

(3) such foreign country is undertaking enforcement measures to end the discriminatory procurement practice.

PART III: DIRECTION

SECTION 1. *Presidential Direction.* The authorities delegated pursuant to this order shall be exercised subject to any subsequent direction by the President in a particular matter.

SEC. 2. *Consultations and Advice.* In developing the annual reports required by part I and part II of this order, the Trade Representative shall consult with executive agencies and seek information and advice from U.S. businesses in the United States and in the countries involved in the practices under consideration.

WILLIAM J. CLINTON.

SUBCHAPTER IV—TRADE RELATIONS WITH COUNTRIES NOT RECEIVING NON-DISCRIMINATORY TREATMENT

PART 1—TRADE RELATIONS WITH CERTAIN COUNTRIES

§ 2431. **Exception of products of certain countries or areas**

Except as otherwise provided in this subchapter, the President shall continue to deny nondiscriminatory treatment to the products of any country, the products of which were not eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

(Pub. L. 93-618, title IV, §401, Jan. 3, 1975, 88 Stat. 2056.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in text, to be treated as a reference to the Harmonized Tariff Schedule pursuant to section 3012 of this title. The Harmonized Tariff Schedule is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

REPORT ON EFFECT OF SUBCHAPTER; RECOMMENDATIONS

Pub. L. 95-501, title VI, §604, Oct. 21, 1978, 92 Stat. 1692, which provided that within six months after Oct. 21, 1978, the Secretary of Agriculture submit to Congress a report detailing the effect on United States agriculture of this subchapter, including a recommendation as to whether the provisions of this subchapter should be repealed or amended, was omitted in the general revision of Pub. L. 95-501 by Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3668. See chapter 87 (§5601 et seq.) of Title 7, Agriculture.

§ 2432. **Freedom of emigration in East-West trade**

(a) **Actions of nonmarket economy countries making them ineligible for normal trade relations, programs of credits, credit guarantees, or investment guarantees, or commercial agreements**

To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of law, on or after January 3, 1975, products from any nonmarket economy country shall not be eligible to receive nondiscriminatory treatment (normal trade relations), such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President of the United

States shall not conclude any commercial agreement with any such country, during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to emigrate;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice,

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

(b) **Presidential determination and report to Congress that nation is not violating freedom of emigration**

After January 3, 1975, (A) products of a nonmarket economy country may be eligible to receive nondiscriminatory treatment (normal trade relations), (B) such country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and (C) the President may conclude a commercial agreement with such country, only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a) of this section. Such report with respect to such country shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and, with current information, on or before each June 30 and December 31 thereafter so long as such treatment is received, such credits or guarantees are extended, or such agreement is in effect.

(c) **Waiver authority of President**

(1) During the 18-month period beginning on January 3, 1975, the President is authorized to waive by Executive order the application of subsections (a) and (b) of this section with respect to any country, if he reports to the Congress that—

(A) he has determined that such waiver will substantially promote the objectives of this section; and

(B) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

(2) During any period subsequent to the 18-month period referred to in paragraph (1), the President is authorized to waive by Executive order the application of subsections (a) and (b) of this section with respect to any country, if the waiver authority granted by this subsection continues to apply to such country pursuant to subsection (d) of this section, and if he reports to the Congress that—

(A) he has determined that such waiver will substantially promote the objectives of this section; and

(B) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

(3) A waiver with respect to any country shall terminate on the day after the waiver authority granted by this subsection ceases to be effective with respect to such country pursuant to subsection (d) of this section. The President may, at any time, terminate by Executive order any waiver granted under this subsection.

(d) Extension of waiver authority

(1) If the President determines that the further extension of the waiver authority granted under subsection (c) of this section will substantially promote the objectives of this section, he may recommend further extensions of such authority for successive 12-month periods. Any such recommendations shall—

(A) be made not later than 30 days before the expiration of such authority;

(B) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

(C) include, for each country with respect to which a waiver granted under subsection (c) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

If the President recommends the further extension of such authority, such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension with respect to any country (except for any country with respect to which such authority has not been extended under this subsection), unless a joint resolution described in section 2193(a) of this title is enacted into law pursuant to the provisions of paragraph (2).

(2)(A) The requirements of this paragraph are met if the joint resolution is enacted under the procedures set forth in section 2193 of this title, and—

(i) the Congress adopts and transmits the joint resolution to the President before the end of the 60-day period beginning on the date the waiver authority would expire but for an extension under paragraph (1), and

(ii) if the President vetoes the joint resolution, each House of Congress votes to override such veto on or before the later of the last day of the 60-day period referred to in clause (i) or the last day of the 15-day period (excluding any day described in section 2194(b) of this title) beginning on the date the Congress receives the veto message from the President.

(B) If a joint resolution is enacted into law under the provisions of this paragraph, the waiver authority applicable to any country with respect to which the joint resolution disapproves of the extension of such authority shall cease to be effective as of the day after the 60-day period beginning on the date of the enactment of the joint resolution.

(C) A joint resolution to which this subsection and section 2193 of this title apply may be intro-

duced at any time on or after the date the President transmits to the Congress the document described in paragraph (1)(B).

(e) Countries not covered

This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

(Pub. L. 93-618, title IV, §402, Jan. 3, 1975, 88 Stat. 2056; Pub. L. 96-39, title XI, §1106(f)(1), July 26, 1979, 93 Stat. 312; Pub. L. 101-382, title I, §132(a)(1), (2), Aug. 20, 1990, 104 Stat. 643, 644; Pub. L. 105-206, title V, §5003(b)(2)(A), July 22, 1998, 112 Stat. 789.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (e), to be treated as a reference to the Harmonized Tariff Schedule, see Pub. L. 100-418, title I, §1212, Aug. 23, 1988, 102 Stat. 1155, classified to section 3012 of this title. The Harmonized Tariff Schedule is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

AMENDMENTS

1998—Subsecs. (a), (b). Pub. L. 105-206 substituted “(normal trade relations)” for “(most-favored-nation treatment)”.

1990—Subsec. (d)(1). Pub. L. 101-382, §132(a)(1), (2)(A), (B), redesignated par. (5) as (1), and substituted “If the President determines that the further extension of the waiver authority granted under subsection (c) of this section will” for “If the waiver authority granted by subsection (c) of this section has been extended under paragraph (3) or (4) for any country for the 12-month period referred to in such paragraphs, and the President determines that the further extension of such authority will” in introductory provisions, substituted “, unless a joint resolution described in section 2193(a) of this title is enacted into law pursuant to the provisions of paragraph (2).” for “, unless before the end of the 60-day period following such previous 12-month extension, either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 2193 of this title, a resolution disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority with respect to such country.” in concluding provisions, and struck out former par. (1) which read as follows: “If the President determines that the extension of the waiver authority granted by subsection (c)(1) of this section will substantially promote the objectives of this section, he may recommend to the Congress that such authority be extended for a period of 12 months. Any such recommendation shall—

“(A) be made not later than 30 days before the expiration of such authority;

“(B) be made in the document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

“(C) include, for each country with respect to which a waiver granted under subsection (c)(1) of this section is in effect, a determination that continuation of the waiver applicable to that country will substan-

tially promote the objectives of this section, and a statement setting forth his reasons for such determination.”

Subsec. (d)(2). Pub. L. 101-382, § 132(a)(2)(A), (C), added par. (2) and struck out former par. (2) which authorized extension of waiver authority for 12-month period upon recommendation of President and adoption of concurrent resolution approving extension of authority and not excluding country, and provided procedures if such resolution was not adopted.

Subsec. (d)(3), (4). Pub. L. 101-382, § 132(a)(2)(A), struck out par. (3) which authorized extension of waiver authority upon recommendation of President for 60 days, and for 12 months if before end of 60-day period concurrent resolution was adopted approving extension of authority and failing to exclude particular country, and provided procedures if such resolution was not adopted, and struck out par. (4) which authorized extension of waiver authority for 12 months upon recommendation of President if Congress failed to adopt concurrent resolution approving extension under par. (3) and also failed to adopt, in 45-day period following 60-day period, concurrent resolution disapproving extension generally or with respect to particular country.

Subsec. (d)(5). Pub. L. 101-382, § 132(a)(2)(B), redesignated par. (5) as (1).

1979—Subsec. (c)(1). Pub. L. 96-39 substituted “subsections (a) and (b) of this section” for “subsection (a) and (b) of this section” in provisions preceding subpar. (A).

EFFECTIVE DATE OF 1990 AMENDMENT

Section 132(d) of Pub. L. 101-382 provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section [amending this section and sections 2191 to 2194, 2435, and 2437 of this title] take effect on the date of the enactment of this Act [Aug. 20, 1990].

“(2) EXTENSION OF WAIVER AUTHORITY.—

“(A) The amendments made by subsections (a) and (c)(4) and (5) [amending this section and sections 2192 and 2193 of this title] apply with respect to recommendations made under section 402(d) of the Trade Act of 1974 [subsec. (d) of this section] by the President after May 23, 1990.

“(B) Solely for purposes of applying the applicable provisions of the Trade Act of 1974 [this chapter] with respect to the recommendations made by the President to the House of Representatives and the Senate under subsection (d) of section 402 of the Trade Act of 1974 after May 23, 1990, and on or before the date of the enactment of this Act—

“(i) in paragraph (2)(A)(i) of subsection (d) of such section 402 (as amended by subsection (a)), the date on which the waiver authority granted under subsection (c) of such section 402 would expire but for an extension under paragraph (1) of such subsection (d) is the date of the enactment of this Act;

“(ii) paragraph (2)(A)(ii) of subsection (d) of such section 402 (as amended by subsection (a)) shall be treated as reading as follows:

“(i) if the President vetoes the joint resolution, each House of Congress votes to override such veto on or before the last day of the 60-day period referred to in clause (i).”;

“(iii) if the waiver authority granted under such subsection (c) is extended after application of clauses (i) and (ii), the expiration date for such authority is July 3, 1991; and

“(iv) only joint resolutions described in section 153(a) of the Trade Act of 1974 [section 2193(a) of this title] (as amended by subsection (a)) that are introduced in the House of Representatives or the Senate on or after the date of the enactment of this Act may be considered by either body.”

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-39 effective July 26, 1979, see section 1114 of Pub. L. 96-39, set out as an Effective Date note under section 2581 of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (d)(1) of this section delegated to Secretary of State by section 1(a)(i) of Ex. Ord. No. 13346, July 8, 2004, 69 F.R. 41905, set out as a note under section 301 of Title 3, The President.

For delegation of congressional reporting functions of President under subsec. (b) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

WAIVER OF SUBSECTIONS (a) AND (b) BY EXECUTIVE ORDER

The following Executive orders waived the application of subsections (a) and (b) of this section for the countries listed:

Ex. Ord. No. 11854, Apr. 24, 1975, 40 F.R. 18391.—Socialist Republic of Romania.

Ex. Ord. No. 12051, Apr. 7, 1978, 43 F.R. 15131.—Hungarian People's Republic.

Ex. Ord. No. 12167, Oct. 23, 1979, 44 F.R. 61167.—People's Republic of China.

Ex. Ord. No. 12702, Feb. 20, 1990, 55 F.R. 6231.—Czechoslovakia.

Ex. Ord. No. 12726, Aug. 15, 1990, 55 F.R. 33637.—German Democratic Republic.

Ex. Ord. No. 12740, Dec. 29, 1990, 56 F.R. 355.—Soviet Union.

Ex. Ord. No. 12745, Jan. 22, 1991, 56 F.R. 2835.—Bulgaria.

Ex. Ord. No. 12746, Jan. 23, 1991, 56 F.R. 2837.—Mongolia.

Ex. Ord. No. 12772, Aug. 17, 1991, 56 F.R. 41621.—Romania.

Ex. Ord. No. 12798, Apr. 6, 1992, 57 F.R. 12175.—Armenia.

Ex. Ord. No. 12802, Apr. 16, 1992, 57 F.R. 14321.—Republic of Byelarus, Republic of Kyrgyzstan, and Russian Federation.

Ex. Ord. No. 12809, June 3, 1992, 57 F.R. 23925.—Albania, Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan.

Ex. Ord. No. 12811, June 24, 1992, 57 F.R. 28585.—Tajikistan and Turkmenistan.

Ex. Ord. No. 13079, Apr. 7, 1998, 63 F.R. 17309.—Vietnam.

Ex. Ord. No. 13220, July 2, 2001, 66 F.R. 35527.—Republic of Belarus.

Ex. Ord. No. 13314, Aug. 8, 2003, 68 F.R. 48249.—Turkmenistan.

Ex. Ord. No. 13437, June 28, 2007, 72 F.R. 36339.—Turkmenistan.

PRESIDENTIAL DETERMINATIONS RELATING TO WAIVERS

The following Presidential Determinations related to waivers or continuation of waivers for the countries listed:

Determination No. 81-8, June 2, 1981, 46 F.R. 30797.—Hungarian People's Republic, People's Republic of China, and Socialist Republic of Romania.

Determination No. 83-7, June 3, 1983, 48 F.R. 26585.—Hungarian People's Republic, People's Republic of China, and Socialist Republic of Romania.

Determination No. 84-9, May 31, 1984, 49 F.R. 24107.—Hungarian People's Republic, People's Republic of China, and Socialist Republic of Romania.

Determination No. 86-10, June 3, 1986, 51 F.R. 22057.—Hungarian People's Republic, People's Republic of China, and Socialist Republic of Romania.

Determination No. 87-14, June 2, 1987, 52 F.R. 22431.—Hungarian People's Republic, People's Republic of China, and Socialist Republic of Romania.

Determination No. 88-18, June 3, 1988, 53 F.R. 21407.—Hungarian People's Republic and People's Republic of China.

Determination No. 89-14, May 31, 1989, 54 F.R. 26943.—Hungarian People's Republic and People's Republic of China.

Determination No. 90-10, Feb. 20, 1990, 55 F.R. 8899.—Czechoslovakia.

Determination No. 90-21, May 24, 1990, 55 F.R. 23183.—People's Republic of China.

Determination No. 90-22, June 3, 1990, 55 F.R. 42831.—Czech and Slovak Federal Republic.

Determination No. 90-30, Aug. 15, 1990, 55 F.R. 35421.—German Democratic Republic.

Determination No. 91-11, Dec. 29, 1990, 56 F.R. 1561.—Soviet Union.

Determination No. 91-18, Jan. 22, 1991, 56 F.R. 4169.—Bulgaria.

Determination No. 91-19, Jan. 23, 1991, 56 F.R. 4171.—Mongolia.

Determination No. 91-36, May 29, 1991, 56 F.R. 26757.—People's Republic of China.

Determination No. 91-39, June 3, 1991, 56 F.R. 27187.—Republic of Bulgaria, Czech and Slovak Federal Republic, Soviet Union, and Mongolian People's Republic.

Determination No. 91-48, Aug. 17, 1991, 56 F.R. 43861.—Romania.

Determination No. 92-3, Oct. 16, 1991, 56 F.R. 55203.—Czech and Slovak Federal Republic.

Determination No. 92-20, Apr. 3, 1992, 57 F.R. 13623.—Armenia, Belarus, Kyrgyzstan, and Russia.

Determination No. 92-25, May 6, 1992, 57 F.R. 22147.—Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan.

Determination No. 92-26, May 20, 1992, 57 F.R. 48711.—Albania.

Determination No. 92-29, June 2, 1992, 57 F.R. 24539.—People's Republic of China.

Determination No. 92-30, June 3, 1992, 57 F.R. 24929.—Albania, Armenia, Azerbaijan, Bulgaria, Byelarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Ukraine, and Uzbekistan.

Determination No. 92-31, June 3, 1992, 57 F.R. 24931.—Tajikistan and Turkmenistan.

Determination No. 93-23, May 28, 1993, 58 F.R. 31329.—People's Republic of China.

Determination No. 93-25, June 2, 1993, 58 F.R. 33005.—Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Determination No. 94-26, June 2, 1994, 59 F.R. 31103.—People's Republic of China.

Determination No. 94-27, June 2, 1994, 59 F.R. 31105.—Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Determination No. 95-23, June 2, 1995, 60 F.R. 31047.—People's Republic of China.

Determination No. 95-24, June 2, 1995, 60 F.R. 31049.—Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Determination No. 96-29, May 31, 1996, 61 F.R. 29455.—People's Republic of China.

Determination No. 96-30, June 3, 1996, 61 F.R. 29457.—Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Determination No. 97-25, May 29, 1997, 62 F.R. 31313.—People's Republic of China.

Determination No. 97-28, June 3, 1997, 62 F.R. 32019.—Albania, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

Determination No. 98-17, Mar. 9, 1998, 63 F.R. 14329.—Vietnam.

Determination No. 98-26, June 3, 1998, 63 F.R. 32705.—People's Republic of China.

Determination No. 98-27, June 3, 1998, 63 F.R. 32707.—Vietnam.

Determination No. 98-28, June 3, 1998, 63 F.R. 32709.—Republic of Belarus.

Determination No. 99-26, June 3, 1999, 64 F.R. 31109.—Republic of Belarus.

Determination No. 99-27, June 3, 1999, 64 F.R. 31111.—Vietnam.

Determination No. 99-28, June 3, 1999, 64 F.R. 31113.—People's Republic of China.

Determination No. 2000-21, June 2, 2000, 65 F.R. 36309.—Vietnam.

Determination No. 2000-22, June 2, 2000, 65 F.R. 36311.—Republic of Belarus.

Determination No. 2000-23, June 2, 2000, 65 F.R. 36313.—People's Republic of China.

Determination No. 2001-16, June 1, 2001, 66 F.R. 30631.—People's Republic of China.

Determination No. 2001-17, June 1, 2001, 66 F.R. 30633.—Vietnam.

Determination No. 2001-20, July 2, 2001, 66 F.R. 37109.—Republic of Belarus.

Determination No. 02-21, June 3, 2002, 67 F.R. 40833.—Republic of Belarus.

Determination No. 02-22, June 3, 2002, 67 F.R. 40835.—Vietnam.

Determination No. 2003-24, May 29, 2003, 68 F.R. 35525.—Vietnam.

Determination No. 2003-25, May 29, 2003, 68 F.R. 35527.—Republic of Belarus.

Determination No. 2003-31, Aug. 8, 2003, 68 F.R. 49325.—Turkmenistan.

Determination No. 2004-32, June 3, 2004, 69 F.R. 32429.—Turkmenistan.

Determination No. 2004-33, June 3, 2004, 69 F.R. 32431.—Republic of Belarus.

Determination No. 2004-34, June 3, 2004, 69 F.R. 32433.—Vietnam.

Determination No. 2007-24, June 28, 2007, 72 F.R. 37421.—Turkmenistan.

§ 2433. United States personnel missing in action in Southeast Asia

(a) Penalty for noncooperating countries

Notwithstanding any other provision of law, if the President determines that a nonmarket economy country is not cooperating with the United States—

- (1) to achieve a complete accounting of all United States military and civilian personnel who are missing in action in Southeast Asia,
- (2) to repatriate such personnel who are alive, and
- (3) to return the remains of such personnel who are dead to the United States,

then, during the period beginning with the date of such determination and ending on the date on which the President determines such country is cooperating with the United States, he may provide that—

- (A) the products of such country may not receive nondiscriminatory treatment,
- (B) such country may not participate, directly or indirectly, in any program under which the United States extends credit, credit guarantees, or investment guarantees, and
- (C) no commercial agreement entered into under this subchapter between such country and the United States will take effect.

(b) Exception

This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

(Pub. L. 93-618, title IV, § 403, Jan. 3, 1975, 88 Stat. 2060.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (b), to be treated as a reference to the Har-

monized Tariff Schedule, pursuant to section 3012 of this title. The Harmonized Tariff Schedule is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

§ 2434. Extension of nondiscriminatory treatment

(a) Presidential proclamation

Subject to the provisions of section 2435(c) of this title, the President may by proclamation extend nondiscriminatory treatment to the products of a foreign country which has entered into a bilateral commercial agreement referred to in section 2435 of this title.

(b) Limitation on period of effectiveness

The application of nondiscriminatory treatment shall be limited to the period of effectiveness of the obligations of the United States to such country under such bilateral commercial agreement. In addition, in the case of any foreign country receiving nondiscriminatory treatment pursuant to this subchapter which has entered into an agreement with the United States regarding the settlement of lendlease reciprocal aid and claims, the application of such nondiscriminatory treatment shall be limited to periods during which such country is not in arrears on its obligations under such agreement.

(c) Suspension or withdrawal of extensions of nondiscriminatory treatment

The President may at any time suspend or withdraw any extension of nondiscriminatory treatment to any country pursuant to subsection (a) of this section and thereby cause all products of such country to be dutiable at the rates set forth in rate column numbered 2 of the Harmonized Tariff Schedule of the United States.

(Pub. L. 93-618, title IV, § 404, Jan. 3, 1975, 88 Stat. 2060; Pub. L. 96-39, title XI, § 1106(f)(2), July 26, 1979, 93 Stat. 312; Pub. L. 100-418, title I, § 1214(j)(3), Aug. 23, 1988, 102 Stat. 1158.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (c), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

AMENDMENTS

1988—Subsec. (c). Pub. L. 100-418 substituted “Harmonized Tariff Schedule of the United States” for “Tariff Schedules for the United States”.

1979—Subsec. (c). Pub. L. 96-39 struck out the comma after “subsection (a) of this section”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as an Effective Date note under section 3001 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-39 effective July 26, 1979, see section 1114 of Pub. L. 96-39, set out as an Effective Date note under section 2581 of this title.

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF UKRAINE

Pub. L. 109-205, Mar. 23, 2006, 120 Stat. 313, provided that:

“SECTION 1. FINDINGS.

“Congress finds as follows:

“(1) Ukraine allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of such citizens to emigrate to the country of their choice.

“(2) Ukraine has received normal trade relations treatment since 1992 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.] since 1997.

“(3) Since the establishment of an independent Ukraine in 1991, Ukraine has made substantial progress toward the creation of democratic institutions and a free-market economy.

“(4) Ukraine has committed itself to ensuring freedom of religion, respect for rights of minorities, and eliminating intolerance and has been a paragon of inter-ethnic cooperation and harmony, as evidenced by the annual human rights reports of the Organization for Security and Cooperation in Europe (OSCE) and the United States Department of State.

“(5) Ukraine has taken major steps toward global security by ratifying the Treaty on the Reduction and Limitation of Strategic Offensive Weapons (START I) and the Treaty on the Non-Proliferation of Nuclear Weapons, subsequently turning over the last of its Soviet-era nuclear warheads on June 1, 1996, and agreeing, in 1998, not to assist Iran with the completion of a program to develop and build nuclear breeding reactors, and has fully supported the United States in nullifying the Anti-Ballistic Missile (ABM) Treaty.

“(6) At the Madrid Summit in 1997, Ukraine became a member of the North Atlantic Cooperation Council of the North Atlantic Treaty Organization (NATO), and has been a participant in the Partnership for Peace (PfP) program since 1994.

“(7) Ukraine is a peaceful state which established exemplary relations with all neighboring countries, and consistently pursues a course of European integration with a commitment to ensuring democracy and prosperity for its citizens.

“(8) Ukraine has built a broad and durable relationship with the United States and has been an unwavering ally in the struggle against international terrorism that has taken place since the attacks against the United States that occurred on September 11, 2001.

“(9) Ukraine has concluded a bilateral trade agreement with the United States that entered into force on June 23, 1992, and is in the process of acceding to the World Trade Organization (WTO). On March 6, 2006, the United States and Ukraine signed a bilateral market access agreement as a part of the WTO accession process.

“SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PRODUCTS OF UKRAINE.

“(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

“(1) determine that such title should no longer apply to Ukraine; and

“(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

“(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the effective date under subsection (a) of the extension of nondiscriminatory treatment to the products of Ukraine [Nondiscriminatory treatment extended Mar. 31, 2006, see Proc. No. 7995, listed in the table of presidential documents below.], title IV of the Trade Act of 1974 shall cease to apply to that country.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO
PRODUCTS OF ARMENIA

Pub. L. 108-429, title II, §2001, Dec. 3, 2004, 118 Stat. 2587, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) Armenia has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.].

“(2) Armenia acceded to the World Trade Organization on February 5, 2003.

“(3) Since declaring its independence from the Soviet Union in 1991, Armenia has made considerable progress in enacting free-market reforms.

“(4) Armenia has demonstrated a strong desire to build a friendly and cooperative relationship with the United States and has concluded many bilateral treaties and agreements with the United States.

“(5) Total United States-Armenia bilateral trade for 2002 amounted to more than \$134,200,000.

“(b) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

“(1) determine that such title should no longer apply to Armenia; and

“(2) after making a determination under paragraph (1) with respect to Armenia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

“(c) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (b)(2) of nondiscriminatory treatment to the products of Armenia [Nondiscriminatory treatment extended Jan. 7, 2005, see Proc. No. 7860, listed in the table of presidential documents below.], title IV of the Trade Act of 1974 shall cease to apply to that country.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO
PRODUCTS OF VIETNAM

Pub. L. 109-432, div. D, title IV, §§ 4001, 4002, Dec. 20, 2006, 120 Stat. 3177, 3178, provided that:

“SEC. 4001. FINDINGS.

“Congress finds the following:

“(1) In July 1995, President Bill Clinton announced the formal normalization of diplomatic relations between the United States and Vietnam.

“(2) Vietnam has taken cooperative steps with the United States under the United States Joint POW/MIA Accounting Command (formerly the Joint Task Force-Full Accounting) established in 1992 by President George H.W. Bush to provide the fullest possible accounting of MIA and POW cases.

“(3) In 2000, the United States and Vietnam concluded a bilateral trade agreement that included commitments on goods, services, intellectual property rights, and investment. The agreement was approved by joint resolution enacted pursuant to section 405(c) of the Trade Act of 1974 (19 U.S.C. 2435(c)), and entered into force in December 2001.

“(4) Since 2001, normal trade relations treatment has consistently been extended to Vietnam pursuant to title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.].

“(5) Vietnam has undertaken significant market-based economic reforms, including the reduction of government subsidies, tariffs and nontariff barriers, and extensive legal reform. These measures have dramatically improved Vietnam’s business and investment climate.

“(6) Vietnam has completed its negotiations to join the World Trade Organization (WTO). On May 31, 2006, the United States and Vietnam signed a comprehensive bilateral agreement providing greater market access for goods and services and other trade liberalizing commitments. On November 7, 2006, the WTO General Council approved Vietnam’s membership.

Vietnam’s National Assembly ratified Vietnam’s WTO accession commitments on November 28, 2006, and Vietnam will become the 150th Member of the WTO 30 days thereafter.

“(7) On November 13, 2006, the Department of State removed Vietnam from its list of Countries of Particular Concern (CPC) for severe violations of religious freedom. In reaching this determination, the Department of State cited significant improvements in Vietnam toward advancing religious freedom, though problems remain that merit immediate attention and important work remains to be done to fully protect religious freedom in Vietnam.

“SEC. 4002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO VIETNAM.

“(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NON-DISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

“(1) determine that such title should no longer apply to Vietnam; and

“(2) after making a determination under paragraph (1) with respect to Vietnam, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

“(b) TERMINATION OF THE APPLICABILITY OF TITLE IV.—On and after the effective date of the extension of nondiscriminatory treatment to the products of Vietnam under subsection (a) [Nondiscriminatory treatment extended Dec. 29, 2006, see Proc. No. 8096, listed in the table of presidential documents below.], title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.] shall cease to apply to that country.”

Pub. L. 107-52, Oct. 16, 2001, 115 Stat. 268, provided: “That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam transmitted by the President to the Congress on June 8, 2001.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO
PRODUCTS OF GEORGIA

Pub. L. 106-476, title III, Nov. 9, 2000, 114 Stat. 2175, provided that:

“SEC. 3001. FINDINGS.

“Congress finds that Georgia has—

“(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.];

“(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction;

“(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974;

“(4) made progress toward democratic rule and creating a free market economic system since its independence from the Soviet Union;

“(5) demonstrated strong and effective enforcement of internationally recognized core labor standards and a commitment to continue to improve effective enforcement of its laws reflecting such standards;

“(6) committed to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the ‘Helsinki Final Act’) regarding human rights and humanitarian affairs;

“(7) endeavored to address issues related to its national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

“(8) also committed to enacting legislation to provide protection against incitement to violence

against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism;

“(9) continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of Georgia and establishing the legal framework for completion of this process in the future;

“(10) concluded a bilateral trade agreement with the United States in 1993 and a bilateral investment treaty in 1994;

“(11) demonstrated a strong desire to build a friendly and cooperative relationship with the United States; and

“(12) acceded to the World Trade Organization on June 14, 2000, and the extension of unconditional normal trade relations treatment to the products of Georgia will enable the United States to avail itself of all rights under the World Trade Organization with respect to Georgia.

“SEC. 3002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO GEORGIA.

“(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

“(1) determine that such title should no longer apply to Georgia; and

“(2) after making a determination under paragraph (1) with respect to Georgia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

“(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Georgia [Nondiscriminatory treatment extended Dec. 29, 2000, see Proc. No. 7389, listed in the table of presidential documents below.], title IV of the Trade Act of 1974 shall cease to apply to that country.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF PEOPLE'S REPUBLIC OF CHINA

Pub. L. 106-286, div. A, title I, §§101, 102, Oct. 10, 2000, 114 Stat. 881, 882, provided that:

“SEC. 101. TERMINATION OF APPLICATION OF CHAPTER 1 OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PEOPLE'S REPUBLIC OF CHINA.

“(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of chapter 1 of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) [this part], as designated by section 3(a)(2) [103(a)(2)] of this Act, the President may—

“(1) determine that such chapter should no longer apply to the People's Republic of China; and

“(2) after making a determination under paragraph (1) with respect to the People's Republic of China, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

“(b) ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE WORLD TRADE ORGANIZATION.—Prior to making the determination provided for in subsection (a)(1) and pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

“SEC. 102. EFFECTIVE DATE.

“(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101(a) shall be effective no earlier than the effective date of the accession of the People's

Republic of China to the World Trade Organization [Dec. 11, 2001].

“(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the effective date under subsection (a) of the extension of nondiscriminatory treatment to the products of the People's Republic of China [Nondiscriminatory treatment extended Jan. 1, 2002, see Proc. No. 7516, listed in the table of presidential documents below.], chapter 1 of title IV of the Trade Act of 1974 [this part] (as designated by section 103(a)(2) of this Act) shall cease to apply to that country.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF ALBANIA

Pub. L. 106-200, title III, §301, May 18, 2000, 114 Stat. 288, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) Albania has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.].

“(2) Since its emergence from communism, Albania has made progress toward democratic rule and the creation of a free-market economy.

“(3) Albania has concluded a bilateral investment treaty with the United States.

“(4) Albania has demonstrated a strong desire to build a friendly relationship with the United States and has been very cooperative with NATO and the international community during and after the Kosovo crisis.

“(5) The extension of unconditional normal trade relations treatment to the products of Albania will enable the United States to avail itself of all rights under the World Trade Organization with respect to Albania when that country becomes a member of the World Trade Organization.

“(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ALBANIA.—

“(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

“(A) determine that such title should no longer apply to Albania; and

“(B) after making a determination under subparagraph (A) with respect to Albania, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

“(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Albania [Nondiscriminatory treatment extended June 29, 2000, see Proc. No. 7326, listed in the table of presidential documents below.], title IV of the Trade Act of 1974 shall cease to apply to that country.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF KYRGYZSTAN

Pub. L. 106-200, title III, §302, May 18, 2000, 114 Stat. 289, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) Kyrgyzstan has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.].

“(2) Since its independence from the Soviet Union in 1991, Kyrgyzstan has made great progress toward democratic rule and toward creating a free-market economic system.

“(3) Kyrgyzstan concluded a bilateral investment treaty with the United States in 1994.

“(4) Kyrgyzstan has demonstrated a strong desire to build a friendly and cooperative relationship with the United States.

“(5) The extension of unconditional normal trade relations treatment to the products of Kyrgyzstan will enable the United States to avail itself of all rights under the World Trade Organization with respect to Kyrgyzstan.

“(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO KYRGYZSTAN.—

“(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

“(A) determine that such title should no longer apply to Kyrgyzstan; and

“(B) after making a determination under subparagraph (A) with respect to Kyrgyzstan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

“(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Kyrgyzstan [Nondiscriminatory treatment extended June 29, 2000, see Proc. No. 7326, listed in the table of presidential documents below.], title IV of the Trade Act of 1974 shall cease to apply to that country.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF MONGOLIA

Pub. L. 106-36, title II, §2424, June 25, 1999, 113 Stat. 180, provided that:

“(a) FINDINGS.—The Congress finds that Mongolia—

“(1) has received normal trade relations treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.];

“(2) has emerged from nearly 70 years of communism and dependence on the former Soviet Union, approving a new constitution in 1992 which has established a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and an independent judiciary;

“(3) has held four national elections under the new constitution, two presidential and two parliamentary, thereby solidifying the nation’s transition to democracy;

“(4) has undertaken significant market-based economic reforms, including privatization, the reduction of government subsidies, the elimination of most price controls and virtually all import tariffs, and the closing of insolvent banks;

“(5) has concluded a bilateral trade treaty with the United States in 1991, and a bilateral investment treaty in 1994;

“(6) has acceded to the Agreement Establishing the World Trade Organization, and extension of unconditional normal trade relations treatment to the products of Mongolia would enable the United States to avail itself of all rights under the World Trade Organization with respect to Mongolia; and

“(7) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

“(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO MONGOLIA.—

“(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

“(A) determine that such title should no longer apply to Mongolia; and

“(B) after making a determination under subparagraph (A) with respect to Mongolia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

“(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to

the products of Mongolia [Nondiscriminatory treatment extended July 1, 1999, see Proc. No. 7207, listed in the table of presidential documents below.], title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.] shall cease to apply to that country.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF ROMANIA

Pub. L. 104-171, Aug. 3, 1996, 110 Stat. 1539, provided that:

“SECTION 1. FINDINGS.

“The Congress finds that—

“(1) Romania emerged from years of brutal Communist dictatorship in 1989 and approved a new Constitution and elected a Parliament by 1991, laying the foundation for a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and respect for private property;

“(2) local elections, parliamentary elections, and presidential elections have been held in Romania, and 1996 will mark the second nationwide presidential elections under the new Constitution;

“(3) Romania has undertaken significant economic reforms, including the establishment of a two-tier banking system, the introduction of a modern tax system, the freeing of most prices and elimination of most subsidies, the adoption of a tariff-based trade regime, and the rapid privatization of industry and nearly all agriculture;

“(4) Romania concluded a bilateral investment treaty with the United States in 1993, and both United States investment in Romania and bilateral trade are increasing rapidly;

“(5) Romania has received most-favored-nation treatment since 1993, and has been found by the President to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.];

“(6) Romania is a member of the World Trade Organization and extension of unconditional most-favored-nation treatment to the products of Romania would enable the United States to avail itself of all rights under the World Trade Organization with respect to Romania; and

“(7) Romania has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

“SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ROMANIA.

“(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

“(1) determine that such title should no longer apply to Romania; and

“(2) after making a determination under paragraph (1), proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

“(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Romania [Nondiscriminatory treatment extended Nov. 12, 1996, see Proc. No. 6951, listed in the table of presidential documents below.], title IV of the Trade Act of 1974 shall cease to apply to that country.”

Pub. L. 103-133, Nov. 2, 1993, 107 Stat. 1373, provided: “That the Congress approves the extension of nondiscriminatory treatment with respect to the products of Romania transmitted by the President to the Congress on July 2, 1993.”

WITHDRAWAL OF MOST-FAVORED-NATION STATUS FROM SERBIA AND MONTENEGRO

Pub. L. 102-420, Oct. 16, 1992, 106 Stat. 2149, provided that:

“(a) FINDINGS.—The Congress finds that Serbia or Montenegro are not complying with the provisions of

the Final Act of the Conference on Security and Cooperation in Europe (also known as the 'Helsinki Final Act'), particularly the provisions regarding human rights and humanitarian affairs and are not respecting minority rights in Kosovo and Vojvodina.

“(b) WITHDRAWAL OF MFN STATUS.—Except as provided in subsection (c), nondiscriminatory treatment shall not apply with respect to any goods that—

“(1) are the product of Serbia or Montenegro; and

“(2) are entered into the customs territory of the United States on or after the 15th day after the date of the enactment of this Act [Oct. 16, 1992].

“(c) RESTORATION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding subsection (b), the President may restore nondiscriminatory treatment to goods that are the product of Serbia or Montenegro, as the case may be, 30 days after he certifies to the Congress that Serbia or Montenegro, as the case may be—

“(1) has ceased its armed conflict with the other ethnic peoples of the region formerly comprising the Socialist Federal Republic of Yugoslavia;

“(2) has agreed to respect the borders of the 6 republics that comprised the Socialist Federal Republic of Yugoslavia under the 1974 Yugoslav Constitution; and

“(3) has ceased all support of Serbian forces inside Bosnia-Herzegovina.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF REPUBLIC OF ALBANIA

Pub. L. 102-363, Aug. 26, 1992, 106 Stat. 969, provided: “That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the Republic of Albania transmitted by the President to the Congress on June 16, 1992.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF UNION OF SOVIET SOCIALIST REPUBLICS

Pub. L. 102-197, Dec. 9, 1991, 105 Stat. 1622, provided: “That the Congress approves the extension of nondiscriminatory treatment to the products of the Union of Soviet Socialist Republics transmitted by the President to the Congress on October 9, 1991.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF CZECHOSLOVAKIA AND HUNGARY

Pub. L. 102-182, §§ 1, 2, Dec. 4, 1991, 105 Stat. 1233, provided that:

“SECTION 1. CONGRESSIONAL FINDINGS AND PREPARATORY PRESIDENTIAL ACTION.

“(a) CONGRESSIONAL FINDINGS.—The Congress finds that the Czech and Slovak Federal Republic and the Republic of Hungary both have—

“(1) dedicated themselves to respect for fundamental human rights;

“(2) accorded to their citizens the right to emigrate and to travel freely;

“(3) reversed over 40 years of communist dictatorship and embraced the establishment of political pluralism, free and fair elections, and multi-party political systems;

“(4) introduced far-reaching economic reforms based on market-oriented principles and have decentralized economic decisionmaking; and

“(5) demonstrated a strong desire to build friendly relationships with the United States.

“(b) PREPARATORY PRESIDENTIAL ACTION.—The Congress notes that the President in anticipation of the enactment of section 2, has directed the United States Trade Representative to negotiate with the Czech and Slovak Federal Republic and the Republic of Hungary, respectively, in order to—

“(1) preserve the commitments of that country under the bilateral commercial agreement in effect between that country and the United States that are consistent with the General Agreement on Tariffs and Trade; and

“(2) obtain other appropriate commitments.

“SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO CZECHOSLOVAKIA AND HUNGARY.

“(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

“(1) determine that such title should no longer apply to the Czech and Slovak Federal Republic or to the Republic of Hungary, or to both; and

“(2) after making a determination under paragraph (1) with respect to a country, proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

“(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of a country [Nondiscriminatory treatment extended Apr. 14, 1992, see Proc. No. 6419, listed in the table of presidential documents below.], title IV of the Trade Act of 1974 shall cease to apply to that country.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF ESTONIA, LATVIA, AND LITHUANIA

Pub. L. 102-182, title I, Dec. 4, 1991, 105 Stat. 1235, provided that:

“SEC. 101. CONGRESSIONAL FINDINGS.

“The Congress finds the following:

“(1) The Government of the United States extended full diplomatic recognition to Estonia, Latvia, and Lithuania in 1922.

“(2) The Government of the United States entered into agreements extending most-favored-nation treatment with the Government of Estonia on August 1, 1925, the Government of Latvia on April 30, 1926, and the Government of Lithuania on July 10, 1926.

“(3) The Union of Soviet Socialist Republics incorporated Estonia, Latvia, and Lithuania involuntarily into the Union as a result of a secret protocol to a German-Soviet agreement in 1939 which assigned those three states to the Soviet sphere of influence; and the Government of the United States has at no time recognized the forcible incorporation of those states into the Union of Soviet Socialist Republics.

“(4) The Trade Agreements Extension Act of 1951 [see Short Title of 1951 Amendment note set out under section 1654 of this title] required the President to suspend, withdraw, or prevent the application of trade benefits, including most-favored-nation treatment, to countries under the domination or control of the world Communist movement.

“(5) In 1951, responsible representatives of Estonia, Latvia, and Lithuania stated that they did not object to the imposition of ‘such controls as the Government of the United States may consider to be appropriate’ to the products of those countries, for such time as those countries remained under Soviet domination or control.

“(6) In 1990, the democratically elected governments of Estonia, Latvia, and Lithuania declared the restoration of their independence from the Union of Soviet Socialist Republics.

“(7) The Government of the United States established diplomatic relations with Estonia, Latvia, and Lithuania on September 2, 1991, and on September 6, 1991, the State Council of the transitional government of the Union of Soviet Socialist Republics recognized the independence of Estonia, Latvia, and Lithuania, thereby ending the involuntary incorporation of those countries into, and the domination of those countries by, the Soviet Union.

“(8) Immediate action should be taken to remove the impediments, imposed in response to the circumstances referred to in paragraph (5), in United States trade laws to the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of those countries.

“(9) As a consequence of establishment of United States diplomatic relations with Estonia, Latvia, and

Lithuania, these independent countries are eligible to receive the benefits of the Generalized System of Preferences provided for in title V of the Trade Act of 1974 [19 U.S.C. 2461 et seq.].

“SEC. 102. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF ESTONIA, LATVIA, AND LITHUANIA.

“(a) IN GENERAL.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) or any other provision of law, nondiscriminatory treatment (most-favored-nation treatment) applies to the products of Estonia, Latvia, and Lithuania.

“(b) CONFORMING TARIFF SCHEDULE AMENDMENTS.—General Note 3(b) of the Harmonized Tariff Schedule of the United States is amended by striking out ‘Estonia’, ‘Latvia’, and ‘Lithuania’.

“(c) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (b) apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act [Dec. 4, 1991].

“SEC. 103. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE BALTICS.

“Title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) shall cease to apply to Estonia, Latvia, and Lithuania effective as of the 15th day after the date of the enactment of this Act [Dec. 4, 1991].

“SEC. 104. SENSE OF THE CONGRESS REGARDING PROMPT PROVISION OF GSP TREATMENT TO THE PRODUCTS OF ESTONIA, LATVIA, AND LITHUANIA.

“It is the sense of the Congress that the President should take prompt action under title V of the Trade Act of 1974 [19 U.S.C. 2461 et seq.] to provide preferential tariff treatment to the products of Estonia, Latvia, and Lithuania pursuant to the Generalized System of Preferences.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF BULGARIA

Pub. L. 104-162, July 18, 1996, 110 Stat. 1414, provided that:

“SECTION 1. CONGRESSIONAL FINDINGS AND SUPPLEMENTAL ACTION.

“(a) CONGRESSIONAL FINDINGS.—The Congress finds that Bulgaria—

“(1) has received most-favored-nation treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 [19 U.S.C. 2431 et seq.] since 1993;

“(2) has reversed many years of Communist dictatorship and instituted a constitutional republic ruled by a democratically elected government as well as basic market-oriented reforms, including privatization;

“(3) is in the process of acceding to the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO), and extension of unconditional most-favored-nation treatment would enable the United States to avail itself of all rights under the GATT and the WTO with respect to Bulgaria; and

“(4) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

“(b) SUPPLEMENTAL ACTION.—The Congress notes that the United States Trade Representative intends to negotiate with Bulgaria in order to preserve the commitments of that country under the bilateral commercial agreement in effect between that country and the United States that are consistent with the GATT and the WTO.

“SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO BULGARIA.

“(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any

provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

“(1) determine that such title should no longer apply to Bulgaria; and

“(2) after making a determination under paragraph (1) with respect to Bulgaria, proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

“(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Bulgaria [Nondiscriminatory treatment extended Oct. 1, 1996, see Proc. No. 6922, listed in the table of presidential documents below.], title IV of the Trade Act of 1974 shall cease to apply to that country.”

Pub. L. 102-158, Nov. 13, 1991, 105 Stat. 1041, provided: “That the Congress approves the extension of nondiscriminatory treatment to the products of the People’s Republic of Bulgaria transmitted by the President to the Congress on June 25, 1991.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF MONGOLIAN PEOPLE’S REPUBLIC

Pub. L. 102-157, Nov. 13, 1991, 105 Stat. 1040, provided: “That the Congress approves the extension of nondiscriminatory treatment to the products of the Mongolian People’s Republic transmitted by the President to the Congress on June 25, 1991.”

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF CZECHOSLOVAKIA

Pub. L. 101-541, Nov. 8, 1990, 104 Stat. 2380, provided: “That the Congress approves the extension of nondiscriminatory treatment with respect to the products of Czechoslovakia transmitted by the President to the Congress on September 6, 1990.”

AUTHORITY OF PRESIDENT TO DENY AND TO RESTORE NONDISCRIMINATORY TRADE TREATMENT TO PRODUCTS OF AFGHANISTAN OR TO DENY OR TO RESTORE CREDITS, ETC., TO AFGHANISTAN

Pub. L. 99-190, §118, Dec. 19, 1985, 99 Stat. 1319, authorized President to deny nondiscriminatory (most-favored-nation) trade treatment to the products of Afghanistan and to deny credit, credit guarantees, and investment guarantees to, or for the benefit of, Afghanistan under any Federal program, directed President, if such treatment was not denied, to submit to Congress, 45 days after Dec. 19, 1985, a report with the reasons for not denying such treatment, and authorized President, if such treatment was denied to restore nondiscriminatory trade treatment, and to extend credit, credit guarantees, and investment guarantees. Similar provisions were contained in Pub. L. 99-190, §101(i) [title V, §552], Dec. 19, 1985, 99 Stat. 1291, 1314.

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF SOCIALIST REPUBLIC OF ROMANIA

S. Con. Res. 35, July 28, 1975, 89 Stat. 1202, provided: “That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Romania transmitted by the President to the Congress on April 25, 1975.”

PRESIDENTIAL DOCUMENTS RELATING TO EXTENSION OF NONDISCRIMINATORY TRADE TREATMENT

AFGHANISTAN.—Proc. No. 7553, May 3, 2002, 67 F.R. 30535.

Determination of the President of the United States, No. 93-3, Oct. 7, 1992, 57 F.R. 47557.

Proc. No. 5437, Jan. 31, 1986, 51 F.R. 4287.

ALBANIA.—Proc. No. 7326, June 29, 2000, 65 F.R. 41547.

Determination of the President of the United States, No. 96-44, Aug. 27, 1996, 61 F.R. 45859.

Proc. No. 6445, June 15, 1992, 57 F.R. 26921.

Determination of the President of the United States, No. 92-33, June 15, 1992, 57 F.R. 28583.

ARMENIA.—Proc. No. 7860, Jan. 7, 2005, 70 F.R. 2321.

Determination of the President of the United States, No. 96-47, Aug. 27, 1996, 61 F.R. 45865.

BELARUS.—Determination of the President of the United States, No. 96–15, Mar. 7, 1996, 61 F.R. 49935.

BULGARIA.—Proc. No. 6922, Sept. 27, 1996, 61 F.R. 51205. Proc. No. 6307, June 24, 1991, 56 F.R. 29787.

Determination of the President of the United States, No. 91–43, June 24, 1991, 56 F.R. 31037.

CHINA.—Proc. No. 7516, Dec. 27, 2001, 67 F.R. 479.

Determination of the President of the United States, No. 98–13, Jan. 30, 1998, 63 F.R. 5857.

Determination of the President of the United States, No. 96–33, June 21, 1996, 61 F.R. 32631.

Determination of the President of the United States, No. 92–12, Jan. 31, 1992, 57 F.R. 19077.

Memorandum of the President of the United States, Dec. 19, 1988, 53 F.R. 51217.

Memorandum of the President of the United States, Dec. 23, 1982, 47 F.R. 57653.

Proc. No. 4697, Oct. 23, 1979, 44 F.R. 61161.

CZECHOSLOVAKIA.—Proc. No. 6419, Apr. 10, 1992, 57 F.R. 12865.

Determination of the President of the United States, No. 92–21, Apr. 10, 1992, 57 F.R. 12863.

Proc. No. 6175, Sept. 6, 1990, 55 F.R. 37643.

Memorandum of the President of the United States, Sept. 6, 1990, 55 F.R. 39259.

GEORGIA.—Proc. No. 7389, Dec. 29, 2000, 66 F.R. 703.

Determination of the President of the United States, No. 96–49, Aug. 27, 1996, 61 F.R. 45869.

HUNGARY.—Proc. No. 6419, Apr. 10, 1992, 57 F.R. 12865.

Determination of the President of the United States, No. 92–21, Apr. 10, 1992, 57 F.R. 12863.

Determination of the President of the United States, No. 90–27, June 22, 1990, 55 F.R. 25945.

Determination of the President of the United States, No. 87–15, June 23, 1987, 52 F.R. 23785.

Determination of the President of the United States, No. 84–10, May 31, 1984, 49 F.R. 23025.

Determination of the President of the United States, No. 81–9, June 2, 1981, 46 F.R. 29921.

Proc. No. 4560, Apr. 7, 1978, 43 F.R. 15125.

KAZAKHSTAN.—Determination of the President of the United States, No. 96–16, Mar. 7, 1996, 61 F.R. 49937.

KYRGYZSTAN.—Proc. No. 7326, June 29, 2000, 65 F.R. 41547.

Determination of the President of the United States, No. 96–45, Aug. 27, 1996, 61 F.R. 45861.

MOLDOVA.—Determination of the President of the United States, No. 96–48, Aug. 27, 1996, 61 F.R. 45867.

MONGOLIA.—Proc. No. 7207, July 1, 1999, 64 F.R. 36549. Proc. No. 6308, June 24, 1991, 56 F.R. 29834.

Determination of the President of the United States, No. 91–44, June 24, 1991, 56 F.R. 31039.

ROMANIA.—Proc. No. 6951, Nov. 7, 1996, 61 F.R. 58129.

Proc. No. 6577, July 2, 1993, 58 F.R. 36301.

Determination of the President of the United States, No. 93–30, July 2, 1993, 58 F.R. 43785.

Proc. No. 6449, June 22, 1992, 57 F.R. 28033.

Determination of the President of the United States, No. 92–34, June 22, 1992, 57 F.R. 30099.

Determination of the President of the United States, No. 90–28, July 3, 1990, 55 F.R. 27797.

Determination of the President of the United States, No. 87–16, June 24, 1987, 52 F.R. 23931.

Determination of the President of the United States, No. 87–15, June 23, 1987, 52 F.R. 23785.

Determination of the President of the United States, No. 84–10, May 31, 1984, 49 F.R. 23025.

Determination of the President of the United States, No. 81–9, June 2, 1981, 46 F.R. 29921.

Proc. No. 4369, Apr. 24, 1975, 40 F.R. 18389.

TAJKISTAN.—Determination of the President of the United States, No. 97–7, Nov. 26, 1996, 61 F.R. 63695.

TURKMENISTAN.—Determination of the President of the United States, No. 97–5, Nov. 20, 1996, 61 F.R. 59303.

UKRAINE.—Proc. No. 7995, Mar. 31, 2006, 71 F.R. 16969.

Determination of the President of the United States, No. 96–46, Aug. 27, 1996, 61 F.R. 45863.

UNION OF SOVIET SOCIALIST REPUBLICS.—Proc. No. 6352, Oct. 9, 1991, 56 F.R. 51317.

Proc. No. 6320, Aug. 2, 1991, 56 F.R. 37407.

Determination of the President of the United States, No. 91–47, Aug. 2, 1991, 56 F.R. 40741.

UZBEKISTAN.—Determination of the President of the United States, No. 97–6, Nov. 26, 1996, 61 F.R. 63693.

VIETNAM.—Proc. No. 8096, Dec. 29, 2006, 72 F.R. 451.

Determination of the President of the United States, No. 2005–11, Dec. 10, 2004, 69 F.R. 76587.

Proc. No. 7449, June 8, 2001, 66 F.R. 31375.

Determination of the President of the United States, No. 2001–18, June 8, 2001, 66 F.R. 34353.

§ 2435. Commercial agreements

(a) Presidential authority

Subject to the provisions of subsections (b) and (c) of this section, the President may authorize the entry into force of bilateral commercial agreements providing nondiscriminatory treatment to the products of countries heretofore denied such treatment whenever he determines that such agreements with such countries will promote the purposes of this chapter and are in the national interest.

(b) Terms of agreements

Any such bilateral commercial agreement shall—

(1) be limited to an initial period specified in the agreement which shall be no more than 3 years from the date the agreement enters into force; except that it may be renewable for additional periods, each not to exceed 3 years; if—

(A) a satisfactory balance of concessions in trade and services has been maintained during the life of such agreement, and

(B) the President determines that actual or foreseeable reductions in United States tariffs and nontariff barriers to trade resulting from multilateral negotiations are satisfactorily reciprocated by the other party to the bilateral agreement;

(2) provide that it is subject to suspension or termination at any time for national security reasons, or that the other provisions of such agreement shall not limit the rights of any party to take any action for the protection of its security interests;

(3) include safeguard arrangements (A) providing for prompt consultations whenever either actual or prospective imports cause or threaten to cause, or significantly contribute to, market disruption and (B) authorizing the imposition of such import restrictions as may be appropriate to prevent such market disruption;

(4) if the other party to the bilateral agreement is not a party to the Paris Convention for the Protection of Industrial Property, provide rights for United States nationals with respect to patents and trademarks in such country not less than the rights specified in such convention;

(5) if the other party to the bilateral agreement is not a party to the Universal Copyright Convention, provide rights for United States nationals with respect to copyrights in such country not less than the rights specified in such convention;

(6) in the case of an agreement entered into or renewed after January 3, 1975, provide arrangements for the protection of industrial rights and processes;

(7) provide arrangements for the settlement of commercial differences and disputes;

(8) in the case of an agreement entered into or renewed after January 3, 1975, provide arrangements for the promotion of trade, which may include arrangements for the establishment or expansion of trade and tourist promotion offices, for facilitation of activities of governmental commercial officers, participation in trade fairs and exhibits, and the sending of trade missions, and for facilitation of entry, establishment, and travel of commercial representatives;

(9) provide for consultations for the purpose of reviewing the operation of the agreement and relevant aspects of relations between the United States and the other party; and

(10) provide such other arrangements of a commercial nature as will promote the purposes of this chapter.

(c) Congressional action

An agreement referred to in subsection (a) of this section, and a proclamation referred to in section 2434(a) of this title implementing such agreement, shall take effect only if a joint resolution described in section 2191(b)(3) of this title that approves of the agreement referred to in subsection (a) of this section is enacted into law.

(Pub. L. 93-618, title IV, § 405, Jan. 3, 1975, 88 Stat. 2061; Pub. L. 96-39, title XI, § 1106(f)(3), July 26, 1979, 93 Stat. 312; Pub. L. 101-382, title I, § 132(b)(1), Aug. 20, 1990, 104 Stat. 645.)

REFERENCES IN TEXT

This chapter, referred to in subssecs. (a) and (b)(10), was in the original "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of this title and Tables.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-382 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "An agreement referred to in subsection (a) of this section, and a proclamation referred to in section 2434(a) of this title implementing such agreement, shall take effect only if (1) approved by the Congress by the adoption of a concurrent resolution referred to in section 2191 of this title, or (2) in the case of an agreement entered into before January 3, 1975, and a proclamation implementing such agreement, a resolution of disapproval referred to in section 2192 of this title is not adopted during the 90-day period specified by section 2437(c)(2) of this title."

1979—Subsec. (b)(8). Pub. L. 96-39 substituted "may include arrangements" for "may include those".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-39 effective July 26, 1979, see section 1114 of Pub. L. 96-39, set out as an Effective Date note under section 2581 of this title.

§ 2436. Market disruption

(a) Investigation by International Trade Commission; report; publication

(1) Upon the filing of a petition by an entity described in section 2252(a) of this title, upon request of the President or the United States Trade Representative, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance

of the Senate, or on its own motion, the International Trade Commission (hereafter in this section referred to as the "Commission") shall promptly make an investigation to determine, with respect to imports of an article which is the product of a Communist country, whether market disruption exists with respect to an article produced by a domestic industry.

(2) The provisions of subsections (a)(3), (b)(4),¹ and (c)(4) of section 2252 of this title shall apply with respect to investigations by the Commission under paragraph (1).

(3) The Commission shall report to the President its determination with respect to each investigation under paragraph (1) and the basis therefor and shall include in each report any dissenting or separate views. If the Commission finds, as a result of its investigation, that market disruption exists with respect to an article produced by a domestic industry, it shall find the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such market disruption and shall include such finding in its report to the President. The Commission shall furnish to the President a transcript of the hearings and any briefs which may have been submitted in connection with each investigation.

(4) The report of the Commission of its determination with respect to an investigation under paragraph (1) shall be made at the earliest practicable time, but not later than 3 months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Commission shall also promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

(b) Affirmative determination

With respect to any affirmative determination of the Commission under subsection (a) of this section—

(1) such determination shall be treated as an affirmative determination made under section 2251(b) of this title (as in effect on the day before the date of the enactment of the Omnibus Trade and Competitiveness Act of 1988); and

(2) sections 2252 and 2253 of this title (as in effect on the day before the date of the enactment of such Act of 1988), rather than the provisions of part 1 of subchapter II of this chapter as amended by section 1401 of such Act of 1988, shall apply with respect to the taking of subsequent action, if any, by the President in response to such affirmative determination;

except that—

(A) the President may take action under such sections 2252 and 2253 of this title only with respect to imports from the country or countries involved of the article with respect to which the affirmative determination was made; and

(B) if such action consists of, or includes, an orderly marketing agreement, such agreement

¹ See References in Text note below.

shall be entered into within 60 days after the import relief determination date.

(c) Products of Communist countries

If, at any time, the President finds that there are reasonable grounds to believe, with respect to imports of an article which is the product of a Communist country, that market disruption exists with respect to an article produced by a domestic industry, he shall request the Commission to initiate an investigation under subsection (a) of this section. If the President further finds that emergency action is necessary, he may take action under sections 2252 and 2253 of this title referred to in subsection (b) of this section as if an affirmative determination of the Commission had been made under subsection (a) of this section. Any action taken by the President under the preceding sentence shall cease to apply (1) if a negative determination is made by the Commission under subsection (a) of this section with respect to imports of such article, on the day on which the Commission's report of such determination is submitted to the President, or (2) if an affirmative determination is made by the Commission under subsection (a) of this section with respect to imports of such article, on the day on which the action taken by the President pursuant to such determination becomes effective.

(d) Petitions to initiate consultations as provided for by safeguard arrangements

(1) A petition may be filed with the President by an entity described in section 2251(a)(1) of this title requesting the President to initiate consultations provided for by the safeguard arrangements of any agreement entered into under section 2435 of this title with respect to imports of an article which is the product of the country which is the other party to such agreement.

(2) If the President determines that there are reasonable grounds to believe, with respect to imports of such article, that market disruption exists with respect to an article produced by a domestic industry, he shall initiate consultations with such country with respect to such imports.

(e) Definitions; factors determining existence of market disruption

For purposes of this section—

(1) The term "Communist country" means any country dominated or controlled by communism.

(2)(A) Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry.

(B) For purposes of subparagraph (A):

(i) Imports of an article shall be considered to be increasing rapidly if there has been a significant increase in such imports (either actual or relative to domestic production) during a recent period of time.

(ii) The term "significant cause" refers to a cause which contributes significantly to

the material injury of the domestic industry, but need not be equal to or greater than any other cause.

(C) The Commission, in determining whether market disruption exists, shall consider, among other factors—

(i) the volume of imports of the merchandise which is the subject of the investigation;

(ii) the effect of imports of the merchandise on prices in the United States for like or directly competitive articles;

(iii) the impact of imports of such merchandise on domestic producers of like or directly competitive articles; and

(iv) evidence of disruptive pricing practices, or other efforts to unfairly manage trade patterns.

(Pub. L. 93-618, title IV, §406, Jan. 3, 1975, 88 Stat. 2062; 1979 Reorg. Plan No. 3, §1(b)(1), eff. Jan. 2, 1980, 44 F.R. 69273, 93 Stat. 1381; Pub. L. 100-418, title I, §1411(a), (b), Aug. 23, 1988, 102 Stat. 1241, 1242; Pub. L. 106-36, title I, §1001(a)(6), June 25, 1999, 113 Stat. 130.)

REFERENCES IN TEXT

Subsection (b)(4) of section 2252 of this title, referred to in subsec. (a)(2), was repealed by Pub. L. 103-465, title III, §301(c), Dec. 8, 1994, 108 Stat. 4932. See section 2252(b)(3) of this title.

The date of the enactment of the Omnibus Trade and Competitiveness Act of 1988, referred to in subsec. (b), is the date of enactment of Pub. L. 100-418, which was approved Aug. 23, 1988.

Section 1401 of such Act of 1988, referred to in subsec. (b)(2), is section 1401 of Pub. L. 100-418, known as the Omnibus Trade and Competitiveness Act of 1988, which enacted section 2254 of this title, amended sections 1330, 2133, 2251 to 2253, 2274, 2354, and 2703 of this title, enacted a provision set out as a note under section 2251 of this title, and amended a provision set out as a note under section 2112 of this title.

AMENDMENTS

1999—Subsec. (e)(2)(B), (C). Pub. L. 106-36 realigned margins.

1988—Subsec. (a)(1). Pub. L. 100-418, §1411(b)(1), substituted "section 2252(a)" for "section 2251(a)(1)".

Subsec. (a)(2). Pub. L. 100-418, §1411(b)(2), substituted "subsections (a)(3), (b)(4), and (c)(4) of section 2252" for "subsections (a)(2), (b)(3), and (c) of section 2251".

Subsec. (b). Pub. L. 100-418, §1411(a)(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "For purposes of sections 2252 and 2253 of this title, an affirmative determination of the Commission under subsection (a) of this section shall be treated as an affirmative determination under section 2251(b) of this title, except that—

"(1) the President may take action under sections 2252 and 2253 of this title only with respect to imports from the country or countries involved of the article with respect to which the affirmative determination was made, and

"(2) if such action consists of, or includes, an orderly marketing agreement, such agreement shall be entered into within 60 days after the import relief determination date."

Subsec. (c). Pub. L. 100-418, §1411(a)(2), inserted "referred to in subsection (b) of this section" after "sections 2252 and 2253 of this title".

Subsec. (e)(2). Pub. L. 100-418, §1411(a)(3), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

CHANGE OF NAME

"United States Trade Representative" substituted for "Special Representative for Trade Negotiations" in

subsec. (a)(1), pursuant to Reorg. Plan No. 3 of 1979, §1(b)(1), 44 F.R. 69273, 93 Stat. 1381, eff. Jan. 2, 1980, as provided by section 1-107(a) of Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 993, set out as notes under section 2171 of this title. See, also, section 2171 of this title as amended by Pub. L. 97-456.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 1411(c) of Pub. L. 100-418 provided that: "The amendments made by subsections (a) and (b) [amending this section] apply with respect to investigations initiated under section 406(a) of the Trade Act of 1974 [19 U.S.C. 2436(a)] on or after the date of the enactment of this Act [Aug. 23, 1988]."

§ 2437. Procedure for Congressional approval or disapproval of extension of nondiscriminatory treatment and Presidential reports

(a) Transmission of nondiscriminatory treatment documents to Congress

Whenever the President issues a proclamation under section 2434 of this title extending nondiscriminatory treatment to the products of any foreign country, he shall promptly transmit to the House of Representatives and to the Senate a document setting forth the proclamation and the agreement the proclamation proposes to implement, together with his reasons therefor.

(b) Transmission of freedom of emigration documents to Congress

The President shall transmit to the House of Representatives and the Senate a document containing the initial report submitted by him under section 2432(b) or 2439(b) of this title with respect to a nonmarket economy country. On or before December 31 of each year, the President shall transmit to the House of Representatives and the Senate, a document containing the report required by section 2432(b) or 2439(b) of this title as the case may be, to be submitted on or before such December 31.

(c) Effective date of proclamations and agreements; disapproval of reports

(1) In the case of a document referred to in subsection (a) of this section, the proclamation set forth in the document may become effective and the agreement set forth in the document may enter into force and effect only if a joint resolution described in section 2191(b)(3) of this title that approves of the extension of nondiscriminatory treatment to the products of the country concerned is enacted into law.

(2) In the case of a document referred to in subsection (b) of this section which contains a report submitted by the President under section 2432(b) or 2439(b) of this title with respect to a nonmarket economy country, if, before the close of the 90-day period beginning on the day on which such document is delivered to the House of Representatives and to the Senate, a joint resolution described in section 2192(a)(1)(B) of this title is enacted into law that disapproves of the report submitted by the President with respect to such country, then, beginning with the day after the end of the 60-day period beginning with the date of the enactment of such resolution of disapproval, (A) nondiscriminatory treatment shall not be in force with respect to the products of such country, and the products of such country shall be dutiable at the rates set

forth in rate column numbered 2 of the Harmonized Tariff Schedule of the United States, (B) such country may not participate in any program of the Government of the United States which extends credit or credit guarantees or investment guarantees, and (C) no commercial agreement may thereafter be concluded with such country under this subchapter. If the President vetoes the joint resolution, the joint resolution shall be treated as enacted into law before the end of the 90-day period under this paragraph if both Houses of Congress vote to override such veto on or before the later of the last day of such 90-day period or the last day of the 15-day period (excluding any day described in section 2194(b) of this title) beginning on the date the Congress receives the veto message from the President.

(Pub. L. 93-618, title IV, §407, Jan. 3, 1975, 88 Stat. 2063; Pub. L. 100-418, title I, §1214(j)(4), Aug. 23, 1988, 102 Stat. 1158; Pub. L. 101-382, title I, §132(b)(3), (c)(1), Aug. 20, 1990, 104 Stat. 646.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (c)(2), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

AMENDMENTS

1990—Subsec. (c)(1). Pub. L. 101-382, §132(b)(3)(A), added par. (1) and struck out former par. (1) which read as follows: "In the case of a document referred to in subsection (a) of this section (other than a document to which paragraph (2) applies), the proclamation set forth therein may become effective and the agreement set forth therein may enter into force and effect only if the House of Representatives and the Senate adopt, by an affirmative vote of a majority of those present and voting in each House, a concurrent resolution of approval (under the procedures set forth in section 2191 of this title) of the extension of nondiscriminatory treatment to the products of the country concerned."

Subsec. (c)(2). Pub. L. 101-382 struck out par. (2) and redesignated par. (3) as (2), and substituted "a joint resolution described in section 2192(a)(1)(B) of this title is enacted into law that disapproves" for "either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 2192 of this title)" and "the end of the 60-day period beginning with the date of the enactment" for "the date of the adoption" and inserted at end "If the President vetoes the joint resolution, the joint resolution shall be treated as enacted into law before the end of the 90-day period under this paragraph if both Houses of Congress vote to override such veto on or before the later of the last day of such 90-day period or the last day of the 15-day period (excluding any day described in section 2194(b) of this title) beginning on the date the Congress receives the veto message from the President." Former par. (2) related to effective date of proclamation extending nondiscriminatory treatment to products of a foreign country and of agreement proclamation proposed to implement and related to resolution of disapproval of such extension as to certain countries.

Subsec. (c)(3). Pub. L. 101-382, §132(b)(3)(B), redesignated par. (3) as (2).

1988—Subsec. (c)(3). Pub. L. 100-418 substituted "Harmonized Tariff Schedule of the United States" for "Tariff Schedules of the United States".

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or

after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as an Effective Date note under section 3001 of this title.

§ 2438. Payment by Czechoslovakia of amounts owed United States citizens and nationals

(a) Renegotiation of 1974 agreement

The arrangement initialed on July 5, 1974, with respect to the settlement of the claims of citizens and nationals of the United States against the Government of Czechoslovakia shall be renegotiated and shall be submitted to the Congress as part of any agreement entered into under this subchapter with Czechoslovakia.

(b) Provisional retention of gold

The United States shall not release any gold belonging to Czechoslovakia and controlled directly or indirectly by the United States pursuant to the provisions of the Paris Reparations Agreement of January 24, 1946, or otherwise, until such agreement has been approved by the Congress.

(Pub. L. 93-618, title IV, § 408, Jan. 3, 1975, 88 Stat. 2064.)

§ 2439. Freedom to emigrate to join a very close relative in United States

(a) Sanctions for emigration restrictions

To assure the continued dedication of the United States to the fundamental human rights and welfare of its own citizens, and notwithstanding any other provision of law, on or after January 3, 1975, no nonmarket economy country shall participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country, during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to join permanently through emigration, a very close relative in the United State,¹ such as a spouse, parent, child, brother, or sister;

(2) imposes more than a nominal tax on the visas or other documents required for emigration described in paragraph (1); or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate as described in paragraph (1),

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

(b) Report to Congress concerning emigration policies

After January 3, 1975, (A) a nonmarket economy country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and (B) the President may conclude a commercial agreement with such country, only after the President has submitted to the Congress a report indicating that such country

is not in violation of paragraph (1), (2), or (3) of subsection (a) of this section. Such report with respect to such country shall include information as to the nature and implementation of its laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate to the United States to join close relatives. The report required by this subsection shall be submitted initially as provided herein and, with current information, on or before each June 30 and December 31 thereafter, so long as such credits or guarantees are extended or such agreement is in effect.

(c) Exemption from application of section

This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

(d) Additional exemption from application of section

During any period that a waiver is in effect with respect to any nonmarket economy country under section 2432(c) of this title, the provisions of subsections (a) and (b) of this section shall not apply with respect to such country.

(Pub. L. 93-618, title IV, § 409, Jan. 3, 1975, 88 Stat. 2064.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (c), to be treated as a reference to the Harmonized Tariff Schedule, pursuant to section 3012 of this title. The Harmonized Tariff Schedule is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under subsec. (b) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

§ 2440. Repealed. Pub. L. 104-295, § 17, Oct. 11, 1996, 110 Stat. 3524

Section, Pub. L. 93-618, title IV, § 410, Jan. 3, 1975, 88 Stat. 2065, related to establishment and maintenance of East-West Trade Statistics Monitoring System.

§ 2441. Repealed. Pub. L. 105-362, title XIV, § 1401(b)(2), Nov. 10, 1998, 112 Stat. 3294; Pub. L. 106-36, title I, § 1001(a)(4), June 25, 1999, 113 Stat. 130

Section, Pub. L. 93-618, title IV, § 411, Jan. 3, 1975, 88 Stat. 2065, related to East-West Foreign Trade Board.

PART 2—RELIEF FROM MARKET DISRUPTION TO INDUSTRIES AND DIVERSION OF TRADE TO THE UNITED STATES MARKET

TERMINATION OF PART

For termination of this part effective 12 years after Dec. 11, 2001, see section 2451b(c) of this title.

§ 2451. Action to address market disruption

(a) Presidential action

If a product of the People's Republic of China is being imported into the United States in such

¹ So in original.