

“(c) Notwithstanding any other provision of law, if the President takes any action under subsection (a), the President is authorized to—

“(1) restore nondiscriminatory trade treatment to the products of Afghanistan, and

“(2) extend credit, credit guarantees, and investment guarantees to, or for the benefit of, Afghanistan under any Federal program. [sic]

only if the President provides written notice of such restoration or extension to the Congress at least 30 days prior to the date on which such restoration or extension takes effect.

“(d) For purposes of this joint resolution, the term ‘product of Afghanistan’ means any article which is grown, produced, or manufactured (in whole or in part) in Afghanistan.”

Similar provisions were contained in Pub. L. 99-190, § 101(i) [title V, § 552], Dec. 19, 1985, 99 Stat. 1291, 1314.

#### EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF SOCIALIST REPUBLIC OF ROMANIA

S. Con. Res. 35, July 28, 1975, 89 Stat. 1202, provided: “That the Congress approves the extension of non-discriminatory treatment with respect to the products of the Socialist Republic of Romania transmitted by the President to the Congress on April 25, 1975.”

### Executive Documents

#### PRESIDENTIAL DOCUMENTS RELATING TO EXTENSION OF NONDISCRIMINATORY TRADE TREATMENT

AFGHANISTAN.—Proc. No. 7553, May 3, 2002, 67 F.R. 30535.

Determination of President of the United States, No. 93-3, Oct. 7, 1992, 57 F.R. 47557.

Proc. No. 5437, Jan. 31, 1986, 51 F.R. 4287.

ALBANIA.—Proc. No. 7326, June 29, 2000, 65 F.R. 41547. Determination of President of the United States, No. 96-44, Aug. 27, 1996, 61 F.R. 45859.

Proc. No. 6445, June 15, 1992, 57 F.R. 26921.

Determination of President of the United States, No. 92-33, June 15, 1992, 57 F.R. 28583.

ARMENIA.—Proc. No. 7860, Jan. 7, 2005, 70 F.R. 2321.

Determination of President of the United States, No. 96-47, Aug. 27, 1996, 61 F.R. 45865.

BELARUS.—Determination of President of the United States, No. 96-15, Mar. 7, 1996, 61 F.R. 49935.

BULGARIA.—Proc. No. 6922, Sept. 27, 1996, 61 F.R. 51205. Proc. No. 6307, June 24, 1991, 56 F.R. 29787.

Determination of President of the United States, No. 91-43, June 24, 1991, 56 F.R. 31037.

CHINA.—Proc. No. 7516, Dec. 27, 2001, 67 F.R. 479.

Determination of President of the United States, No. 98-13, Jan. 30, 1998, 63 F.R. 5857.

Determination of President of the United States, No. 96-33, June 21, 1996, 61 F.R. 32631.

Determination of President of the United States, No. 92-12, Jan. 31, 1992, 57 F.R. 19077.

Memorandum of President of the United States, Dec. 19, 1988, 53 F.R. 51217.

Memorandum of President of the United States, Dec. 23, 1982, 47 F.R. 57653.

Proc. No. 4697, Oct. 23, 1979, 44 F.R. 61161.

CZECHOSLOVAKIA.—Proc. No. 6419, Apr. 10, 1992, 57 F.R. 12865.

Determination of President of the United States, No. 92-21, Apr. 10, 1992, 57 F.R. 12863.

Proc. No. 6175, Sept. 6, 1990, 55 F.R. 37643.

Memorandum of President of the United States, Sept. 6, 1990, 55 F.R. 39259.

GEORGIA.—Proc. No. 7389, Dec. 29, 2000, 66 F.R. 703.

Determination of President of the United States, No. 96-49, Aug. 27, 1996, 61 F.R. 45869.

HUNGARY.—Proc. No. 6419, Apr. 10, 1992, 57 F.R. 12865.

Determination of President of the United States, No. 92-21, Apr. 10, 1992, 57 F.R. 12863.

Determination of President of the United States, No. 90-27, June 22, 1990, 55 F.R. 25945.

Determination of President of the United States, No. 87-15, June 23, 1987, 52 F.R. 23785.

Determination of President of the United States, No. 84-10, May 31, 1984, 49 F.R. 23025.

Determination of President of the United States, No. 81-9, June 2, 1981, 46 F.R. 29921.

Proc. No. 4560, Apr. 7, 1978, 43 F.R. 15125.

KAZAKHSTAN.—Determination of President of the United States, No. 96-16, Mar. 7, 1996, 61 F.R. 49937.

KYRGYZSTAN.—Proc. No. 7326, June 29, 2000, 65 F.R. 41547.

Determination of President of the United States, No. 96-45, Aug. 27, 1996, 61 F.R. 45861.

MOLDOVA.—Proc. No. 8920, Dec. 20, 2012, 77 F.R. 76797.

Determination of President of the United States, No. 96-48, Aug. 27, 1996, 61 F.R. 45867.

MONGOLIA.—Proc. No. 7207, July 1, 1999, 64 F.R. 36549. Proc. No. 6308, June 24, 1991, 56 F.R. 29834.

Determination of President of the United States, No. 91-44, June 24, 1991, 56 F.R. 31039.

ROMANIA.—Proc. No. 6951, Nov. 7, 1996, 61 F.R. 58129.

Proc. No. 6577, July 2, 1993, 58 F.R. 36301.

Determination of President of the United States, No. 93-30, July 2, 1993, 58 F.R. 43785.

Proc. No. 6449, June 22, 1992, 57 F.R. 28033.

Determination of President of the United States, No. 92-34, June 22, 1992, 57 F.R. 30099.

Determination of President of the United States, No. 90-28, July 3, 1990, 55 F.R. 27797.

Determination of President of the United States, No. 87-16, June 24, 1987, 52 F.R. 23931.

Determination of President of the United States, No. 87-15, June 23, 1987, 52 F.R. 23785.

Determination of President of the United States, No. 84-10, May 31, 1984, 49 F.R. 23025.

Determination of President of the United States, No. 81-9, June 2, 1981, 46 F.R. 29921.

Proc. No. 4369, Apr. 24, 1975, 40 F.R. 18389.

RUSSIA.—Proc. No. 8920, Dec. 20, 2012, 77 F.R. 76797.

TAJIKISTAN.—Determination of President of the United States, No. 97-7, Nov. 26, 1996, 61 F.R. 63695.

TURKMENISTAN.—Determination of President of the United States, No. 97-5, Nov. 20, 1996, 61 F.R. 59303.

UKRAINE.—Proc. No. 7995, Mar. 31, 2006, 71 F.R. 16969.

Determination of President of the United States, No. 96-46, Aug. 27, 1996, 61 F.R. 45863.

UNION OF SOVIET SOCIALIST REPUBLICS.—Proc. No. 6352, Oct. 9, 1991, 56 F.R. 51317.

Proc. No. 6320, Aug. 2, 1991, 56 F.R. 37407.

Determination of President of the United States, No. 91-47, Aug. 2, 1991, 56 F.R. 40741.

UZBEKISTAN.—Determination of President of the United States, No. 97-6, Nov. 26, 1996, 61 F.R. 63693.

VIETNAM.—Proc. No. 8096, Dec. 29, 2006, 72 F.R. 451.

Determination of President of the United States, No. 2005-11, Dec. 10, 2004, 69 F.R. 76587.

Proc. No. 7449, June 8, 2001, 66 F.R. 31375.

Determination of President of the United States, No. 2001-18, June 8, 2001, 66 F.R. 34353.

### § 2435. Commercial agreements

#### (a) Presidential authority

Subject to the provisions of subsections (b) and (c) of this section, the President may authorize the entry into force of bilateral commercial agreements providing nondiscriminatory treatment to the products of countries heretofore denied such treatment whenever he determines that such agreements with such countries will promote the purposes of this chapter and are in the national interest.

#### (b) Terms of agreements

Any such bilateral commercial agreement shall—

(1) be limited to an initial period specified in the agreement which shall be no more than 3 years from the date the agreement enters into force; except that it may be renewable for ad-

ditional periods, each not to exceed 3 years; if—

(A) a satisfactory balance of concessions in trade and services has been maintained during the life of such agreement, and

(B) the President determines that actual or foreseeable reductions in United States tariffs and nontariff barriers to trade resulting from multilateral negotiations are satisfactorily reciprocated by the other party to the bilateral agreement;

(2) provide that it is subject to suspension or termination at any time for national security reasons, or that the other provisions of such agreement shall not limit the rights of any party to take any action for the protection of its security interests;

(3) include safeguard arrangements (A) providing for prompt consultations whenever either actual or prospective imports cause or threaten to cause, or significantly contribute to, market disruption and (B) authorizing the imposition of such import restrictions as may be appropriate to prevent such market disruption;

(4) if the other party to the bilateral agreement is not a party to the Paris Convention for the Protection of Industrial Property, provide rights for United States nationals with respect to patents and trademarks in such country not less than the rights specified in such convention;

(5) if the other party to the bilateral agreement is not a party to the Universal Copyright Convention, provide rights for United States nationals with respect to copyrights in such country not less than the rights specified in such convention;

(6) in the case of an agreement entered into or renewed after January 3, 1975, provide arrangements for the protection of industrial rights and processes;

(7) provide arrangements for the settlement of commercial differences and disputes;

(8) in the case of an agreement entered into or renewed after January 3, 1975, provide arrangements for the promotion of trade, which may include arrangements for the establishment or expansion of trade and tourist promotion offices, for facilitation of activities of governmental commercial officers, participation in trade fairs and exhibits, and the sending of trade missions, and for facilitation of entry, establishment, and travel of commercial representatives;

(9) provide for consultations for the purpose of reviewing the operation of the agreement and relevant aspects of relations between the United States and the other party; and

(10) provide such other arrangements of a commercial nature as will promote the purposes of this chapter.

#### **(c) Congressional action**

An agreement referred to in subsection (a), and a proclamation referred to in section 2434(a) of this title implementing such agreement, shall take effect only if a joint resolution described in section 2191(b)(3) of this title that approves of the agreement referred to in subsection (a) is enacted into law.

(Pub. L. 93-618, title IV, § 405, Jan. 3, 1975, 88 Stat. 2061; Pub. L. 96-39, title XI, § 1106(f)(3), July 26, 1979, 93 Stat. 312; Pub. L. 101-382, title I, § 132(b)(1), Aug. 20, 1990, 104 Stat. 645.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

This chapter, referred to in subsecs. (a) and (b)(10), was in the original “this Act”, meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of this title and Tables.

##### **AMENDMENTS**

1990—Subsec. (c). Pub. L. 101-382 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “An agreement referred to in subsection (a) of this section, and a proclamation referred to in section 2434(a) of this title implementing such agreement, shall take effect only if (1) approved by the Congress by the adoption of a concurrent resolution referred to in section 2191 of this title, or (2) in the case of an agreement entered into before January 3, 1975, and a proclamation implementing such agreement, a resolution of disapproval referred to in section 2192 of this title is not adopted during the 90-day period specified by section 2437(c)(2) of this title.”

1979—Subsec. (b)(8). Pub. L. 96-39 substituted “may include arrangements” for “may include those”.

#### **Statutory Notes and Related Subsidiaries**

##### **EFFECTIVE DATE OF 1979 AMENDMENT**

Amendment by Pub. L. 96-39 effective July 26, 1979, see section 1114 of Pub. L. 96-39, set out as an Effective Date note under section 2581 of this title.

#### **§ 2436. Market disruption**

##### **(a) Investigation by International Trade Commission; report; publication**

(1) Upon the filing of a petition by an entity described in section 2252(a) of this title, upon request of the President or the United States Trade Representative, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, or on its own motion, the International Trade Commission (hereafter in this section referred to as the “Commission”) shall promptly make an investigation to determine, with respect to imports of an article which is the product of a Communist country, whether market disruption exists with respect to an article produced by a domestic industry.

(2) The provisions of subsections (a)(3), (b)(4),<sup>1</sup> and (c)(4) of section 2252 of this title shall apply with respect to investigations by the Commission under paragraph (1).

(3) The Commission shall report to the President its determination with respect to each investigation under paragraph (1) and the basis therefor and shall include in each report any dissenting or separate views. If the Commission finds, as a result of its investigation, that market disruption exists with respect to an article produced by a domestic industry, it shall find the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy

<sup>1</sup> See References in Text note below.