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 Repealed.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 Repealed.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 Repealed.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 supple-

[1] See References in Text note below.

mental 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

(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 Proclama-

tion 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.

[1] See References in Text note below.