

Pub. L. 98-120, §1, Oct. 12, 1983, 97 Stat. 809; Pub. L. 100-418, title I, §1123(a), Aug. 23, 1988, 102 Stat. 1146.)

#### REFERENCES IN TEXT

The International Coffee Agreement, 1983, referred to in text, was entered into force for the United States provisionally Oct. 1, 1983, and definitively Sept. 11, 1985.

#### CODIFICATION

Section was enacted as part of the International Coffee Agreement Act of 1980, and not as part of the Tariff Act of 1930 which comprises this chapter.

#### AMENDMENTS

1988—Pub. L. 100-418 substituted “October 1, 1989” for “October 1, 1986”.

1983—Pub. L. 98-120 in provisions preceding par. (1) substituted “, 1983” for “1976” and “before October 1, 1986” for “for such period prior to October 1, 1983 as the agreement remains in effect”.

Pub. L. 97-446 substituted “October 1, 1983” for “the expiration of this joint resolution”.

1982—Pub. L. 97-276 substituted “the expiration of this joint resolution” for “October 1, 1982”.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-418, title I, §1123(b), Aug. 23, 1988, 102 Stat. 1146, provided that: “The amendment made by subsection (a) [amending this section] shall take effect January 1, 1987.”

#### SHORT TITLE

Pub. L. 96-599, §1, Dec. 24, 1980, 94 Stat. 3491, provided that: “This Act [enacting this section and sections 1356l to 1356n of this title] may be cited as the ‘International Coffee Agreement Act of 1980.’”

#### § 1356l. “Coffee” defined

As used in this section and section 1356k of this title, the term “coffee” means coffee as defined in article 3 of the International Coffee Agreement, 1983.

(Pub. L. 96-599, §3, Dec. 24, 1980, 94 Stat. 3491; Pub. L. 98-120, §1(1), Oct. 12, 1983, 97 Stat. 809.)

#### CODIFICATION

Section was enacted as part of the International Coffee Agreement Act of 1980, and not as part of the Tariff Act of 1930 which comprises this chapter.

#### AMENDMENTS

1983—Pub. L. 98-120 substituted “, 1983” for “1976”.

#### §§ 1356m, 1356n. Repealed. Pub. L. 105-362, title XIV, § 1401(a), Nov. 10, 1998, 112 Stat. 3294

Section 1356m, Pub. L. 96-599, §4, Dec. 24, 1980, 94 Stat. 3492, related to delegation of Presidential powers and duties, protection of interests of United States consumers, and remedial action with respect to the International Coffee Agreement Act of 1980.

Section 1356n, Pub. L. 96-599, §5, Dec. 24, 1980, 94 Stat. 3492; Pub. L. 98-120, §1(1), Oct. 12, 1983, 97 Stat. 809, related to annual report by the President to Congress on the International Coffee Agreement, 1983.

#### §§ 1357 to 1359. Repealed. Sept. 26, 1949, ch. 585, § 2, 63 Stat. 698

Sections, act June 26, 1948, ch. 678, §§3(a), (b), 4, 5, 62 Stat. 1053, 1054, related to the investigatory functions of the Tariff Commission and the report by the President to Congress.

#### § 1360. Investigation before trade negotiations

##### (a) Report by International Trade Commission

Before entering into negotiations concerning any proposed foreign trade agreement under sec-

tion 1351 of this title, the President shall furnish the United States International Trade Commission (hereinafter in sections 1352(a), (c), 1354, and 1360 to 1367 of this title, and section 624(b) of title 7, referred to as the “Commission”) with a list of all articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment. Upon receipt of such list the Commission shall make an investigation and report to the President the findings of the Commission with respect to each such article as to (1) the limit to which such modification, imposition, or continuance may be extended in order to carry out the purpose of said section without causing or threatening serious injury to the domestic industry producing like or directly competitive articles; and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles the minimum increases in duties or additional import restrictions required. Such report shall be made by the Commission to the President not later than six months after the receipt of such list by the Commission. No such foreign trade agreement shall be entered into until the Commission has made its report to the President or until the expiration of the six-month period.

##### (b) Procedures and determinations

(1) In the course of any investigation pursuant to this section the Commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. If in the course of any such investigation the Commission shall find with respect to any article on the list upon which a tariff concession has been granted that an increase in duty or additional import restriction is required to avoid serious injury to the domestic industry producing like or directly competitive articles, the Commission shall promptly institute an investigation with respect to that article pursuant to section 1364 of this title.

(2) In each such investigation the Commission shall, to the extent practicable and without excluding other factors, ascertain for the last calendar year preceding the investigation the average invoice price on a country-of-origin basis (converted into currency of the United States in accordance with the provisions of section 5151 of title 31) at which the foreign article was sold for export to the United States, and the average prices at which the like or directly competitive domestic articles were sold at wholesale in the principal markets of the United States. The Commission shall also, to the extent practicable, estimate for each article on the list the maximum increase in annual imports which may occur without causing serious injury to the domestic industry producing like or directly competitive articles. The Commission shall request the executive departments and agencies for information in their possession concerning prices and other economic data from the principal supplier foreign country of each such article.