

CHAPTER 8—AUTOMOTIVE PRODUCTS**SUBCHAPTER I—STATEMENT OF PURPOSES**

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SUBCHAPTER I—STATEMENT OF PURPOSES**§ 2001. Congressional declaration of purposes**

The purposes of this chapter are—

(1) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada signed on January 16, 1965 (hereinafter referred to as the “Agreement”), in order to strengthen the economic relations and expand trade in automotive products between the United States and Canada; and

(2) to authorize the implementation of such other international agreements providing for the mutual reduction or elimination of duties applicable to automotive products as the Government of the United States may hereafter enter into.

(Pub. L. 89–283, title I, § 102, Oct. 21, 1965, 79 Stat. 1016.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 89–283, Oct. 21, 1965, 79 Stat. 1016, as amended. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Pub. L. 89–283, title I, § 101, Oct. 21, 1965, 79 Stat. 1016, provided that: “This Act [enacting this chapter, amending section 1202 of this title and Schedules 2, 3, 5, 6, and 7 of the Tariff Schedules of the United States, and enacting provisions set out as a note preceding section 1202 of this title] may be cited as the ‘Automotive Products Trade Act of 1965’.”

SUBCHAPTER II—BASIC AUTHORITIES**§ 2011. Implementation of the Agreement****(a) Modification of Harmonized Tariff Schedule**

The President is authorized to proclaim the modifications of the Harmonized Tariff Schedule of the United States provided for in title IV of this Act.

(b) Duty-free treatment of Canadian motor-vehicle equipment

At any time after the issuance of the proclamation authorized by subsection (a), the Presi-

dent is authorized to proclaim further modifications of the Harmonized Tariff Schedule of the United States to provide for the duty-free treatment of any Canadian article which is original motor-vehicle equipment (as defined by such Schedules as modified pursuant to subsection (a)) if he determines that the importation of such article is actually or potentially of commercial significance and that such duty-free treatment is required to carry out the Agreement.

(Pub. L. 89–283, title II, § 201, Oct. 21, 1965, 79 Stat. 1016; Pub. L. 100–418, title I, § 1214(i), Aug. 23, 1988, 102 Stat. 1157.)

REFERENCES IN TEXT

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

Title IV of this Act, referred to in subsec. (a), means title IV of Pub. L. 89–283 which amended section 1202 of this title and Schedules 2, 3, 5, 6, and 7 of the Tariff Schedules of the United States, and enacted provisions set out as a note preceding section 1202 of this title.

The Agreement, referred to in subsec. (b), is the Agreement Concerning Automotive Products, which was entered into between the United States and Canada on January 16, 1965, see Proc. No. 3682, Oct. 21, 1965, 30 F.R. 13683 and Proc. No. 3743, Sept. 8, 1966, 31 F.R. 12003, set out as notes below.

AMENDMENTS

1988—Subsecs. (a), (b). Pub. L. 100–418 substituted “Harmonized Tariff Schedule of the United States” for “Tariff Schedules of the United States”.

EFFECTIVE DATE OF 1988 AMENDMENT

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

PROC. NO. 3682. IMPLEMENTATION OF AGREEMENT CONCERNING AUTOMOTIVE PRODUCTS

Proc. No. 3682, Oct. 21, 1965, 30 F.R. 13683, provided: WHEREAS the United States and Canada on January 16, 1965, entered into an Agreement Concerning Automotive Products, which provides that Canada shall accord duty-free treatment to imports of certain automotive products of the United States and that, after enactment of implementing legislation, the United States shall accord duty-free treatment to certain automotive products of Canada retroactively to the earliest date administratively possible following the date on which the agreement has been implemented by Canada (art. II, 89th Cong. 1st sess., H. Rep. 537, 38);

WHEREAS the agreement of January 16, 1965, was implemented by Canada through the granting of the requisite duty-free treatment to United States products on January 18, 1965;

WHEREAS title II [sections 2011 to 2015 of this title] and IV [amending section 1202 of this title] of the Automotive Products Trade Act of 1965 have been enacted to provide for modifications of the Tariff Schedules of the United States (19 U.S.C. 1202) to implement the agreement of January 16, 1965, such modifications to enter into force in the manner proclaimed by the President (79 Stat. 1016);

WHEREAS sections 201(a) and 203 of the Automotive Products Trade Act of 1965 [subsec. (a) of this section and section 2013 of this title] authorize the President to proclaim the modifications of the Tariff Schedules of the United States provided for in sections 403, 404, and 405 of that Act [amending section 1202 of this title] with retroactive effect as of the earliest date after January

17, 1965, which he determines to be practicable, and section 401(b) of that Act provides that the rates of duty in column numbered 1 of the tariff schedules that are modified pursuant to such proclamation shall be treated as having been proclaimed by the President as being required to carry out a foreign trade agreement to which the United States is a party (79 Stat. 1016); and

WHEREAS I determine that the earliest date, after January 17, 1965, as of which it is practicable to give retroactive effect to this proclamation is January 18, 1965:

NOW, THEREFORE, I, LYNDON B. JOHNSON, under the authority vested in me by the Constitution and the statutes, particularly sections 201(a) and 203 of the Automotive Products Trade Act of 1965 [subsec. (a) of this section and section 2013 of this title], do proclaim (1) that the modifications of the Tariff Schedules of the United States provided for in sections 403 and 404 of that Act [amending section 1202 of this title] shall enter into force on the day following the date of this proclamation, and (2) that the modifications of the tariff schedules provided for in section 405 of that Act [amending section 1202 of this title] shall enter into force on December 20, 1965, effective with respect to articles which are or have been entered for consumption, or for warehouse, on or after January 18, 1965.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of October in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetyeth.

[SEAL]

LYNDON B. JOHNSON.

PROC. NO. 3743. IMPLEMENTATION OF AGREEMENT
CONCERNING AUTOMOTIVE PRODUCTS

Proc. No. 3743, Sept. 8, 1966, 31 F.R. 12003, provided:

WHEREAS the United States and Canada on January 16, 1965, entered into an Agreement Concerning Automotive Products, which provides that Canada shall accord duty-free treatment to imports of certain automotive products of the United States and that, after enactment of implementing legislation, the United States shall accord duty-free treatment to certain automotive products of Canada retroactively to the earliest date administratively possible following the date on which the agreement has been implemented by Canada (art. II, 89th Cong. 1st sess., H. Rep. 537, 38);

WHEREAS, the agreement of January 16, 1965, was implemented by Canada through the granting of the requisite duty-free treatment to United States products on January 18, 1965;

WHEREAS titles II [sections 2011 to 2015 of this title] and IV of the Automotive Products Trade Act of 1965 [amending section 1202 of this title] have been enacted to provide for modifications of the Tariff Schedules of the United States (19 U.S.C. 1202) to implement the agreement of January 16, 1965, such modifications to enter into force in the manner proclaimed by the President (79 Stat. 1016);

WHEREAS sections 201 and 203 of the Automotive Products Trade Act of 1965 [sections 2011 and 2013 of this title] authorize the President to proclaim such modifications of the Tariff Schedules of the United States as will provide for the duty-free treatment of Canadian articles which are original motor-vehicle equipment either if the modifications of such articles are set forth in title IV of that Act [amending section 1202 of this title] or if the President subsequently determines that the importation of the articles is actually or potentially of commercial significance and that such duty-free treatment is required by the agreement, such proclamation to provide for retroactive effect for such duty-free treatment as of the earliest date after January 17, 1965, which the President determines to be practicable;

WHEREAS, by Proclamation No. 3682 of October 21, 1965 (30 F.R. 13683), the President pursuant to sections 201 and 203 [sections 2011 and 2013 of this title] proclaimed the modifications of the Tariff Schedules of the United States provided for in title IV of the Automotive Products Trade Act of 1965 [amending section 1202 of this title]; and

WHEREAS I determine (a) under subsection (b) of section 201 [subsection (b) of this section] that the importation of the Canadian articles which are original motor-vehicle equipment and which are dutiable under TSUS items 688.04, 688.06, and 688.15 is actually or potentially of commercial significance and that duty-free treatment of such Canadian articles is required to carry out the agreement of January 16, 1965, and (b) under section 203 [section 2013 of this title] that the earliest date, after January 17, 1965, as of which it is practicable to give retroactive effect to this proclamation is January 18, 1965:

NOW, THEREFORE, I, LYNDON B. JOHNSON, under the authority vested in me by the Constitution and the statutes, particularly sections 201(b) and 203 of the Automotive Products Trade Act of 1965 [subsection (b) of this section and section 2013 of this title] do proclaim that the Tariff Schedules of the United States are modified by inserting in proper numerical sequence new items 688.05, 688.07, and 688.16, each such item having the article description "If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6) . . ." subordinate to the immediately preceding article description and having "Free" in rate of duty column numbered 1. Such modifications shall enter into force on the day following the date of this proclamation and shall be effective with respect to articles which are or have been entered for consumption, or for warehouse, on or after January 18, 1965.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of September in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

[SEAL]

LYNDON B. JOHNSON.

§ 2012. Omitted

CODIFICATION

Section, Pub. L. 89-283, title II, §202, Oct. 21, 1965, 79 Stat. 1016, which related to the modification of tariff schedules to implement duty free motor vehicle agreements and duty reduced or duty free automotive product agreements, the necessity for advice and public notice prior to negotiation of such agreements, the transmission to the Congress of copies of such agreements, and Presidential proclamations to implement such agreements, expired by its own terms on Oct. 22, 1965.

§ 2013. Effective date of proclamations

(a) Retroactive effect; authority of President

Subject to subsection (b), the President is authorized, notwithstanding section 1514 of this title or any other provision of law, to give retroactive effect to any proclamation issued pursuant to section 2011 of this title as of the earliest date after January 17, 1965, which he determines to be practicable.

(b) Filing of request with customs officer

In the case of liquidated customs entries, the retroactive effect pursuant to subsection (a) of any proclamation shall apply only upon request therefor filed with the customs officer concerned on or before the 90th day after the date of such proclamation and subject to such other conditions as the President may specify.

(Pub. L. 89-283, title II, §203, Oct. 21, 1965, 79 Stat. 1018.)

§ 2014. Termination of proclamations

The President is authorized at any time to terminate, in whole or in part, any proclamation issued pursuant to section 2011 or 2012 of this title.

(Pub. L. 89-283, title II, §204, Oct. 21, 1965, 79 Stat. 1018.)

§ 2015. Special reports to Congress

(a) Report on required comprehensive review

No later than August 31, 1968, the President shall submit to the Senate and the House of Representatives a special report on the comprehensive review called for by Article IV(c) of the Agreement. In such report he shall advise the Congress of the progress made toward the achievement of the objectives of Article I of the Agreement.

(b) Report on increase on Canadian value added

Whenever the President finds that any manufacturer has entered into any undertaking, by reason of governmental action, to increase the Canadian value added of automobiles, buses, specified commercial vehicles, or original equipment parts produced by such manufacturer in Canada after August 31, 1968, he shall report such finding to the Senate and the House of Representatives. The President shall also report whether such undertaking is additional to undertakings agreed to in letters of undertaking submitted by such manufacturer before October 21, 1965.

(c) Recommendations

The reports provided for in subsections (a) and (b) of this section shall include recommendations for such further steps, including legislative action, if any, as may be necessary for the achievement of the purposes of the Agreement and this chapter.

(Pub. L. 89-283, title II, §205, Oct. 21, 1965, 79 Stat. 1018.)

REFERENCES IN TEXT

The Agreement, referred to in subsecs. (a) and (c), is the Agreement Concerning Automotive Products, which was entered into between the United States and Canada on January 16, 1965, see Proc. No. 3682, Oct. 21, 1965, 30 F.R. 13683 and Proc. No. 3743, Sept. 8, 1966, 31 F.R. 12003, set out as notes under section 2011 of this title.

This chapter, referred to in subsec. (c), was in the original “this Act”, meaning Pub. L. 89-283, Oct. 21, 1965, 79 Stat. 1016, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables.

SUBCHAPTER III—TARIFF ADJUSTMENT AND OTHER ADJUSTMENT ASSISTANCE

§ 2021. General authority

A petition may be filed for tariff adjustment or for a determination of eligibility to apply for adjustment assistance under title III of the Trade Expansion Act of 1962 [19 U.S.C. 1901 et seq.] as though the reduction or elimination of a duty proclaimed by the President pursuant to

section 2011 or 2012 of this title were a concession granted under a trade agreement referred to in section 301 of the Trade Expansion Act of 1962 [19 U.S.C. 1901].

(Pub. L. 89-283, title III, §301, Oct. 21, 1965, 79 Stat. 1018.)

REFERENCES IN TEXT

The Trade Expansion Act of 1962, referred to in text, is Pub. L. 87-794, Oct. 11, 1962, 76 Stat. 872, as amended. Title III of the Trade Expansion Act of 1962 is classified generally to subchapter III (§1901 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Section 301 of the Trade Expansion Act of 1962, referred to in text, was classified to section 1901 of this title and 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 2012 of this title, referred to in text, was omitted from the Code.

CODIFICATION

The words “subject to section 2022 of this title” omitted in view of the omission of section 2022 of this title, which provided special authority after Oct. 21, 1965, and before July 1, 1968, for filing of petitions for determination by the President of eligibility to apply for adjustment assistance.

§§ 2022, 2023. Omitted

CODIFICATION

Section 2022, Pub. L. 89-283, title III, §302, Oct. 21, 1965, 79 Stat. 1018; Pub. L. 95-598, title III, §316, Nov. 6, 1978, 92 Stat. 2678, set forth procedures for Presidential certification of petitions filed by firms or group of workers for determination of eligibility to apply for adjustment assistance after the 90th day after Oct. 21, 1965, and before July 1, 1968. See section 2021 of this title for general authority for filing of petition.

Section 2023, Pub. L. 89-283, title III, §303, Oct. 21, 1965, 79 Stat. 1021, required the President, at the time he transmits an agreement under section 2012(d)(1) of this title, to recommend legislation concerning adjustment assistance to firms and workers in light of the anticipated economic impact of the reduction of duties provided for by such agreement.

§ 2024. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary from time to time to carry out the provisions of this subchapter, which sums are authorized to be appropriated to remain available until expended.

(Pub. L. 89-283, title III, §304, Oct. 21, 1965, 79 Stat. 1021.)

SUBCHAPTER IV—GENERAL PROVISIONS

§ 2031. Authorities; delegation of functions; rules and regulations

The head of any agency performing functions authorized by this chapter may—

- (1) authorize the head of any other agency to perform any of such functions; and
- (2) prescribe such rules and regulations as may be necessary to perform such functions.

(Pub. L. 89-283, title V, §501, Oct. 21, 1965, 79 Stat. 1025.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 89-283, Oct. 21, 1965, 79

Stat. 1016, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables.

§ 2032. Annual report to Congress

The President shall submit to the Congress an annual report on the implementation of this chapter. Such report shall include information regarding new negotiations, reductions or eliminations of duties, reciprocal concessions obtained, and other information relating to activities under this chapter. Such report shall also include information providing an evaluation of the Agreement and this chapter in relation to the total national interest, and specifically shall include, to the extent practicable, information with respect to—

- (1) the production of motor vehicles and motor vehicle parts in the United States and Canada.
- (2) the retail prices of motor vehicles and motor vehicle parts in the United States and Canada.
- (3) employment in the motor vehicle industry and motor vehicle parts industry in the United States and Canada, and
- (4) United States and Canadian trade in motor vehicles and motor vehicle parts, particularly trade between the United States and Canada.

(Pub. L. 89-283, title V, §502, Oct. 21, 1965, 79 Stat. 1025.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 89-283, Oct. 21, 1965, 79 Stat. 1016, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables.

EX. ORD. NO. 12713. DELEGATION OF AUTHORITY FOR SUBMISSION OF REPORT

Ex. Ord. No. 12713, May 1, 1990, 55 F.R. 18719, provided: By the authority vested in me as President by the Constitution and laws of the United States of America, including the Automotive Products Trade Act of 1965 (19 U.S.C. 2001 *et seq.*) (“Act”), and in order to provide for the submission to the Congress of the annual report required by section 502 of the Act (19 U.S.C. 2032), it is hereby ordered that authority for submission of the report is delegated to the Secretary of Commerce.

GEORGE BUSH.

§ 2033. Applicability of antidumping provisions and antitrust laws

Nothing contained in this chapter shall be construed to affect or modify the provisions of subtitle B of title VII of the Tariff Act of 1930 [19 U.S.C. 1673 *et seq.*] or of any of the antitrust laws as designated in section 12 of title 15.

(Pub. L. 89-283, title V, §503, Oct. 21, 1965, 79 Stat. 1026; Pub. L. 96-39, title I, §106(b)(2), July 26, 1979, 93 Stat. 193.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 89-283, Oct. 21, 1965, 79 Stat. 1016, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables.

The Tariff Act of 1930, as amended, referred to in text, is act June 17, 1930, ch. 497, 46 Stat. 590, as amend-

ed. Subtitle B of title VII of the Tariff Act of 1930 is classified generally to part II of subtitle IV (§1673 *et seq.*) of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

AMENDMENTS

1979—Pub. L. 96-39 substituted “subtitle B of title VII of the Tariff Act of 1930” for “the Anti-Dumping Act, 1921,”.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-39 effective Jan. 1, 1980, see section 107 of Pub. L. 96-39, set out as an Effective Date note under section 1671 of this title.

CHAPTER 9—VISUAL AND AUDITORY MATERIALS OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL CHARACTER

Sec.

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| 2051. | Implementation of the Agreement; executive designation and duty of Federal agencies. |
| 2052. | Assistance from other Federal agencies; facilities and personnel. |

§ 2051. Implementation of the Agreement; executive designation and duty of Federal agencies

The President of the United States is authorized to designate a Federal agency or agencies which shall be responsible for carrying out the provisions of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character and a related protocol of signature, opened for signature at Lake Success on July 15, 1949 (hereinafter in this chapter referred to as the “Agreement”). It shall be the duty of the Federal agency or agencies so designated to take appropriate measures for the carrying out of the provisions of the Agreement including the issuance of regulations. In carrying out this section, such Federal agency or agencies may not consider visual or auditory material to fail to qualify as being of international educational character—

- (1) because it advocates a particular position or viewpoint, whether or not it presents or acknowledges opposing viewpoints;
- (2) because it might lend itself to misinterpretation, or to misrepresentation of the United States or other countries, or their people or institutions;
- (3) because it is not representative, authentic, or accurate or does not represent the current state of factual knowledge of a subject or aspect of a subject unless the material contains widespread and gross misstatements of fact;
- (4) because it does not augment international understanding and goodwill, unless its primary purpose or effect is not to instruct or inform through the development of a subject or an aspect of a subject and its content is not such as to maintain, increase, or diffuse knowledge; or
- (5) because in the opinion of the agency the material is propaganda.

Such Federal agency or agencies may not label as propaganda any material that receives a certificate of international educational character under this section and the Agreement.