

§ 1352. Equalization of costs of production**(a) Application to importation of articles under foreign-trade agreement**

The provisions of section 1336 of this title shall not apply to any article with respect to the importation of which into the United States a foreign-trade agreement has been concluded pursuant to this part or the Trade Expansion Act of 1962 [19 U.S.C. 1801 et seq.] or the Trade Act of 1974 [19 U.S.C. 2101 et seq.] or to any provision of any such agreement. The third paragraph of section 1311 of this title shall apply to any agreement concluded pursuant to this part or the Trade Expansion Act of 1962 or the Trade Act of 1974 to the extent only that such agreement assures to the United States a rate of duty on wheat flour produced in the United States which is preferential in respect to the lowest rate of duty imposed by the country with which such agreement has been concluded on like flour produced in any other country; and upon the withdrawal of wheat flour from bonded manufacturing warehouses for exportation to the country with which such agreement has been concluded, there shall be levied, collected, and paid on the imported wheat used, a duty equal to the amount of such assured preference.

(b) Termination of foreign trade agreement

Every foreign trade agreement concluded pursuant to this part shall be subject to termination, upon due notice to the foreign government concerned, at the end of not more than three years from the date on which the agreement comes into force, and, if not then terminated, shall be subject to termination thereafter upon not more than six months' notice.

(c) Termination of authority of President

The authority of the President to enter into foreign trade agreements under section 1351 of this title¹ shall terminate on the expiration of three years from June 12, 1934.²

(June 12, 1934, ch. 474, § 2, 48 Stat. 944; June 16, 1951, ch. 141, § 9(a), 65 Stat. 75; Pub. L. 87-794, title II, § 257(d), Oct. 11, 1962, 76 Stat. 882; Pub. L. 93-618, title VI, § 602(a), Jan. 3, 1975, 88 Stat. 2072; Pub. L. 96-39, title XI, § 1106(h)(2), July 26, 1979, 93 Stat. 313.)

REFERENCES IN TEXT

The Trade Expansion Act of 1962, referred to in subsec. (a), is Pub. L. 87-794, Oct. 11, 1962, 76 Stat. 872, as amended, which is classified generally to chapter 7 (§ 1801 et seq.) 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.

The Trade Act of 1974, referred to in subsec. (a), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, as amended, which is classified principally to chapter 12 (§ 2101 et seq.) of this title. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of this title and Tables.

Section 1351 of this title, referred to in subsec. (c), was in the original "section 1 of this Act", meaning section 1 of act June 12, 1934, and was translated as referring to section 350 of act June 17, 1930, which was enacted by section 1 of act June 12, 1934, and is classified to section 1351 of this title.

¹ See References in Text note below.

² See Extension of Presidential Authority notes below.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-39 amended directory language of Pub. L. 93-618, § 602(a), to correct a typographical error, and did not involve any change in text. See 1975 Amendment note below.

1975—Subsec. (a). Pub. L. 93-618, as amended by Pub. L. 96-39, inserted "or the Trade Act of 1974" after "Act of 1962" in two places.

1962—Subsec. (a). Pub. L. 87-794 inserted "or the Trade Expansion Act of 1962" after "this part" in two places.

1951—Subsec. (a). Act June 16, 1951, substituted "section 1336 of this title" for "sections 1336 and 1516(b) of this title".

EXTENSION OF PRESIDENTIAL AUTHORITY

Extensions of authority of the President to enter into foreign trade agreements under section 350 of the Tariff Act of 1930 (section 1351 of this title) were contained in the following:

Pub. L. 87-794, title II, § 257(c), Oct. 11, 1962, 76 Stat. 882, from close of June 30, 1962, until close of Dec. 31, 1962.

Pub. L. 85-686, § 2, Aug. 20, 1958, 72 Stat. 673, from close of June 30, 1958, until close of June 30, 1962.

Act June 21, 1955, ch. 169, § 2, 69 Stat. 162, from June 12, 1955, until close of June 30, 1958.

Act July 1, 1954, ch. 445, § 1, 68 Stat. 360, until one year from June 12, 1954.

Act Aug. 7, 1953, ch. 348, title I, § 101, 67 Stat. 472, until one year from June 12, 1953.

Act June 16, 1951, ch. 141, § 2, 65 Stat. 72, until two years from June 12, 1951.

Act Sept. 26, 1949, ch. 585, § 3, 63 Stat. 698, until three years from June 12, 1948.

Act June 26, 1948, ch. 678, § 2, 62 Stat. 1053, until close of June 30, 1949; repealed by act Sept. 26, 1949, ch. 585, § 2, 63 Stat. 698.

Act July 5, 1945, ch. 269, § 1, 59 Stat. 410, until three years from June 12, 1945.

Act June 7, 1943, ch. 118, § 1, 57 Stat. 125, until two years from June 12, 1943.

Act Apr. 12, 1940, ch. 96, 54 Stat. 107, until three years from June 12, 1940.

Act Mar. 1, 1937, ch. 22, 50 Stat. 24, until three years from June 12, 1937.

§ 1352a. Repealed. Pub. L. 87-794, title II, § 257(f), Oct. 11, 1962, 76 Stat. 882

Section, acts July 1, 1954, ch. 445, § 2, 68 Stat. 360; June 21, 1955, ch. 169, § 7, 69 Stat. 166; Aug. 20, 1958, Pub. L. 85-686, § 8(a), 72 Stat. 678, related to restriction on decrease of duties, impairment of national security, investigations and reports, and reports to Congress. See section 1801 et seq. of this title.

ACTIONS COMMENCED PRIOR TO OCTOBER 11, 1962

Pub. L. 87-794, title II, § 257(f), Oct. 11, 1962, 76 Stat. 882, provided in part that: "Any action (including any investigation begun) under section 2 [section 1352a of this title] before the date of the enactment of this Act [Oct. 11, 1962] shall be considered as having been taken or begun under section 232 [section 1862 of this title]."

§ 1353. Indebtedness of foreign countries, effect on

Nothing in this part shall be construed to give any authority to cancel or reduce, in any manner, any of the indebtedness of any foreign country to the United States.

(June 12, 1934, ch. 474, § 3, 48 Stat. 944.)

§ 1354. Notice of intention to negotiate agreement; opportunity to be heard; President to seek information and advice

Before any foreign trade agreement is concluded with any foreign government or instru-

mentality thereof under the provisions of this part, reasonable public notice of the intention to negotiate an agreement with such government or instrumentality shall be given in order that any interested person may have an opportunity to present his views to the President, or to such agency as the President may designate, under such rules and regulations as the President may prescribe; and before concluding such agreement the President shall request the International Trade Commission to make the investigation and report provided for by section 1360 of this title, and shall seek information and advice with respect to such agreement from the Departments of State, Agriculture, Commerce, and Defense, and from such other sources as he may deem appropriate.

(June 12, 1934, ch. 474, § 4, 48 Stat. 945; July 5, 1945, ch. 269, § 4, 59 Stat. 411; Aug. 10, 1949, ch. 412, § 12(a), 63 Stat. 591; Sept. 26, 1949, ch. 585, § 5, 63 Stat. 698; June 16, 1951, ch. 141, § 3(c), 65 Stat. 73; Pub. L. 93-618, title I, § 171(b), Jan. 3, 1975, 88 Stat. 2009.)

AMENDMENTS

1975—Pub. L. 93-618 substituted “United States International Trade Commission” for “United States Tariff Commission”.

1951—Act June 16, 1951, provided that the President request the Tariff Commission to make the investigation and report.

1949—Act Sept. 26, 1949, changed the Tariff Commission’s functions under these sections from investigatory to advisory functions.

1945—Act July 5, 1945, inserted “War, Navy,” after “Departments of State”.

CHANGE OF NAME

National Military Establishment changed to Department of Defense by act Aug. 10, 1949.

REPEALS

Act Sept. 26, 1949, § 2, repealed act June 26, 1948, ch. 678, § 3(c), 62 Stat. 1054, formerly cited as a credit to this section.

§§ 1355, 1356. Repealed. Pub. L. 89-23, § 7, May 22, 1965, 79 Stat. 113

Sections, act Apr. 11, 1941, ch. 59, §§ 1, 2, 55 Stat. 133, 134, related to the importation of coffee under Inter-American Coffee Agreement. See sections 1356a to 1356e of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective May 22, 1965, the date the President made the determination required by section 8 of Pub. L. 89-23, set out as a note under section 1356a of this title.

§§ 1356a to 1356j. Omitted

CODIFICATION

Sections were omitted. See sections 1356k and 1356l of this title.

Section 1356a, Pub. L. 89-23, § 2, May 22, 1965, 79 Stat. 112, authorized the President, for a period not to exceed October 1, 1968, to carry out the provisions of the International Coffee Agreement, 1962.

Section 1356b, Pub. L. 89-23, § 3, May 22, 1965, 79 Stat. 112, defined “coffee” for section 1356a of this title.

Section 1356c, Pub. L. 89-23, § 4, May 22, 1965, 79 Stat. 112, authorized delegation of Presidential powers and duties and required protection of consumer interests under sections 1356a to 1356e of this title.

Section 1356d, Pub. L. 89-23, § 5, May 22, 1965, 79 Stat. 113, required the President to submit an annual report to Congress on the International Coffee Agreement, 1962.

Section 1356e, Pub. L. 89-23, § 6, May 22, 1965, 79 Stat. 113, authorized appropriations for sections 1356a to 1356e of this title and limited contributions for administration of the International Coffee Agreement, 1962.

Section 1356f, Pub. L. 90-634, title III, § 302, Oct. 24, 1968, 82 Stat. 1348; Pub. L. 91-694, § 1, Jan. 12, 1971, 84 Stat. 2077; Pub. L. 92-262, Mar. 24, 1972, 86 Stat. 113, authorized the President, for a period not to exceed October 1, 1973, to carry out the provisions of the International Coffee Agreement, 1968.

Section 1356g, Pub. L. 90-634, title III, § 303, Oct. 24, 1968, 82 Stat. 1348, defined “coffee” for section 1356f of this title.

Section 1356h, Pub. L. 90-634, title III, § 304, Oct. 24, 1968, 82 Stat. 1348, authorized delegation of Presidential powers and duties and required protection of consumer interests under sections 1356f to 1356j of this title and provided for remedial action under the International Coffee Agreement, 1968.

Section 1356i, Pub. L. 90-634, title III, § 305, Oct. 24, 1968, 82 Stat. 1349, required the President to submit an annual report to Congress on the International Coffee Agreement, 1968.

Section 1356j, Pub. L. 90-634, title III, § 306, Oct. 24, 1968, 82 Stat. 1349, provided procedures to prevent discrimination against vessels registered under laws of the United States in shipping coffee to the United States.

§ 1356k. Importation of coffee under International Coffee Agreement, 1983; Presidential powers and duties

On and after the entry into force of the International Coffee Agreement, 1983, and before October 1, 1989, the President is authorized, in order to carry out and enforce the provisions of that agreement—

(1) to regulate the entry of coffee for consumption, or withdrawal of coffee from warehouse for consumption, or any other form of entry or withdrawal of coffee such as for transportation or exportation, including whenever quotas are in effect pursuant to the agreement, (A) the limitation of entry, or withdrawal from warehouse, of coffee imported from countries which are not members of the International Coffee Organization, and (B) the prohibition of entry of any shipment from any member of the International Coffee Organization of coffee which is not accompanied either by a valid certificate of origin, a valid certificate of reexport, a valid certificate of reshipment, or a valid certificate of transit, issued by a qualified agency in such form as required under the agreement;

(2) to require that every export or reexport of coffee from the United States shall be accompanied by a valid certificate of origin or a valid certificate of reexport, issued by a qualified agency of the United States designated by him, in such form as required under the agreement;

(3) to require the keeping of such records, statistics, and other information, and the rendering of such reports, relating to the importation, distribution, prices, and consumption of coffee as he may from time to time prescribe; and

(4) to take such other action, and issue and enforce such rules and regulations, as he may consider necessary or appropriate in order to