

## **CHANGES TO EXISTING LAW REQUIRED TO BRING THE UNITED STATES INTO COMPLIANCE WITH OBLIGATIONS UNDER THE TRANS-PACIFIC PARTNERSHIP AGREEMENT**

The United States must amend section 13031(b) of the Consolidated Omnibus Reconciliation Act of 1985 as amended (19 U.S.C. 58c). The amendment will conform the merchandise processing fee to the requirement that fees or charges on or in connection with importation or exportation not be levied on an *ad valorem* basis. The United States undertook this commitment only with respect to the merchandise processing fee. This amendment is necessary to comply with Article 2.14.4 of the Agreement.

The United States must amend section 592(c) of the Tariff Act of 1930 as amended (19 U.S.C. 1592(c)). The amendment will exempt an importer from penalties for an invalid claim that a good qualifies as an originating good under the Agreement, provided that the importer on becoming aware and prior to the Government's discovery of the error voluntarily corrects the claim and pays any customs duty owed. This amendment is necessary to comply with Article 3.24 of the Agreement.

The United States must amend section 592 of the Tariff Act of 1930 as amended (19 U.S.C. 1592). The amendment will provide for the imposition of penalties on U.S. producers and exporters that make false certifications that goods qualify as originating goods under the Agreement. This amendment is necessary to comply with Article 3.25 of the Agreement.

The United States must amend section 508 of the Tariff Act of 1930 as amended (19 U.S.C. 1508). The amendment will provide that U.S. producers and exporters that issue certifications stating that a good qualifies as an originating good under the Agreement must keep copies of such certifications and supporting documents and information for at least five years and render them for examination and inspection by U.S. customs officials, upon request. This amendment is necessary to comply with Article 3.26 of the Agreement.

The United States must amend section 520(d) of the Tariff Act of 1930 as amended (19 U.S.C. 1520(d)). The amendment will provide that, where a good qualifying as an originating good under the Agreement is imported into the United States, the importer has at least one year from the date of importation to claim preferential tariff treatment under the Agreement for that good. This amendment is necessary to comply with Article 3.29 of the Agreement.

The United States must amend section 308 of the Trade Agreements Act of 1979 as amended (19 U.S.C. 2518). The amendment will permit the President to designate products from a TPP Party as eligible for purposes of waiving discriminatory purchasing requirements under our government procurement law. This amendment is necessary to implement Chapter 15 of the Agreement.

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