

111TH CONGRESS
2^D SESSION

H. R. 6367

To restore American jobs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. MORAN of Kansas introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, the Judiciary, House Administration, Rules, Natural Resources, Appropriations, Financial Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restore American jobs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Restore American Jobs Act of 2010”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS JOBS AND TAX RELIEF

Sec. 101. Extend temporary bonus depreciation for certain property.

Sec. 102. Increase in amount allowed as deduction for start-up expenditures.

- Sec. 103. Removal of cellular telephones (or similar telecommunications equipment) from listed property.
- Sec. 104. Nonrecourse Small Business Investment Company loans from the Small Business Administration treated as amounts at risk.
- Sec. 105. Temporary exclusion of 100 percent of gain on certain small business stock.

TITLE II—SMALL BUSINESS PAPERWORK MANDATE ELIMINATION

- Sec. 201. Repeal of expansion of information reporting requirements.

TITLE III—SMALL BUSINESS LENDING

- Sec. 301. Research credit.

TITLE IV—NATIONAL RIGHT-TO-WORK

- Sec. 401. Amendments to the national labor relations Act.
- Sec. 402. Amendment to the Railway Labor Act.

TITLE V—ECONOMIC FREEDOM

- Sec. 501. Zero percent capital gains rate for individuals and corporations.
- Sec. 502. Reduction in corporate income tax rates.
- Sec. 503. Estate tax repeal made permanent.
- Sec. 504. Election to expense business assets.
- Sec. 505. Payroll Tax Decrease for 2010.
- Sec. 506. Rescission and repeal in ARRA.
- Sec. 507. Termination of TARP authority.
- Sec. 508. Requiring the sale of stock and warrants received under TARP.

TITLE VI—UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT

Subtitle A—General Provisions

- Sec. 601. Short title.
- Sec. 602. Purposes.
- Sec. 603. Definitions.

Subtitle B—Approval of, and General Provisions Relating to, the Agreement

- Sec. 611. Approval and entry into force of the agreement.
- Sec. 612. Relationship of the Agreement to United States and State law.
- Sec. 613. Implementing actions in anticipation of entry into force and initial regulations.
- Sec. 614. Consultation and layover provisions for, and effective date of, proclaimed actions.
- Sec. 615. Administration of Dispute Settlement proceedings.
- Sec. 616. Arbitration of claims.
- Sec. 617. Effective dates; effect of termination.

Subtitle C—Customs Provisions

- Sec. 621. Tariff modifications.
- Sec. 622. Additional duties on certain agricultural goods.
- Sec. 623. Rules of origin.
- Sec. 624. Customs user fees.

- Sec. 625. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
- Sec. 626. Reliquidation of entries.
- Sec. 627. Recordkeeping requirements.
- Sec. 628. Enforcement relating to trade in textile or apparel goods.
- Sec. 629. Regulations.

Subtitle D—Relief From Imports

- Sec. 631. Definitions.

CHAPTER 1—RELIEF FROM IMPORTS BENEFITING FROM THE AGREEMENT

- Sec. 641. Commencing of action for relief.
- Sec. 642. Commission action on petition.
- Sec. 643. Provision of relief.
- Sec. 644. Termination of relief authority.
- Sec. 645. Compensation authority.
- Sec. 646. Confidential business information.

CHAPTER 2—TEXTILE AND APPAREL SAFEGUARD MEASURES

- Sec. 651. Commencement of action for relief.
- Sec. 652. Determination and provision of relief.
- Sec. 653. Period of relief.
- Sec. 654. Articles exempt from relief.
- Sec. 655. Rate after termination of import relief.
- Sec. 656. Termination of relief authority.
- Sec. 657. Compensation authority.
- Sec. 658. Confidential business information.

CHAPTER 3—CASES UNDER TITLE II OF THE TRADE ACT OF 1974

- Sec. 661. Findings and action on goods of Colombia.

Subtitle E—Procurement

- Sec. 671. Eligible products.

Subtitle F—Offsets

- Sec. 681. Customs user fees.
- Sec. 682. Time for payment of corporate estimated taxes.

TITLE VII—UNITED STATES-PANAMA FREE TRADE AGREEMENT
AND UNITED STATES-KOREA FREE TRADE AGREEMENT

- Sec. 701. Sense of Congress.

TITLE VIII—REPEAL OF PATIENT PROTECTION AND
AFFORDABLE CARE ACT

- Sec. 801. Repeal.

1 **TITLE I—SMALL BUSINESS JOBS**
2 **AND TAX RELIEF**

3 **SEC. 101. EXTEND TEMPORARY BONUS DEPRECIATION FOR**
4 **CERTAIN PROPERTY.**

5 (a) EXTENSION OF SPECIAL ALLOWANCE.—

6 (1) IN GENERAL.—Paragraph (2) of section
7 168(k) of the Internal Revenue Code of 1986 is
8 amended—

9 (A) by striking “January 1, 2011” and in-
10 sserting “January 1, 2012”, and

11 (B) by striking “January 1, 2010” each
12 place it appears and inserting “January 1,
13 2011”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) The heading for subsection (k) of sec-
16 tion 168 of such Code is amended by striking
17 “JANUARY 1, 2010” and inserting “JANUARY
18 1, 2011”.

19 (B) The heading for clause (ii) of section
20 168(k)(2)(B) of such Code is amended by strik-
21 ing “PRE-JANUARY 1, 2010” and inserting “PRE-
22 JANUARY 1, 2011”.

23 (C) Subparagraph (B) of section 168(l)(5)
24 of such Code is amended by striking “January
25 1, 2010” and inserting “January 1, 2011”.

1 (D) Subparagraph (C) of section 168(n)(2)
2 of such Code is amended by striking “January
3 1, 2010” and inserting “January 1, 2011”.

4 (E) Subparagraph (B) of section
5 1400N(d)(3) of such Code is amended by strik-
6 ing “January 1, 2010” and inserting “January
7 1, 2011”.

8 (b) EXTENSION OF ELECTION TO ACCELERATE THE
9 AMT AND RESEARCH CREDITS IN LIEU OF BONUS DE-
10 PRECIATION.—Section 168(k)(4) of such Code (relating to
11 election to accelerate the AMT and research credits in lieu
12 of bonus depreciation) is amended—

13 (1) by striking “2009” and inserting “2010” in
14 subparagraph (D)(iii) (as redesignated by subsection
15 (a)(3)), and

16 (2) by adding at the end the following new sub-
17 paragraph:

18 “(I) SPECIAL RULES FOR EXTENSION
19 PROPERTY.—

20 “(i) TAXPAYERS PREVIOUSLY ELECT-
21 ING ACCELERATION.—In the case of a tax-
22 payer who made the election under sub-
23 paragraph (A) for its first taxable year
24 ending after March 31, 2008—

1 “(I) the taxpayer may elect not
2 to have this paragraph apply to exten-
3 sion property, but

4 “(II) if the taxpayer does not
5 make the election under subclause (I),
6 in applying this paragraph to the tax-
7 payer a separate bonus depreciation
8 amount, maximum amount, and max-
9 imum increase amount shall be com-
10 puted and applied to eligible qualified
11 property which is extension property
12 and to eligible qualified property
13 which is not extension property.

14 “(ii) TAXPAYERS NOT PREVIOUSLY
15 ELECTING ACCELERATION.—In the case of
16 a taxpayer who did not make the election
17 under subparagraph (A) for its first tax-
18 able year ending after March 31, 2008—

19 “(I) the taxpayer may elect to
20 have this paragraph apply to its first
21 taxable year ending after December
22 31, 2009, and each subsequent tax-
23 able year, and

24 “(II) if the taxpayer makes the
25 election under subclause (I), this

1 paragraph shall only apply to eligible
2 qualified property which is extension
3 property.

4 “(iii) EXTENSION PROPERTY.—For
5 purposes of this subparagraph, the term
6 ‘extension property’ means property which
7 is eligible qualified property solely by rea-
8 son of the extension of the application of
9 the special allowance under paragraph (1)
10 pursuant to the amendments made by sec-
11 tion 101(a) of the Restore American Jobs
12 Act of 2010 (and the application of such
13 extension to this paragraph pursuant to
14 the amendment made by section 3(b)(1) of
15 such Act).”.

16 (c) EFFECTIVE DATES.—The amendments made by
17 this section shall apply to property placed in service after
18 December 31, 2009, in taxable years ending after such
19 date.

20 **SEC. 102. INCREASE IN AMOUNT ALLOWED AS DEDUCTION**
21 **FOR START-UP EXPENDITURES.**

22 (a) IN GENERAL.—Subsection (b) of section 195 of
23 the Internal Revenue Code of 1986 is amended by adding
24 at the end the following:

1 “(3) SPECIAL RULE FOR TAXABLE YEARS BE-
2 GINNING IN 2009, 2010, OR 2011.—In the case of a
3 taxable year beginning in 2010, 2011, or 2012,
4 paragraph (1)(A)(ii) shall be applied—

5 “(A) by substituting ‘\$20,000’ for
6 ‘\$5,000’, and

7 “(B) by substituting ‘\$75,000’ for
8 ‘\$50,000’.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to amounts paid or incurred in tax-
11 able years beginning after the date of the enactment of
12 this Act.

13 **SEC. 103. REMOVAL OF CELLULAR TELEPHONES (OR SIMI-**
14 **LAR TELECOMMUNICATIONS EQUIPMENT)**
15 **FROM LISTED PROPERTY.**

16 (a) IN GENERAL.—Subparagraph (A) of section
17 280F(d)(4) of the Internal Revenue Code (defining listed
18 property) is amended by inserting “and” at the end of
19 clause (iv), by striking clause (v), and by redesignating
20 clause (vi) as clause (v).

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall apply to taxable years beginning after
23 January 1, 2009.

1 **SEC. 104. NONRECOURSE SMALL BUSINESS INVESTMENT**
2 **COMPANY LOANS FROM THE SMALL BUSI-**
3 **NESS ADMINISTRATION TREATED AS**
4 **AMOUNTS AT RISK.**

5 (a) IN GENERAL.—Subparagraph (B) of section
6 465(b)(6) of the Internal Revenue Code of 1986 is amend-
7 ed to read as follows:

8 “(B) QUALIFIED NONRECOURSE FINANC-
9 ING.—For purposes of this paragraph—

10 “(i) IN GENERAL.—The term ‘quali-
11 fied nonrecourse financing’ means any fi-
12 nancing—

13 “(I) which is qualified real prop-
14 erty financing or qualified SBIC fi-
15 nancing,

16 “(II) except to the extent pro-
17 vided in regulations, with respect to
18 which no person is personally liable
19 for repayment, and

20 “(III) which is not convertible
21 debt.

22 “(ii) QUALIFIED REAL PROPERTY FI-
23 NANCING.—The term ‘qualified real prop-
24 erty financing’ means any financing
25 which—

1 “(I) is borrowed by the taxpayer
2 with respect to the activity of holding
3 real property,

4 “(II) is secured by real property
5 used in such activity, and

6 “(III) is borrowed by the tax-
7 payer from a qualified person or rep-
8 resents a loan from any Federal,
9 State, or local government or instru-
10 mentality thereof, or is guaranteed by
11 any Federal, State, or local govern-
12 ment.

13 “(iii) QUALIFIED SBIC FINANCING.—
14 The term ‘qualified SBIC financing’ means
15 any financing which—

16 “(I) is borrowed by a small busi-
17 ness investment company (within the
18 meaning of section 301 of the Small
19 Business Investment Act of 1958),

20 “(II) is secured by property used
21 or held, directly or indirectly, by such
22 small business investment company,
23 and

24 “(III) is borrowed from, or guar-
25 anteed by, the Small Business Admin-

1 istration under the authority of sec-
2 tion 303(b) of such Act.”.

3 (b) CONFORMING AMENDMENTS.—Subparagraph (A)
4 of section 465(b)(6) of such Code is amended—

5 (1) by striking “in the case of an activity of
6 holding real property,” and

7 (2) by striking “which is secured by real prop-
8 erty used in such activity”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to taxable years beginning after
11 the date of the enactment of this Act.

12 **SEC. 105. TEMPORARY EXCLUSION OF 100 PERCENT OF**
13 **GAIN ON CERTAIN SMALL BUSINESS STOCK.**

14 (a) IN GENERAL.—Subsection (a) of section 1202 of
15 the Internal Revenue Code of 1986 (relating partial exclu-
16 sion for gain from certain small business stock) is amend-
17 ed by adding at the end the following new paragraph:

18 “(4) 100 PERCENT EXCLUSION FOR STOCK AC-
19 QUIRED DURING 2010 AND 2011.—In the case of
20 qualified small business stock acquired during 2010
21 or 2011—

22 “(A) paragraph (1) shall be applied by
23 substituting ‘100 percent’ for ‘50 percent’,

24 “(B) paragraph (2) shall not apply, and

1 “(C) paragraph (7) of section 57(a) shall
2 not apply.”.

3 (b) CONFORMING AMENDMENT.—Paragraph (3) of
4 section 1202(a) of such Code is amended—

5 (1) by striking “AND 2010” in the heading, and

6 (2) by striking “January 1, 2011” and insert-
7 ing “January 1, 2010”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to stock acquired after December
10 31, 2009.

11 **TITLE II—SMALL BUSINESS PA-**
12 **PERWORK MANDATE ELIMI-**
13 **NATION**

14 **SEC. 201. REPEAL OF EXPANSION OF INFORMATION RE-**
15 **PORTING REQUIREMENTS.**

16 Section 9006 of the Patient Protection and Afford-
17 able Care Act, and the amendments made thereby, are
18 hereby repealed; and the Internal Revenue Code of 1986
19 shall be applied as if such section, and amendments, had
20 never been enacted.

21 **TITLE III—SMALL BUSINESS**
22 **LENDING**

23 **SEC. 301. RESEARCH CREDIT.**

24 (a) IN GENERAL.—Subparagraph (B) of section
25 41(h)(1) of the Internal Revenue Code of 1986 is amended

1 by striking “December 31, 2009” and inserting “Decem-
2 ber 31, 2011”.

3 (b) CONFORMING AMENDMENT.—Subparagraph (D)
4 of section 45C(b)(1) of such Code is amended by striking
5 “December 31, 2009” and inserting “December 31,
6 2011”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to amounts paid or incurred after
9 December 31, 2009.

10 **TITLE IV—NATIONAL RIGHT-TO-** 11 **WORK**

12 **SEC. 401. AMENDMENTS TO THE NATIONAL LABOR RELA-** 13 **TIONS ACT.**

14 (a) Section 7 of the National Labor Relations Act
15 (the “Act”) (29 U.S.C. 157) is amended by striking “ex-
16 cept to” and all that follows through “authorized in sec-
17 tion 8(a)(3)”.

18 (b) Section 8(a) of the Act (29 U.S.C. 158(a)) is
19 amended by striking “: *Provided, That*” and all that fol-
20 lows through “retaining membership” in paragraph (3).

21 (c) Section 8(b) of the Act (29 U.S.C. 158(b)) is
22 amended by striking “or to discriminate” and all that fol-
23 lows through “retaining membership” in paragraph (2)
24 and by striking “covered by an agreement authorized
25 under subsection (a)(3) of this section” in paragraph (5).

1 (d) Section 8(f) of the Act (29 U.S.C. 158(f)) is
2 amended by striking clause (2) and by redesignating
3 clauses (3) and (4) as (2) and (3), respectively.

4 **SEC. 402. AMENDMENT TO THE RAILWAY LABOR ACT.**

5 Section 2 of the Railway Labor Act (45 U.S.C. 152)
6 is amended by striking paragraph Eleventh.

7 **TITLE V—ECONOMIC FREEDOM**

8 **SEC. 501. ZERO PERCENT CAPITAL GAINS RATE FOR INDI-**
9 **VIDUALS AND CORPORATIONS.**

10 (a) ZERO PERCENT CAPITAL GAINS RATE FOR INDI-
11 VIDUALS.—

12 (1) IN GENERAL.—Paragraph (1) of section
13 1(h) of the Internal Revenue Code of 1986 is
14 amended by striking subparagraph (C), by redesignig-
15 nating subparagraphs (D) and (E) and subpara-
16 graphs (C) and (D), respectively, and by amending
17 subparagraph (B) to read as follows:

18 “(B) 0 percent of the adjusted net capital
19 gain (or, if less, taxable income);”.

20 (2) ALTERNATIVE MINIMUM TAX.—Paragraph
21 (3) of section 55(b) is amended by striking subpara-
22 graph (C), by redesignating subparagraph (D) as
23 subparagraph (C), and by amending subparagraph
24 (B) to read as follows:

1 “(B) 0 percent of the adjusted net capital
2 gain (or, if less, taxable excess), plus”.

3 (3) REPEAL OF SUNSET OF REDUCTION IN CAP-
4 ITAL GAINS RATES FOR INDIVIDUALS.—Section 303
5 of the Jobs and Growth Tax Relief Reconciliation
6 Act of 2003 shall not apply to section 301 of such
7 Act.

8 (b) ZERO PERCENT CAPITAL GAINS RATE FOR COR-
9 PORATIONS.—

10 (1) IN GENERAL.—Section 1201 of the Internal
11 Revenue Code of 1986 is amended by redesignating
12 subsection (b) as subsection (c), and by striking sub-
13 section (a) and inserting the following new sub-
14 sections:

15 “(a) GENERAL RULE.—If for any taxable year a cor-
16 poration has a net capital gain, then, in lieu of the tax
17 imposed by sections 11, 511, 821(a) or (c), and 831(a),
18 there is hereby imposed a tax (if such tax is less than
19 the tax imposed by such sections) which shall consist of
20 the sum of—

21 “(1) a tax computed on the taxable income re-
22 duced by the amount of the net capital gain, at the
23 rates and in the manner as if this subsection had
24 not been enacted,

1 “(2) 0 percent of the adjusted net capital gain
2 (or, if less, taxable income),

3 “(3) 25 percent of the excess (if any) of—

4 “(A) the unrecaptured section 1250 gain
5 (or, if less, the net capital gain (determined
6 without regard to subsection (b)(2))), over

7 “(B) the excess (if any) of—

8 “(i) the sum of the amount on which
9 tax is determined under paragraph (1)
10 plus the net capital gain, over

11 “(ii) taxable income, plus

12 “(4) 28 percent of the amount of taxable in-
13 come in excess of the sum of the amounts on which
14 tax is determined under the preceding paragraphs of
15 this subsection.

16 “(b) DEFINITIONS AND SPECIAL RULES.—For pur-
17 poses of this section—

18 “(1) IN GENERAL.—The terms ‘adjusted net
19 capital gain’ and ‘unrecaptured section 1250 gain’
20 shall have the respective meanings given such terms
21 in section 1(h).

22 “(2) DIVIDENDS TAXED AT NET CAPITAL
23 GAIN.—Except as otherwise provided in this section,
24 the term ‘net capital gain’ has the meaning given
25 such term in section 1(h)(11).”.

1 (2) ALTERNATIVE MINIMUM TAX.—Section
2 55(b) of such Code is amended by adding at the end
3 the following new paragraph:

4 “(4) MAXIMUM RATE OF TAX ON NET CAPITAL
5 GAIN OF CORPORATIONS.—The amount determined
6 under paragraph (1)(B)(i) shall not exceed the sum
7 of—

8 “(A) the amount determined under such
9 paragraph computed at the rates and in the
10 same manner as if this paragraph had not been
11 enacted on the taxable excess reduced by the
12 net capital gain, plus

13 “(B) the amount determined under section
14 1201.”.

15 (3) TECHNICAL AMENDMENTS.—

16 (A) Section 1202(a) of such Code is
17 amended by striking “50 percent” and inserting
18 “100 percent”.

19 (B) Section 1445(e)(1) of such Code is
20 amended by striking “35 percent (or, to the ex-
21 tent provided in regulations, 15 percent)” and
22 inserting “0 percent”.

23 (C) Section 1445(e)(2) of such Code is
24 amended by striking “35 percent” and inserting
25 “0 percent”.

1 (D) Section 7518(g)(6)(A) of such Code is
2 amended by striking “15 percent (34 percent in
3 the case of a corporation)” and inserting “0
4 percent”.

5 (E) Section 607(h)(6)(A) of the Merchant
6 Marine Act, 1936 is amended by striking “15
7 percent (34 percent in the case of a corpora-
8 tion)” and inserting “0 percent”.

9 (c) EFFECTIVE DATE.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), the amendments made by this section
12 shall apply to taxable years beginning after Decem-
13 ber 31, 2009.

14 (2) WITHHOLDING.—The amendments made by
15 subparagraphs (A) and (B) of subsection (b)(3)
16 shall apply to dispositions and distributions after the
17 date of the enactment of this Act.

18 **SEC. 502. REDUCTION IN CORPORATE INCOME TAX RATES.**

19 (a) IN GENERAL.—Subsection (b) of section 11 of the
20 Internal Revenue Code of 1986 is amended to read as fol-
21 lows:

22 “(b) AMOUNT OF TAX.—The amount of the tax im-
23 posed by subsection (a) shall be 12.5 percent of taxable
24 income.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 55(b)(1)(B)(i) of such Code is
2 amended by striking “20 percent” and inserting
3 “12.5 percent”.

4 (2) Section 280C(c)(3)(B)(ii)(II) of such Code
5 is amended by striking “maximum rate of tax under
6 section 11(b)(1)” and inserting “rate of tax under
7 section 11(b)”.

8 (3) Section 832(b)(1) of such Code is amended
9 by striking “rates provided in section 11(b)” and in-
10 sserting “rate provided in section 11(b)”.

11 (4) Sections 244(a)(2)(B), 247(a)(2)(B),
12 527(b)(1), 835(e), 852(b)(1), 857(b)(4)(A),
13 860G(c)(1), 904(b)(3)(E)(ii)(II), and 1375(a) of
14 such Code is amended by striking “highest rate of
15 tax” and inserting “rate of tax”.

16 (5) Sections 860E(e)(2)(B), 860E(e)(6)(A)(ii),
17 860K(d)(2)(A)(ii), 860K(e)(1)(B)(ii),
18 1446(b)(2)(B), and 7874(e)(1)(B) of such Code are
19 each amended by striking “highest rate of tax speci-
20 fied in section 11(b)(1)” and inserting “rate of tax
21 specified in section 11(b)”.

22 (6) Section 904(b)(3)(D)(ii) of such Code is
23 amended by striking “(determined without regard to
24 the last sentence of section 11(b)(1))”.

1 (7) Section 962 of such Code is amended by
2 striking subsection (c) and by redesignating sub-
3 section (d) as subsection (c).

4 (8) Section 1201(a) of such Code is amended—

5 (A) by striking “35 percent (determined
6 without regard to the last 2 sentences of section
7 11(b)(1))” and inserting “15 percent”, and

8 (B) by striking “35 percent” in paragraph
9 (2) and inserting “15 percent”.

10 (9) Section 1561(a) of such Code is amended—

11 (A) by striking paragraph (1) and by re-
12 designating paragraphs (2), (3), and (4) as
13 paragraphs (1), (2), and (3), respectively,

14 (B) by striking “The amounts specified in
15 paragraph (1), the” and inserting “The”,

16 (C) by striking “paragraph (2)” and in-
17 serting “paragraph (1)”,

18 (D) by striking “paragraph (3)” both
19 places it appears and inserting “paragraph
20 (2)”,

21 (E) by striking “paragraph (4)” and in-
22 serting “paragraph (3)”, and

23 (F) by striking the fourth sentence.

24 (10) Subsection (b) of section 1561 of such
25 Code is amended to read as follows:

1 “(b) CERTAIN SHORT TAXABLE YEARS.—If a cor-
2 poration has a short taxable year which does not include
3 a December 31 and is a component member of a controlled
4 group of corporations with respect to such taxable year,
5 then for purposes of this subtitle, the amount to be used
6 in computing the accumulated earnings credit under sec-
7 tion 535(c)(2) and (3) of such corporation for such taxable
8 year shall be the amount specified in subsection (a)(1) di-
9 vided by the number of corporations which are component
10 members of such group on the last day of such taxable
11 year. For purposes of the preceding sentence, section
12 1563(b) shall be applied as if such last day were sub-
13 stituted for December 31.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to taxable years beginning after
16 December 31, 2009.

17 **SEC. 503. ESTATE TAX REPEAL MADE PERMANENT.**

18 Section 901 of the Economic Growth and Tax Relief
19 Reconciliation Act of 2001 shall not apply to title V of
20 such Act.

21 **SEC. 504. ELECTION TO EXPENSE BUSINESS ASSETS.**

22 (a) IN GENERAL.—Section 179 of the Internal Rev-
23 enue Code of 1986 is amended to read as follows:

1 **“SEC. 179. ELECTION TO EXPENSE CERTAIN DEPRECIABLE**
2 **BUSINESS ASSETS.**

3 “(a) TREATMENT AS EXPENSES.—A taxpayer may
4 elect to treat the cost of any property to which this section
5 applies as an expense which is not chargeable to capital
6 account. Any cost so treated shall be allowed as a deduc-
7 tion for the taxable year in which such property is placed
8 in service.

9 “(b) PROPERTY TO WHICH SECTION APPLIES.—

10 “(1) IN GENERAL.—This section shall apply to
11 property—

12 “(A) which is—

13 “(i) tangible property (to which sec-
14 tion 168 applies), or

15 “(ii) computer software (as defined in
16 section 197(e)(3)(B)) which is described in
17 section 197(e)(3)(A)(i), to which section
18 167 applies,

19 “(B) which is section 1245 property (as
20 defined in section 1245(a)(3)) or 1250 property
21 (as defined in section 1250(e)), and

22 “(C) which is acquired by purchase for use
23 in the active conduct of a trade or business.

24 Such term shall not include any property described
25 in section 50(b) and shall not include air condi-
26 tioning or heating units.

1 “(2) PURCHASE DEFINED.—For purposes of
2 paragraph (1), the term ‘purchase’ means any acqui-
3 sition of property, but only if—

4 “(A) the property is not acquired from a
5 person whose relationship to the person acquir-
6 ing it would result in the disallowance of losses
7 under section 267 or 707(b) (but, in applying
8 section 267(b) and (c) for purposes of this sec-
9 tion, paragraph (4) of section 267(c) shall be
10 treated as providing that the family of an indi-
11 vidual shall include only his spouse, ancestors,
12 and lineal descendants),

13 “(B) the property is not acquired by one
14 component member of a controlled group from
15 another component member of the same con-
16 trolled group, and

17 “(C) the basis of the property in the hands
18 of the person acquiring it is not determined—

19 “(i) in whole or in part by reference
20 to the adjusted basis of such property in
21 the hands of the person from whom ac-
22 quired, or

23 “(ii) under section 1014(a) (relating
24 to property acquired from a decedent).

1 “(3) COST.—For purposes of this section, the
2 cost of property does not include so much of the
3 basis of such property as is determined by reference
4 to the basis of other property held at any time by
5 the person acquiring such property.

6 “(4) CONTROLLED GROUP DEFINED.—For pur-
7 poses of this section, the term ‘controlled group’ has
8 the meaning assigned to it by section 1563(a), ex-
9 cept that, for such purposes, the phrase ‘more than
10 50 percent’ shall be substituted for the phrase ‘at
11 least 80 percent’ each place it appears in section
12 1563(a)(1).

13 “(5) COORDINATION WITH SECTION 38.—No
14 credit shall be allowed under section 38 with respect
15 to any amount for which a deduction is allowed
16 under subsection (a).

17 “(6) RECAPTURE IN CERTAIN CASES.—The
18 Secretary shall, by regulations, provide for recap-
19 turing the benefit under any deduction allowable
20 under subsection (a) with respect to any property
21 which is not used predominantly in a trade or busi-
22 ness at any time.

23 “(c) ELECTION.—

24 “(1) IN GENERAL.—An election under this sec-
25 tion for any taxable year shall—

1 “(A) specify the items of property to which
2 the election applies, and

3 “(B) be made on the taxpayer’s return of
4 the tax imposed by this chapter for the taxable
5 year.

6 Such election shall be made in such manner as the
7 Secretary may by regulations prescribe.

8 “(2) ELECTION IRREVOCABLE.—Any election
9 made under this section, and any specification con-
10 tained in any such election, may not be revoked ex-
11 cept with the consent of the Secretary.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall apply to property placed in service after
14 the date of the enactment of this Act.

15 **SEC. 505. PAYROLL TAX DECREASE FOR 2010.**

16 (a) EMPLOYEES.—Section 3101 of the Internal Rev-
17 enue Code of 1986 is amended by adding at the end the
18 following new subsection:

19 “(d) REDUCTION IN TAX RATE FOR 2010.—In the
20 case of wages received during calendar year 2010—

21 “(1) subsection (a) shall be applied by sub-
22 stituting ‘3.1 percent’ for ‘6.2 percent’ in the table
23 contained therein, and

1 “(2) subsection (b) shall be applied by sub-
2 stituting ‘0.725 percent’ for ‘1.45 percent’ in para-
3 graph (6) thereof.”.

4 (b) EMPLOYERS.—Section 3111 of such Code is
5 amended by adding at the end the following new sub-
6 section:

7 “(d) REDUCTION IN TAX RATE FOR 2010.—In the
8 case of wages paid during calendar year 2010—

9 “(1) subsection (a) shall be applied by sub-
10 stituting ‘3.1 percent’ for ‘6.2 percent’ in the table
11 contained therein, and

12 “(2) subsection (b) shall be applied by sub-
13 stituting ‘0.725 percent’ for ‘1.45 percent’ in para-
14 graph (6) thereof.”.

15 (c) SELF-EMPLOYMENT.—Section 1401 of such Code
16 is amended by adding at the end the following new sub-
17 section:

18 “(d) REDUCTION IN TAX RATE FOR 2010.—In the
19 case of a taxable year beginning in 2010—

20 “(1) subsection (a) shall be applied by sub-
21 stituting ‘6.2 percent’ for ‘12.4 percent’ in the table
22 contained therein, and

23 “(2) subsection (b) shall be applied by sub-
24 stituting ‘1.45 percent’ for ‘2.90 percent’ in para-
25 graph (6) thereof.”.

1 (d) EFFECTIVE DATE.—

2 (1) IN GENERAL.—Except as provided by para-
3 graph (2), the amendments made by this section
4 shall apply with respect to remuneration paid after
5 December 31, 2009.

6 (2) SELF-EMPLOYMENT.—The amendment
7 made by subsection (c) shall apply to taxable years
8 beginning after December 31, 2009.

9 **SEC. 506. RESCISSION AND REPEAL IN ARRA.**

10 (a) RESCISSION.—Of the discretionary appropria-
11 tions made available in division A of the American Recov-
12 ery and Reinvestment Act of 2009 (Public Law 111–5),
13 all unobligated balances are rescinded.

14 (b) REPEAL.—Subtitles B and C of title II and titles
15 III through VII of division B of the American Recovery
16 and Reinvestment Act of 2009 (Public Law 111–5) are
17 repealed.

18 **SEC. 507. TERMINATION OF TARP AUTHORITY.**

19 Section 120 of the Emergency Economic Stabilization
20 Act of 2008 (12 U.S.C. 5230) is amended to read as fol-
21 lows:

22 **“SEC. 120. TERMINATION OF AUTHORITY.**

23 “The authorities provided under sections 101(a), ex-
24 cluding section 101(a)(3), and 102 shall terminate on the

1 date of the enactment of the Restore American Jobs Act
2 of 2010.”.

3 **SEC. 508. REQUIRING THE SALE OF STOCK AND WARRANTS**

4 **RECEIVED UNDER TARP.**

5 Not later than the end of the 1-year period beginning
6 on the date of the enactment of this Act, the Secretary
7 of the Treasury shall sell all stock and warrants acquired
8 by the Secretary under the Troubled Asset Relief Program
9 under title I of the Emergency Economic Stabilization Act
10 of 2008 (12 U.S.C. 5211 et seq.).

11 **TITLE VI—UNITED STATES-CO-**
12 **LOMBIA TRADE PROMOTION**
13 **AGREEMENT**

14 **Subtitle A—General Provisions**

15 **SEC. 601. SHORT TITLE.**

16 This title may be cited as the “United States-Colom-
17 bia Trade Promotion Agreement Implementation Act”.

18 **SEC. 602. PURPOSES.**

19 The purposes of this title are—

20 (1) to approve and implement the free trade
21 agreement between the United States and Colombia
22 entered into under the authority of section 2103(b)
23 of the Bipartisan Trade Promotion Authority Act of
24 2002 (19 U.S.C. 3803(b));

1 (2) to strengthen and develop economic rela-
2 tions between the United States and Colombia for
3 their mutual benefit;

4 (3) to establish free trade between the United
5 States and Colombia through the reduction and
6 elimination of barriers to trade in goods and services
7 and to investment; and

8 (4) to lay the foundation for further coopera-
9 tion to expand and enhance the benefits of the
10 Agreement.

11 **SEC. 603. DEFINITIONS.**

12 In this title:

13 (1) AGREEMENT.—The term “Agreement”
14 means the United States-Colombia Trade Promotion
15 Agreement approved by Congress under section
16 101(a)(1).

17 (2) COMMISSION.—The term “Commission”
18 means the United States International Trade Com-
19 mission.

20 (3) HTS.—The term “HTS” means the Har-
21 monized Tariff Schedule of the United States.

22 (4) TEXTILE OR APPAREL GOOD.—The term
23 “textile or apparel good” means a good listed in the
24 Annex to the Agreement on Textiles and Clothing
25 referred to in section 101(d)(4) of the Uruguay

1 Round Agreements Act (19 U.S.C. 3511(d)(4)),
2 other than a good listed in Annex 3–C of the Agree-
3 ment.

4 **Subtitle B—Approval of, and Gen-**
5 **eral Provisions Relating to, the**
6 **Agreement**

7 **SEC. 611. APPROVAL AND ENTRY INTO FORCE OF THE**
8 **AGREEMENT.**

9 (a) APPROVAL OF AGREEMENT AND STATEMENT OF
10 ADMINISTRATIVE ACTION.—Pursuant to section 2105 of
11 the Bipartisan Trade Promotion Authority Act of 2002
12 (19 U.S.C. 3805) and section 151 of the Trade Act of
13 1974 (19 U.S.C. 2191), Congress approves—

14 (1) the United States-Colombia Trade Pro-
15 motion Agreement entered into on November 22,
16 2006, with the Government of Colombia, as amend-
17 ed on June 28, 2007, by the United States and Co-
18 lombia, and submitted to Congress on April 8, 2008;
19 and

20 (2) the statement of administrative action pro-
21 posed to implement the Agreement that was sub-
22 mitted to Congress on April 8, 2008.

23 (b) CONDITIONS FOR ENTRY INTO FORCE OF THE
24 AGREEMENT.—At such time as the President determines
25 that Colombia has taken measures necessary to comply

1 with those provisions of the Agreement that are to take
2 effect on the date on which the Agreement enters into
3 force, the President is authorized to exchange notes with
4 the Government of Colombia providing for the entry into
5 force, on or after January 1, 2009, of the Agreement with
6 respect to the United States.

7 **SEC. 612. RELATIONSHIP OF THE AGREEMENT TO UNITED**
8 **STATES AND STATE LAW.**

9 (a) RELATIONSHIP OF AGREEMENT TO UNITED
10 STATES LAW.—

11 (1) UNITED STATES LAW TO PREVAIL IN CON-
12 FFLICT.—No provision of the Agreement, nor the ap-
13 plication of any such provision to any person or cir-
14 cumstance, which is inconsistent with any law of the
15 United States shall have effect.

16 (2) CONSTRUCTION.—Nothing in this title shall
17 be construed—

18 (A) to amend or modify any law of the
19 United States; or

20 (B) to limit any authority conferred under
21 any law of the United States,

22 unless specifically provided for in this title.

23 (b) RELATIONSHIP OF AGREEMENT TO STATE
24 LAW.—

1 (1) LEGAL CHALLENGE.—No State law, or the
2 application thereof, may be declared invalid as to
3 any person or circumstance on the ground that the
4 provision or application is inconsistent with the
5 Agreement, except in an action brought by the
6 United States for the purpose of declaring such law
7 or application invalid.

8 (2) DEFINITION OF STATE LAW.—For purposes
9 of this subsection, the term “State law” includes—

10 (A) any law of a political subdivision of a
11 State; and

12 (B) any State law regulating or taxing the
13 business of insurance.

14 (c) EFFECT OF AGREEMENT WITH RESPECT TO PRI-
15 VATE REMEDIES.—No person other than the United
16 States—

17 (1) shall have any cause of action or defense
18 under the Agreement or by virtue of congressional
19 approval thereof; or

20 (2) may challenge, in any action brought under
21 any provision of law, any action or inaction by any
22 department, agency, or other instrumentality of the
23 United States, any State, or any political subdivision
24 of a State, on the ground that such action or inac-
25 tion is inconsistent with the Agreement.

1 **SEC. 613. IMPLEMENTING ACTIONS IN ANTICIPATION OF**
2 **ENTRY INTO FORCE AND INITIAL REGULA-**
3 **TIONS.**

4 (a) IMPLEMENTING ACTIONS.—

5 (1) PROCLAMATION AUTHORITY.—After the
6 date of the enactment of this Act—

7 (A) the President may proclaim such ac-
8 tions, and

9 (B) other appropriate officers of the
10 United States Government may issue such reg-
11 ulations,

12 as may be necessary to ensure that any provision of
13 this title, or amendment made by this title, that
14 takes effect on the date on which the Agreement en-
15 ters into force is appropriately implemented on such
16 date, but no such proclamation or regulation may
17 have an effective date earlier than the date on which
18 the Agreement enters into force.

19 (2) EFFECTIVE DATE OF CERTAIN PROCLAIMED
20 ACTIONS.—Any action proclaimed by the President
21 under the authority of this title that is not subject
22 to the consultation and layover provisions under sec-
23 tion 614 may not take effect before the 15th day
24 after the date on which the text of the proclamation
25 is published in the Federal Register.

1 (3) WAIVER OF 15-DAY RESTRICTION.—The 15-
2 day restriction contained in paragraph (2) on the
3 taking effect of proclaimed actions is waived to the
4 extent that the application of such restriction would
5 prevent the taking effect on the date the Agreement
6 enters into force of any action proclaimed under this
7 section.

8 (b) INITIAL REGULATIONS.—Initial regulations nec-
9 essary or appropriate to carry out the actions required by
10 or authorized under this title or proposed in the statement
11 of administrative action submitted under section
12 611(a)(2) to implement the Agreement shall, to the max-
13 imum extent feasible, be issued within 1 year after the
14 date on which the Agreement enters into force. In the case
15 of any implementing action that takes effect on a date
16 after the date on which the Agreement enters into force,
17 initial regulations to carry out that action shall, to the
18 maximum extent feasible, be issued within 1 year after
19 such effective date.

20 **SEC. 614. CONSULTATION AND LAYOVER PROVISIONS FOR,**
21 **AND EFFECTIVE DATE OF, PROCLAIMED AC-**
22 **TIONS.**

23 If a provision of this title provides that the implemen-
24 tation of an action by the President by proclamation is

1 subject to the consultation and layover requirements of
2 this section, such action may be proclaimed only if—

3 (1) the President has obtained advice regarding
4 the proposed action from—

5 (A) the appropriate advisory committees
6 established under section 135 of the Trade Act
7 of 1974 (19 U.S.C. 2155); and

8 (B) the Commission;

9 (2) the President has submitted to the Com-
10 mittee on Finance of the Senate and the Committee
11 on Ways and Means of the House of Representatives
12 a report that sets forth—

13 (A) the action proposed to be proclaimed
14 and the reasons therefor; and

15 (B) the advice obtained under paragraph
16 (1);

17 (3) a period of 60 calendar days, beginning on
18 the first day on which the requirements set forth in
19 paragraphs (1) and (2) have been met, has expired;
20 and

21 (4) the President has consulted with the com-
22 mittees referred to in paragraph (2) regarding the
23 proposed action during the period referred to in
24 paragraph (3).

1 **SEC. 615. ADMINISTRATION OF DISPUTE SETTLEMENT PRO-**
2 **CEEDINGS.**

3 (a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—
4 The President is authorized to establish or designate with-
5 in the Department of Commerce an office that shall be
6 responsible for providing administrative assistance to pan-
7 els established under chapter 21 of the Agreement. The
8 office shall not be considered to be an agency for purposes
9 of section 552 of title 5, United States Code.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated for each fiscal year after
12 fiscal year 2008 to the Department of Commerce such
13 sums as may be necessary for the establishment and oper-
14 ations of the office established or designated under sub-
15 section (a) and for the payment of the United States share
16 of the expenses of panels established under chapter 21 of
17 the Agreement.

18 **SEC. 616. ARBITRATION OF CLAIMS.**

19 The United States is authorized to resolve any claim
20 against the United States covered by article
21 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agree-
22 ment, pursuant to the Investor-State Dispute Settlement
23 procedures set forth in section B of chapter 10 of the
24 Agreement.

1 **SEC. 617. EFFECTIVE DATES; EFFECT OF TERMINATION.**

2 (a) EFFECTIVE DATES.—Except as provided in sub-
3 section (b), this title and the amendments made by this
4 title take effect on the date on which the Agreement enters
5 into force.

6 (b) EXCEPTIONS.—Sections 601 through 603 and
7 this subtitle take effect on the date of the enactment of
8 this Act.

9 (c) TERMINATION OF THE AGREEMENT.—On the
10 date on which the Agreement terminates, this title (other
11 than this subsection) and the amendments made by this
12 title shall cease to have effect.

13 **Subtitle C—Customs Provisions**

14 **SEC. 621. TARIFF MODIFICATIONS.**

15 (a) TARIFF MODIFICATIONS PROVIDED FOR IN THE
16 AGREEMENT.—

17 (1) PROCLAMATION AUTHORITY.—The Presi-
18 dent may proclaim—

19 (A) such modifications or continuation of
20 any duty,

21 (B) such continuation of duty-free or ex-
22 cise treatment, or

23 (C) such additional duties,

24 as the President determines to be necessary or ap-
25 propriate to carry out or apply articles 2.3, 2.5, 2.6,
26 3.3.13, and Annex 2.3 of the Agreement.

1 (2) EFFECT ON GSP STATUS.—Notwithstanding
2 section 502(a)(1) of the Trade Act of 1974 (19
3 U.S.C. 2462(a)(1)), the President shall, on the date
4 on which the Agreement enters into force, terminate
5 the designation of Colombia as a beneficiary devel-
6 oping country for purposes of title V of the Trade
7 Act of 1974 (19 U.S.C. 2461 et seq.).

8 (b) OTHER TARIFF MODIFICATIONS.—Subject to the
9 consultation and layover provisions of section 614, the
10 President may proclaim—

11 (1) such modifications or continuation of any
12 duty,

13 (2) such modifications as the United States
14 may agree to with Colombia regarding the staging of
15 any duty treatment set forth in Annex 2.3 of the
16 Agreement,

17 (3) such continuation of duty-free or excise
18 treatment, or

19 (4) such additional duties,
20 as the President determines to be necessary or appropriate
21 to maintain the general level of reciprocal and mutually
22 advantageous concessions with respect to Colombia pro-
23 vided for by the Agreement.

24 (c) CONVERSION TO AD VALOREM RATES.—For pur-
25 poses of subsections (a) and (b), with respect to any good

1 for which the base rate in the Schedule of the United
 2 States to Annex 2.3 of the Agreement is a specific or com-
 3 pound rate of duty, the President may substitute for the
 4 base rate an ad valorem rate that the President deter-
 5 mines to be equivalent to the base rate.

6 (d) TARIFF RATE QUOTAS.—In implementing the
 7 tariff rate quotas set forth in Appendix I to the Schedule
 8 of the United States to Annex 2.3 of the Agreement, the
 9 President shall take such action as may be necessary to
 10 ensure that imports of agricultural goods do not disrupt
 11 the orderly marketing of commodities in the United
 12 States.

13 **SEC. 622. ADDITIONAL DUTIES ON CERTAIN AGRICUL-**
 14 **TURAL GOODS.**

15 (a) DEFINITIONS.—In this section:

16 (1) APPLICABLE NTR (MFN) RATE OF DUTY.—
 17 The term “applicable NTR (MFN) rate of duty”
 18 means, with respect to a safeguard good, a rate of
 19 duty equal to the lowest of—

20 (A) the base rate in the Schedule of the
 21 United States to Annex 2.3 of the Agreement;

22 (B) the column 1 general rate of duty that
 23 would, on the day before the date on which the
 24 Agreement enters into force, apply to a good

1 classifiable in the same 8-digit subheading of
2 the HTS as the safeguard good; or

3 (C) the column 1 general rate of duty that
4 would, at the time the additional duty is im-
5 posed under subsection (b), apply to a good
6 classifiable in the same 8-digit subheading of
7 the HTS as the safeguard good.

8 (2) SCHEDULE RATE OF DUTY.—The term
9 “schedule rate of duty” means, with respect to a
10 safeguard good, the rate of duty for that good that
11 is set forth in the Schedule of the United States to
12 Annex 2.3 of the Agreement.

13 (3) SAFEGUARD GOOD.—The term “safeguard
14 good” means a good—

15 (A) that is included in the Schedule of the
16 United States to Annex 2.18 of the Agreement;

17 (B) that qualifies as an originating good
18 under section 623, except that operations per-
19 formed in or material obtained from the United
20 States shall be considered as if the operations
21 were performed in, and the material was ob-
22 tained from, a country that is not a party to
23 the Agreement; and

24 (C) for which a claim for preferential tariff
25 treatment under the Agreement has been made.

1 (b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

2 (1) IN GENERAL.—In addition to any duty pro-
3 claimed under subsection (a) or (b) of section 621,
4 the Secretary of the Treasury shall assess a duty, in
5 the amount determined under paragraph (2), on a
6 safeguard good imported into the United States in
7 a calendar year if the Secretary determines that,
8 prior to such importation, the total volume of that
9 safeguard good that is imported into the United
10 States in that calendar year exceeds 140 percent of
11 the volume that is provided for that safeguard good
12 in the corresponding year in the applicable table
13 contained in Appendix I of the General Notes to the
14 Schedule of the United States to Annex 2.3 of the
15 Agreement. For purposes of this subsection, year 1
16 in that table corresponds to the calendar year in
17 which the Agreement enters into force.

18 (2) CALCULATION OF ADDITIONAL DUTY.—The
19 additional duty on a safeguard good under this sub-
20 section shall be—

21 (A) in years 1 through 4, an amount equal
22 to 100 percent of the excess of the applicable
23 NTR (MFN) rate of duty over the schedule
24 rate of duty;

1 (B) in years 5 through 7, an amount equal
2 to 75 percent of the excess of the applicable
3 NTR (MFN) rate of duty over the schedule
4 rate of duty; and

5 (C) in years 8 through 9, an amount equal
6 to 50 percent of the excess of the applicable
7 NTR (MFN) rate of duty over the schedule
8 rate of duty.

9 (3) NOTICE.—Not later than 60 days after the
10 Secretary of the Treasury first assesses an addi-
11 tional duty in a calendar year on a good under this
12 subsection, the Secretary shall notify the Govern-
13 ment of Colombia in writing of such action and shall
14 provide to that Government data supporting the as-
15 sessment of the additional duty.

16 (c) EXCEPTIONS.—No additional duty shall be as-
17 sessed on a good under subsection (b) if, at the time of
18 entry, the good is subject to import relief under—

19 (1) chapter 1 of subtitle D of this title; or

20 (2) chapter 1 of title II of the Trade Act of
21 1974 (19 U.S.C. 2251 et seq.).

22 (d) TERMINATION.—The assessment of an additional
23 duty on a good under subsection (b) shall cease to apply
24 to that good on the date on which duty-free treatment

1 must be provided to that good under the Schedule of the
2 United States to Annex 2.3 of the Agreement.

3 **SEC. 623. RULES OF ORIGIN.**

4 (a) APPLICATION AND INTERPRETATION.—In this
5 section:

6 (1) TARIFF CLASSIFICATION.—The basis for
7 any tariff classification is the HTS.

8 (2) REFERENCE TO HTS.—Whenever in this
9 section there is a reference to a chapter, heading, or
10 subheading, such reference shall be a reference to a
11 chapter, heading, or subheading of the HTS.

12 (3) COST OR VALUE.—Any cost or value re-
13 ferred to in this section shall be recorded and main-
14 tained in accordance with the generally accepted ac-
15 counting principles applicable in the territory of the
16 country in which the good is produced (whether Co-
17 lombia or the United States).

18 (b) ORIGINATING GOODS.—For purposes of this title
19 and for purposes of implementing the preferential tariff
20 treatment provided for under the Agreement, except as
21 otherwise provided in this section, a good is an originating
22 good if—

23 (1) the good is a good wholly obtained or pro-
24 duced entirely in the territory of Colombia, the
25 United States, or both;

1 (2) the good—

2 (A) is produced entirely in the territory of
3 Colombia, the United States, or both, and—

4 (i) each of the nonoriginating mate-
5 rials used in the production of the good
6 undergoes an applicable change in tariff
7 classification specified in Annex 3–A or
8 Annex 4.1 of the Agreement; or

9 (ii) the good otherwise satisfies any
10 applicable regional value-content or other
11 requirements specified in Annex 3–A or
12 Annex 4.1 of the Agreement; and

13 (B) satisfies all other applicable require-
14 ments of this section; or

15 (3) the good is produced entirely in the terri-
16 tory of Colombia, the United States, or both, exclu-
17 sively from materials described in paragraph (1) or
18 (2).

19 (c) REGIONAL VALUE-CONTENT.—

20 (1) IN GENERAL.—For purposes of subsection
21 (b)(2), the regional value-content of a good referred
22 to in Annex 4.1 of the Agreement, except for goods
23 to which paragraph (4) applies, shall be calculated
24 by the importer, exporter, or producer of the good,
25 on the basis of the build-down method described in

1 paragraph (2) or the build-up method described in
2 paragraph (3).

3 (2) BUILD-DOWN METHOD.—

4 (A) IN GENERAL.—The regional value-con-
5 tent of a good may be calculated on the basis
6 of the following build-down method:

$$\text{RVC} = \frac{\text{AV} - \text{VNM}}{\text{AV}} \times 100.$$

7 (B) DEFINITIONS.—In subparagraph (A):

8 (i) AV.—The term “AV” means the
9 adjusted value of the good.

10 (ii) RVC.—The term “RVC” means
11 the regional value-content of the good, ex-
12 pressed as a percentage.

13 (iii) VNM.—The term “VNM” means
14 the value of nonoriginating materials that
15 are acquired and used by the producer in
16 the production of the good, but does not
17 include the value of a material that is self-
18 produced.

19 (3) BUILD-UP METHOD.—

20 (A) IN GENERAL.—The regional value-con-
21 tent of a good may be calculated on the basis
22 of the following build-up method:

$$\text{RVC} = \frac{\text{VOM}}{\text{AV}} \times 100.$$

23 (B) DEFINITIONS.—In subparagraph (A):

1 (i) AV.—The term “AV” means the
2 adjusted value of the good.

3 (ii) RVC.—The term “RVC” means
4 the regional value-content of the good, ex-
5 pressed as a percentage.

6 (iii) VOM.—The term “VOM” means
7 the value of originating materials that are
8 acquired or self-produced, and used by the
9 producer in the production of the good.

10 (4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE
11 GOODS.—

12 (A) IN GENERAL.—For purposes of sub-
13 section (b)(2), the regional value-content of an
14 automotive good referred to in Annex 4.1 of the
15 Agreement shall be calculated by the importer,
16 exporter, or producer of the good, on the basis
17 of the following net cost method:

$$\text{RVC} = \frac{\text{NC} - \text{VNM}}{\text{NC}} \times 100.$$

18 (B) DEFINITIONS.—In subparagraph (A):

19 (i) AUTOMOTIVE GOOD.—The term
20 “automotive good” means a good provided
21 for in any of subheadings 8407.31 through
22 8407.34, subheading 8408.20, heading
23 8409, or any of headings 8701 through
24 8708.

1 (ii) RVC.—The term “RVC” means
2 the regional value-content of the auto-
3 motive good, expressed as a percentage.

4 (iii) NC.—The term “NC” means the
5 net cost of the automotive good.

6 (iv) VNM.—The term “VNM” means
7 the value of nonoriginating materials that
8 are acquired and used by the producer in
9 the production of the automotive good, but
10 does not include the value of a material
11 that is self-produced.

12 (C) MOTOR VEHICLES.—

13 (i) BASIS OF CALCULATION.—For
14 purposes of determining the regional value-
15 content under subparagraph (A) for an
16 automotive good that is a motor vehicle
17 provided for in any of headings 8701
18 through 8705, an importer, exporter, or
19 producer may average the amounts cal-
20 culated under the formula contained in
21 subparagraph (A), over the producer’s fis-
22 cal year—

23 (I) with respect to all motor vehi-
24 cles in any one of the categories de-
25 scribed in clause (ii); or

1 (II) with respect to all motor ve-
2 hicles in any such category that are
3 exported to the territory of the United
4 States or Colombia.

5 (ii) CATEGORIES.—A category is de-
6 scribed in this clause if it—

7 (I) is the same model line of
8 motor vehicles, is in the same class of
9 motor vehicles, and is produced in the
10 same plant in the territory of Colom-
11 bia or the United States, as the good
12 described in clause (i) for which re-
13 gional value-content is being cal-
14 culated;

15 (II) is the same class of motor
16 vehicles, and is produced in the same
17 plant in the territory of Colombia or
18 the United States, as the good de-
19 scribed in clause (i) for which regional
20 value-content is being calculated; or

21 (III) is the same model line of
22 motor vehicles produced in the terri-
23 tory of Colombia or the United States
24 as the good described in clause (i) for

1 which regional value-content is being
2 calculated.

3 (D) OTHER AUTOMOTIVE GOODS.—For
4 purposes of determining the regional value-con-
5 tent under subparagraph (A) for automotive
6 materials provided for in any of subheadings
7 8407.31 through 8407.34, in subheading
8 8408.20, or in heading 8409, 8706, 8707, or
9 8708, that are produced in the same plant, an
10 importer, exporter, or producer may—

11 (i) average the amounts calculated
12 under the formula contained in subpara-
13 graph (A) over—

14 (I) the fiscal year of the motor
15 vehicle producer to whom the auto-
16 motive goods are sold,

17 (II) any quarter or month, or

18 (III) the fiscal year of the pro-
19 ducer of such goods,

20 if the goods were produced during the fis-
21 cal year, quarter, or month that is the
22 basis for the calculation;

23 (ii) determine the average referred to
24 in clause (i) separately for such goods sold
25 to 1 or more motor vehicle producers; or

1 (iii) make a separate determination
2 under clause (i) or (ii) for such goods that
3 are exported to the territory of Colombia
4 or the United States.

5 (E) CALCULATING NET COST.—The im-
6 porter, exporter, or producer of an automotive
7 good shall, consistent with the provisions re-
8 garding allocation of costs provided for in gen-
9 erally accepted accounting principles, determine
10 the net cost of the automotive good under sub-
11 paragraph (B) by—

12 (i) calculating the total cost incurred
13 with respect to all goods produced by the
14 producer of the automotive good, sub-
15 tracting any sales promotion, marketing,
16 and after-sales service costs, royalties,
17 shipping and packing costs, and nonallow-
18 able interest costs that are included in the
19 total cost of all such goods, and then rea-
20 sonably allocating the resulting net cost of
21 those goods to the automotive good;

22 (ii) calculating the total cost incurred
23 with respect to all goods produced by that
24 producer, reasonably allocating the total
25 cost to the automotive good, and then sub-

1 tracting any sales promotion, marketing,
2 and after-sales service costs, royalties,
3 shipping and packing costs, and nonallow-
4 able interest costs that are included in the
5 portion of the total cost allocated to the
6 automotive good; or

7 (iii) reasonably allocating each cost
8 that forms part of the total cost incurred
9 with respect to the automotive good so that
10 the aggregate of these costs does not in-
11 clude any sales promotion, marketing, and
12 after-sales service costs, royalties, shipping
13 and packing costs, or nonallowable interest
14 costs.

15 (d) VALUE OF MATERIALS.—

16 (1) IN GENERAL.—For the purpose of calcu-
17 lating the regional value-content of a good under
18 subsection (c), and for purposes of applying the de-
19 minimis rules under subsection (f), the value of a
20 material is—

21 (A) in the case of a material that is im-
22 ported by the producer of the good, the ad-
23 justed value of the material;

24 (B) in the case of a material acquired in
25 the territory in which the good is produced, the

1 value, determined in accordance with Articles 1
2 through 8, Article 15, and the corresponding in-
3 terpretive notes, of the Agreement on Imple-
4 mentation of Article VII of the General Agree-
5 ment on Tariffs and Trade 1994 referred to in
6 section 101(d)(8) of the Uruguay Round Agree-
7 ments Act (19 U.S.C. 3511(d)(8)), as set forth
8 in regulations promulgated by the Secretary of
9 the Treasury providing for the application of
10 such Articles in the absence of an importation
11 by the producer; or

12 (C) in the case of a material that is self-
13 produced, the sum of—

14 (i) all expenses incurred in the pro-
15 duction of the material, including general
16 expenses; and

17 (ii) an amount for profit equivalent to
18 the profit added in the normal course of
19 trade.

20 (2) FURTHER ADJUSTMENTS TO THE VALUE OF
21 MATERIALS.—

22 (A) ORIGINATING MATERIAL.—The fol-
23 lowing expenses, if not included in the value of
24 an originating material calculated under para-

1 graph (1), may be added to the value of the
2 originating material:

3 (i) The costs of freight, insurance,
4 packing, and all other costs incurred in
5 transporting the material within or be-
6 tween the territory of Colombia, the United
7 States, or both, to the location of the pro-
8 ducer.

9 (ii) Duties, taxes, and customs broker-
10 age fees on the material paid in the terri-
11 tory of Colombia, the United States, or
12 both, other than duties or taxes that are
13 waived, refunded, refundable, or otherwise
14 recoverable, including credit against duty
15 or tax paid or payable.

16 (iii) The cost of waste and spoilage re-
17 sulting from the use of the material in the
18 production of the good, less the value of
19 renewable scrap or byproducts.

20 (B) NONORIGINATING MATERIAL.—The
21 following expenses, if included in the value of a
22 nonoriginating material calculated under para-
23 graph (1), may be deducted from the value of
24 the nonoriginating material:

1 (i) The costs of freight, insurance,
2 packing, and all other costs incurred in
3 transporting the material within or be-
4 tween the territory of Colombia, the United
5 States, or both, to the location of the pro-
6 ducer.

7 (ii) Duties, taxes, and customs broker-
8 age fees on the material paid in the terri-
9 tory of Colombia, the United States, or
10 both, other than duties or taxes that are
11 waived, refunded, refundable, or otherwise
12 recoverable, including credit against duty
13 or tax paid or payable.

14 (iii) The cost of waste and spoilage re-
15 sulting from the use of the material in the
16 production of the good, less the value of
17 renewable scrap or byproducts.

18 (iv) The cost of originating materials
19 used in the production of the nonorigi-
20 nating material in the territory of Colom-
21 bia, the United States, or both.

22 (e) ACCUMULATION.—

23 (1) ORIGINATING MATERIALS USED IN PRODUC-
24 TION OF GOODS OF ANOTHER COUNTRY.—Origi-
25 nating materials from the territory of Colombia or

1 the United States that are used in the production of
2 a good in the territory of the other country shall be
3 considered to originate in the territory of such other
4 country.

5 (2) MULTIPLE PRODUCERS.—A good that is
6 produced in the territory of Colombia, the United
7 States, or both, by 1 or more producers, is an origi-
8 nating good if the good satisfies the requirements of
9 subsection (b) and all other applicable requirements
10 of this section.

11 (f) DE MINIMIS AMOUNTS OF NONORIGINATING MA-
12 TERIALS.—

13 (1) IN GENERAL.—Except as provided in para-
14 graphs (2) and (3), a good that does not undergo a
15 change in tariff classification pursuant to Annex 4.1
16 of the Agreement is an originating good if—

17 (A)(i) the value of all nonoriginating mate-
18 rials that—

19 (I) are used in the production of the
20 good, and

21 (II) do not undergo the applicable
22 change in tariff classification (set forth in
23 Annex 4.1 of the Agreement),

24 does not exceed 10 percent of the adjusted
25 value of the good;

1 (ii) the good meets all other applicable re-
2 quirements of this section; and

3 (iii) the value of such nonoriginating mate-
4 rials is included in the value of nonoriginating
5 materials for any applicable regional value-con-
6 tent requirement for the good; or

7 (B) the good meets the requirements set
8 forth in paragraph 2 of Annex 4.6 of the Agree-
9 ment.

10 (2) EXCEPTIONS.—Paragraph (1) does not
11 apply to the following:

12 (A) A nonoriginating material provided for
13 in chapter 4, or a nonoriginating dairy prepara-
14 tion containing over 10 percent by weight of
15 milk solids provided for in subheading 1901.90
16 or 2106.90, that is used in the production of a
17 good provided for in chapter 4.

18 (B) A nonoriginating material provided for
19 in chapter 4, or a nonoriginating dairy prepara-
20 tion containing over 10 percent by weight of
21 milk solids provided for in subheading 1901.90,
22 that is used in the production of any of the fol-
23 lowing goods:

1 (i) Infant preparations containing
2 over 10 percent by weight of milk solids
3 provided for in subheading 1901.10.

4 (ii) Mixes and doughs, containing over
5 25 percent by weight of butterfat, not put
6 up for retail sale, provided for in sub-
7 heading 1901.20.

8 (iii) Dairy preparations containing
9 over 10 percent by weight of milk solids
10 provided for in subheading 1901.90 or
11 2106.90.

12 (iv) Goods provided for in heading
13 2105.

14 (v) Beverages containing milk pro-
15 vided for in subheading 2202.90.

16 (vi) Animal feeds containing over 10
17 percent by weight of milk solids provided
18 for in subheading 2309.90.

19 (C) A nonoriginating material provided for
20 in heading 0805, or any of subheadings
21 2009.11 through 2009.39, that is used in the
22 production of a good provided for in any of sub-
23 headings 2009.11 through 2009.39, or in fruit
24 or vegetable juice of any single fruit or vege-
25 table, fortified with minerals or vitamins, con-

1 centrated or unconcentrated, provided for in
2 subheading 2106.90 or 2202.90.

3 (D) A nonoriginating material provided for
4 in heading 0901 or 2101 that is used in the
5 production of a good provided for in heading
6 0901 or 2101.

7 (E) A nonoriginating material provided for
8 in chapter 15 that is used in the production of
9 a good provided for in any of headings 1501
10 through 1508, or any of headings 1511 through
11 1515.

12 (F) A nonoriginating material provided for
13 in heading 1701 that is used in the production
14 of a good provided for in any of headings 1701
15 through 1703.

16 (G) A nonoriginating material provided for
17 in chapter 17 that is used in the production of
18 a good provided for in subheading 1806.10.

19 (H) Except as provided in subparagraphs
20 (A) through (G) and Annex 4.1 of the Agree-
21 ment, a nonoriginating material used in the
22 production of a good provided for in any of
23 chapters 1 through 24, unless the nonorigi-
24 nating material is provided for in a different

1 subheading than the good for which origin is
2 being determined under this section.

3 (I) A nonoriginating material that is a tex-
4 tile or apparel good.

5 (3) TEXTILE OR APPAREL GOODS.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (B), a textile or apparel good
8 that is not an originating good because certain
9 fibers or yarns used in the production of the
10 component of the good that determines the tar-
11 iff classification of the good do not undergo an
12 applicable change in tariff classification, set
13 forth in Annex 3–A of the Agreement, shall be
14 considered to be an originating good if—

15 (i) the total weight of all such fibers
16 or yarns in that component is not more
17 than 10 percent of the total weight of that
18 component; or

19 (ii) the yarns are those described in
20 section 204(b)(3)(B)(vi)(IV) of the Andean
21 Trade Preference Act (19 U.S.C.
22 3203(b)(3)(B)(vi)(IV)) (as in effect on the
23 date of the enactment of this Act).

24 (B) CERTAIN TEXTILE OR APPAREL
25 GOODS.—A textile or apparel good containing

1 elastomeric yarns in the component of the good
2 that determines the tariff classification of the
3 good shall be considered to be an originating
4 good only if such yarns are wholly formed in
5 the territory of Colombia, the United States, or
6 both.

7 (C) YARN, FABRIC, OR FIBER.—For pur-
8 poses of this paragraph, in the case of a good
9 that is a yarn, fabric, or fiber, the term “com-
10 ponent of the good that determines the tariff
11 classification of the good” means all of the fi-
12 bers in the good.

13 (g) FUNGIBLE GOODS AND MATERIALS.—

14 (1) IN GENERAL.—

15 (A) CLAIM FOR PREFERENTIAL TARIFF
16 TREATMENT.—A person claiming that a fun-
17 gible good or fungible material is an originating
18 good may base the claim either on the physical
19 segregation of the fungible good or fungible ma-
20 terial or by using an inventory management
21 method with respect to the fungible good or
22 fungible material.

23 (B) INVENTORY MANAGEMENT METHOD.—

24 In this subsection, the term “inventory manage-
25 ment method” means—

- 1 (i) averaging;
2 (ii) “last-in, first-out”;
3 (iii) “first-in, first-out”; or
4 (iv) any other method—

5 (I) recognized in the generally
6 accepted accounting principles of the
7 country in which the production is
8 performed (whether Colombia or the
9 United States); or

10 (II) otherwise accepted by that
11 country.

12 (2) ELECTION OF INVENTORY METHOD.—A
13 person selecting an inventory management method
14 under paragraph (1) for a particular fungible good
15 or fungible material shall continue to use that meth-
16 od for that fungible good or fungible material
17 throughout the fiscal year of such person.

18 (h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

19 (1) IN GENERAL.—Subject to paragraphs (2)
20 and (3), accessories, spare parts, or tools delivered
21 with a good that form part of the good’s standard
22 accessories, spare parts, or tools shall—

23 (A) be treated as originating goods if the
24 good is an originating good; and

1 (B) be disregarded in determining whether
2 all the nonoriginating materials used in the pro-
3 duction of the good undergo the applicable
4 change in tariff classification set forth in Annex
5 4.1 of the Agreement.

6 (2) CONDITIONS.—Paragraph (1) shall apply
7 only if—

8 (A) the accessories, spare parts, or tools
9 are classified with and not invoiced separately
10 from the good, regardless of whether such ac-
11 cessories, spare parts, or tools are specified or
12 are separately identified in the invoice for the
13 good; and

14 (B) the quantities and value of the acces-
15 sories, spare parts, or tools are customary for
16 the good.

17 (3) REGIONAL VALUE-CONTENT.—If the good is
18 subject to a regional value-content requirement, the
19 value of the accessories, spare parts, or tools shall
20 be taken into account as originating or nonorigi-
21 nating materials, as the case may be, in calculating
22 the regional value-content of the good.

23 (i) PACKAGING MATERIALS AND CONTAINERS FOR
24 RETAIL SALE.—Packaging materials and containers in
25 which a good is packaged for retail sale, if classified with

1 the good, shall be disregarded in determining whether all
2 the nonoriginating materials used in the production of the
3 good undergo the applicable change in tariff classification
4 set forth in Annex 3–A or Annex 4.1 of the Agreement,
5 and, if the good is subject to a regional value-content re-
6 quirement, the value of such packaging materials and con-
7 tainers shall be taken into account as originating or non-
8 originating materials, as the case may be, in calculating
9 the regional value-content of the good.

10 (j) PACKING MATERIALS AND CONTAINERS FOR
11 SHIPMENT.—Packing materials and containers for ship-
12 ment shall be disregarded in determining whether a good
13 is an originating good.

14 (k) INDIRECT MATERIALS.—An indirect material
15 shall be treated as an originating material without regard
16 to where it is produced.

17 (l) TRANSIT AND TRANSHIPMENT.—A good that has
18 undergone production necessary to qualify as an origi-
19 nating good under subsection (b) shall not be considered
20 to be an originating good if, subsequent to that produc-
21 tion, the good—

22 (1) undergoes further production or any other
23 operation outside the territory of Colombia or the
24 United States, other than unloading, reloading, or
25 any other operation necessary to preserve the good

1 in good condition or to transport the good to the ter-
2 ritory of Colombia or the United States; or

3 (2) does not remain under the control of cus-
4 toms authorities in the territory of a country other
5 than Colombia or the United States.

6 (m) GOODS CLASSIFIABLE AS GOODS PUT UP IN
7 SETS.—Notwithstanding the rules set forth in Annex 3–
8 A and Annex 4.1 of the Agreement, goods classifiable as
9 goods put up in sets for retail sale as provided for in Gen-
10 eral Rule of Interpretation 3 of the HTS shall not be con-
11 sidered to be originating goods unless—

12 (1) each of the goods in the set is an origi-
13 nating good; or

14 (2) the total value of the nonoriginating goods
15 in the set does not exceed—

16 (A) in the case of textile or apparel goods,
17 10 percent of the adjusted value of the set; or

18 (B) in the case of a good, other than a tex-
19 tile or apparel good, 15 percent of the adjusted
20 value of the set.

21 (n) DEFINITIONS.—In this section:

22 (1) ADJUSTED VALUE.—The term “adjusted
23 value” means the value determined in accordance
24 with articles 1 through 8, article 15, and the cor-
25 responding interpretive notes, of the Agreement on

1 Implementation of Article VII of the General Agree-
2 ment on Tariffs and Trade 1994 referred to in sec-
3 tion 101(d)(8) of the Uruguay Round Agreements
4 Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary,
5 to exclude any costs, charges, or expenses incurred
6 for transportation, insurance, and related services
7 incident to the international shipment of the mer-
8 chandise from the country of exportation to the
9 place of importation.

10 (2) CLASS OF MOTOR VEHICLES.—The term
11 “class of motor vehicles” means any one of the fol-
12 lowing categories of motor vehicles:

13 (A) Motor vehicles provided for in sub-
14 heading 8701.20, 8704.10, 8704.22, 8704.23,
15 8704.32, or 8704.90, or heading 8705 or 8706,
16 or motor vehicles for the transport of 16 or
17 more persons provided for in subheading
18 8702.10 or 8702.90.

19 (B) Motor vehicles provided for in sub-
20 heading 8701.10 or any of subheadings
21 8701.30 through 8701.90.

22 (C) Motor vehicles for the transport of 15
23 or fewer persons provided for in subheading
24 8702.10 or 8702.90, or motor vehicles provided
25 for in subheading 8704.21 or 8704.31.

1 (D) Motor vehicles provided for in any of
2 subheadings 8703.21 through 8703.90.

3 (3) FUNGIBLE GOOD OR FUNGIBLE MATE-
4 RIAL.—The term “fungible good” or “fungible mate-
5 rial” means a good or material, as the case may be,
6 that is interchangeable with another good or mate-
7 rial for commercial purposes and the properties of
8 which are essentially identical to such other good or
9 material.

10 (4) GENERALLY ACCEPTED ACCOUNTING PRIN-
11 CIPLES.—The term “generally accepted accounting
12 principles” means the recognized consensus or sub-
13 stantial authoritative support in the territory of Co-
14 lombia or the United States, as the case may be,
15 with respect to the recording of revenues, expenses,
16 costs, assets, and liabilities, the disclosure of infor-
17 mation, and the preparation of financial statements.
18 The principles may encompass broad guidelines of
19 general application as well as detailed standards,
20 practices, and procedures.

21 (5) GOOD WHOLLY OBTAINED OR PRODUCED
22 ENTIRELY IN THE TERRITORY OF COLOMBIA, THE
23 UNITED STATES, OR BOTH.—The term “good wholly
24 obtained or produced entirely in the territory of Co-

1 Colombia, the United States, or both” means any of
2 the following:

3 (A) Plants and plant products harvested or
4 gathered in the territory of Colombia, the
5 United States, or both.

6 (B) Live animals born and raised in the
7 territory of Colombia, the United States, or
8 both.

9 (C) Goods obtained in the territory of Co-
10 lombia, the United States, or both from live
11 animals.

12 (D) Goods obtained from hunting, trap-
13 ping, fishing, or aquaculture conducted in the
14 territory of Colombia, the United States, or
15 both.

16 (E) Minerals and other natural resources
17 not included in subparagraphs (A) through (D)
18 that are extracted or taken from the territory
19 of Colombia, the United States, or both.

20 (F) Fish, shellfish, and other marine life
21 taken from the sea, seabed, or subsoil outside
22 the territory of Colombia or the United States
23 by—

1 (i) a vessel that is registered or re-
2 corded with Colombia and flying the flag of
3 Colombia; or

4 (ii) a vessel that is documented under
5 the laws of the United States.

6 (G) Goods produced on board a factory
7 ship from goods referred to in subparagraph
8 (F), if such factory ship—

9 (i) is registered or recorded with Co-
10 lombia and flies the flag of Colombia; or

11 (ii) is a vessel that is documented
12 under the laws of the United States.

13 (H)(i) Goods taken by Colombia or a per-
14 son of Colombia from the seabed or subsoil out-
15 side the territorial waters of Colombia, if Co-
16 lombia has rights to exploit such seabed or sub-
17 soil.

18 (ii) Goods taken by the United States or a
19 person of the United States from the seabed or
20 subsoil outside the territorial waters of the
21 United States, if the United States has rights
22 to exploit such seabed or subsoil.

23 (I) Goods taken from outer space, if the
24 goods are obtained by Colombia or the United
25 States or a person of Colombia or the United

1 States and not processed in the territory of a
2 country other than Colombia or the United
3 States.

4 (J) Waste and scrap derived from—

5 (i) manufacturing or processing oper-
6 ations in the territory of Colombia, the
7 United States, or both; or

8 (ii) used goods collected in the terri-
9 tory of Colombia, the United States, or
10 both, if such goods are fit only for the re-
11 covery of raw materials.

12 (K) Recovered goods derived in the terri-
13 tory of Colombia, the United States, or both,
14 from used goods, and used in the territory of
15 Colombia, the United States, or both, in the
16 production of remanufactured goods.

17 (L) Goods, at any stage of production, pro-
18 duced in the territory of Colombia, the United
19 States, or both, exclusively from—

20 (i) goods referred to in any of sub-
21 paragraphs (A) through (J); or

22 (ii) the derivatives of goods referred
23 to in clause (i).

24 (6) IDENTICAL GOODS.—The term “identical
25 goods” means goods that are the same in all re-

1 specters relevant to the rule of origin that qualifies the
2 goods as originating goods.

3 (7) INDIRECT MATERIAL.—The term “indirect
4 material” means a good used in the production, test-
5 ing, or inspection of another good but not physically
6 incorporated into that other good, or a good used in
7 the maintenance of buildings or the operation of
8 equipment associated with the production of another
9 good, including—

10 (A) fuel and energy;

11 (B) tools, dies, and molds;

12 (C) spare parts and materials used in the
13 maintenance of equipment or buildings;

14 (D) lubricants, greases, compounding ma-
15 terials, and other materials used in production
16 or used to operate equipment or buildings;

17 (E) gloves, glasses, footwear, clothing,
18 safety equipment, and supplies;

19 (F) equipment, devices, and supplies used
20 for testing or inspecting the good;

21 (G) catalysts and solvents; and

22 (H) any other goods that are not incor-
23 porated into the other good but the use of
24 which in the production of the other good can

1 reasonably be demonstrated to be a part of that
2 production.

3 (8) MATERIAL.—The term “material” means a
4 good that is used in the production of another good,
5 including a part or an ingredient.

6 (9) MATERIAL THAT IS SELF-PRODUCED.—The
7 term “material that is self-produced” means an orig-
8 inating material that is produced by a producer of
9 a good and used in the production of that good.

10 (10) MODEL LINE OF MOTOR VEHICLES.—The
11 term “model line of motor vehicles” means a group
12 of motor vehicles having the same platform or model
13 name.

14 (11) NET COST.—The term “net cost” means
15 total cost minus sales promotion, marketing, and
16 after-sales service costs, royalties, shipping and
17 packing costs, and nonallowable interest costs that
18 are included in the total cost.

19 (12) NONALLOWABLE INTEREST COSTS.—The
20 term “nonallowable interest costs” means interest
21 costs incurred by a producer that exceed 700 basis
22 points above the applicable official interest rate for
23 comparable maturities of the country in which the
24 producer is located.

1 (13) NONORIGINATING GOOD OR NONORIGI-
2 NATING MATERIAL.—The terms “nonoriginating
3 good” and “nonoriginating material” mean a good
4 or material, as the case may be, that does not qual-
5 ify as originating under this section.

6 (14) PACKING MATERIALS AND CONTAINERS
7 FOR SHIPMENT.—The term “packing materials and
8 containers for shipment” means goods used to pro-
9 tect another good during its transportation and does
10 not include the packaging materials and containers
11 in which the other good is packaged for retail sale.

12 (15) PREFERENTIAL TARIFF TREATMENT.—
13 The term “preferential tariff treatment” means the
14 customs duty rate, and the treatment under article
15 2.10.4 of the Agreement, that is applicable to an
16 originating good pursuant to the Agreement.

17 (16) PRODUCER.—The term “producer” means
18 a person who engages in the production of a good
19 in the territory of Colombia or the United States.

20 (17) PRODUCTION.—The term “production”
21 means growing, mining, harvesting, fishing, raising,
22 trapping, hunting, manufacturing, processing, as-
23 sembling, or disassembling a good.

24 (18) REASONABLY ALLOCATE.—The term “rea-
25 sonably allocate” means to apportion in a manner

1 that would be appropriate under generally accepted
2 accounting principles.

3 (19) RECOVERED GOODS.—The term “recov-
4 ered goods” means materials in the form of indi-
5 vidual parts that are the result of—

6 (A) the disassembly of used goods into in-
7 dividual parts; and

8 (B) the cleaning, inspecting, testing, or
9 other processing that is necessary for improve-
10 ment to sound working condition of such indi-
11 vidual parts.

12 (20) REMANUFACTURED GOOD.—The term “re-
13 manufactured good” means an industrial good as-
14 sembled in the territory of Colombia or the United
15 States, or both, that is classified under chapter 84,
16 85, 87, or 90 or heading 9402, other than a good
17 classified under heading 8418 or 8516, and that—

18 (A) is entirely or partially comprised of re-
19 covered goods; and

20 (B) has a similar life expectancy and en-
21 joys a factory warranty similar to such a good
22 that is new.

23 (21) TOTAL COST.—

24 (A) IN GENERAL.—The term “total
25 cost”—

1 (i) means all product costs, period
2 costs, and other costs for a good incurred
3 in the territory of Colombia, the United
4 States, or both; and

5 (ii) does not include profits that are
6 earned by the producer, regardless of
7 whether they are retained by the producer
8 or paid out to other persons as dividends,
9 or taxes paid on those profits, including
10 capital gains taxes.

11 (B) OTHER DEFINITIONS.—In this para-
12 graph:

13 (i) PRODUCT COSTS.—The term
14 “product costs” means costs that are asso-
15 ciated with the production of a good and
16 include the value of materials, direct labor
17 costs, and direct overhead.

18 (ii) PERIOD COSTS.—The term “pe-
19 riod costs” means costs, other than prod-
20 uct costs, that are expensed in the period
21 in which they are incurred, such as selling
22 expenses and general and administrative
23 expenses.

24 (iii) OTHER COSTS.—The term “other
25 costs” means all costs recorded on the

1 books of the producer that are not product
2 costs or period costs, such as interest.

3 (22) USED.—The term “used” means utilized
4 or consumed in the production of goods.

5 (o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

6 (1) IN GENERAL.—The President is authorized
7 to proclaim, as part of the HTS—

8 (A) the provisions set forth in Annex 3–A
9 and Annex 4.1 of the Agreement; and

10 (B) any additional subordinate category
11 that is necessary to carry out this title con-
12 sistent with the Agreement.

13 (2) FABRICS AND YARNS NOT AVAILABLE IN
14 COMMERCIAL QUANTITIES IN THE UNITED
15 STATES.—The President is authorized to proclaim
16 that a fabric or yarn is added to the list in Annex
17 3–B of the Agreement in an unrestricted quantity,
18 as provided in article 3.3.5(e) of the Agreement.

19 (3) MODIFICATIONS.—

20 (A) IN GENERAL.—Subject to the consulta-
21 tion and layover provisions of section 614, the
22 President may proclaim modifications to the
23 provisions proclaimed under the authority of
24 paragraph (1)(A), other than provisions of

1 chapters 50 through 63 (as included in Annex
2 3–A of the Agreement).

3 (B) ADDITIONAL PROCLAMATIONS.—Not-
4 withstanding subparagraph (A), and subject to
5 the consultation and layover provisions of sec-
6 tion 614, the President may proclaim before the
7 end of the 1-year period beginning on the date
8 of the enactment of this Act, modifications to
9 correct any typographical, clerical, or other non-
10 substantive technical error regarding the provi-
11 sions of chapters 50 through 63 (as included in
12 Annex 3–A of the Agreement).

13 (4) FABRICS, YARNS, OR FIBERS NOT AVAIL-
14 ABLE IN COMMERCIAL QUANTITIES IN COLOMBIA
15 AND THE UNITED STATES.—

16 (A) IN GENERAL.—Notwithstanding para-
17 graph (3)(A), the list of fabrics, yarns, and fi-
18 bers set forth in Annex 3–B of the Agreement
19 may be modified as provided for in this para-
20 graph.

21 (B) DEFINITIONS.—In this paragraph:

22 (i) The term “interested entity”
23 means the Government of Colombia, a po-
24 tential or actual purchaser of a textile or

1 apparel good, or a potential or actual sup-
2 plier of a textile or apparel good.

3 (ii) All references to “day” and
4 “days” exclude Saturdays, Sundays, and
5 legal holidays observed by the Government
6 of the United States.

7 (C) REQUESTS TO ADD FABRICS, YARNS,
8 OR FIBERS.—(i) An interested entity may re-
9 quest the President to determine that a fabric,
10 yarn, or fiber is not available in commercial
11 quantities in a timely manner in Colombia and
12 the United States and to add that fabric, yarn,
13 or fiber to the list in Annex 3–B of the Agree-
14 ment in a restricted or unrestricted quantity.

15 (ii) After receiving a request under clause
16 (i), the President may determine whether—

17 (I) the fabric, yarn, or fiber is avail-
18 able in commercial quantities in a timely
19 manner in Colombia or the United States;
20 or

21 (II) any interested entity objects to
22 the request.

23 (iii) The President may, within the time
24 periods specified in clause (iv), proclaim that
25 the fabric, yarn, or fiber that is the subject of

1 the request is added to the list in Annex 3–B
2 of the Agreement in an unrestricted quantity,
3 or in any restricted quantity that the President
4 may establish, if the President has determined
5 under clause (ii) that—

6 (I) the fabric, yarn, or fiber is not
7 available in commercial quantities in a
8 timely manner in Colombia and the United
9 States; or

10 (II) no interested entity has objected
11 to the request.

12 (iv) The time periods within which the
13 President may issue a proclamation under
14 clause (iii) are—

15 (I) not later than 30 days after the
16 date on which a request is submitted under
17 clause (i); or

18 (II) not later than 44 days after the
19 request is submitted, if the President de-
20 termines, within 30 days after the date on
21 which the request is submitted, that the
22 President does not have sufficient informa-
23 tion to make a determination under clause
24 (ii).

1 (v) Notwithstanding section 613(a)(2), a
2 proclamation made under clause (iii) shall take
3 effect on the date on which the text of the pro-
4 clamation is published in the Federal Register.

5 (vi) Not later than 6 months after pro-
6 claiming under clause (iii) that a fabric, yarn,
7 or fiber is added to the list in Annex 3–B of the
8 Agreement in a restricted quantity, the Presi-
9 dent may eliminate the restriction if the Presi-
10 dent determines that the fabric, yarn, or fiber
11 is not available in commercial quantities in a
12 timely manner in Colombia and the United
13 States.

14 (D) DEEMED APPROVAL OF REQUEST.—If,
15 after an interested entity submits a request
16 under subparagraph (C)(i), the President does
17 not, within the applicable time period specified
18 in subparagraph (C)(iv), make a determination
19 under subparagraph (C)(ii) regarding the re-
20 quest, the fabric, yarn, or fiber that is the sub-
21 ject of the request shall be considered to be
22 added, in an unrestricted quantity, to the list in
23 Annex 3–B of the Agreement beginning—

24 (i) 45 days after the date on which
25 the request was submitted; or

1 (ii) 60 days after the date on which
2 the request was submitted, if the President
3 made a determination under subparagraph
4 (C)(iv)(II).

5 (E) REQUESTS TO RESTRICT OR REMOVE
6 FABRICS, YARNS, OR FIBERS.—(i) Subject to
7 clause (ii), an interested entity may request the
8 President to restrict the quantity of, or remove
9 from the list in Annex 3–B of the Agreement,
10 any fabric, yarn, or fiber—

11 (I) that has been added to that list in
12 an unrestricted quantity pursuant to para-
13 graph (2) or subparagraph (C)(iii) or (D)
14 of this paragraph; or

15 (II) with respect to which the Presi-
16 dent has eliminated a restriction under
17 subparagraph (C)(vi).

18 (ii) An interested entity may submit a re-
19 quest under clause (i) at any time beginning 6
20 months after the date of the action described in
21 subclause (I) or (II) of that clause.

22 (iii) Not later than 30 days after the date
23 on which a request under clause (i) is sub-
24 mitted, the President may proclaim an action
25 provided for under clause (i) if the President

1 determines that the fabric, yarn, or fiber that
2 is the subject of the request is available in com-
3 mercial quantities in a timely manner in Colom-
4 bia or the United States.

5 (iv) A proclamation under clause (iii) shall
6 take effect no earlier than the date that is 6
7 months after the date on which the text of the
8 proclamation is published in the Federal Reg-
9 ister.

10 (F) PROCEDURES.—The President shall
11 establish procedures—

12 (i) governing the submission of a re-
13 quest under subparagraphs (C) and (E);
14 and

15 (ii) providing an opportunity for inter-
16 ested entities to submit comments and sup-
17 porting evidence before the President
18 makes a determination under subpara-
19 graph (C) (ii) or (vi) or (E)(iii).

20 **SEC. 624. CUSTOMS USER FEES.**

21 (a) IN GENERAL.—Section 13031(b) of the Consoli-
22 dated Omnibus Budget Reconciliation Act of 1985 (19
23 U.S.C. 58c(b)) is amended by adding after paragraph
24 (18), the following:

1 “(19) No fee may be charged under subsection
2 (a)(9) or (10) with respect to goods that qualify as
3 originating goods under section 203 of the United
4 States-Colombia Trade Promotion Agreement Imple-
5 mentation Act. Any service for which an exemption
6 from such fee is provided by reason of this para-
7 graph may not be funded with money contained in
8 the Customs User Fee Account.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall take effect on October 1, 2013.

11 (c) REFUND.—Any fee described in paragraph (19)
12 of section 13031(b) of the Consolidated Omnibus Budget
13 Reconciliation Act of 1985 (19 U.S.C. 58c(b)) (as added
14 by subsection (a)) that is paid on or after the date that
15 the United States-Colombia Trade Promotion Agreement
16 enters into force and before October 1, 2013, shall be re-
17 funded with interest if application for such refund is made
18 on or after October 1, 2013, and before July 1, 2014.

19 **SEC. 625. DISCLOSURE OF INCORRECT INFORMATION;**
20 **FALSE CERTIFICATIONS OF ORIGIN; DENIAL**
21 **OF PREFERENTIAL TARIFF TREATMENT.**

22 (a) DISCLOSURE OF INCORRECT INFORMATION.—
23 Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592)
24 is amended—

25 (1) in subsection (c)—

1 (A) by redesignating paragraph (11) as
2 paragraph (12); and

3 (B) by inserting after paragraph (10) the
4 following new paragraph:

5 “(11) PRIOR DISCLOSURE REGARDING CLAIMS
6 UNDER THE UNITED STATES-COLOMBIA TRADE PRO-
7 MOTION AGREEMENT.—An importer shall not be
8 subject to penalties under subsection (a) for making
9 an incorrect claim that a good qualifies as an origi-
10 nating good under section 623 of the United States-
11 Colombia Trade Promotion Agreement Implementa-
12 tion Act if the importer, in accordance with regula-
13 tions issued by the Secretary of the Treasury,
14 promptly and voluntarily makes a corrected declara-
15 tion and pays any duties owing with respect to that
16 good.”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(j) FALSE CERTIFICATIONS OF ORIGIN UNDER THE
20 UNITED STATES-COLOMBIA TRADE PROMOTION AGREE-
21 MENT.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 it is unlawful for any person to certify falsely, by
24 fraud, gross negligence, or negligence, in a CTPA
25 certification of origin (as defined in section

1 508(i)(1)(B) of this Act) that a good exported from
2 the United States qualifies as an originating good
3 under the rules of origin provided for in section 623
4 of the United States-Colombia Trade Promotion
5 Agreement Implementation Act. The procedures and
6 penalties of this section that apply to a violation of
7 subsection (a) also apply to a violation of this sub-
8 section.

9 “(2) PROMPT AND VOLUNTARY DISCLOSURE OF
10 INCORRECT INFORMATION.—No penalty shall be im-
11 posed under this subsection if, promptly after an ex-
12 porter or producer that issued a CTPA certification
13 of origin has reason to believe that such certification
14 contains or is based on incorrect information, the ex-
15 porter or producer voluntarily provides written no-
16 tice of such incorrect information to every person to
17 whom the certification was issued.

18 “(3) EXCEPTION.—A person shall not be con-
19 sidered to have violated paragraph (1) if—

20 “(A) the information was correct at the
21 time it was provided in a CTPA certification of
22 origin but was later rendered incorrect due to
23 a change in circumstances; and

24 “(B) the person promptly and voluntarily
25 provides written notice of the change in cir-

1 cumstances to all persons to whom the person
2 provided the certification.”.

3 (b) DENIAL OF PREFERENTIAL TARIFF TREAT-
4 MENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C.
5 1514) is amended by adding at the end the following new
6 subsection:

7 “(j) DENIAL OF PREFERENTIAL TARIFF TREAT-
8 MENT UNDER THE UNITED STATES-COLOMBIA TRADE
9 PROMOTION AGREEMENT.—If U.S. Customs and Border
10 Protection or U.S. Immigration and Customs Enforce-
11 ment of the Department of Homeland Security finds indi-
12 cations of a pattern of conduct by an importer, exporter,
13 or producer of false or unsupported representations that
14 goods qualify under the rules of origin provided for in sec-
15 tion 623 of the United States-Colombia Trade Promotion
16 Agreement Implementation Act, U.S. Customs and Border
17 Protection, in accordance with regulations issued by the
18 Secretary of the Treasury, may suspend preferential tariff
19 treatment under the United States-Colombia Trade Pro-
20 motion Agreement to entries of identical goods covered by
21 subsequent representations by that importer, exporter, or
22 producer until U.S. Customs and Border Protection deter-
23 mines that representations of that person are in con-
24 formity with such section 623.”.

1 **SEC. 626. RELIQUIDATION OF ENTRIES.**

2 Subsection (d) of section 520 of the Tariff Act of
3 1930 (19 U.S.C. 1520(d)) is amended in the matter pre-
4 ceding paragraph (1)—

5 (1) by striking “or”; and

6 (2) by striking “for which” and inserting “, or
7 section 623 of the United States-Colombia Trade
8 Promotion Agreement Implementation Act for
9 which”.

10 **SEC. 627. RECORDKEEPING REQUIREMENTS.**

11 Section 508 of the Tariff Act of 1930 (19 U.S.C.
12 1508) is amended—

13 (1) by redesignating subsection (i) as subsection
14 (j);

15 (2) by inserting after subsection (h) the fol-
16 lowing new subsection:

17 “(i) CERTIFICATIONS OF ORIGIN FOR GOODS EX-
18 PORTED UNDER THE UNITED STATES-COLOMBIA TRADE
19 PROMOTION AGREEMENT.—

20 “(1) DEFINITIONS.—In this subsection:

21 “(A) RECORDS AND SUPPORTING DOCU-
22 MENTS.—The term ‘records and supporting
23 documents’ means, with respect to an exported
24 good under paragraph (2), records and docu-
25 ments related to the origin of the good, includ-
26 ing—

1 “(i) the purchase, cost, and value of,
2 and payment for, the good;

3 “(ii) the purchase, cost, and value of,
4 and payment for, all materials, including
5 indirect materials, used in the production
6 of the good; and

7 “(iii) the production of the good in
8 the form in which it was exported.

9 “(B) CTPA CERTIFICATION OF ORIGIN.—

10 The term ‘CTPA certification of origin’ means
11 the certification established under article 4.15
12 of the United States-Colombia Trade Promotion
13 Agreement that a good qualifies as an origi-
14 nating good under such Agreement.

15 “(2) EXPORTS TO COLOMBIA.—Any person who
16 completes and issues a CTPA certification of origin
17 for a good exported from the United States shall
18 make, keep, and, pursuant to rules and regulations
19 promulgated by the Secretary of the Treasury,
20 render for examination and inspection all records
21 and supporting documents related to the origin of
22 the good (including the certification or copies there-
23 of).

24 “(3) RETENTION PERIOD.—The person who
25 issues a CTPA certification of origin shall keep the

1 records and supporting documents relating to that
2 certification of origin for a period of at least 5 years
3 after the date on which the certification is issued.”;
4 and

5 (3) in subsection (j), as so redesignated by
6 striking “(f), (g), or (h)” and inserting “(f), (g), (h),
7 or (i)”.

8 **SEC. 628. ENFORCEMENT RELATING TO TRADE IN TEXTILE**
9 **OR APPAREL GOODS.**

10 (a) ACTION DURING VERIFICATION.—

11 (1) IN GENERAL.—If the Secretary of the
12 Treasury requests the Government of Colombia to
13 conduct a verification pursuant to article 3.2 of the
14 Agreement for purposes of making a determination
15 under paragraph (2), the President may direct the
16 Secretary to take appropriate action described in
17 subsection (b) while the verification is being con-
18 ducted.

19 (2) DETERMINATION.—A determination under
20 this paragraph is a determination of the Secretary
21 that—

22 (A) an exporter or producer in Colombia is
23 complying with applicable customs laws, regula-
24 tions, and procedures regarding trade in textile
25 or apparel goods, or

1 (B) a claim that a textile or apparel good
2 exported or produced by such exporter or pro-
3 ducer—

4 (i) qualifies as an originating good
5 under section 623, or

6 (ii) is a good of Colombia,
7 is accurate.

8 (b) APPROPRIATE ACTION DESCRIBED.—Appropriate
9 action under subsection (a)(1) includes—

10 (1) suspension of preferential tariff treatment
11 under the Agreement with respect to—

12 (A) any textile or apparel good exported or
13 produced by the person that is the subject of a
14 verification under subsection (a)(1) regarding
15 compliance described in subsection (a)(2)(A), if
16 the Secretary determines that there is insuffi-
17 cient information to support any claim for pref-
18 erential tariff treatment that has been made
19 with respect to any such good; or

20 (B) the textile or apparel good for which a
21 claim of preferential tariff treatment has been
22 made that is the subject of a verification under
23 subsection (a)(1) regarding a claim described in
24 subsection (a)(2)(B), if the Secretary deter-

1 mines that there is insufficient information to
2 support that claim;

3 (2) denial of preferential tariff treatment under
4 the Agreement with respect to—

5 (A) any textile or apparel good exported or
6 produced by the person that is the subject of a
7 verification under subsection (a)(1) regarding
8 compliance described in subsection (a)(2)(A), if
9 the Secretary determines that the person has
10 provided incorrect information to support any
11 claim for preferential tariff treatment that has
12 been made with respect to any such good; or

13 (B) the textile or apparel good for which a
14 claim of preferential tariff treatment has been
15 made that is the subject of a verification under
16 subsection (a)(1) regarding a claim described in
17 subsection (a)(2)(B), if the Secretary deter-
18 mines that a person has provided incorrect in-
19 formation to support that claim;

20 (3) detention of any textile or apparel good ex-
21 ported or produced by the person that is the subject
22 of a verification under subsection (a)(1) regarding
23 compliance described in subsection (a)(2)(A) or a
24 claim described in subsection (a)(2)(B), if the Sec-
25 retary determines that there is insufficient informa-

1 tion to determine the country of origin of any such
2 good; and

3 (4) denial of entry into the United States of
4 any textile or apparel good exported or produced by
5 the person that is the subject of a verification under
6 subsection (a)(1) regarding compliance described in
7 subsection (a)(2)(A) or a claim described in sub-
8 section (a)(2)(B), if the Secretary determines that
9 the person has provided incorrect information as to
10 the country of origin of any such good.

11 (c) ACTION ON COMPLETION OF A VERIFICATION.—
12 On completion of a verification under subsection (a), the
13 President may direct the Secretary to take appropriate ac-
14 tion described in subsection (d) until such time as the Sec-
15 retary receives information sufficient to make the deter-
16 mination under subsection (a)(2) or until such earlier date
17 as the President may direct.

18 (d) APPROPRIATE ACTION DESCRIBED.—Approp-
19 riate action under subsection (c) includes—

20 (1) denial of preferential tariff treatment under
21 the Agreement with respect to—

22 (A) any textile or apparel good exported or
23 produced by the person that is the subject of a
24 verification under subsection (a)(1) regarding
25 compliance described in subsection (a)(2)(A), if

1 the Secretary determines that there is insuffi-
2 cient information to support, or that the person
3 has provided incorrect information to support,
4 any claim for preferential tariff treatment that
5 has been made with respect to any such good;
6 or

7 (B) the textile or apparel good for which a
8 claim of preferential tariff treatment has been
9 made that is the subject of a verification under
10 subsection (a)(1) regarding a claim described in
11 subsection (a)(2)(B), if the Secretary deter-
12 mines that there is insufficient information to
13 support, or that a person has provided incorrect
14 information to support, that claim; and

15 (2) denial of entry into the United States of
16 any textile or apparel good exported or produced by
17 the person that is the subject of a verification under
18 subsection (a)(1) regarding compliance described in
19 subsection (a)(2)(A) or a claim described in sub-
20 section (a)(2)(B), if the Secretary determines that
21 there is insufficient information to determine, or
22 that the person has provided incorrect information
23 as to, the country of origin of any such good.

24 (e) PUBLICATION OF NAME OF PERSON.—In accord-
25 ance with article 3.2.6 of the Agreement, the Secretary

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

3 (1) is engaged in circumvention of applicable
4 laws, regulations, or procedures affecting trade in
5 textile or apparel goods; or

6 (2) has failed to demonstrate that it produces,
7 or is capable of producing, textile or apparel goods.

8 (f) VERIFICATIONS IN THE UNITED STATES.—If the
9 government of a country that is a party to a free trade
10 agreement with the United States makes a request for a
11 verification pursuant to that agreement, the Secretary
12 may request a verification of the production of any textile
13 or apparel good in order to assist that government in de-
14 termining—

15 (1) whether a claim of origin under the agree-
16 ment for a textile or apparel good is accurate; or

17 (2) whether an exporter, producer, or other en-
18 terprise located in the United States involved in the
19 movement of textile or apparel goods from the
20 United States to the territory of the requesting gov-
21 ernment is complying with applicable customs laws,
22 regulations, and procedures regarding trade in tex-
23 tile or apparel goods.

1 **SEC. 629. REGULATIONS.**

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

4 (1) subsections (a) through (n) of section 623;

5 (2) the amendment made by section 724; and

6 (3) any proclamation issued under section
7 623(o).

8 **Subtitle D—Relief From Imports**

9 **SEC. 631. DEFINITIONS.**

10 In this subtitle:

11 (1) **COLOMBIAN ARTICLE.**—The term “Colom-
12 bian article” means an article that qualifies as an
13 originating good under section 623(b).

14 (2) **COLOMBIAN TEXTILE OR APPAREL ARTI-**
15 **CLE.**—The term “Colombian textile or apparel arti-
16 cle” means a textile or apparel good (as defined in
17 section 603(4)) that is a Colombian article.

18 **CHAPTER 1—RELIEF FROM IMPORTS**

19 **BENEFITING FROM THE AGREEMENT**

20 **SEC. 641. COMMENCING OF ACTION FOR RELIEF.**

21 (a) **FILING OF PETITION.**—A petition requesting ac-
22 tion under this chapter for the purpose of adjusting to
23 the obligations of the United States under the Agreement
24 may be filed with the Commission by an entity, including
25 a trade association, firm, certified or recognized union, or
26 group of workers, that is representative of an industry.

1 The Commission shall transmit a copy of any petition filed
2 under this subsection to the United States Trade Rep-
3 resentative.

4 (b) INVESTIGATION AND DETERMINATION.—Upon
5 the filing of a petition under subsection (a), the Commis-
6 sion, unless subsection (d) applies, shall promptly initiate
7 an investigation to determine whether, as a result of the
8 reduction or elimination of a duty provided for under the
9 Agreement, a Colombian article is being imported into the
10 United States in such increased quantities, in absolute
11 terms or relative to domestic production, and under such
12 conditions that imports of the Colombian article constitute
13 a substantial cause of serious injury or threat thereof to
14 the domestic industry producing an article that is like, or
15 directly competitive with, the imported article.

16 (c) APPLICABLE PROVISIONS.—The following provi-
17 sions of section 202 of the Trade Act of 1974 (19 U.S.C.
18 2252) apply with respect to any investigation initiated
19 under subsection (b):

20 (1) Paragraphs (1)(B) and (3) of subsection
21 (b).

22 (2) Subsection (c).

23 (3) Subsection (i).

24 (d) ARTICLES EXEMPT FROM INVESTIGATION.—No
25 investigation may be initiated under this section with re-

1 spect to any Colombian article if, after the date on which
2 the Agreement enters into force, import relief has been
3 provided with respect to that Colombian article under this
4 chapter.

5 **SEC. 642. COMMISSION ACTION ON PETITION.**

6 (a) DETERMINATION.—Not later than 120 days after
7 the date on which an investigation is initiated under sec-
8 tion 641(b) with respect to a petition, the Commission
9 shall make the determination required under that section.

10 (b) APPLICABLE PROVISIONS.—For purposes of this
11 chapter, the provisions of paragraphs (1), (2), and (3) of
12 section 330(d) of the Tariff Act of 1930 (19 U.S.C.
13 1330(d) (1), (2), and (3)) shall be applied with respect
14 to determinations and findings made under this section
15 as if such determinations and findings were made under
16 section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

17 (c) ADDITIONAL FINDING AND RECOMMENDATION IF
18 DETERMINATION AFFIRMATIVE.—

19 (1) IN GENERAL.—If the determination made
20 by the Commission under subsection (a) with respect
21 to imports of an article is affirmative, or if the
22 President may consider a determination of the Com-
23 mission to be an affirmative determination as pro-
24 vided for under paragraph (1) of section 330(d) of
25 the Tariff Act of 1930 (19 U.S.C. 1330(d)), the

1 Commission shall find, and recommend to the Presi-
2 dent in the report required under subsection (d), the
3 amount of import relief that is necessary to remedy
4 or prevent the injury found by the Commission in
5 the determination and to facilitate the efforts of the
6 domestic industry to make a positive adjustment to
7 import competition.

8 (2) LIMITATION ON RELIEF.—The import relief
9 recommended by the Commission under this sub-
10 section shall be limited to the relief described in sec-
11 tion 643(c).

12 (3) VOTING; SEPARATE VIEWS.—Only those
13 members of the Commission who voted in the af-
14 firmative under subsection (a) are eligible to vote on
15 the proposed action to remedy or prevent the injury
16 found by the Commission. Members of the Commis-
17 sion who did not vote in the affirmative may submit,
18 in the report required under subsection (d), separate
19 views regarding what action, if any, should be taken
20 to remedy or prevent the injury.

21 (d) REPORT TO PRESIDENT.—Not later than the
22 date that is 30 days after the date on which a determina-
23 tion is made under subsection (a) with respect to an inves-
24 tigation, the Commission shall submit to the President a
25 report that includes—

1 (1) the determination made under subsection
2 (a) and an explanation of the basis for the deter-
3 mination;

4 (2) if the determination under subsection (a) is
5 affirmative, any findings and recommendations for
6 import relief made under subsection (c) and an ex-
7 planation of the basis for each recommendation; and

8 (3) any dissenting or separate views by mem-
9 bers of the Commission regarding the determination
10 referred to in paragraph (1) and any finding or rec-
11 ommendation referred to in paragraph (2).

12 (e) PUBLIC NOTICE.—Upon submitting a report to
13 the President under subsection (d), the Commission shall
14 promptly make public the report (with the exception of
15 information which the Commission determines to be con-
16 fidential) and shall publish a summary of the report in
17 the Federal Register.

18 **SEC. 643. PROVISION OF RELIEF.**

19 (a) IN GENERAL.—Not later than the date that is
20 30 days after the date on which the President receives the
21 report of the Commission in which the Commission's de-
22 termination under section 642(a) is affirmative, or which
23 contains a determination under section 642(a) that the
24 President considers to be affirmative under paragraph (1)
25 of section 330(d) of the Tariff Act of 1930 (19 U.S.C.

1 1330(d)(1)), the President, subject to subsection (b), shall
2 provide relief from imports of the article that is the subject
3 of such determination to the extent that the President de-
4 termines necessary to remedy or prevent the injury found
5 by the Commission and to facilitate the efforts of the do-
6 mestic industry to make a positive adjustment to import
7 competition.

8 (b) EXCEPTION.—The President is not required to
9 provide import relief under this section if the President
10 determines that the provision of the import relief will not
11 provide greater economic and social benefits than costs.

12 (c) NATURE OF RELIEF.—

13 (1) IN GENERAL.—The import relief that the
14 President is authorized to provide under this section
15 with respect to imports of an article is as follows:

16 (A) The suspension of any further reduc-
17 tion provided for under Annex 2.3 of the Agree-
18 ment in the duty imposed on the article.

19 (B) An increase in the rate of duty im-
20 posed on the article to a level that does not ex-
21 ceed the lesser of—

22 (i) the column 1 general rate of duty
23 imposed under the HTS on like articles at
24 the time the import relief is provided; or

1 (ii) the column 1 general rate of duty
2 imposed under the HTS on like articles on
3 the day before the date on which the
4 Agreement enters into force.

5 (2) PROGRESSIVE LIBERALIZATION.—If the pe-
6 riod for which import relief is provided under this
7 section is greater than 1 year, the President shall
8 provide for the progressive liberalization (described
9 in article 8.2.2 of the Agreement) of such relief at
10 regular intervals during the period of its application.

11 (d) PERIOD OF RELIEF.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 any import relief that the President provides under
14 this section may not be in effect for more than 2
15 years.

16 (2) EXTENSION.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (C), the President, after receiving a de-
19 termination from the Commission under sub-
20 paragraph (B) that is affirmative, or which the
21 President considers to be affirmative under
22 paragraph (1) of section 330(d) of the Tariff
23 Act of 1930 (19 U.S.C. 1330(d)(1)), may ex-
24 tend the effective period of any import relief

1 provided under this section by up to 2 years, if
2 the President determines that—

3 (i) the import relief continues to be
4 necessary to remedy or prevent serious in-
5 jury and to facilitate adjustment by the do-
6 mestic industry to import competition; and

7 (ii) there is evidence that the industry
8 is making a positive adjustment to import
9 competition.

10 (B) ACTION BY COMMISSION.—

11 (i) INVESTIGATION.—Upon a petition
12 on behalf of the industry concerned that is
13 filed with the Commission not earlier than
14 the date that is 9 months, and not later
15 than the date that is 6 months, before the
16 date on which any action taken under sub-
17 section (a) is to terminate, the Commission
18 shall conduct an investigation to determine
19 whether action under this section continues
20 to be necessary to remedy or prevent seri-
21 ous injury and whether there is evidence
22 that the industry is making a positive ad-
23 justment to import competition.

24 (ii) NOTICE AND HEARING.—The
25 Commission shall publish notice of the

1 commencement of any proceeding under
2 this subparagraph in the Federal Register
3 and shall, within a reasonable time there-
4 after, hold a public hearing at which the
5 Commission shall afford interested parties
6 and consumers an opportunity to be
7 present, to present evidence, and to re-
8 spond to the presentations of other parties
9 and consumers, and otherwise to be heard.

10 (iii) REPORT.—The Commission shall
11 submit to the President a report on its in-
12 vestigation and determination under this
13 subparagraph not later than 60 days be-
14 fore the action under subsection (a) is to
15 terminate, unless the President specifies a
16 different date.

17 (C) PERIOD OF IMPORT RELIEF.—Any im-
18 port relief provided under this section, including
19 any extensions thereof, may not, in the aggre-
20 gate, be in effect for more than 4 years.

21 (e) RATE AFTER TERMINATION OF IMPORT RE-
22 LIEF.—When import relief under this section is termi-
23 nated with respect to an article—

24 (1) the rate of duty on that article after such
25 termination and on or before December 31 of the

1 year in which such termination occurs shall be the
2 rate that, according to the Schedule of the United
3 States to Annex 2.3 of the Agreement, would have
4 been in effect 1 year after the provision of relief
5 under subsection (a); and

6 (2) the rate of duty for that article after De-
7 cember 31 of the year in which such termination oc-
8 curs shall be, at the discretion of the President, ei-
9 ther—

10 (A) the applicable rate of duty for that ar-
11 ticle set forth in the Schedule of the United
12 States to Annex 2.3 of the Agreement; or

13 (B) the rate of duty resulting from the
14 elimination of the tariff in equal annual stages
15 ending on the date set forth in the Schedule of
16 the United States to Annex 2.3 of the Agree-
17 ment for the elimination of the tariff.

18 (f) ARTICLES EXEMPT FROM RELIEF.—No import
19 relief may be provided under this section on—

20 (1) any article that is subject to import relief
21 under—

22 (A) subtitle B; or

23 (B) chapter 1 of title II of the Trade Act
24 of 1974 (19 U.S.C. 2251 et seq.); or

1 (2) any article on which an additional duty as-
2 sessed under section 722(b) is in effect.

3 **SEC. 644. TERMINATION OF RELIEF AUTHORITY.**

4 (a) GENERAL RULE.—Subject to subsection (b), no
5 import relief may be provided under this chapter after the
6 date that is 10 years after the date on which the Agree-
7 ment enters into force.

8 (b) EXCEPTION.—If an article for which relief is pro-
9 vided under this chapter is an article for which the period
10 for tariff elimination, set forth in the Schedule of the
11 United States to Annex 2.3 of the Agreement, is greater
12 than 10 years, no relief under this subtitle may be pro-
13 vided for that article after the date on which that period
14 ends.

15 **SEC. 645. COMPENSATION AUTHORITY.**

16 For purposes of section 123 of the Trade Act of 1974
17 (19 U.S.C. 2133), any import relief provided by the Presi-
18 dent under section 643 shall be treated as action taken
19 under chapter 1 of title II of such Act (19 U.S.C. 2251
20 et seq.).

21 **SEC. 646. CONFIDENTIAL BUSINESS INFORMATION.**

22 Section 202(a)(8) of the Trade Act of 1974 (19
23 U.S.C. 2252(a)(8)) is amended in the first sentence—

24 (1) by striking “and”; and

1 (2) by inserting before the period at the end “,
2 and title III of the United States-Colombia Trade
3 Promotion Agreement Implementation Act”.

4 **CHAPTER 2—TEXTILE AND APPAREL**

5 **SAFEGUARD MEASURES**

6 **SEC. 651. COMMENCEMENT OF ACTION FOR RELIEF.**

7 (a) IN GENERAL.—A request for action under this
8 chapter for the purpose of adjusting to the obligations of
9 the United States under the Agreement may be filed with
10 the President by an interested party. Upon the filing of
11 a request, the President shall review the request to deter-
12 mine, from information presented in the request, whether
13 to commence consideration of the request.

14 (b) PUBLICATION OF REQUEST.—If the President de-
15 termines that the request under subsection (a) provides
16 the information necessary for the request to be considered,
17 the President shall publish in the Federal Register a no-
18 tice of commencement of consideration of the request, and
19 notice seeking public comments regarding the request. The
20 notice shall include a summary of the request and the
21 dates by which comments and rebuttals must be received.

22 **SEC. 652. DETERMINATION AND PROVISION OF RELIEF.**

23 (a) DETERMINATION.—

24 (1) IN GENERAL.—If a positive determination is
25 made under section 651(b), the President shall de-

1 termine whether, as a result of the elimination of a
2 duty under the Agreement, a Colombian textile or
3 apparel article is being imported into the United
4 States in such increased quantities, in absolute
5 terms or relative to the domestic market for that ar-
6 ticle, and under such conditions as to cause serious
7 damage, or actual threat thereof, to a domestic in-
8 dustry producing an article that is like, or directly
9 competitive with, the imported article.

10 (2) SERIOUS DAMAGE.—In making a deter-
11 mination under paragraph (1), the President—

12 (A) shall examine the effect of increased
13 imports on the domestic industry, as reflected
14 in changes in such relevant economic factors as
15 output, productivity, utilization of capacity, in-
16 ventories, market share, exports, wages, em-
17 ployment, domestic prices, profits and losses,
18 and investment, no one of which is necessarily
19 decisive; and

20 (B) shall not consider changes in consumer
21 preference or changes in technology in the
22 United States as factors supporting a deter-
23 mination of serious damage or actual threat
24 thereof.

25 (b) PROVISION OF RELIEF.—

1 (1) IN GENERAL.—If a determination under
2 subsection (a) is affirmative, the President may pro-
3 vide relief from imports of the article that is the
4 subject of such determination, as provided in para-
5 graph (2), to the extent that the President deter-
6 mines necessary to remedy or prevent the serious
7 damage and to facilitate adjustment by the domestic
8 industry.

9 (2) NATURE OF RELIEF.—The relief that the
10 President is authorized to provide under this sub-
11 section with respect to imports of an article is an in-
12 crease in the rate of duty imposed on the article to
13 a level that does not exceed the lesser of—

14 (A) the column 1 general rate of duty im-
15 posed under the HTS on like articles at the
16 time the import relief is provided; or

17 (B) the column 1 general rate of duty im-
18 posed under the HTS on like articles on the
19 day before the date on which the Agreement en-
20 ters into force.

21 **SEC. 653. PERIOD OF RELIEF.**

22 (a) IN GENERAL.—Subject to subsection (b), the im-
23 port relief that the President provides under section
24 652(b) may not be in effect for more than 2 years.

25 (b) EXTENSION.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the President may extend the effective period of any
3 import relief provided under this chapter for a pe-
4 riod of not more than 1 year, if the President deter-
5 mines that—

6 (A) the import relief continues to be nec-
7 essary to remedy or prevent serious damage
8 and to facilitate adjustment by the domestic in-
9 dustry to import competition; and

10 (B) there is evidence that the industry is
11 making a positive adjustment to import com-
12 petition.

13 (2) LIMITATION.—Any relief provided under
14 this chapter, including any extensions thereof, may
15 not, in the aggregate, be in effect for more than 3
16 years.

17 **SEC. 654. ARTICLES EXEMPT FROM RELIEF.**

18 The President may not provide import relief under
19 this chapter with respect to an article if—

20 (1) import relief previously has been provided
21 under this chapter with respect to that article; or

22 (2) the article is subject to import relief
23 under—

24 (A) chapter 1; or

1 (B) chapter 1 of title II of the Trade Act
2 of 1974 (19 U.S.C. 2251 et seq.).

3 **SEC. 655. RATE AFTER TERMINATION OF IMPORT RELIEF.**

4 On the date on which import relief under this chapter
5 is terminated with respect to an article, the rate of duty
6 on that article shall be the rate that would have been in
7 effect, but for the provision of such relief.

8 **SEC. 656. TERMINATION OF RELIEF AUTHORITY.**

9 No import relief may be provided under this chapter
10 with respect to any article after the date that is 5 years
11 after the date on which the Agreement enters into force.

12 **SEC. 657. COMPENSATION AUTHORITY.**

13 For purposes of section 123 of the Trade Act of 1974
14 (19 U.S.C. 2133), any import relief provided by the Presi-
15 dent under this chapter shall be treated as action taken
16 under chapter 1 of title II of such Act (19 U.S.C. 2251
17 et seq.).

18 **SEC. 658. CONFIDENTIAL BUSINESS INFORMATION.**

19 The President may not release information received
20 in connection with an investigation or determination under
21 this chapter which the President considers to be confiden-
22 tial business information unless the party submitting the
23 confidential business information had notice, at the time
24 of submission, that such information would be released by
25 the President, or such party subsequently consents to the

1 release of the information. To the extent a party submits
2 confidential business information, the party shall also pro-
3 vide a nonconfidential version of the information in which
4 the confidential business information is summarized or, if
5 necessary, deleted.

6 **CHAPTER 3—CASES UNDER TITLE II OF**
7 **THE TRADE ACT OF 1974**

8 **SEC. 661. FINDINGS AND ACTION ON GOODS OF COLOMBIA.**

9 (a) EFFECT OF IMPORTS.—If, in any investigation
10 initiated under chapter 1 of title II of the Trade Act of
11 1974 (19 U.S.C. 2251 et seq.), the Commission makes an
12 affirmative determination (or a determination which the
13 President may treat as an affirmative determination under
14 such chapter by reason of section 330(d) of the Tariff Act
15 of 1930), the Commission shall also find (and report to
16 the President at the time such injury determination is sub-
17 mitted to the President) whether imports of the article of
18 Colombia that qualify as originating goods under section
19 623(b) are a substantial cause of serious injury or threat
20 thereof.

21 (b) PRESIDENTIAL DETERMINATION REGARDING IM-
22 PORTS OF COLOMBIA.—In determining the nature and ex-
23 tent of action to be taken under chapter 1 of title II of
24 the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Presi-
25 dent may exclude from the action goods of Colombia with

1 respect to which the Commission has made a negative
2 finding under subsection (a).

3 **Subtitle E—Procurement**

4 **SEC. 671. ELIGIBLE PRODUCTS.**

5 Section 308(4)(A) of the Trade Agreements Act of
6 1979 (19 U.S.C. 2518(4)(A)) is amended—

7 (1) by striking “or” at the end of clause (vi);

8 (2) by striking the period at the end of clause
9 (vii) and inserting “; or”; and

10 (3) by adding at the end the following new
11 clause:

12 “(viii) a party to the United States-
13 Colombia Trade Promotion Agreement, a
14 product or service of that country or in-
15 strumentality which is covered under that
16 agreement for procurement by the United
17 States.”.

18 **Subtitle F—Offsets**

19 **SEC. 681. CUSTOMS USER FEES.**

20 (a) IN GENERAL.—Section 13031(j)(3)(A) of the
21 Consolidated Omnibus Budget Reconciliation Act of 1985
22 (19 U.S.C. 58c(j)(3)(A)) shall be applied by extending by
23 155 days the date in effect on the date of the enactment
24 of this Act after which fees may not be charged under

1 paragraphs (9) and (10) of subsection (a) of such section
2 13031.

3 (b) OTHER FEES.—Section 13031(j)(3)(B)(i) of the
4 Consolidated Omnibus Budget Reconciliation Act of 1985
5 (19 U.S.C. 58c(j)(3)(B)(i)) shall be applied by extending
6 by 155 days the date in effect on the date of the enact-
7 ment of this Act after which fees may not be charged
8 under paragraphs (1) through (8) of subsection (a) of
9 such section 13031.

10 **SEC. 682. TIME FOR PAYMENT OF CORPORATE ESTIMATED**
11 **TAXES.**

12 (a) CORPORATE ESTIMATED TAX DUE IN 2012.—
13 The percentage under subparagraph (B) of section 401(1)
14 of the Tax Increase Prevention and Reconciliation Act of
15 2005 (Public Law 109–222; 26 U.S.C. 6655 note) in ef-
16 fect on the date of the enactment of this Act is increased
17 by 1 percentage point.

18 (b) CORPORATE ESTIMATED TAX DUE IN 2013.—
19 The percentage under subparagraph (C) of section 401(1)
20 of the Tax Increase Prevention and Reconciliation Act of
21 2005 (Public Law 109–222; 26 U.S.C. 6655 note) in ef-
22 fect on the date of the enactment of this Act is increased
23 by 2 percentage points.

1 **TITLE VII—UNITED STATES-PAN-**
2 **AMA FREE TRADE AGREE-**
3 **MENT AND UNITED STATES-**
4 **KOREA FREE TRADE AGREE-**
5 **MENT**

6 **SEC. 701. SENSE OF CONGRESS.**

7 It is the sense of Congress that the President should
8 submit to Congress the United States-Panama Free Trade
9 Agreement and United States-Korea Free Trade Agree-
10 ment and work to ensure the approval and entry into force
11 of such Agreements with respect to the United States.

12 **TITLE VIII—REPEAL OF PATIENT**
13 **PROTECTION AND AFFORD-**
14 **ABLE CARE ACT**

15 **SEC. 801. REPEAL.**

16 Effective as of the enactment of the Patient Protec-
17 tion and Affordable Care Act, such Act is repealed, and
18 the provisions of law amended or repealed by such Act
19 are restored or revived as if such Act had not been en-
20 acted.

○