



United States  
International Trade Commission

# Andean Trade Preference Act:

Impact on U.S. Industries and Consumers and  
on Drug Crop Eradication and Crop  
Substitution, 2017

Eighteenth Report

September 2018

Publication Number: 4831

Investigation Number: 332–352

# United States International Trade Commission

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# **Andean Trade**

# **Preference Act:**

Impact on U.S. Industries and  
Consumers and on Drug Crop  
Eradication and Crop Substitution, 2017

Eighteenth Report

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Publication Number: 4831

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# Table of Contents

<b>Chapter 1 Impact of the ATPA Program in 2016–17</b> .....	<b>3</b>
Economic Impact of ATPA on the U.S. Economy, Industries, and Consumers .....	4
Impact of ATPA on Drug Crop Eradication and Alternative Development.....	4
<b>Bibliography</b> .....	<b>5</b>
<b>Appendix A Federal Register Notice</b> .....	<b>7</b>
<b>Appendix B Commission Reports on ATPA</b> .....	<b>11</b>



# Chapter 1

## Impact of the ATPA Program in 2016–17

The Andean Trade Preference Act (ATPA)<sup>1</sup> was enacted in 1991 to promote the development of viable economic alternatives to coca cultivation and cocaine production by offering duty-free or other preferential treatment to imports of eligible goods from Bolivia, Colombia, Ecuador, and Peru. Section 206 of ATPA requires the U.S. International Trade Commission (USITC or the Commission) to submit biennial reports to the President and the Congress on the economic impact of the ATPA program on the U.S. economy generally, on U.S. industries and consumers, and on the effectiveness of the program in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries. This report is the Commission’s 18th report on ATPA, and fulfills the Commission’s reporting requirement for calendar years 2016 and 2017. The Commission published a notice in the *Federal Register* of August 3, 2018 (83 F.R. 38176), inviting interested parties to file written submissions concerning this investigation with the Commission.<sup>2</sup> The President’s authority to provide preferential duty treatment under ATPA, the principal benefit of the program, expired on July 31, 2013, and it has not been renewed.

During 2016–17, there were no beneficiaries under the ATPA program, and there were no reported U.S. imports that received preferential treatment under the program. The President suspended the beneficiary status of Bolivia in 2008;<sup>3</sup> the President terminated the designation of Peru and Colombia after each country entered into a free trade agreement with the United States in 2010 and 2012, respectively;<sup>4</sup> and the President’s authority to provide duty-free treatment to Ecuador under ATPA expired in 2013.<sup>5</sup> Therefore, the ATPA program had no impact on the U.S. economy generally, on U.S.

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<sup>1</sup> Pub. L. 102-182, title II, 105 Stat. 1236, December 4, 1991. ATPA, as amended, is codified at 19 U.S.C. § 3201 et seq. Throughout this report, the term “ATPA” refers to ATPA as amended by the Andean Trade Promotion and Drug Eradication Act (ATPDEA) and subsequent legislation. The ATPA program was expanded and renewed by ATPDEA (Public Law 107-210) and signed into law by the President on August 6, 2002. The ATPDEA expanded trade preferences for the Andean countries to include about 700 products that were previously excluded under ATPA, including certain textiles and apparel, footwear, petroleum and petroleum derivatives, watches and watch parts, and leather handbags, luggage, flat goods, work gloves, and leather wearing apparel. ATPA, as amended, also allows expanded benefits for certain tuna in smaller foil or other flexible packages (not cans). For further details, see previous reports in this series. See appendix B for a list of Commission reports on ATPA.

<sup>2</sup> A copy of the notice is reproduced in Appendix A. No public comments were received.

<sup>3</sup> Bolivia lost its beneficiary status on December 15, 2008, after the U.S. President signed a proclamation suspending Bolivia as a beneficiary country as a result of Bolivia’s failure to cooperate with the United States on counternarcotics efforts, which was one criterion for ATPA and ATPDEA eligibility. Statement by White House Press Secretary Dana Perino, November 26, 2008; Proclamation No. 8323, 73 Fed. Reg. 230 (November 25, 2008).

<sup>4</sup> Peru’s benefits under ATPA terminated on December 31, 2010, after the U.S.-Peru Trade Promotion Agreement (TPA) entered into force on February 1, 2009. Colombia’s benefits as a beneficiary country under ATPA ended on May 15, 2012, when the U.S.-Colombia TPA entered into force.

<sup>5</sup> After July 31, 2013, when the President’s authority to provide duty-free treatment under ATPA expired, U.S. imports from Ecuador ceased to receive preferential treatment under the program. In addition, Ecuador’s National Secretary for Communications announced in a news release on June 27, 2013—about one month before the President’s authority expired—that the government was unilaterally renouncing its tariff preferences under

industries or consumers, or on drug-crop eradication or crop substitution efforts during calendar years 2016–17.

## Economic Impact of ATPA on the U.S. Economy, Industries, and Consumers

Given that no imports under the ATPA program were recorded during the 2016–17 period covered by this report, there was no measurable effect on the U.S. economy or on U.S. consumers or specific U.S. industries that produce articles that are like, or directly competitive with, articles imported under ATPA. Similarly, there will be no probable future effect of ATPA on the U.S. economy and U.S. industries unless it is renewed.

## Impact of ATPA on Drug Crop Eradication and Alternative Development

In view of the fact that the primary benefit of the ATPA program—duty-free treatment for eligible goods—was not in effect during the 2016–17 period covered in this report, ATPA had no effect on drug-related crop eradication and crop substitution efforts of the former beneficiary countries, as was reported in the Commission’s last ATPA report.<sup>6</sup> In any case, its absence probably had little effect on net cultivation: Ecuador is considered a drug transit country rather than a coca producer,<sup>7</sup> and the major drug-producing countries in the region, Colombia and Peru, have entered into free trade agreements with the United States and would not be beneficiaries of ATPA even if it were in effect.<sup>8</sup>

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ATPDEA. Government of Ecuador, Secretaría Nacional de Comunicación, “En defensa de su soberanía, Ecuador renuncia de manera unilateral e irrevocable a las ATPDEA” (In defense of its sovereignty, Ecuador withdraws from ATPDEA unilaterally and irrevocably), June 27, 2013.

<sup>6</sup> USITC, *ATPA: 17th Report, 2015*, September 2016, 7.

<sup>7</sup> USDOS, *International Narcotics Control Strategy Report*, 2018, vol. 1, 158.

<sup>8</sup> Colombia is the world’s top producer of cocaine, and in 2016, the most recent year for which data are available, Colombian coca cultivation and cocaine production both hit all-time record levels. Peru remained the second-largest cultivator of coca and producer of cocaine in 2016. USDOS, *International Narcotics Control Strategy Report*, 2018, vol. 1, 136, 247.



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- United States International Trade Commission (USITC). *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2015: 17th Report*. Publication 4642. Washington, DC: USITC, 2016. [https://www.usitc.gov/publications/industry\\_econ\\_analysis\\_332/2016/andean\\_trade\\_preference\\_act\\_impact\\_us\\_industries.htm](https://www.usitc.gov/publications/industry_econ_analysis_332/2016/andean_trade_preference_act_impact_us_industries.htm).
- United States Department of State (USDOS). Bureau of International Narcotics and Law Enforcement Affairs (INL). *International Narcotics Control Strategy Report. Volume I, Drug and Chemical Control*. Washington DC: USDOS, March 2018. <https://www.state.gov/documents/organization/278759.pdf>.
- White House. Office of the Press Secretary. “Statement by Press Secretary Dana Perino.” News release, November 26, 2008. <https://georgewbush-whitehouse.archives.gov/news/releases/2008/11/20081126-10.html>.



# **Appendix A**

## **Federal Register Notice**



GREAT PLAINS REGION: Bureau of Reclamation, P.O. Box 36900, Federal Building, 2021 4th Avenue North, Billings, Montana 59101, telephone 406-247-7752.

*New contract actions:*

29. Frenchman-Cambridge ID; Frenchman-Cambridge Division, P-SMBP; Nebraska: Consideration of a project use power contract and a repayment contract for Frenchman-Cambridge ID's share of the assigned reimbursable P-SMBP assigned power investment costs.

30. Mid-Dakota Rural Water System, Inc., South Dakota: Consideration of an amendment to agreement No. 5-07-60-W0223 to reflect the payoff of loans.

31. Kansas Bostwick ID; Bostwick Division, P-SMBP; Kansas: Consideration of an amendment to contract No. 16XX630077 to reflect the actual annual expenditures.

32. Bostwick ID; Bostwick Division, P-SMBP; Nebraska: Consideration of an amendment to contract No. 16XX630076 to reflect the actual annual expenditures.

33. Cody Canal ID, Shoshone Project, Wyoming: Consideration of an amendment to long-term agreement No. 9-AB-60-00060 to extend the term for 30 years.

*Completed contract actions:*

28. Kansas Bostwick ID, Bostwick Division, P-SMBP, Kansas: Consideration of an excess capacity contract to store water in Harlan County Lake. Contract executed on December 26, 2017.

29. Frenchman-Cambridge ID; Frenchman-Cambridge Division, P-SMBP; Nebraska: Consideration of a project use power contract and a repayment contract for

Frenchman-Cambridge ID's share of the assigned reimbursable P-SMBP assigned power investment costs. Contract executed on May 29, 2018.

Dated: June 20, 2018.

**Ruth Welch,**

*Director, Policy and Administration.*

[FR Doc. 2018-16640 Filed 8-2-18; 8:45 am]

**BILLING CODE 4332-90-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-352]

### Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of opportunity to submit information relating to matters to be addressed in the Commission's 18th report on the impact of the Andean Trade Preference Act (ATPA).

**SUMMARY:** Section 206 of the ATPA requires the Commission to report biennially to the Congress and the President by September 30 of each reporting year on the economic impact of the Act on U.S. industries and U.S. consumers, and on the effectiveness of the Act in promoting drug-related crop eradication and crop substitution efforts by beneficiary countries. The Commission prepares these reports under investigation No. 332-352, *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution*.

**DATES:** August 16, 2018: Deadline for filing written submissions. September 30, 2018: Transmittal of Commission report to Congress.

**ADDRESSES:** All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commissions electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Information specific to this investigation may be obtained from Edward Wilson, Project Leader, Office of Economics ([edward.wilson@usitc.gov](mailto:edward.wilson@usitc.gov) or 202-205-3268). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel ([william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov) or 202-205-3091). The media should contact Peg O'Laughlin, Office of External Relations ([margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov) or 202-205-1819). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov/>). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

**SUPPLEMENTARY INFORMATION:**

*Background:* Section 206 of the Andean Trade Preference Act (ATPA) (19 U.S.C. 3204) requires that the

Commission submit biennial reports to the Congress and the President regarding the economic impact of the Act on U.S. industries and consumers and, in conjunction with other agencies, the effectiveness of the Act in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries. Section 206(b) of the Act requires that each report include:

(1) The actual effect of ATPA on the U.S. economy generally as well as on specific domestic industries which produce articles that are like, or directly competitive with, articles being imported under the Act from beneficiary countries;

(2) The probable future effect that ATPA will have on the U.S. economy generally and on such domestic industries; and

(3) The estimated effect that ATPA has had on drug-related crop eradication and crop substitution efforts of beneficiary countries.

Under the statute the Commission is required to prepare this report regardless of whether preferential treatment was provided during the period covered by the report. The President's authority to provide preferential treatment under ATPA expired on July 31, 2013. During the period to be covered by this report, calendar years 2016 and 2017, no imports entering the United States should have received preferential treatment under the ATPA program.

The Commission will submit its report by September 30, 2018. The initial notice announcing institution of this investigation for the purpose of preparing these reports was published in the **Federal Register** of March 10, 1994 (59 FR 11308). Notice providing opportunity to file written submissions in connection with the seventeenth report was published in the **Federal Register** of August 23, 2016 (81 FR 57613).

*Written Submissions:* Interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., August 16, 2018. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures [https://www.usitc.gov/secretary/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf) require that interested parties file documents *electronically* on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern

time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

*Confidential Business Information.*

Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission will not include any confidential business information in the report that it sends to the Congress or the President or that it makes available to the public. However, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

*Summaries of Written Submissions:*

The Commission intends to publish summaries of the positions of interested persons. Persons wishing to have a summary of their position included in the report should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will

be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will identify the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: July 30, 2018.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2018–16610 Filed 8–2–18; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1063]

### Certain X-Ray Breast Imaging Devices and Components Thereof Notice of Request for Statements on the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the presiding administrative law judge ("ALJ") has issued a Recommended Determination on Remedy and Bond in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief. The ALJ recommended, should the Commission find a violation of section 337, that the Commission issue a limited exclusion order prohibiting the entry of certain x-ray breast imaging devices and components thereof manufactured abroad by or on behalf of Respondents FUJIFILM Corporation of Tokyo, Japan; FUJIFILM Medical Systems USA, Inc. of Stamford, Connecticut; and FUJIFILM Techno Products Co., Ltd. of Hanamaki-Shi Iwate, Japan, that infringe certain claims of U.S. Patent Nos. 7,831,296; 8,452,379; 7,688,940; and 7,123,684. The ALJ also recommend that a cease and desist order be issued. The ALJ recommend that the issuing orders include exceptions relating to support, servicing and repair and that the limited exclusion order include an exception for government use, as well as a certification provision. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to Commission rules.

**FOR FURTHER INFORMATION CONTACT:**

Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E

Street SW, Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4). In addition, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bond issued in this investigation on July 26, 2018. Comments should address whether issuance of remedial orders in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) Explain how the articles potentially subject to the recommended orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

# **Appendix B**

## **Commission Reports on ATPA**





United States International Trade Commission (USITC). *Annual Report on the Impact of the Andean Trade Preference Act: 1st Report, 1993*. Publication 2814. Washington, DC: USITC, 1994.

United States International Trade Commission (USITC). *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution: 2nd Report, 1994*. Publication 2926. Washington, DC: USITC, 1995.  
[https://www.usitc.gov/publications/industry\\_econ\\_analysis\\_332/1995/impact\\_andean\\_trade\\_preference\\_act\\_second\\_report.htm](https://www.usitc.gov/publications/industry_econ_analysis_332/1995/impact_andean_trade_preference_act_second_report.htm).

United States International Trade Commission (USITC). *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution: 3rd Report, 1995*. Publication 2995. Washington, DC: USITC, 1996.  
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United States International Trade Commission (USITC). *Caribbean Basin Economic Recovery Act: Impact on the United States: 12th Report, 1996, and Andean Trade Preference Act: Impact on the United States: 4th Report, 1996*. Publication 3058. Washington, DC: USITC, 1997.  
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United States International Trade Commission (USITC). *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution: 7th Report, 1999*. Publication 3358. Washington, DC: USITC, 2000.  
[https://www.usitc.gov/publications/industry\\_econ\\_analysis\\_332/2000/impact\\_andean\\_trade\\_preference\\_act\\_seventh\\_report.htm](https://www.usitc.gov/publications/industry_econ_analysis_332/2000/impact_andean_trade_preference_act_seventh_report.htm).

United States International Trade Commission (USITC). *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution: 8th Report, 2001*. Publication 3538. Washington, DC: USITC, 2002.  
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[https://www.usitc.gov/publications/industry\\_econ\\_analysis\\_332/2003/impact\\_andean\\_trade\\_preference\\_act\\_ninth\\_report.htm](https://www.usitc.gov/publications/industry_econ_analysis_332/2003/impact_andean_trade_preference_act_ninth_report.htm).

## Andean Trade Preference Act: 18th Report

United States International Trade Commission (USITC). *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution: 10th Report, 2003*. Publication 3725. Washington, DC: USITC, 2004.

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[https://www.usitc.gov/publications/industry\\_econ\\_analysis\\_332/2005/impact\\_andean\\_trade\\_preference\\_act\\_eleventh\\_report.htm](https://www.usitc.gov/publications/industry_econ_analysis_332/2005/impact_andean_trade_preference_act_eleventh_report.htm).

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United States International Trade Commission (USITC). *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2009: 14th Report*. Publication 4188. Washington, DC: USITC, 2010.

[https://www.usitc.gov/publications/industry\\_econ\\_analysis\\_332/2010/andean\\_trade\\_preference\\_act\\_impact\\_us\\_industries.htm](https://www.usitc.gov/publications/industry_econ_analysis_332/2010/andean_trade_preference_act_impact_us_industries.htm).

United States International Trade Commission (USITC). *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2011: 15th Report*. Publication 4352. Washington, DC: USITC, 2012.

[https://www.usitc.gov/publications/industry\\_econ\\_analysis\\_332/2012/andean\\_trade\\_preference\\_act\\_impact\\_us\\_industries.htm](https://www.usitc.gov/publications/industry_econ_analysis_332/2012/andean_trade_preference_act_impact_us_industries.htm).

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