

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 3908. Technical assistance

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 3909. Sense of Congress

(a) Ongoing process

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

(b) Statistics and reporting

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

- (1) keep and publish statistics on imports and exports of rough diamonds under subheadings 7102.10.00, 7102.21, and 7102.31.00 of the Harmonized Tariff Schedule of the United States;
- (2) make these statistics available for analysis by interested parties and by Participants; and
- (3) take a leadership role in negotiating a standardized methodology among Participants for reporting statistics on imports and exports of rough diamonds.

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

Editorial Notes

REFERENCES IN TEXT

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 3910. Kimberley Process Implementation Coordinating Committee

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

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

Executive Documents

DELEGATION OF FUNCTIONS

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

§ 3911. Reports

(a) Annual reports

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

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

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

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

(b) Semiannual reports

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

Executive Documents

DELEGATION OF FUNCTIONS

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

§ 3912. GAO report

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

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

Editorial Notes

REFERENCES IN TEXT

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 3913. Delegation of authorities

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

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