

ticles 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) of this section 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.)

REFERENCES IN TEXT

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.

Section 2706(b) of this title, referred to in subsec. (a)(2), was in the original “section 216(b)” which is classified to section 2705 of this title, but was translated as meaning section 218(b) as the probable intent of Congress. Section 2706(b) was repealed by Pub. L. 101-382, title II, §211, Aug. 20, 1990, 104 Stat. 655.

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.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3204 of this title.

**§ 2705. Impact study by Secretary of Labor**

The Secretary of Labor, in consultation<sup>1</sup> 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.)

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, as amended, 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.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this subtitle” meaning subtitle A (§§211-218) of title II of Pub. L. 98-67 which enacted this chapter, amended section 1202 of this title, repealed section 2582 of this title, and enacted provisions set out as notes under sections 1202, 1319, 2251, and 2703 of this title and section 1311 of Title 33, Navigation and Navigable Waters. For complete classification of subtitle A to the Code, see Tables.

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-382 struck out subsec. (b) which related to termination of duty-free treatment. Notwithstanding directory language repealing “section 218 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2706(b))”, amendment was executed by repealing subsec. (b) to reflect the probable intent of Congress in view of catchline for section 211 of Pub. L. 101-382 which read “Repeal of termination date on duty-free treatment under the Act”.

**§ 2707. Center for the Study of Western Hemispheric Trade**

**(a) Establishment**

The Commissioner of Customs, after consultation with appropriate officials in the State of Texas, is authorized and directed to make grants to an institution (or a consortium of such institutions) to assist such institution in planning, establishing, and operating a Center for the Study of Western Hemispheric Trade (hereafter in this section referred to as the “Center”). The Commissioner of Customs shall make the first grant not later than December 1, 1994,

<sup>1</sup> So in original. Probably should be “consultation”.

and the Center shall be established not later than February 1, 1995.

**(b) Scope of Center**

The Center shall be a year-round program operated by an institution located in the State of Texas (or a consortium of such institutions), the purpose of which is to promote and study trade between and among Western Hemisphere countries. The Center shall conduct activities designed to examine—

- (1) the impact of the NAFTA on the economies in, and trade within, the Western Hemisphere;
- (2) the negotiation of any future free trade agreements, including possible accessions to the NAFTA; and
- (3) adjusting tariffs, reducing nontariff barriers, improving relations among customs officials, and promoting economic relations among countries in the Western Hemisphere.

**(c) Consultation; selection criteria**

The Commissioner of Customs shall consult with appropriate officials of the State of Texas and private sector authorities with respect to selecting, planning, and establishing the Center. In selecting the appropriate institution, the Commissioner of Customs shall give consideration to—

- (1) the institution's ability to carry out the programs and activities described in this section; and
- (2) any resources the institution can provide the Center in addition to Federal funds provided under this program.

**(d) Programs and activities**

The Center shall conduct the following activities:

- (1) Provide forums for international discussion and debate for representatives from countries in the Western Hemisphere regarding issues which affect trade and other economic relations within the hemisphere, including the impact of the NAFTA on individual economies and the desirability and feasibility of possible accessions to the NAFTA by such countries.
- (2) Conduct studies and research projects on subjects which affect Western Hemisphere trade, including tariffs, customs, regional and national economics, business development and finance, production and personnel management, manufacturing, agriculture, engineering, transportation, immigration, telecommunications, medicine, science, urban studies, border demographics, social anthropology, and population.
- (3) Publish materials, disseminate information, and conduct seminars and conferences to support and educate representatives from countries in the Western Hemisphere who seek to do business with or invest in other Western Hemisphere countries.
- (4) Provide grants, fellowships, endowed chairs, and financial assistance to outstanding scholars and authorities from Western Hemisphere countries.
- (5) Provide grants, fellowships, and other financial assistance to qualified graduate students, from Western Hemisphere countries, to study at the Center.

(6) Implement academic exchange programs and other cooperative research and instructional agreements with the complementary Dante B. Fascell North-South Center at the University of Miami at Coral Gables.

**(e) Definitions**

For purposes of this section—

**(1) NAFTA**

The term "NAFTA" means the North American Free Trade Agreement.

**(2) Western Hemisphere countries**

The terms "Western Hemisphere countries", "countries in the Western Hemisphere", and "Western Hemisphere" mean Canada, the United States, Mexico, countries located in South America, beneficiary countries (as defined by section 2702 of this title), the Commonwealth of Puerto Rico, and the United States Virgin Islands.

**(f) Fees for seminars and publications**

Notwithstanding any other provision of law, a grant made under this section may provide that the Center may charge a reasonable fee for attendance at seminars and conferences and for copies of publications, studies, reports, and other documents the Center publishes. The Center may waive such fees in any case in which it determines imposing a fee would impose a financial hardship and the purposes of the Center would be served by granting such a waiver.

**(g) Duration of grant**

The Commissioner of Customs is directed to make grants to any institution or institutions selected as the Center for fiscal years 1994, 1995, 1996, and 1997.

**(h) Report**

The Commissioner of Customs shall, no later than July 1, 1994, and annually thereafter for years for which grants are made, submit a written report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The first report shall include—

- (1) a statement identifying the institution or institutions selected as the Center;
- (2) the reasons for selecting the institution or institutions as the Center; and
- (3) the plan of such institution or institutions for operating the Center.

Each subsequent report shall include information with respect to the operations of the Center, the collaboration of the Center with, and dissemination of information to, Government policymakers and the business community with respect to the study of Western Hemispheric trade by the Center, and the plan and efforts of the Center to continue operations after grants under this section have expired.

(Pub. L. 98-67, title II, §219, as added Pub. L. 103-182, title V, §515(a), Dec. 8, 1993, 107 Stat. 2158; amended Pub. L. 104-295, §21(d), Oct. 11, 1996, 110 Stat. 3530; Pub. L. 106-29, §2(a), May 21, 1999, 113 Stat. 54.)

AMENDMENTS

1999—Subsec. (d)(6). Pub. L. 106-29 substituted "Dante B. Fascell North-South Center" for "North/South Center".

1996—Subsec. (b)(1). Pub. L. 104-295, §21(d)(1), substituted semicolon for comma at end.

Subsec. (h)(1), (2). Pub. L. 104-295, §21(d)(2), substituted semicolon for comma after “Center”.

#### AUTHORIZATION OF APPROPRIATIONS

Section 515(b) of Pub. L. 103-182 provided that: “There are authorized to be appropriated \$10,000,000 for fiscal year 1994, and such sums as may be necessary in the 3 succeeding fiscal years to carry out the purposes of section 219 of the Caribbean Basin Economic Recovery Act [19 U.S.C. 2707] (as added by subsection (a)).”

### CHAPTER 16—WINE TRADE

|       |                                                                                            |
|-------|--------------------------------------------------------------------------------------------|
| Sec.  |                                                                                            |
| 2801. | Congressional findings and purposes.                                                       |
| 2802. | Definitions.                                                                               |
| 2803. | Designation of major wine trading countries.                                               |
| 2804. | Actions to reduce or eliminate tariff and nontariff barriers affecting United States wine. |
|       | (a) Consultations with major wine trading countries.                                       |
|       | (b) Reports to Congress on actions taken to expand export opportunities.                   |
|       | (c) Enforcement of rights.                                                                 |
| 2805. | Required consultations.                                                                    |
| 2806. | United States wine export promotion.                                                       |

#### § 2801. Congressional findings and purposes

(a) Congress finds that—

(1) there is a substantial imbalance in international wine trade resulting, in part, from the relative accessibility enjoyed by foreign wines to the United States market while the United States wine industry faces restrictive tariff and nontariff barriers in virtually every existing or potential foreign market;

(2) the restricted access to foreign markets and the continued low prices for United States wine and grape products adversely affect the economic position of our Nation’s winemakers and grape growers, as well as all other domestic sectors that depend upon wine production;

(3) the competitive position of United States wine in international trade has been weakened by foreign trade practices, high domestic interest rates, and unfavorable foreign exchange rates;

(4) wine consumption per capita is very low in many major non-wine producing markets and the demand potential for United States wine is significant; and

(5) the United States winemaking industry has the capacity and the ability to export substantial volumes of wine and an increase in United States wine exports will create new jobs, improve this Nation’s balance of trade, and otherwise strengthen the national economy.

(b) The purposes of this chapter are—

(1) to provide wine consumers with the greatest possible choice of wines from wine-producing countries;

(2) to encourage the initiation of an export promotion program to develop, maintain, and expand foreign markets for United States wine; and

(3) to achieve greater access to foreign markets for United States wine and grape products through the reduction or elimination of tariff barriers and nontariff barriers to (or other distortions of) trade in wine.

(Pub. L. 98-573, title IX, §902, Oct. 30, 1984, 98 Stat. 3047.)

#### SHORT TITLE

Section 901 of title IX of Pub. L. 98-573 provided that: “This title [enacting this chapter] may be cited as the ‘Wine Equity and Export Expansion Act of 1984’.”

#### § 2802. Definitions

For purposes of this chapter—

(1) The term “Committees” means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) The term “grape product” means grapes and any product (other than wine) made from grapes, including, but not limited to, raisins and grape juice, whether or not concentrated.

(3) The term “major wine trading country” means any foreign country, or group of foreign countries, designated as such under section 2803 of this title.

(4) The phrase “nontariff barrier to (or other distortion of)”, in the context of trade in United States wine, includes any measure implemented by the government of a major wine trading country that either gives a competitive advantage to the wine industry of that country or restricts the importation of United States wine into that country.

(5) The term “Trade Representative” means the United States Trade Representative.

(6) The term “United States wine” means wine produced within the customs territory of the United States.

(7) The term “wine” means any fermented alcoholic beverage that—

(A) is made from grapes or other fruit;

(B) contains not less than 0.5 percent alcohol by volume and not more than 24 percent alcohol by volume, including all dilutions and mixtures thereof by whatever process produced; and

(C) is for nonindustrial use.

(Pub. L. 98-573, title IX, §903, Oct. 30, 1984, 98 Stat. 3048.)

#### § 2803. Designation of major wine trading countries

(a) The Trade Representative shall designate as a major wine trading country each foreign country, or group of foreign countries represented as an economic union, that, in the judgment of the Trade Representative—

(1) is a potential significant market for United States wine; and

(2) maintains tariff barriers or nontariff barriers to (or other distortions of) trade in United States wine.

(b) In deciding, for purposes of subsection (a)(2) of this section, whether a foreign country or group of countries maintains nontariff barriers to (or other distortions of) trade in United States wine, the Trade Representative shall take into account—

(1) the review and report required under section 854(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2135 note);

(2) such relevant actions that may have been taken by that country or group since that review was conducted; and