

(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 determines 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 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 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

The Secretary may publish the name of any person that the Secretary has determined—

- (1) is engaged in intentional 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.

(Pub. L. 109-53, title II, §209, Aug. 2, 2005, 119 Stat. 486.)

TERMINATION OF SECTION

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

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES

Section effective on the date the Dominican Republic-Central America-United States Free Trade Agreement enters into force (Mar. 1, 2006) and to cease to have effect on the date the Agreement ceases to be in force with respect to the United States, and, during any period in which a country ceases to be a CAFTA-DR country, to cease to have effect with respect to such country, see section 107 of Pub. L. 109-53, set out as a note under section 4001 of this title.

Executive Documents

PROC. NO. 7987. TO IMPLEMENT THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT

Proc. No. 7987, Feb. 28, 2006, 71 F.R. 10829, provided in par. (5) that the Committee for the Implementation of Textile Agreements is authorized to exercise the President's authority under this section to suspend or deny preferential tariff treatment to textile or apparel

goods; to detain textile or apparel goods; and to deny entry to textile or apparel goods.

§ 4036. Regulations

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

(1) subsections (a) through (n) of section 4033 of this title;

(2) the amendment made by section 204;¹ and

(3) any proclamation issued under section 4033(o) of this title.

(Pub. L. 109-53, title II, §210, Aug. 2, 2005, 119 Stat. 488.)

TERMINATION OF SECTION

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

Editorial Notes

REFERENCES IN TEXT

Section 204, referred to in par. (2), is section 204 of Pub. L. 109-53, which amended section 58c of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES

Section effective on the date the Dominican Republic-Central America-United States Free Trade Agreement enters into force (Mar. 1, 2006) and to cease to have effect on the date the Agreement ceases to be in force with respect to the United States, and, during any period in which a country ceases to be a CAFTA-DR country, to cease to have effect with respect to such country, see section 107 of Pub. L. 109-53, set out as a note under section 4001 of this title.

SUBCHAPTER III—RELIEF FROM IMPORTS

§ 4051. Definitions

In this subchapter:

(1) CAFTA-DR article

The term “CAFTA-DR article” means an article that qualifies as an originating good under section 4033(b) of this title.

(2) CAFTA-DR textile or apparel article

The term “CAFTA-DR textile or apparel article” means a textile or apparel good (as defined in section 4002(5) of this title) that is a CAFTA-DR article.

(3) De minimis supplying country

(A) Subject to subparagraph (B), the term “de minimis supplying country” means a CAFTA-DR country whose share of imports of the relevant CAFTA-DR article into the United States does not exceed 3 percent of the aggregate volume of imports of the relevant CAFTA-DR article in the most recent 12-month period for which data are available that precedes the filing of the petition under section 4061(a) of this title.

(B) A CAFTA-DR country shall not be considered to be a de minimis supplying country if the aggregate share of imports of the relevant CAFTA-DR article into the United States of all CAFTA-DR countries that satisfy

¹ See References in Text note below.

the conditions of subparagraph (A) exceeds 9 percent of the aggregate volume of imports of the relevant CAFTA–DR article during the applicable 12-month period.

(4) Relevant CAFTA–DR article

The term “relevant CAFTA–DR article” means the CAFTA–DR article with respect to which a petition has been filed under section 4061(a) of this title.

(Pub. L. 109–53, title III, §301, Aug. 2, 2005, 119 Stat. 488.)

TERMINATION OF SECTION

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

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title” meaning title III of Pub. L. 109–53, Aug. 2, 2005, 119 Stat. 488, which enacted this subchapter and amended section 2252 of this title. For complete classification of title III to the Code, see Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES

Section effective on the date the Dominican Republic-Central America-United States Free Trade Agreement enters into force (Mar. 1, 2006) and to cease to have effect on the date the Agreement ceases to be in force with respect to the United States, and, during any period in which a country ceases to be a CAFTA–DR country, to cease to have effect with respect to such country, see section 107 of Pub. L. 109–53, set out as a note under section 4001 of this title.

PART A—RELIEF FROM IMPORTS BENEFITING FROM THE AGREEMENT

§ 4061. Commencing of action for relief

(a) Filing of petition

A petition requesting action under this part 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 CAFTA–DR 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 CAFTA–DR 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 2252 of this title 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 CAFTA–DR article if, after the date that the Agreement enters into force, import relief has been provided with respect to that CAFTA–DR article under this part.

(Pub. L. 109–53, title III, §311, Aug. 2, 2005, 119 Stat. 488.)

TERMINATION OF SECTION

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

Editorial Notes

REFERENCES IN TEXT

This part, referred to in subsecs. (a) and (d), was in the original “this subtitle”, meaning subtitle A (§§311–316) of title III of Pub. L. 109–53, Aug. 2, 2005, 119 Stat. 488, which enacted this part and amended section 2252 of this title. For complete classification of subtitle A to the Code, see Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES

Section effective on the date the Dominican Republic-Central America-United States Free Trade Agreement enters into force (Mar. 1, 2006) and to cease to have effect on the date the Agreement ceases to be in force with respect to the United States, and, during any period in which a country ceases to be a CAFTA–DR country, to cease to have effect with respect to such country, see section 107 of Pub. L. 109–53, set out as a note under section 4001 of this title.

§ 4062. Commission action on petition

(a) Determination

Not later than 120 days after the date on which an investigation is initiated under section 4061(b) of this title with respect to a petition, the Commission shall make the determination required under that section. At that time, the Commission shall also determine whether any CAFTA–DR country is a de minimis supplying country.

(b) Applicable provisions

For purposes of this part, the provisions of paragraphs (1), (2), and (3) of section 1330(d) of this title shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 2252 of this title.

(c) Additional finding and recommendation if determination affirmative

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 1330(d) of this title, 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