ANTIDUMPING ACT UNAFFECTED BY TARIFF ACT OF 1930

Sections 160 to 171 of this title, which were repealed by Pub. L. 96–39, had previously been excepted from repeal or amendment by act June 17, 1930, ch. 497, 46 Stat. 763 [Tariff Act of 1930], section 651(d) of which provided that nothing in that act would be construed to amend or repeal the Antidumping Act [sections 160 to 171 of this title].

ADDITIONAL DEFINITIONS

§172. Omitted

Section, act May 27, 1921, ch. 14, §406, 42 Stat. 18; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, which defined the terms ''person'' and ''United States'' as those terms were used in sections 160 to 171 of this title was omitted in view of the repeal of sections 160 to 171 of this title by Pub. L. 96–39, title I, §106(a), July 26, 1979, 93 Stat. 193.

RULES AND REGULATIONS

§173. Omitted

Section, act May 27, 1921, ch. 14, §407, 42 Stat. 18, which directed the Secretary to make rules and regulations necessary for the enforcement of sections 160 to 171 of this title was omitted in view of the repeal of sections 160 to 171 of this title by Pub. L. 96–39, title I, §106(a), July 26, 1979, 93 Stat. 193.

UNFAIR METHODS OF COMPETITION AND IMPORTATION UNLAWFUL

§§174 to 180. Repealed. June 17, 1930, ch. 497, title IV, §651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §316(a)–(g), 42 Stat. 943, 944, related to unfair acts tending to destroy or injure domestic industries, investigations by Tariff Commission, appeals, and forbidding entry of articles pending completion of investigations.

Provisions of Tariff Act of 1930 corresponding to section 174, see section 1337(a) of this title; section 175, see section 1337(b); section 176, see section 1337(c); section 177, see section 1337(d); section 178, see section 1337(e); section 179, see section 1337(f); section 180, see section 1337(g).

IMPORTS FROM COUNTRIES MAKING DISCRIMINATIONS

§181. Exclusion of imports from countries making discriminations

Whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require.

(Aug. 30, 1890, ch. 839, §5, 26 Stat. 415.)

§§182 to 190. Repealed. June 17, 1930, ch. 497, title IV, §651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §317(a)–(i), 42 Stat. 944–946, related to new or additional duties on imports from countries making discriminations against United States products, suspension, exclusion and enforcement provisions. Provisions of Tariff Act of 1930 corresponding to section 182, see section 1338(a) of this title; section 183, see section 1338(b) of this title; section 184, see section 1338(c) of this title; section 185, see section 1338(d) of this title; section 186, see section 1338(e) of this title; section 187, see section 1338(f) of this title; section 188, see section 1338(g) of this title; section 189, see section 1338(h) of this title; section 190, see section 1338(i) of this title.

SPECIAL PROVISIONS

§§191, 192. Repealed. June 17, 1930, ch. 497, title IV, §651(a)(1), (4), 46 Stat. 762, eff. June 18, 1930

Section 191, act Sept. 21, 1922, ch. 356, title III, §322, 42 Stat. 948, related to duties on automobiles, etc., sold foreign Governments.

Section 192, R.S. §2804; act Aug. 27, 1894, ch. 349, §26, 28 Stat. 552, related to entry of cigars.

§§193 to 195. Repealed. Pub. L. 87–456, title III, §303(c), May 24, 1962, 76 Stat. 78

Section 193, act Jan. 9, 1883, ch. 17, 22 Stat. 402, related to grain brought from Canada for grinding.

Section 194, act May 18, 1896, ch. 195, 29 Stat. 122, provided for the return free of articles and livestock exported for exhibition.

Section 195, act Mar. 3, 1899, ch. 454, 30 Stat. 1372, provided for free entry of animals taken abroad with circus or menagerie.

§196. Repealed. June 17, 1930, ch. 497, title IV, §651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, §319, 42 Stat. 947, related to duties imposed on certain previous imports and basis upon weight at time of entry.

§196a. Repealed. Pub. L. 87–456, title III, §303(c), May 24, 1962, 76 Stat. 78

Section, act Aug. 27, 1949, ch. 517, §1, 63 Stat, 666, provided for free importation of articles for members of armed forces of foreign countries.

EFFECTIVE DATE OF REPEAL

For effective date of repeal, see section 501(a) of Pub. L. 87–456.

PAYMENT OF DUTY

§197. Duties, how payable

Except as provided in section 198 of this title all duties upon imports shall be collected in ready money, and shall be paid in coin, coin certificates, and such other certificates or Treasury notes as may by law be declared receivable in payment thereof.

(R.S. §3009; Feb. 27, 1877, ch. 69, 19 Stat. 247, 249.)

CODIFICATION

R.S. §3009 derived from acts Mar. 2, 1833, ch. 55, §3, 4 Stat. 630; Aug. 6, 1846, ch. 84, §1, 9 Stat. 53; Feb. 25, 1862, ch. 33, §5, 12 Stat. 346.

R.S. §3473, formerly cited as a credit to this section, was repealed by Pub. L. 95–598, title III, §322(d), title IV, §402(a), Nov. 6, 1978, 92 Stat. 2679, 2682, effective Oct. 1, 1979.

Prior to its incorporation into the Code, R.S. § 3009, as amended by act Feb. 27, 1877, ch. 69, 19 Stat. 247, read: ''All duties upon imports shall be collected in ready money, and shall be paid in coin or coin certificates or in United States notes, payable on demand, authorized to be issued prior to the twenty-fifth day of February, one thousand eight hundred and sixty-two, and by law receivable in payment of public dues.''

Its provisions were changed to conform to section 198 of this title authorizing the receipt of certified checks in payment of duties; section 405 of Title 31, Money and Finance (act Feb. 28, 1878, ch. 20, § 3, 20 Stat. 26) making certain certificates and treasury notes receivable for customs; section 451 of Title 31, (act Dec. 24, 1919, ch. 15, § 1, 41 Stat. 370) making gold certificates a legal tender in payment of all debts and dues, public and private; and a provision of act Mar. 14, 1900, ch. 41, § 6, 31 Stat. 47, as amended (omitted from the Code as superseded by section 451 of Title 31) that gold certificates should be receivable for customs.

§ 198. Certified checks; receivable for all public dues; lien for payment of

It shall be lawful for collecting officers to receive certified checks drawn on National and State banks and trust companies, during such time and under such regulations as the Secretary of the Treasury may prescribe, in payment for duties on imports, and all public dues, including special customs deposits. No person, however, who may be indebted to the United States on account of duties on imports who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this section, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

(Mar. 2, 1911, ch. 191, § 1, 36 Stat. 965; Mar. 3, 1913, ch. 119, 37 Stat. 733.)

TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Collecting officers, referred to in this section, are officials of Department of the Treasury.

§ 199. Judgments, how payable

In all proceedings brought by the United States in any court for due recovery as well of duties upon imports alone as of penalties for the nonpayment thereof, the judgment shall recite that the same is rendered for duties, and such judgment, interest, and costs shall be payable in the coin by law receivable for duties, and the execution issued on such judgment shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution.

(R.S. § 3014.)

CODIFICATION

R.S. § 3014 derived from act Mar. 3, 1865, ch. 80, § 12, 13 Stat. 494.

SUBTITLE IV—CUSTOMS ADMINISTRATION

ADMINISTRATIVE PROVISIONS

PART 1—DEFINITIONS

§ 231. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762

Section, act Sept. 21, 1922, ch. 356, title IV, § 401, 42 Stat. 948, related to definitions of terms of Tariff Act of 1922.

Corresponding provisions of Tariff Act of 1930, see section 1401 of this title.

§ 232. "Port" defined

The word ''port'', as used in title 34 of the Revised Statutes, may include any place from which merchandise can be shipped for importation, or at which merchandise can be imported.

(R.S. § 2767.)

REFERENCES IN TEXT

Title 34 of the Revised Statutes, referred to in text, was in the original ''this Title'', meaning title 34 of the Revised Statutes, consisting of R.S. §§ 2517 to 3129. For complete classification of R.S. §§ 2517 to 3129 to the Code, see Tables.

§ 233. Departure from prescribed forms

In cases where the forms of official documents, as prescribed by title 34 of the Revised Statutes, shall be substantially complied with and observed, according to the true intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom.

(R.S. § 2769.)

REFERENCES IN TEXT

Title 34 of the Revised Statutes, referred to in text, was in the original ''this Title'', meaning title 34 of the Revised Statutes, consisting of R.S. §§ 2517 to 3129. For complete classification of R.S. §§ 2517 to 3129 to the Code, see Tables.

CODIFICATION

R.S. § 2769 derived from act Mar. 2, 1799, ch. 22, § 111, 1 Stat. 704.

§§ 234 to 239. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, § 402(a)–(f), 42 Stat. 949, 950, related to valuation of imported merchandise, ascertainment of foreign, export, United States value, cost of production, American selling price and value at date of shipment.