this title shall be deemed the sole consignee and importer of all articles entered under section 1752 of this title for the fair for which such operator has been designated.

(b) Reimbursement of customs charges and expenses

The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, custody, abandonment, destruction, or release of articles entered under section 1752 of this title, together with the necessary charges for salaries of customs officers and employees in connection with the accounting for, custody of, and supervision over, such articles, shall be reimbursed to the United States by the operator of the fair for which they are entered. Receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 1524 of this title.

(Pub. L. 86–14, § 6, Apr. 22, 1959, 73 Stat. 19.)

§ 1756. Regulations

The Secretary of the Treasury may prescribe such regulations as may be necessary or appropriate to carry out the provisions of this chapter (other than section 1751 thereof).

(Pub. L. 86–14, § 7, Apr. 22, 1959, 73 Stat. 19.)

CHAPTER 7—TRADE EXPANSION PROGRAM

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PART IV—NATIONAL SECURITY

1861. Repealed.
1862. Safeguarding national security.
1863. Repealed.
1864. Import sanctions for export violations.

PART V—ADMINISTRATIVE PROVISIONS

1871. Repealed.
1872. Interagency trade organization.
1873. Repealed.

PART VI—GENERAL PROVISIONS

1881. Normal trade relations.
1882 to 1884. Repealed.
1885. Termination of proclamations.
1886. Repealed.
1887. Limitation on imports under section 624 of title 7.
1888. References in other laws.

SUBCHAPTER III—TARIFF ADJUSTMENT AND OTHER ADJUSTMENT ASSISTANCE

PART I—ELIGIBILITY FOR ASSISTANCE

1901, 1902. Repealed.

Sec.

PART II—ADJUSTMENT ASSISTANCE TO FIRMS

1911 to 1915. Repealed.
1916. Administration of financial assistance; recording of mortgages.
1917. Repealed.
1918. Protective provisions.
1919. Penalties.
1920. Suits by and against Secretary of Commerce.

PART III—ADJUSTMENT ASSISTANCE TO WORKERS

1931. Repealed.

SUBPART A—TRADE READJUSTMENT ALLOWANCES

1941 to 1944. Repealed.

SUBPART B—TRAINING

1951, 1952. Repealed.

SUBPART C—RELOCATION ALLOWANCES

1961 to 1963. Repealed.

SUBPART D—GENERAL PROVISIONS

1971 to 1978. Repealed.

PART IV—TARIFF ADJUSTMENT

1981. General authority.
1982. Marketing agreements.

PART V—ADVISORY BOARD

1991. Repealed.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1801. Statement of purposes

The purposes of this chapter are, through trade agreements affording mutual trade benefits—

(1) to stimulate the economic growth of the United States and maintain and enlarge foreign markets for the products of United States agriculture, industry, mining, and commerce;

(2) to strengthen economic relations with foreign countries through the development of open and nondiscriminatory trading in the free world; and

(3) to prevent Communist economic penetration.

(Pub. L. 87–794, title I, § 102, Oct. 11, 1962, 76 Stat. 872.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 87–794, which is classified principally to this chapter. For complete classification of Pub. L. 87–794 to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 101 of Pub. L. 87–794 provided that: ''This Act [enacting this chapter and section 1323 of this title, amending sections 1351 and 1352 of this title, and sections 172, 6501, and 6511 of Title 26, Internal Revenue Code, repealing sections 1352a and 1362 to 1365 of this title, enacting provisions set out as notes under section 1352 and former sections 1352a, 1362, and 1364 of this title, and under section 172 of Title 26, and amending provisions of the Tariff Classification Act of 1962, set out as a note preceding section 1202 of this title] may be cited as the ''Trade Expansion Act of 1962'.''

ABOLITION OF OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

The legal authority for the establishment and operation of the Office of the Special Representative for

Trade Negotiations in the Executive Office of the President was changed by section 141 of the Trade Act of 1974, which is set out as section 2171 of this title. For abolition of the Office as established under Ex. Ord. No. 11075 [see below], and for establishment of the Office pursuant instead to the Trade Act of 1974, with provision for the transfer of assets, liabilities, contracts, property, records, unexpended balances and funds, and personnel to the Office as established pursuant to statute rather than Ex. Ord. 11075, see section 2171 of this title.

PRESIDENT'S EXPORT COUNCIL

For provisions relating to establishment of President's Export Council and the Council's functions concerning export expansion, see Ex. Ord. No. 12131, May 4, 1979, 44 F.R. 26841, set out as a note under section 2401 of Title 50, Appendix, War and National Defense.

EXECUTIVE ORDER NO. 11075

Ex. Ord. No. 11075, Jan. 15, 1963, 28 F.R. 473, as amended by Ex. Ord. No. 11106, Apr. 18, 1963, 28 F.R. 3911; Ex. Ord. No. 11113, June 15, 1963, 28 F.R. 6183, which related to the administration of the trade agreements program, was revoked by Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out under section 2111 of this title.

§§ 1802 to 1805. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section 1802, Pub. L. 87–794, title IV, § 401, Oct. 11, 1962, 76 Stat. 902, enumerated activities to be performed by heads of agencies in performing functions under Trade Expansion Act of 1962.

Section 1803, Pub. L. 87–794, title IV, § 402, Oct. 11, 1962, 76 Stat. 902, required an annual Presidential report to Congress on trade agreement program and on tariff adjustment and other adjustment assistance. See section 2213 of this title.

Section 1804, Pub. L. 87–794, title IV, § 403, Oct. 11, 1962, 76 Stat. 902, covered operations of United States Tariff Commission [now the United States International Trade Commission]. See section 2231 of this title.

Section 1805, Pub. L. 87–794, title IV, § 404, Oct. 11, 1962, 76 Stat. 902, provided for separability of provisions of Trade Expansion Act of 1962. See section 605 of Pub. L. 93–618, set out as a note under section 2101 of this title, for provisions covering separability of various parts of Trade Act of 1974.

§ 1806. Definitions

For purposes of this chapter—

(1) Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(2) The term "duty or other import restriction" includes (A) the rate and form of an import duty, and (B) a limitation, prohibition, charge, and exaction other than duty, imposed on importation or imposed for the regulation of imports.

(3) to (5) Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(6) The term "modification", as applied to any duty or other import restriction, includes the elimination of any duty.

(Pub. L. 87–794, title IV, § 405, Oct. 11, 1962, 76 Stat. 902; Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 87–794, which is classified principally to this chapter. For complete classification of Pub. L. 87–794 to the Code, see Short Title note set out under section 1801 of this title and Tables.

AMENDMENTS

1975—Pub. L. 93–618 repealed pars. (1), (3), (4), and (5), which defined "agency", "firm", "directly competitive with", and "product of a country", respectively. See section 2481 of this title.

SUBCHAPTER II—TRADE AGREEMENTS

PART I—GENERAL AUTHORITY

§ 1821. Basic authority for trade agreements

(a) Determination by President; trade agreements; modification or continuance of existing duties

Whenever the president determines that any existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that any of the purposes stated in section 1801 of this title will be promoted thereby, the President may—

(1) after June 30, 1962, and before July 1, 1967, enter into trade agreements with foreign countries or instrumentalities thereof; and

(2) proclaim such modification or continuance of any existing duty or other import restriction, such continuance of existing duty-free or excise treatment, or such additional import restrictions, as he determines to be required or appropriate to carry out any such trade agreement.

(b) Restrictions on decrease or increase in rate of duty

Except as otherwise provided in this subchapter, no proclamation pursuant to subsection (a) of this section shall be made—

(1) decreasing any rate of duty to a rate below 50 percent of the rate existing on July 1, 1962; or

(2) increasing any rate of duty to (or imposing) a rate more than 50 percent above the rate existing on July 1, 1934.

(Pub. L. 87–794, title II, § 201, Oct. 11, 1962, 76 Stat. 872.)

WOOD-WIND AND PARTS OF WOOD-WIND INSTRUMENTS

Pub. L. 90–234, § 2(b)(2), Dec. 30, 1967, 81 Stat. 752, provided that: "The amendments made by the first section of this Act, insofar as such amendments relate to items 725.24 and 726.70 of the Tariff Schedules of the United States, shall not affect the authority of the President contained in section 201(a)(2) of the Trade Expansion Act of 1962 [subsec. (a)(2) of this section]."

DICYANDIAMIDE AND LIMESTONE: DUTY-FREE ENTRY

Duty-free treatment pursuant to this chapter of dicyandiamide in item 425.40 and limestone when imported for use in manufacture of cement in item 513.34 of the Tariff Schedules of the United States, by provision for non-application of subsec. (b)(1) of this section, see section 1823 of this title.

§ 1822. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87–794, title II, § 202, Oct. 11, 1962, 76 Stat. 872, made special provision for low-rate articles.

§ 1823. Waiver of limitation on decrease in duty and negotiation and staging requirements for dicyandiamide and limestone

For purposes of this chapter, section 1821(b)(1) of this title (relating to limit on decrease in

duty), sections 1841, 1843, and 1844 of this title (relating to certain requirements concerning negotiations), and section 1883 of this title (relating to staging requirements) shall not apply with respect to dicyandiamide provided for in item 425.40 of the Tariff Schedules of the United States, and shall not apply with respect to limestone, when imported to be used in the manufacture of cement, provided for in item 513.34 of such Schedules.

(Pub. L. 90–14, May 5, 1967, 81 Stat. 14.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''the Trade Expansion Act of 1962'' meaning Pub. L. 87–794, Oct. 11, 1962, 76 Stat. 872, which is classified principally to this chapter. For complete classification of Pub. L. 87–794, to the Code, see Short Title note set out under section 1801 of this title and Tables.

Sections 1841, 1843, 1844 and 1883, referred to in text, were repealed by Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

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.

CODIFICATION

Section was not enacted as part of the Trade Expansion Act of 1962 which is classified principally to this chapter.

PART II—EUROPEAN ECONOMIC COMMUNITY

§§ 1831 to 1833. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section 1831, Pub. L. 87–794, title II, § 211, Oct. 11, 1962, 76 Stat. 873, made provision for trade agreements with the European Economic Community.

Section 1832, Pub. L. 87–794, title II, § 212, Oct. 11, 1962, 76 Stat. 874, made special provision for trade agreements covering agricultural commodities.

Section 1833, Pub. L. 87–794, title II, § 213, Oct. 11, 1962, 76 Stat. 874, made special provision for trade agreements covering tropical agricultural and forestry commodities.

PART III—REQUIREMENTS CONCERNING NEGOTIATIONS

§§ 1841 to 1846. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section 1841, Pub. L. 87–794, title II, § 221, Oct. 11, 1962, 76 Stat. 874, made provision for the giving of advice by the Tariff Commission [now the United States International Trade Commission] concerning trade agreements. See section 2151 of this title.

Section 1842, Pub. L. 87–794, title II, § 222, Oct. 11, 1962, 76 Stat. 875, made provision for the giving of advice by other sources concerning trade agreements. See section 2152 of this title.

Section 1843, Pub. L. 87–794, title II, § 223, Oct. 11, 1962, 76 Stat. 875, provided for public hearings in connection with proposed trade agreements. See section 2153 of this title.

Section 1844, Pub. L. 87–794, title II, § 224, Oct. 11, 1962, 76 Stat. 875, set out prerequisites for offers for modification or continuance of duties or other import restrictions, or continuance of duty-free or excise treatment. See section 2154 of this title.

Section 1845, Pub. L. 87–794, title II, § 225, Oct. 11, 1962, 76 Stat. 876, provided for the reservation of articles from trade negotiations. See section 2137 of this title.

Section 1846, Pub. L. 87–794, title II, § 226, Oct. 11, 1962, 76 Stat. 876, provided for the transmission of agreements to Congress. See section 2212 of this title.

PART IV—NATIONAL SECURITY

§ 1861. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87–794, title II, § 231, Oct. 11, 1962, 76 Stat. 876; Pub. L. 88–205, pt. IV, § 402, Dec. 16, 1963, 77 Stat. 390, covered products of Communist countries or areas.

§ 1862. Safeguarding national security

(a) Prohibition on decrease or elimination of duties or other import restrictions if such reduction or elimination would threaten to impair national security

No action shall be taken pursuant to section 1821(a) of this title or pursuant to section 1351 of this title to decrease or eliminate the duty or other import restrictions on any article if the President determines that such reduction or elimination would threaten to impair the national security.

(b) Investigations by Secretary of Commerce to determine effects on national security of imports of articles; consultation with Secretary of Defense and other officials; hearings; assessment of defense requirements; report to President; publication in Federal Register; promulgation of regulations

(1)(A) Upon request of the head of any department or agency, upon application of an interested party, or upon his own motion, the Secretary of Commerce (hereafter in this section referred to as the ''Secretary'') shall immediately initiate an appropriate investigation to determine the effects on the national security of imports of the article which is the subject of such request, application, or motion.

(B) The Secretary shall immediately provide notice to the Secretary of Defense of any investigation initiated under this section.

(2)(A) In the course of any investigation conducted under this subsection, the Secretary shall—

(i) consult with the Secretary of Defense regarding the methodological and policy questions raised in any investigation initiated under paragraph (1),

(ii) seek information and advice from, and consult with, appropriate officers of the United States, and

(iii) if it is appropriate and after reasonable notice, hold public hearings or otherwise afford interested parties an opportunity to present information and advice relevant to such investigation.

(B) Upon the request of the Secretary, the Secretary of Defense shall provide the Secretary an assessment of the defense requirements of any article that is the subject of an investigation conducted under this section.

(3)(A) By no later than the date that is 270 days after the date on which an investigation is initiated under paragraph (1) with respect to any article, the Secretary shall submit to the President a report on the findings of such investigation with respect to the effect of the importation of such article in such quantities or under such circumstances upon the national security and, based on such findings, the recommenda-

tions of the Secretary for action or inaction under this section. If the Secretary finds that such article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, the Secretary shall so advise the President in such report.

(B) Any portion of the report submitted by the Secretary under subparagraph (A) which does not contain classified information or proprietary information shall be published in the Federal Register.

(4) The Secretary shall prescribe such procedural regulations as may be necessary to carry out the provisions of this subsection.

(c) Adjustment of imports; determination by President; report to Congress; additional actions; publication in Federal Register

(1)(A) Within 90 days after receiving a report submitted under subsection (b)(3)(A) of this section in which the Secretary finds that an article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, the President shall—

(i) determine whether the President concurs with the finding of the Secretary, and

(ii) if the President concurs, determine the nature and duration of the action that, in the judgment of the President, must be taken to adjust the imports of the article and its derivatives so that such imports will not threaten to impair the national security.

(B) If the President determines under subparagraph (A) to take action to adjust imports of an article and its derivatives, the President shall implement that action by no later than the date that is 15 days after the day on which the President determines to take action under subparagraph (A).

(2) By no later than the date that is 30 days after the date on which the President makes any determinations under paragraph (1), the President shall submit to the Congress a written statement of the reasons why the President has decided to take action, or refused to take action, under paragraph (1). Such statement shall be included in the report published under subsection (e) of this section.

(3)(A) If—

(i) the action taken by the President under paragraph (1) is the negotiation of an agreement which limits or restricts the importation into, or the exportation to, the United States of the article that threatens to impair national security, and

(ii) either—

(I) no such agreement is entered into before the date that is 180 days after the date on which the President makes the determination under paragraph (1)(A) to take such action, or

(II) such an agreement that has been entered into is not being carried out or is ineffective in eliminating the threat to the national security posed by imports of such article,

the President shall take such other actions as the President deems necessary to adjust the imports of such article so that such imports will not threaten to impair the national security. The President shall publish in the Federal Register notice of any additional actions being taken under this section by reason of this subparagraph.

(B) If—

(i) clauses (i) and (ii) of subparagraph (A) apply, and

(ii) the President determines not to take any additional actions under this subsection,

the President shall publish in the Federal Register such determination and the reasons on which such determination is based.

(d)[1] Domestic production for national defense; impact of foreign competition on economic welfare of domestic industries

For the purposes of this section, the Secretary and the President shall, in the light of the requirements of national security and without excluding other relevant factors, give consideration to domestic production needed for projected national defense requirements, the capacity of domestic industries to meet such requirements, existing and anticipated availabilities of the human resources, products, raw materials, and other supplies and services essential to the national defense, the requirements of growth of such industries and such supplies and services including the investment, exploration, and development necessary to assure such growth, and the importation of goods in terms of their quantities, availabilities, character, and use as those affect such industries and the capacity of the United States to meet national security requirements. In the administration of this section, the Secretary and the President shall further recognize the close relation of the economic welfare of the Nation to our national security, and shall take into consideration the impact of foreign competition on the economic welfare of individual domestic industries; and any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects resulting from the displacement of any domestic products by excessive imports shall be considered, without excluding other factors, in determining whether such weakening of our internal economy may impair the national security.

(d)[1] Report by Secretary of Commerce

(1) Upon the disposition of each request, application, or motion under subsection (b) of this section, the Secretary shall submit to the Congress, and publish in the Federal Register, a report on such disposition.

(2) Omitted.

(f) Congressional disapproval of Presidential adjustment of imports of petroleum or petroleum products; disapproval resolution

(1) An action taken by the President under subsection (c) of this section to adjust imports of petroleum or petroleum products shall cease to have force and effect upon the enactment of a disapproval resolution, provided for in paragraph (2), relating to that action.

[1] So in original. There are two subsecs. designated (d). Second subsec. (d) probably should be designated (e).

(2)(A) This paragraph is enacted by the Congress—

(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in that House in the case of disapproval resolutions and such procedures supersede other rules only to the extent that they are inconsistent therewith; and

(ii) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(B) For purposes of this subsection, the term ''disapproval resolution'' means only a joint resolution of either House of Congress the matter after the resolving clause of which is as follows: ''That the Congress disapproves the action taken under section 232 of the Trade Expansion Act of 1962 with respect to petroleum imports under _____ dated _____.'', the first blank space being filled with the number of the proclamation, Executive order, or other Executive act issued under the authority of subsection (c) of this section for purposes of adjusting imports of petroleum or petroleum products and the second blank being filled with the appropriate date.

(C)(i) All disapproval resolutions introduced in the House of Representatives shall be referred to the Committee on Ways and Means and all disapproval resolutions introduced in the Senate shall be referred to the Committee on Finance.

(ii) No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this clause shall be in order in either House nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this clause by unanimous consent.

(Pub. L. 87–794, title II, §232, Oct. 11, 1962, 76 Stat. 877; Pub. L. 93–618, title I, §127(d), Jan. 3, 1975, 88 Stat. 1993; Pub. L. 96–223, title IV, §402, Apr. 2, 1980, 94 Stat. 301; Pub. L. 100–418, title I, §1501(a), (b)(1), Aug. 23, 1988, 102 Stat. 1257, 1259.)

REFERENCES IN TEXT

Section 232 of the Trade Expansion Act of 1962, referred to in subsec. (f)(2)(B), is classified to this section.

CODIFICATION

Subsection (d)(2), which required the President to submit an annual report to Congress on the operation of this section, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 28 of House Document No. 103–7.

AMENDMENTS

1988—Subsec. (b). Pub. L. 100–418, §1501(a)(3), in adding subsec. (b) and striking out former subsec. (b) relating to similar subject matter, changed structure of subsec. (b) from a single unnumbered par. to one consisting of pars. (1) to (4).

Subsec. (c). Pub. L. 100–418, §1501(a)(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

Subsec. (d). Pub. L. 100–418, §1501(b)(1), redesignated subsec. (e), as redesignated by section 1501(a)(2) of Pub. L. 100–418, as subsec. (d) and amended it generally. Prior to amendment, subsec. (d) read as follows: ''A report shall be made and published upon the disposition of each request, application, or motion under subsection (b) of this section. The Secretary shall publish procedural regulations to give effect to the authority conferred on him by subsection (b) of this section.''

Pub. L. 100–418, §1501(a)(2), redesignated subsec. (c), relating to domestic production for national defense and the impact of foreign competition on economic welfare of domestic industries, as (d). Former subsec. (d), relating to reports on investigations by Secretary of Commerce, redesignated (e).

Subsec. (e). Pub. L. 100–418, §1501(b)(1), redesignated subsec. (e), as redesignated by section 1501(a)(2) of Pub. L. 100–418, as subsec. (d) and amended it generally.

Pub. L. 100–418, §1501(a)(2), redesignated subsec. (d), relating to reports on investigations by Secretary of Commerce, as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 100–418, §1501(a)(1), (2), redesignated subsec. (e) as (f), and substituted reference to subsec. (c) of this section for reference to subsec. (b) of this section in pars. (1) and (2)(B).

1980—Subsec. (e). Pub. L. 96–223 added subsec. (e).

1975—Subsec. (b). Pub. L. 93–618, §127(d)(1)–(3), substituted ''Secretary of the Treasury (hereinafter referred to as the 'Secretary')'' for ''Director of the Office of Emergency Planning (hereinafter in this section referred to as the 'Director')'', substituted ''advice from, and shall consult with, the Secretary of Defense, the Secretary of Commerce, and other appropriate officers of the United States'' for ''advice from other appropriate departments and agencies'', inserted provision for public hearings by the Secretary as part of his investigation, inserted requirement that the Secretary report to the President when he recommends inaction in the same way that a report to the President is required when he recommends action under this section, and placed a 1-year time limit on the Secretary's investigation before making his recommendation to the President.

Subsecs. (c), (d). Pub. L. 93–618, §127(d)(4), substituted ''Secretary'' for ''Director''.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 1501(d) of Pub. L. 100–418 provided that:

''(1) Except as otherwise provided under this subsection, the amendments made by this section [amending this section and repealing section 1863 of this title] shall apply with respect to investigations initiated under section 232(b) of the Trade Expansion Act of 1962 [19 U.S.C. 1862(b)] on or after the date of enactment of this Act [Aug. 23, 1988].

''(2) The provisions of subsection (c) of section 232 of the Trade Expansion Act of 1962, as amended by this section, shall apply with respect to any report submitted by the Secretary of Commerce to the President under section 232(b) of such Act after the date of enactment of this Act.

''(3) By no later than the date that is 90 days after the date of enactment of this Act, the President shall make the determinations described in section 232(c)(1)(A) of the Trade Expansion Act of 1962, as amended by this section, with respect to any report—

''(A) which was submitted by the Secretary of Commerce to the President under section 232(b) of such Act before the date of enactment of this Act, and

''(B) with respect to which no action has been taken by the President before the date of enactment of this Act.''

PETROLEUM IMPORT ADJUSTMENT PROGRAM; OIL IMPORT FEE OF APRIL 2, 1980; CESSATION OF FORCE AND EFFECT OF PRESIDENTIAL ACTION

Pub. L. 96–264, §2, June 6, 1980, 94 Stat. 439, provided that: ''Notwithstanding any other provision of law, the action taken by the President under section 232(b) of

the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)) with respect to petroleum imports under Proclamation 4744, dated April 2, 1980, as amended [formerly set out below], shall cease to have force and effect upon the date of the enactment of this Act [June 6, 1980].''

PROCLAMATION NO. 3279

Proc. No. 3279, Mar. 10, 1959, 24 F.R. 1781, as amended by Proc. No. 3290, Apr. 30, 1959, 24 F.R. 3527; Proc. No. 3328, Dec. 10, 1959, 24 F.R. 10133; Proc. No. 3386, Dec. 24, 1960, 25 F.R. 13945; Proc. No. 3389, Jan. 17, 1961, 26 F.R. 507; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683; Proc. No. 3509, Nov. 30, 1962, 27 F.R. 11985; Proc. No. 3531, Apr. 19, 1963, 28 F.R. 4077; Proc. No. 3541, June 12, 1963, 28 F.R. 5931; Proc. No. 3693, Dec. 10, 1965, 30 F.R. 15459; Proc. No. 3779, Apr. 10, 1967, 32 F.R. 5919; Proc. No. 3794, July 17, 1967, 32 F.R. 10547; Proc. No. 3820, Nov. 9, 1967, 32 F.R. 15701; Proc. No. 3823, Jan. 29, 1968, 33 F.R. 1171; Proc. No. 3969, Mar. 10, 1970, 35 F.R. 4321; Proc. No. 3990, June 17, 1970, 35 F.R. 10091; Proc. No. 4018, Oct. 16, 1970, 35 F.R. 16357; Proc. No. 4025, Dec. 22, 1970, 35 F.R. 19391; Proc. No. 4092, Nov. 5, 1971, 36 F.R. 21397; Proc. No. 4099, Dec. 20, 1971, 36 F.R. 24203; Proc. No. 4133, May 11, 1972, 37 F.R. 9543; Proc. No. 4156, Sept. 18, 1972, 37 F.R. 19115; Proc. No. 4175, Dec. 16, 1972, 37 F.R. 28043; Proc. No. 4178, Jan. 17, 1973, 38 F.R. 1719; Ex. Ord. No. 11703, Feb. 7, 1973, 38 F.R. 3579; Proc. No. 4202, Mar. 23, 1973, 38 F.R. 7977; Proc. No. 4210, Apr. 18, 1973, 38 F.R. 9645; Proc. No. 4227, June 19, 1973, 38 F.R. 16195; Ex. Ord. No. 11743, Oct. 23, 1973, 38 F.R. 29459; Ex. Ord. No. 11775, Mar. 26, 1974, 39 F.R. 11415; Ex. Ord. No. 11790, June 25, 1974, 39 F.R. 23185; Proc. No. 4317, Sept. 27, 1974, 39 F.R. 35103; Proc. No. 4341, Jan. 23, 1975, 40 F.R. 3965; Proc. No. 4355, Mar. 4, 1975, 40 F.R. 10437; Proc. No. 4370, Apr. 30, 1975, 40 F.R. 19421; Proc. No. 4377, May 27, 1975, 40 F.R. 23429; Proc. No. 4412, Jan. 3, 1976, 41 F.R. 1037; Proc. No. 4543, Dec. 27, 1977, 42 F.R. 64849; Ex. Ord. No. 12038, Feb. 3, 1978, 43 F.R. 4947; Proc. No. 4629, Dec. 8, 1978, 43 F.R. 58077; Proc. No. 4655, Apr. 6, 1979, 44 F.R. 21243; Proc. No. 4702, Nov. 12, 1979, 44 F.R. 65581; Proc. No. 4744, Apr. 2, 1980, 45 F.R. 22864; Proc. No. 4766, June 19, 1980, 45 F.R. 41899; Proc. No. 4907, Mar. 10, 1982, 47 F.R. 10507, which set forth regulations governing the licensing of imports of petroleum and petroleum products, was revoked by Proc. No. 5141, Dec. 22, 1983, 48 F.R. 56929, set out below.

PROCLAMATION NO. 4744

Proc. No. 4744, Apr. 2, 1980, 45 F.R. 22864, as amended by Proc. No. 4748, Apr. 11, 1980, 45 F.R. 25371; Proc. No. 4751, Apr. 23, 1980, 45 F.R. 27905, which related to the petroleum import adjustment program, was rescinded by Proc. No. 4766, June 19, 1980, 45 F.R. 41899, effective Mar. 15, 1980.

PROCLAMATION NO. 4762

Proc. No. 4762, June 6, 1980, 45 F.R. 39237, relating to petroleum import licensing requirements, was revoked by Proc. No. 4766, June 19, 1980, 45 F.R. 41899.

PROC. NO. 5141. IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

Proc. No. 5141, Dec. 22, 1983, 48 F.R. 56929, provided:

The Secretary of Energy has advised me that no purpose is currently served by the existing system of licensing of imports of petroleum and petroleum products. The Secretary of Energy also recommends that I retain the current prohibition on imports of Libyan crude oil into the United States, its territories and possessions, which was adopted in Proclamation No. 4907 [amending Proc. No. 3279, formerly set out above], on the ground that such imports would be inimical to the United States national security. The Secretary further recommends that he continue to monitor imports of petroleum and petroleum products in order to be able to advise me as to the need for further action, as appropriate, under Section 232 of the Trade Expansion Act of 1962, as amended [this section].

I agree with the recommendations of the Secretary of Energy.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), do hereby proclaim that:

SECTION 1. Proclamation No. 3279, as amended, is revoked.

SEC. 2. The Secretary of Energy shall continue to monitor imports of petroleum and petroleum products and shall, from time to time, in consultation with the Secretary of State, the Secretary of Commerce, and such other federal agencies as he deems appropriate, review the status of such imports with respect to the national security. The Secretary shall inform the President of any circumstances which in his opinion might indicate the need for further action by the President under Section 232 of the Trade Expansion Act [this section].

SEC. 3. (a) No crude oil produced in Libya may be imported into the United States, its territories or possessions.

(b) The Secretary of the Treasury may issue such regulations and interpretations as he deems necessary to implement this section.

SEC. 4. The Secretary of Energy may continue to consider requests for refund of fees paid under Proclamation No. 3279, as amended, if such requests were filed with the Secretary prior to the effective date of this Proclamation [Dec. 22, 1983]. Any such requests shall be considered in accordance with the previously applicable provisions of Proclamation No. 3279, as amended, and implementing regulations thereunder.

SEC. 5. The revocation of Proclamation No. 3279, as amended, shall not affect the authority of any federal department or agency to institute and conduct any administrative, civil or criminal audit, investigation or proceeding based on any act committed or liability incurred while that Proclamation was in effect.

SEC. 6. The revocation of Proclamation No. 3279, as amended, shall not affect the presently applicable tariff rates for imports of petroleum and petroleum products, as reflected in the Tariff Schedules of the United States, Schedule 4, part 10.

SEC. 7. This Proclamation shall be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of December, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN.

[The Tariff Schedules of the United States were replaced by the Harmonized Tariff Schedule of the United States which is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.]

EX. ORD. NO. 11703. ASSIGNING POLICY DEVELOPMENT AND DIRECTING FUNCTIONS RESPECTING OIL IMPORT CONTROL PROGRAM

Ex. Ord. No. 11703, Feb. 7, 1973, 38 F.R. 3579, as amended by Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 989, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Oil Policy Committee, as reconstituted by this order, is hereby continued.

SEC. 2. The Chairman of the Oil Policy Committee shall provide policy direction, coordination, and surveillance of the oil import control program established by Proclamation No. 3279 of March 10, 1959, as amended [set out below], including approval of regulations hereafter issued pursuant to such proclamation. He shall perform those functions after receiving the advice of the Oil Policy Committee and in accordance with guid-

ance from the Assistant to the President with responsibility in the area of economic affairs.

SEC. 3. The Oil Policy Committee shall henceforth consist of the United States Trade Representative, chair, and the Secretaries of State, Treasury, Defense, the Interior, Commerce and Energy, the Attorney General, and the Chairman of the Council of Economic Advisers, as members. The President may, from time to time, designate other officials to serve as members of the Committee. The Chairman may create subcommittees of the Committee to study and report to the Committee concerning specified subject matters.

SEC. 4. The Oil Policy Committee shall consult with and advise the Chairman on oil import policy, including the operation of the control program under Proclamation No. 3279, as amended, and on recommendations for changes in the program by the issuance of new proclamations with respect to it, or otherwise.

SEC. 5. Section 6 of Proclamation No. 3279 of March 10, 1959, as amended, is amended to read as follows:

''SEC. 6. The Chairman of the Oil Policy Committee shall maintain a constant surveillance of imports of petroleum and its primary derivatives in respect to the national security and, after consultation with the Oil Policy Committee, he shall inform the President of any circumstances which, in the Chairman's opinion might indicate the need for further Presidential action under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), as amended. In the event prices of crude oil or its products or derivatives should be increased after the effective date of this proclamation, such surveillance shall include a determination as to whether such increase or increases are necessary to accomplish the national security objectives of section 232 of the Trade Expansion Act of 1962, as amended, and of this proclamation.''

SEC. 6. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred by sections 2 and 5 of this order from the Director of the Office of Emergency Preparedness to the Deputy Secretary of the Treasury, as Chairman of the Oil Policy Committee, as the Director of the Office of Management and Budget shall determine, in conformity with section 202(b) of the Budget and Accounting Act of 1950 (31 U.S.C. 581c(b)), shall be transferred at such time or times as he shall direct for use in connection with the functions transferred.

EXECUTIVE ORDER NO. 11743

Ex. Ord. No. 11743, Oct. 23, 1973, 38 F.R. 29459, formerly set out as a note under this section, which related to the continuation of the Oil Policy Committee, was superseded by Ex. Ord. No. 11775, Mar. 26, 1974, 39 F.R. 11415.

EXECUTIVE ORDER NO. 12538

Ex. Ord. No. 12538, Nov. 15, 1985, 50 F.R. 47527, which related to imports of refined petroleum products from Libya, was revoked by Ex. Ord. No. 13357, Sept. 20, 2004, 69 F.R. 56665, listed in a table under section 1701 of Title 50, War and National Defense.

§ 1863. Repealed. Pub. L. 100–418, title I, § 1501(b)(2), Aug. 23, 1988, 102 Stat. 1259

Section, Pub. L. 93–618, title I, § 127(c), Jan. 3, 1975, 88 Stat. 1993, directed that reports to Congress be submitted annually and within 60 days after any action was taken under section 1862 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section applicable with respect to investigations initiated under section 1862(b) of this title on or after Aug. 23, 1988, see section 1501(d)(1) of Pub. L. 100–418, set out as an Effective Date of 1988 Amendment note under section 1862 of this title.

§ 1864. Import sanctions for export violations

Any person who violates any national security export control imposed under section 2404 of the Appendix to title 50 or any regulation, order, or license issued under that section, may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

(Pub. L. 87–794, title II, § 233, as added Pub. L. 99–64, title I, § 121, July 12, 1985, 99 Stat. 155; amended Pub. L. 100–418, title II, § 2447(a), Aug. 23, 1988, 102 Stat. 1370.)

AMENDMENTS

1988—Pub. L. 100–418 struck out designation ''(a)'' and struck out subsec. (b) which related to prerequisites to imposition of sanctions.

PART V—ADMINISTRATIVE PROVISIONS

§ 1871. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87–794, title II, § 241, Oct. 11, 1962, 76 Stat. 878, provided for appointment of Special Representative for Trade Negotiations. See section 2171 of this title.

§ 1872. Interagency trade organization

(a) Establishment; functions; membership and composition; participation of representatives of other agencies; meetings

(1) The President shall establish an interagency organization.

(2) The functions of the organization are—

(A) to assist, and make recommendations to, the President in carrying out the functions vested in him by the trade laws and to advise the United States Trade Representative (hereinafter in this section referred to as the ''Trade Representative'') in carrying out the functions set forth in section 2171 of this title;

(B) to assist the President, and advise the Trade Representative, with respect to the development and implementation of the international trade policy objectives of the United States; and

(C) to advise the President and the Trade Representative with respect to the relationship between the international trade policy objectives of the United States and other major policy areas which may significantly affect the overall international trade policy and trade competitiveness of the United States.

(3) The interagency organization shall be composed of the following:

(A) The Trade Representative, who shall be chairperson.

(B) The Secretary of Commerce.

(C) The Secretary of State.

(D) The Secretary of the Treasury.

(E) The Secretary of Agriculture.

(F) The Secretary of Labor.

The Trade Representative may invite representatives from other agencies, as appropriate, to attend particular meetings if subject matters of specific functional interest to such agencies are under consideration. It shall meet at such times and with respect to such matters as the President or the Chairman shall direct.

(b) Duties

In assisting the President, the organization shall—

(1) make recommendations to the President on basic policy issues arising in the administration of the trade agreements program,

(2) make recommendations to the President as to what action, if any, he should take on reports submitted to him by the United States International Trade Commission under section 2251(d)[1] of this title,

(3) advise the President of the results of hearings held pursuant to section 2412(b)(2)[1] of this title, and recommend appropriate action with respect thereto, and

(4) perform such other functions with respect to the trade agreements program as the President may from time to time designate.

In carrying out its functions under this subsection, the organization shall take into account the advice of the congressional advisers and private sector advisory committees, as well as that of any committee or other body established to advise the department, agency, or office which a member of the organization heads.

(c) Use of resources of agencies; procedures and committees

The organization shall, to the maximum extent practicable, draw upon the resources of the agencies represented in the organization, as well as such other agencies as it may determine, including the United States International Trade Commission. In addition, the President may establish by regulation such procedures and committees as he may determine to be necessary to enable the organization to provide for the conduct of hearings pursuant to section 2412(b)(2) of this title, and for the carrying out of other functions assigned to the organization pursuant to this section.

(Pub. L. 87–794, title II, § 242, Oct. 11, 1962, 76 Stat. 878; Pub. L. 93–618, title I, § 171(b), title VI, § 602(b), Jan. 3, 1975, 88 Stat. 2009, 2072; Pub. L. 96–39, title IX, § 902(c), July 26, 1979, 93 Stat. 300; Pub. L. 100–418, title I, § 1621(a), Aug. 23, 1988, 102 Stat. 1263.)

REFERENCES IN TEXT

Section 2251 of this title, referred to in subsec. (b)(2), was amended generally by Pub. L. 100–418, title I, § 1401(a), Aug. 23, 1988, 102 Stat. 1225, and as so amended does not contain a subsec. (d). See section 2252(f) of this title.

Section 2412 of this title, referred to in subsec. (b)(3), was amended generally by Pub. L. 100–418, title I, § 1301(a), Aug. 23, 1988, 102 Stat. 1168, and as so amended the provisions of subsec. (b)(2) of section 2412 are contained in subsec. (a)(4).

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–418, § 1621(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The President shall establish an interagency organization to assist him in carrying out the functions vested in him by this subchapter and sections 2251, 2252, and 2253 of this title. Such organization shall, in addition to the Special Representative for Trade Negotiations, be composed of the heads of such departments and of such other officers as the President shall designate. It shall meet at such times and with respect to such matters as the President or the chairman of the organization shall direct. The organization may invite the participation in its activities of any agency not represented in the organization when matters of interest to such agency are under consideration.''

Subsec. (b). Pub. L. 100–418, § 1621(a)(2), inserted at end: ''In carrying out its functions under this subsection, the organization shall take into account the advice of the congressional advisers and private sector advisory committees, as well as that of any committee or other body established to advise the department, agency, or office which a member of the organization heads.''

1979—Subsecs. (b)(3), (c). Pub. L. 96–39 substituted ''section 2412(b)(2) of this title'' for ''section 2411(c) and (d) of this title''.

1975—Subsec. (a). Pub. L. 93–618, § 602(b)(1), substituted reference to sections 2251, 2252, and 2253 of this title for reference to sections 1981 and 1982 of this title.

Subsec. (b)(2). Pub. L. 93–618, § 602(b)(2), (3), substituted ''reports submitted to him'' for ''reports with respect to tariff adjustment submitted to him'' and ''section 2251(d) of this title'' for ''section 1901(e) of this title.''

Subsec. (b)(3). Pub. L. 93–618, § 602(b)(4), (5), substituted ''hearings held pursuant to'' for hearings concerning foreign import restrictions held pursuant to'' and ''section 2411(c) and (d) of this title'' for ''section 1882(d) of this title''.

Subsec. (c). Pub. L. 93–618, § 602(b)(5), substituted ''section 2411(c) and (d) of this title'' for ''section 1882(d) of this title''.

Pub. L. 93–618, § 171(b), substituted ''United States International Trade Commission'' for ''United States Tariff Commission''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–39 effective July 26, 1979, see section 903 of Pub. L. 96–39, set out as an Effective Date note under section 2411 of this title.

ESTABLISHMENT OF INTERAGENCY GROUP

For provisions establishing an interagency group within the interagency organization established under this section, relating to the implementation of chapter 19 of the North American Free Trade Agreement as well as the oversight of the United States Section established under section 3315 of this title, see section 3432(c)(2) of this title.

For provisions establishing an interagency group within the interagency organization established under this section, relating to the implementation of chapters 18 and 19 of the United States-Canada Free-Trade Agreement, see section 405 of Pub. L. 100–449, set out in a note under section 2112 of this title.

SENSE OF CONGRESS RESPECTING ROLE OF INTERAGENCY ORGANIZATION

Section 1621(b) of Pub. L. 100–418 provided that: ''It is the sense of Congress that the interagency organization established under subsection (a) [amending this section] should be the principal interagency forum within the executive branch on international trade policy matters.''

TRANSFER OF FUNCTIONS FROM EAST-WEST FOREIGN TRADE BOARD

East-West Foreign Trade Board, which was established by Pub. L. 93–618, title IV, § 411, Jan. 3, 1975, 88 Stat. 2065, and classified to section 2441 of this title, abolished by Reorg. Plan No. 3 of 1979, § 6, 44 Stat. 69275, 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, and functions of Board under subsecs. (a) and (b) of section 411 of Pub. L. 93–618 transferred to interagency organization established under this section by section 5(e) of Reorg. Plan No. 3 of 1979. See section 2441 of this title.

[1] See References in Text note below.

TRADE POLICY COMMITTEE

For provisions relating to Trade Policy Committee, see section 3 of Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of this title.

§ 1873. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87–794, title II, § 243, Oct. 11, 1962, 76 Stat. 878, made provision for Congressional delegates to trade negotiations. See section 2211 of this title.

PART VI—GENERAL PROVISIONS

§ 1881. Normal trade relations

Except as otherwise provided in this subchapter, in section 1351 of this title, or in section 401(a) of the Tariff Classification Act of 1962, any duty or other import restriction or duty-free treatment proclaimed in carrying out any trade agreement under this subchapter or section 1351 of this title shall apply to products of all foreign countries, whether imported directly or indirectly.

(Pub. L. 87–794, title II, § 251, Oct. 11, 1962, 76 Stat. 879; Pub. L. 105–206, title V, § 5003(b)(1), July 22, 1998, 112 Stat. 789.)

REFERENCES IN TEXT

Section 401(a) of the Tariff Classification Act of 1962, referred to in text, is set out as a note under section 1351 of this title.

AMENDMENTS

1998—Pub. L. 105–206 substituted existing catchline for ''Most-favored-nation principle''.

§§ 1882 to 1884. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section 1882, Pub. L. 87–794, title II, § 252, Oct. 11, 1962, 76 Stat. 879, provided for Presidential action in face of foreign import restrictions. See sections 2112 of this title.

Section 1883, Pub. L. 87–794, title II, § 253, Oct. 11, 1962, 76 Stat. 880, covered area of staging requirements. See section 2119 of this title.

Section 1884, Pub. L. 87–794, title II, § 254, Oct. 11, 1962, 76 Stat. 880, provided for rounding authority. See section 2119 of this title.

§ 1885. Termination of proclamations

(a) Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(b) The President may at any time terminate, in whole or in part, any proclamation made under this subchapter.

(Pub. L. 87–794, title II, § 255, Oct. 11, 1962, 76 Stat. 880; Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–618 struck out subsec. (a) which provided for termination of or withdrawal from trade agreements. See section 2135 of this title.

§ 1886. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87–794, title II, § 256, Oct. 11, 1962, 76 Stat. 881, defined terms. See section 2481 of this title.

§ 1887. Limitation on imports under section 624 of title 7

Nothing contained in this chapter shall be construed to affect in any way the provisions of section 624 of title 7, or to apply to any import restriction heretofore or hereafter imposed under such section.

(Pub. L. 87–794, title II, § 257(h), Oct. 11, 1962, 76 Stat. 883.)

§ 1888. References in other laws

All provisions of law (other than this chapter and the Trade Agreements Extension Act of 1951) in effect after June 30, 1962, referring to section 350 of the Tariff Act of 1930, to that section as amended, to the Act entitled ''An Act to amend the Tariff Act of 1930'', approved June 12, 1934, to that Act as amended, or to agreements entered into, or proclamations issued, under any of such provisions, shall be construed, unless clearly precluded by the context, to refer also to this chapter, or to agreements entered into or proclamations issued, pursuant to this chapter.

(Pub. L. 87–794, title II, § 258, Oct. 11, 1962, 76 Stat. 883.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 87–794, Oct. 11, 1962, 76 Stat. 872, as amended, which is classified principally to this chapter. For complete classification of Pub. L. 87–794, to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Trade Agreements Extension Act of 1951, referred to in text, is act June 16, 1951, ch. 141, 65 Stat. 72, as amended. For complete classification of this Act to the Code, see Short Title of 1951 Amendment note set out under section 1654 of this title and Tables.

Section 350 of the Tariff Act of 1930, referred to in text, is classified to section 1351 of this title.

The Act entitled ''An Act to amend the Tariff Act of 1930'', approved June 12, 1934, referred to in text, is act June 12, 1934, ch. 474, 48 Stat. 943, as amended, which is classified to sections 1351, 1352, 1353, and 1354 of this title.

SUBCHAPTER III—TARIFF ADJUSTMENT AND OTHER ADJUSTMENT ASSISTANCE

PART I—ELIGIBILITY FOR ASSISTANCE

§§ 1901, 1902. Repealed. Pub. L. 93–618, title VI, § 602(d), (e), Jan. 3, 1975, 88 Stat. 2072

Section 1901, Pub. L. 87–794, title III, § 301, Oct. 11, 1962, 76 Stat. 883, provided for Tariff Commission [now United States International Trade Commission] investigations and reports. See section 2251 et seq. of this title.

Section 1902, Pub. L. 87–794, title III, § 302, Oct. 11, 1962, 76 Stat. 885, covered Presidential action after Tariff Commission [now United States International Trade Commission] determination. See section 2252 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Section 602(e) of Pub. L. 93–618 provided in part that the repeals called for in section 602(e) of Pub. L. 93–618 [repealing sections 1901(a)(2), (3), (c), (d)(2), (f)(1), (3), 1902(b)(1), (2), (c) to (e), 1911 to 1915, 1917, 1931, 1941 to 1944, 1951, 1952, 1961 to 1963, and 1971 to 1978 of this title] are effective on the 90th day following Jan. 3, 1975.

The remaining parts of section 1901 [subsecs. (a)(1), (b), (d)(1), (e), (f)(2), and (g) of section 1901] and of section 1902 [subsec. (a) of section 1902] are repealed by section 602(d) of Pub. L. 93–618 without an effective date of repeal other than that of Pub. L. 93–618, which was approved on Jan. 3, 1975.

PART II—ADJUSTMENT ASSISTANCE TO FIRMS

§§ 1911 to 1915. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section 1911, Pub. L. 87–794, title III, § 311, Oct. 11, 1962, 76 Stat. 886, provided for certification of proposals for adjustment assistance to firms. See section 2341 et seq. of this title.

Section 1912, Pub. L. 87–794, title III, § 312, Oct. 11, 1962, 76 Stat. 886, provided for use of existing agencies in carrying out certified adjustment proposals. See section 2341 et seq. of this title.

Section 1913, Pub. L. 87–794, title III, § 313, Oct. 11, 1962, 76 Stat. 887, provided for giving of technical assistance to firms. See section 2343 of this title.

Section 1914, Pub. L. 87–794, title III, § 314, Oct. 11, 1962, 76 Stat. 887, provided for giving of financial assistance to firms. See section 2344 of this title.

Section 1915, Pub. L. 87–794, title III, § 315, Oct. 11, 1962, 76 Stat. 887, set out conditions for giving of financial assistance. See section 2345 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on 90th day following Jan. 3, 1975, see note set out under section 1901 of this title.

§ 1916. Administration of financial assistance; recording of mortgages

(a) Guarantees, agreements for deferred participation, and loans

In making and administering guarantees, agreements for deferred participation, and loans under section 1914[1] of this title, the Secretary of Commerce may—

(1) require security for any such guarantee, agreement, or loan, and enforce, waive, or subordinate such security;

(2) assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with such guarantees, agreements, or loans, and collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees, agreements, or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(3) renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees, agreements, or loans;

(4) acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

(5) exercise all such other powers and take all such other acts as may be necessary or incidental to the carrying out of functions pursuant to section 1914 of this title.

(b) Mortgages

Any mortgage acquired as security under subsection (a) of this section shall be recorded under applicable State law.

[1] See References in Text note below.

(Pub. L. 87–794, title III, § 316, Oct. 11, 1962, 76 Stat. 888.)

REFERENCES IN TEXT

Section 1914 of this title, referred to in subsec. (a), was repealed by Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072. See section 2344 of this title.

§ 1917. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87–794, title III, § 317(a), Oct. 11, 1962, 76 Stat. 889, made provision for tax assistance to firms.

EFFECTIVE DATE OF REPEAL

Repeal effective on the 90th day following Jan. 3, 1975, see note set out under section 1901 of this title.

§ 1918. Protective provisions

(a) Maintenance of records by recipients of assistance

Each recipient of adjustment assistance under section 1913, 1914, or 1917[1] of this title, shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such adjustment assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary of Commerce may prescribe.

(b) Access to books, documents, papers, and records for purpose of audit and examination

The Secretary of Commerce and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to adjustment assistance under sections 1913, 1914, and 1917[1] of this title.

(c) Certification of names and fees of attorneys, agents, and other persons engaged for purpose of expediting applications for assistance

No adjustment assistance shall be extended under section 1913, 1914, or 1917[1] of this title to any firm unless the owners, partners, or officers certify to the Secretary of Commerce—

(1) the names of any attorneys, agents, and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such adjustment assistance, and

(2) the fees paid or to be paid to any such person.

(d) Agreement with respect to employment of persons who occupied a position, or engaged in activities which the Secretary of Commerce determines involved discretion

No financial assistance shall be provided to any firm under section 1914[1] of this title unless the owners, partners, or officers shall execute an agreement binding them and the firm for a period of 2 years after such financial assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any person who, on the date such assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in

[1] See References in Text note below.

activities which the Secretary of Commerce shall have determined involve discretion with respect to the provision of such financial assistance.

(Pub. L. 87–794, title III, § 318, Oct. 11, 1962, 76 Stat. 891.)

REFERENCES IN TEXT

Sections 1913, 1914, and 1917 of this title, referred to in text, were repealed by Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072. For provisions covering sections 1913 and 1914, see sections 2343 and 2344 of this title, respectively.

Section 1917 of this title, referred to in subsecs. (a) to (c), was in the original ''section 317'', meaning section 317 of Pub. L. 87–794, which enacted section 1917 of this title and amended sections 172(b), 6501(h), and 6511(d)(2)(A) of Title 26, Internal Revenue Code.

§ 1919. Penalties

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Secretary of Commerce under this part, or for the purpose of obtaining money, property, or anything of value under this part, shall be fined not more than $5,000 or imprisoned for not more than two years, or both.

(Pub. L. 87–794, title III, § 319, Oct. 11, 1962, 76 Stat. 892.)

§ 1920. Suits by and against Secretary of Commerce

In providing technical and financial assistance under sections 1913 and 1914[1] of this title, the Secretary of Commerce may sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against him or his property. Nothing in this section shall be construed to except the activities pursuant to sections 1913 and 1914[1] of this title from the application of sections 517, 519, and 2679 of title 28.

(Pub. L. 87–794, title III, § 320, Oct. 11, 1962, 76 Stat. 892.)

REFERENCES IN TEXT

Sections 1913 and 1914 of this title, referred to in text, were repealed by Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072. See sections 2343 and 2344 of this title, respectively.

CODIFICATION

Reference to ''section 517 of title 28'' substituted in text for reference to section 316 of title 5, and reference to ''section 519 of title 28'' substituted for reference to section 507(b) of title 28 on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

[1] See References in Text note below.

PART III—ADJUSTMENT ASSISTANCE TO WORKERS

§ 1931. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87–794, title III, § 321, Oct. 11, 1962, 76 Stat. 892, authorized giving of adjustment assistance to workers. See section 2271 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on 90th day following Jan. 3, 1975, see note set out under section 1901 of this title.

SUBPART A—TRADE READJUSTMENT ALLOWANCES

§§ 1941 to 1944. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section 1941, Pub. L. 87–794, title III, § 322, Oct. 11, 1962, 76 Stat. 892, set out qualifying requirements for trade readjustment allowances. See section 2291 of this title.

Section 1942, Pub. L. 87–794, title III, § 323, Oct. 11, 1962, 76 Stat. 893, set out provisions covering weekly amount for trade readjustment allowances. See section 2292 of this title.

Section 1943, Pub. L. 87–794, title III, § 324, Oct. 11, 1962, 76 Stat. 894, set out time limitations for trade readjustment allowances. See section 2293 of this title.

Section 1944, Pub. L. 87–794, title III, § 325, Oct. 11, 1962, 76 Stat. 894, provided for application of State laws. See section 2294 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on 90th day following Jan. 3, 1975, see note set out under section 1901 of this title.

SUBPART B—TRAINING

§§ 1951, 1952. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section 1951, Pub. L. 87–794, title III, § 326, Oct. 11, 1962, 76 Stat. 895, provided for training to prepare workers for full employment. See section 2295 of this title.

Section 1952, Pub. L. 87–794, title III, § 327, Oct. 11, 1962, 76 Stat. 895, provided for disqualification for refusal of training. See section 2296 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on 90th day following Jan. 3, 1975, see note set out under section 1901 of this title.

SUBPART C—RELOCATION ALLOWANCES

§§ 1961 to 1963. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section 1961, Pub. L. 87–794, title III, § 328, Oct. 11, 1962, 76 Stat. 895, provided for application for a relocation allowance. See sections 2297 and 2298 of this title.

Section 1962, Pub. L. 87–794, title III, § 329, Oct. 11, 1962, 76 Stat. 895, set out qualifying requirements for training. See sections 2297 and 2298 of this title.

Section 1963, Pub. L. 87–794, title III, § 330, Oct. 11, 1962, 76 Stat. 896, defined ''relocation allowance''. See sections 2297 and 2298 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on 90th day following Jan. 3, 1975, see note set out under section 1901 of this title.

SUBPART D—GENERAL PROVISIONS

§§ 1971 to 1978. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section 1971, Pub. L. 87–794, title III, § 331, Oct. 11, 1962, 76 Stat. 896, made provision for agreements with States. See section 2311 et seq. of this title.

Section 1972, Pub. L. 87–794, title III, § 332, Oct. 11, 1962, 76 Stat. 896, made provision for payments to States. See section 2313 of this title.

Section 1973, Pub. L. 87–794, title III, § 333, Oct. 11, 1962, 76 Stat. 897, provided for liabilities of certifying and disbursing officers. See section 2314 of this title.

Section 1974, Pub. L. 87–794, title III, § 334, Oct. 11, 1962, 76 Stat. 897, provided for recovery of overpayments. See section 2315 of this title.

Section 1975, Pub. L. 87–794, title III, § 335, Oct. 11, 1962, 76 Stat. 897, set out penalties for making false statements or failing to disclose material facts. See section 2316 of this title.

Section 1976, Pub. L. 87–794, title III, § 336, Oct. 11, 1962, 76 Stat. 897, provided for review of determinations as to entitlement for adjustment assistance. See section 2322 of this title.

Section 1977, Pub. L. 87–794, title III, § 337, Oct. 11, 1962, 76 Stat. 897, authorized appropriations for adjustment assistance to workers.

Section 1978, Pub. L. 87–794, title III, § 338, Oct. 11, 1962, 76 Stat. 897, defined terms. See section 2319 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on 90th day following Jan. 3, 1975, see note set out under section 1901 of this title.

PART IV—TARIFF ADJUSTMENT

§ 1981. General authority

(a) Proclamation of increase in, or imposition of, any duty or other import restriction; report to the Congress; adoption of resolution of approval; request for additional information

(1) After receiving an affirmative finding of the United States International Trade Commission under section 1901(b) of this title with respect to an industry, the President may proclaim such increase in, or imposition of, any duty or other import restriction on the article causing or threatening to cause serious injury to such industry as he determines to be necessary to prevent or remedy serious injury to such industry.

(2) If the President does not, within 60 days after the date on which he receives such affirmative finding, proclaim the increase in, or imposition of, any duty or other import restriction on such article found and reported by the United States International Trade Commission pursuant to section 1901(e)[1] of this title—

(A) he shall immediately submit a report to the House of Representatives and to the Senate stating why he has not proclaimed such increase or imposition, and

(B) such increase or imposition shall take effect (as provided in paragraph (3)) upon the adoption by both Houses of the Congress (within the 60-day period following the date on which the report referred to in subparagraph (A) is submitted to the House of Representatives and the Senate), by the yeas and nays by the affirmative vote of a majority of the authorized membership of each House, of a concurrent resolution stating in effect that the Senate and House of Representatives approve the increase in, or imposition of, any duty or other import restriction on the article found and reported by the United States International Trade Commission.

For purposes of subparagraph (B), in the computation of the 60-day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The report referred to in subparagraph (A) shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session.

(3) In any case in which the contingency set forth in paragraph (2)(B) occurs, the President shall (within 15 days after the adoption of such resolution) proclaim the increase in, or imposition of, any duty or other import restriction on the article which was found and reported by the United States International Trade Commission pursuant to section 1901(e) of this title.

(4) The President may, within 60 days after the date on which he receives an affirmative finding of the United States International Trade Commission under section 1901(b)[1] of this title with respect to an industry, request additional information from the United States International Trade Commission. The United States International Trade Commission shall, as soon as practicable but in no event more than 120 days after the date on which it receives the President's request, furnish additional information with respect to such industry in a supplemental report. For purposes of paragraph (2), the date on which the President receives such supplemental report shall be treated as the date on which the President received the affirmative finding of the United States International Trade Commission with respect to such industry.

(b) Maximum rate of increase

No proclamation pursuant to subsection (a) of this section shall be made—

(1) increasing any rate of duty to a rate more than 50 percent above the rate existing on July 1, 1934, or, if the article is dutiable but no rate existed on July 1, 1934, the rate existing at the time of the proclamation.

(2) in the case of an article not subject to duty, imposing a duty in excess of 50 percent ad valorem.

For purposes of paragraph (1), the term ''existing on July 1, 1934'' has the meaning assigned to such term by paragraph (5) of section 1886[1] of this title.

(c) Reduction, termination, or extension of increase in, or imposition of, any duty or other import restriction

(1) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951—

(A) may be reduced or terminated by the President when he determines, after taking into account the advice received from the United States International Trade Commission under subsection (d)(2) of this section and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest, and

[1] See References in Text note below.

(B) unless extended under section 2253 of this title, shall terminate not later than the close of the date which is 4 years (or, in the case of any such increase or imposition proclaimed pursuant to such section 7, 5 years) after the effective date of the initial proclamation or October 11, 1962, whichever date is the later.

(2) Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(d) Review of developments with respect to industries concerned; annual report to President; advice of probable economic effect; considerations; investigations; hearings

(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the United States International Trade Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

(2) Upon request of the President or upon its own motion, the United States International Trade Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the reduction or termination of the increase in, or imposition of, any duty or other import restriction pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951.

(3) Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(4) In advising the President under this subsection as to the probable economic effect on the industry concerned, the United States International Trade Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

(5) Advice by the United States International Trade Commission under this subsection shall be given on the basis of an investigation during the course of which the United States International Trade Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard.

(e) Conformity of trade agreements with this section

The President, as soon as practicable, shall take such action as he determines to be necessary to bring trade agreements entered into under section 1351 of this title into conformity with the provisions of this section. No trade agreement shall be entered into under section 1821(a) of this title unless such agreement permits action in conformity with the provisions of this section.

(Pub. L. 87–794, title III, § 351, Oct. 11, 1962, 76 Stat. 899; Pub. L. 93–618, title I, § 171(b), title VI, § 602(c), (d), Jan. 3, 1975, 88 Stat. 2009, 2072.)

REFERENCES IN TEXT

Section 1901 of this title, referred to in subsec. (a), was repealed by Pub. L. 93–618, title VI, § 602(d), (e), Jan. 3, 1975, 88 Stat. 2072. See section 2251 et seq. of this title.

Section 1886 of this title, referred to in subsec. (b), was repealed by Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072. See section 2481 of this title.

Section 7 of the Trade Agreements Extension Act of 1951, referred to in subsecs. (c)(1) and (d)(1), (2), was classified to section 1364 of this title, and was repealed by section 257(e)(1) of Pub. L. 87–794.

AMENDMENTS

1975—Pub. L. 93–618, § 171(b), substituted ''United States International Trade Commission'' for ''United States Tariff Commission'' wherever appearing.

Subsec. (c)(1)(B). Pub. L. 93–618, § 602(c), substituted ''unless extended under section 2253 of this title.'' for ''unless extended under paragraph (2),''.

Subsec. (c)(2). Pub. L. 93–618, § 602(d), struck out par. (2) which provided for the extension of increases in, or imposition of, duties or other import restrictions. See section 2253 of this title.

Subsec. (d)(3). Pub. L. 93–618, § 602(d), struck out par. (3) which provided for notification to the President by the Tariff Commission of the probable impact of the termination of duties or other import restrictions.

STATUS OF CERTAIN CHANGES IN TARIFF SCHEDULES

Section 1(d) of Pub. L. 90–638, Oct. 24, 1968, 82 Stat. 1360, provided that: ''The rates of duty in rate column numbered 1 [of item 662.18] of the Tariff Schedules of the United States (as amended by the subsections (a) and (c)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party. The rate of duty in rate column numbered 1 of item 662.20 of the Tariff Schedules of the United States (as amended by subsection (a)) shall not supersede the staged rates of duty provided for such item in Annex III to Proclamation 3822, dated December 16, 1967 (32 Fed. Reg., No. 244, part II).''

Section 2(d) of Pub. L. 90–638, Oct. 24, 1968, 82 Stat. 1360, provided that:

''(1) For purposes of applying sections 256(4) [section 1886(4) of this title], 256(d) [section 1886(5) of this title], and 351(b) of the Trade Expansion Act of 1962 [subsec. (b) of this section] and section 350(c)(2)(A) of the Tariff Act of 1930 [section 1351(c)(2)(A) of this title]—

''(A) the rates of duty in rate column numbered 1 of the Tariff Schedules of the United States [items 355.70, 356.30, and 359.30] (as changed by subsection (b)) shall be treated as the rates of duty existing on July 1, 1962; and

''(B) the rates of duty in rate column numbered 2 of such Schedules (as changed by subsection (b)) shall be treated as the rates of duty existing on July 1, 1934.

''(2) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as amended by subsection (b)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.''

Section 2(c) of Pub. L. 90–564, Oct. 12, 1968, 82 Stat. 1001, provided that:

''(1) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act and amended by subsection (b) of this section) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

''(2) For purposes of section 351(b) of the Trade Expansion Act of 1962 [subsec. (b) of this section], the rate of duty in rate column numbered 2 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act) shall be treated as the rate of duty existing on July 1, 1934.''

Section 9 of Pub. L. 89–651, Oct. 14, 1966, 80 Stat. 902, provided that: ''Any duty-free treatment provided for in this Act [see Short Title note set out preceding section 1202 of this title] shall, for purposes of title III of the Trade Expansion Act of 1962 (76 Stat. 883; 19 U.S.C., secs. 1901 to 1991) [this subchapter], be treated as a concession granted under a trade agreement: *Provided*, That any action taken pursuant to section 351 of such Act [this section] as the result of this section shall be consistent with obligations of the United States under trade agreements.''

Section 4 of Pub. L. 89–388, Apr. 13, 1966, 80 Stat. 110, provided that: ''For purposes of applying paragraphs (4) and (5) of section 256 (19 U.S.C. 1886) and section 351(b) (19 U.S.C. 1981(b)) of the Trade Expansion Act of 1962 and section 350(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1351(c)(2)(A))—

''(1) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States as changed by this Act shall be treated as the rates of duty existing on July 1, 1962.

''(2) The rates of duty in rate column numbered 2 of such Schedules as changed by this Act shall be treated as the rates of duty existing on July 1, 1934.''

Section 3 of Pub. L. 89–241, Oct. 7, 1965, 79 Stat. 933, provided that:

''(a) For purposes of applying paragraphs (4) and (5) of section 256 (19 U.S.C., sec. 1886) and section 351(b) (19 U.S.C., sec. 1981(b)) of the Trade Expansion Act of 1962 and section 350(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C., sec. 1351(c)(2)(A))—

''(1) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States as changed by this Act shall be treated as the rates of duty existing on July 1, 1962.

''(2) The rates of duty in rate column numbered 2 of such Schedules as changed by this Act shall be treated as the rates of duty existing on July 1, 1934.

''(b) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States as changed by this Act which are lower than the rates of duty in rate column numbered 2 of such Schedules for the corresponding items shall be treated—

''(1) as not having the status of statutory provisions enacted by the Congress, but

''(2) as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

''(c) The changes in part 2 of the Appendix to the Tariff Schedules of the United States made by section 30 of this Act [to items 923.75 and 923.77] shall be treated—

''(1) as not having the status of statutory provisions enacted by the Congress, but

''(2) as having been proclaimed by the President pursuant to paragraph (2) of section 102 of the Tariff Classification Act of 1962 (19 U.S.C., sec. 1202 note).

''(d) The changes in part 3 of the Appendix to the Tariff Schedules of the United States made by section 88 of this Act [to headnote 2(b), (c)] shall be treated—

''(1) as not having the status of statutory provisions enacted by the Congress, but

''(2) as having been proclaimed by the President pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C., sec. 624).''

[The Tariff Schedules of the United States were replaced by the Harmonized Tariff Schedule of the United States which is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.]

§ 1982. Marketing agreements

(a) Negotiations

After receiving an affirmative finding of the United States International Trade Commission under section 1901(b)[1] of this title with respect to an industry, the President may, in lieu of exercising the authority contained in section 1981(a)(1) of this title but subject to the provisions of sections 1981(a)(2), (3), and (4) of this title, negotiate international agreements with foreign countries limiting the export from such countries and the import into the United States of the article causing or threatening to cause serious injury to such industry, whenever he determines that such action would be more appropriate to prevent or remedy serious injury to such industry than action under section 1981(a)(1) of this title.

(b) Regulations governing entry or withdrawal from warehouse

In order to carry out an agreement concluded under subsection (a) of this section, the President is authorized to issue regulations governing the entry or withdrawal from warehouse of the article covered by such agreement. In addition, in order to carry out a multilateral agreement concluded under subsection (a) of this section among countries accounting for a significant part of world trade in the article covered by such agreement, the President is also authorized to issue regulations governing the entry or withdrawal from warehouse of the like article which is the product of countries not parties to such agreement.

(Pub. L. 87–794, title III, § 352, Oct. 11, 1962, 76 Stat. 901; Pub. L. 93–618, title I, § 171(b), Jan. 3, 1975, 88 Stat. 2009.)

REFERENCES IN TEXT

Section 1901 of this title, referred to in subsec. (a), was repealed by Pub. L. 93–618, title VI, § 602(d), (e), Jan. 3, 1975, 88 Stat. 2072. See section 2251 et seq. of this title.

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–618 substituted ''United States International Trade Commission'' for ''United States Tariff Commission''.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b) of this section, concerning issuance of regulations governing entry, or withdrawal from warehouses for consumption, of articles pursuant to any orderly marketing agreement, delegated to Secretary of the Treasury, see section 5(b) of Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of this title.

PART V—ADVISORY BOARD

§ 1991. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87–794, title III, § 361, Oct. 11, 1962, 76 Stat. 901, established the Adjustment Assistance Advisory Board.

CHAPTER 8—AUTOMOTIVE PRODUCTS

SUBCHAPTER I—STATEMENT OF PURPOSES

Sec.
2001. Congressional declaration of purposes.

SUBCHAPTER II—BASIC AUTHORITIES

2011. Implementation of the Agreement.
2012. Omitted.
2013. Effective date of proclamations.
2014. Termination of proclamations.
2015. Special reports to Congress.

[1] See References in Text note below.