dominican Republic for shipment from ports in that country.

“(8) According to estimates by the Department of Commerce, imports of apparel articles from Haiti to the United States in 2010 have decreased by 43 percent as compared to the same period in 2009.

“(9) The earthquake has increased significantly the costs and uncertainty of doing business in Haiti. A strong and unequivocal commitment from the United States is needed to help Haiti offset these costs and preserve the gains made under United States trade preference programs, and to encourage buyers and investors to stand with Haiti through this crisis.”

CUSTOMS SUPPORT SERVICES

Pub. L. 111-171, § 9, May 24, 2010, 124 Stat. 1205, provided that:

“(a) IN GENERAL.—

“(1) RAPID RESPONSE TEAM.—The Commissioner responsible for United States Customs and Border Protection (in this section referred to as the ‘Commissioner’) shall, in consultation with the United States Coast Guard, the Drug Enforcement Agency, and other Federal agencies, as appropriate, seek to send a rapid response team to Haiti—

“(A) to assess the short-term and long-term technical, capacity-building, and training needs of the authorities of the Government of Haiti responsible for customs services; and

“(B) to provide immediate assistance, as warranted, particularly with respect to—

“(i) reestablishing full capacity for commercial port operations at the seaport at Port-au-Prince;

“(ii) facilitating trade between the United States and Haiti under the Caribbean Basin Economic Recovery Act [19 U.S.C. 2701 et seq.], as amended by this Act;

“(iii) preventing unlawful transshipment of goods through Haiti to the United States; and

“(iv) otherwise strengthening cooperation between the customs authorities of the United States, Haiti, and the Dominican Republic with respect to trade facilitation and economic development, customs compliance and law enforcement, and efforts to combat unlawful trafficking in narcotic drugs and psychotropic substances.

“(2) REPORT.—Not later than 75 days after the date of the enactment of this Act [May 24, 2010], the Commissioner shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a nonconfidential report summarizing the results of the assessment required by paragraph (1)(A), including—

“(A) a description of the short-term and long-term technical, capacity-building, and training needs of the authorities of the Government of Haiti responsible for customs services, including a prioritization of immediate infrastructure needs;

“(B) a multi-year plan for supplying technical, capacity-building, and training assistance to those authorities, including specific responsibilities to be undertaken by the support team authorized by subsection (b); and

“(C) a statement of the amount and purpose for which any funds were expended by the rapid re-

sponse team in Haiti to administer the provisions of this section, including any expenditure of funds authorized to be appropriated pursuant to subsection (c)(1).

“(b) SUPPORT TEAM.—

“(1) IN GENERAL.—The Commissioner shall, in consultation with other Federal agencies, as appropriate, seek to establish a support team in Haiti for the purpose of helping to meet the short-term and long-term technical, capacity-building, and training needs of the authorities of the Government of Haiti responsible for customs services, as described in this section.

“(2) TERMINATION.—The support team authorized by paragraph (1) shall terminate on September 30, 2020.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the United States Customs and Border Protection Agency, to remain available until expended—

“(A) \$100,000 to help meet the immediate infrastructure needs of the authorities of the Government of Haiti responsible for customs services for the purpose of facilitating trade between the United States and Haiti under the Caribbean Basin Economic Recovery Act [19 U.S.C. 2701 et seq.], as amended by this Act; and

“(B) \$750,000 for each of the fiscal years 2011 through 2020 for the purpose of maintaining the support team authorized by subsection (b).

“(2) SUPPLEMENT AND NOT SUPPLANT.—The amounts authorized to be appropriated by paragraph (1) shall supplement and not supplant any other funds authorized to be appropriated to the Department of Homeland Security.”

PRESIDENTIAL PROCLAMATION AUTHORITY

Pub. L. 110-234, title XV, § 15406, May 22, 2008, 122 Stat. 1546, and Pub. L. 110-246, § 4(a), title XV, § 15406, June 18, 2008, 122 Stat. 1664, 2308, provided that: “The President may exercise the authority under section 604 of the Trade Act of 1974 [19 U.S.C. 2483] to proclaim such modifications to the Harmonized Tariff Schedule of the United States as may be necessary to carry out this part [part I (§§15401-15412) of subtitle D of title XV of Pub. L. 110-246, amending this section and section 2703 of this title and enacting provisions set out as notes under this section and section 2701 of this title] and the amendments made by this part.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

Executive Documents

DELEGATION OF FUNCTIONS

Proc. No. 8296, Sept. 30, 2008, 73 F.R. 57476, provided in par. (3) that the United States Trade Representative is authorized to perform the functions under subsec. (d)(4) of this section, the reporting function under subsec. (e)(1)(B)(ii) of this section, the consultation function under subsec. (e)(1)(C)(i) of this section, and the functions under subsec. (e)(5) of this section and provided in par. (4) that the Secretary of Labor, in consultation with the United States Trade Representative, is authorized to perform the functions under subsec. (e)(4)(B)(i), (ii) of this section.

Proc. No. 8114, Mar. 19, 2007, 72 F.R. 13656, provided in par. (5) that the Secretary of the Treasury is authorized to perform the functions assigned to the President under subsec. (f) of this section.

§ 2704. International Trade Commission reports on impact of Caribbean Basin Economic Recovery Program

(a) Reporting requirement

(1) In general

The United States International Trade Commission (in this section referred to as the

“Commission”) shall submit to Congress and the President biennial reports regarding the economic impact of this chapter on United States industries and consumers and on the economy of the beneficiary countries.

(2) First report

The first report shall be submitted not later than September 30, 2001.

(3) Treatment of Puerto Rico, etc.

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.

(b) Requisite areas of Commission assessment

(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report, of this Act on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries; and

(B) the probable future effect which this Act will have on the United States economy generally, as well as on such domestic industries, before the provisions of this Act terminate.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade and consumption of United States products affected by this Act, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this Act.

(c) Time of submission of reports; public participation

(1) Each report required under subsection (a) shall be submitted to the Congress and to the President before the close of the nine-month period beginning on the day after the last day of the period covered by the report.

(2) The Commission shall provide opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

(Pub. L. 98-67, title II, §215, Aug. 5, 1983, 97 Stat. 393; Pub. L. 106-200, title II, §211(d)(1), May 18, 2000, 114 Stat. 287.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), was in the original “this title”, meaning title II of Pub. L. 98-67,

Aug. 5, 1983, 97 Stat. 384, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 2701 of this title and Tables.

This Act, referred to in subsec. (b), probably should be “this title” meaning title II of Pub. L. 98-67, Aug. 5, 1983, 97 Stat. 384, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 2701 of this title and Tables.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-200 inserted heading and amended text generally. Prior to amendment, text read as follows: “The United States International Trade Commission (hereinafter in this section referred to as the ‘Commission’) shall prepare, and submit to the Congress and to the President, a report regarding the economic impact of this Act on United States industries and consumers during—

“(1) the twenty-four-month period beginning with August 5, 1983; and

“(2) each calendar year occurring thereafter until duty-free treatment under this chapter is terminated under section 2706(b) of this title.

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.”

§ 2705. Impact study by Secretary of Labor

The Secretary of Labor, in consultation¹ with other appropriate Federal agencies, shall undertake a continuing review and analysis of the impact which the implementation of the provisions of this chapter have with respect to United States labor; and shall make an annual written report to Congress on the results of such review and analysis.

(Pub. L. 98-67, title II, §216, Aug. 5, 1983, 97 Stat. 394.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 98-67, Aug. 5, 1983, 97 Stat. 384, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 2701 of this title and Tables.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to making an annual written report to Congress, see section 3003 of Pub. L. 104-66, set out as a note under section 1113 of Title 31, Money and Finance, and page 123 of House Document No. 103-7.

§ 2706. Effective date

(a) This chapter shall take effect on August 5, 1983.

(b) Repealed. Pub. L. 101-382, title II, §211, Aug. 20, 1990, 104 Stat. 655.

(Pub. L. 98-67, title II, §218, Aug. 5, 1983, 97 Stat. 395; Pub. L. 101-382, title II, §211, Aug. 20, 1990, 104 Stat. 655.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this subtitle” meaning subtitle A (§§211-218)

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