

try may not participate in any program of the Government of the United States which extends credit or credit guarantees or investment guarantees, and (C) no commercial agreement may thereafter be concluded with such country under this subchapter. If the President vetoes the joint resolution, the joint resolution shall be treated as enacted into law before the end of the 90-day period under this paragraph if both Houses of Congress vote to override such veto on or before the later of the last day of such 90-day period or the last day of the 15-day period (excluding any day described in section 2194(b) of this title) beginning on the date the Congress receives the veto message from the President.

(Pub. L. 93-618, title IV, § 407, Jan. 3, 1975, 88 Stat. 2063; Pub. L. 100-418, title I, § 1214(j)(4), Aug. 23, 1988, 102 Stat. 1158; Pub. L. 101-382, title I, § 132(b)(3), (c)(1), Aug. 20, 1990, 104 Stat. 646.)

#### REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (c)(2), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

#### AMENDMENTS

1990—Subsec. (c)(1). Pub. L. 101-382, § 132(b)(3)(A), added par. (1) and struck out former par. (1) which read as follows: “In the case of a document referred to in subsection (a) of this section (other than a document to which paragraph (2) applies), the proclamation set forth therein may become effective and the agreement set forth therein may enter into force and effect only if the House of Representatives and the Senate adopt, by an affirmative vote of a majority of those present and voting in each House, a concurrent resolution of approval (under the procedures set forth in section 2191 of this title) of the extension of nondiscriminatory treatment to the products of the country concerned.”

Subsec. (c)(2). Pub. L. 101-382 struck out par. (2) and redesignated par. (3) as (2), and substituted “a joint resolution described in section 2192(a)(1)(B) of this title is enacted into law that disapproves” for “either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 2192 of this title)” and “the end of the 60-day period beginning with the date of the enactment” for “the date of the adoption” and inserted at end “If the President vetoes the joint resolution, the joint resolution shall be treated as enacted into law before the end of the 90-day period under this paragraph if both Houses of Congress vote to override such veto on or before the later of the last day of such 90-day period or the last day of the 15-day period (excluding any day described in section 2194(b) of this title) beginning on the date the Congress receives the veto message from the President.” Former par. (2) related to effective date of proclamation extending nondiscriminatory treatment to products of a foreign country and of agreement proclamation proposed to implement and related to resolution of disapproval of such extension as to certain countries.

Subsec. (c)(3). Pub. L. 101-382, § 132(b)(3)(B), redesignated par. (3) as (2).

1988—Subsec. (c)(3). 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.

### § 2438. Payment by Czechoslovakia of amounts owed United States citizens and nationals

#### (a) Renegotiation of 1974 agreement

The arrangement initialed on July 5, 1974, with respect to the settlement of the claims of citizens and nationals of the United States against the Government of Czechoslovakia shall be renegotiated and shall be submitted to the Congress as part of any agreement entered into under this subchapter with Czechoslovakia.

#### (b) Provisional retention of gold

The United States shall not release any gold belonging to Czechoslovakia and controlled directly or indirectly by the United States pursuant to the provisions of the Paris Reparations Agreement of January 24, 1946, or otherwise, until such agreement has been approved by the Congress.

(Pub. L. 93-618, title IV, § 408, Jan. 3, 1975, 88 Stat. 2064.)

### § 2439. Freedom to emigrate to join a very close relative in United States

#### (a) Sanctions for emigration restrictions

To assure the continued dedication of the United States to the fundamental human rights and welfare of its own citizens, and notwithstanding any other provision of law, on or after January 3, 1975, no nonmarket economy country shall participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country, during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to join permanently through emigration, a very close relative in the United State,<sup>1</sup> such as a spouse, parent, child, brother, or sister;

(2) imposes more than a nominal tax on the visas or other documents required for emigration described in paragraph (1); or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate as described in paragraph (1),

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

#### (b) Report to Congress concerning emigration policies

After January 3, 1975, (A) a nonmarket economy country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and (B) the President may conclude a commercial agreement with such country, only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a). Such report with respect to such country shall include information as to the na-

<sup>1</sup> So in original.

ture and implementation of its laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate to the United States to join close relatives. The report required by this subsection shall be submitted initially as provided herein and, with current information, on or before each June 30 and December 31 thereafter, so long as such credits or guarantees are extended or such agreement is in effect.

**(c) Exemption from application of section**

This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

**(d) Additional exemption from application of section**

During any period that a waiver is in effect with respect to any nonmarket economy country under section 2432(c) of this title, the provisions of subsections (a) and (b) shall not apply with respect to such country.

(Pub. L. 93-618, title IV, § 409, Jan. 3, 1975, 88 Stat. 2064.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (c), to be treated as a reference to the Harmonized Tariff Schedule, pursuant to section 3012 of this title. The Harmonized Tariff Schedule is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under subsec. (b) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

**§ 2440. Repealed. Pub. L. 104-295, § 17, Oct. 11, 1996, 110 Stat. 3524**

Section, Pub. L. 93-618, title IV, § 410, Jan. 3, 1975, 88 Stat. 2065, related to establishment and maintenance of East-West Trade Statistics Monitoring System.

**§ 2441. Repealed. Pub. L. 105-362, title XIV, § 1401(b)(2), Nov. 10, 1998, 112 Stat. 3294; Pub. L. 106-36, title I, § 1001(a)(4), June 25, 1999, 113 Stat. 130**

Section, Pub. L. 93-618, title IV, § 411, Jan. 3, 1975, 88 Stat. 2065, related to East-West Foreign Trade Board.

**PART 2—RELIEF FROM MARKET DISRUPTION TO INDUSTRIES AND DIVERSION OF TRADE TO THE UNITED STATES MARKET**

**§§ 2451 to 2451b. Omitted**

CODIFICATION

Sections 2451 to 2451b were omitted pursuant to section 2451b(c), which provided that this part ceased to be effective 12 years after the date of entry into force of the Protocol of Accession of the People's Republic of China to the World Trade Organization, which date was Dec. 11, 2001.

Section 2451, Pub. L. 93-618, title IV, § 421, as added Pub. L. 106-286, div. A, title I, § 103(a)(3), Oct. 10, 2000, 114 Stat. 882; amended Pub. L. 108-429, title II, § 2004(d)(3), Dec. 3, 2004, 118 Stat. 2592, related to action to address market disruption.

Section 2451a, Pub. L. 93-618, title IV, § 422, as added Pub. L. 106-286, div. A, title I, § 103(a)(3), Oct. 10, 2000, 114 Stat. 887; amended Pub. L. 108-429, title II, § 2004(d)(4), Dec. 3, 2004, 118 Stat. 2592, related to action in response to trade diversion.

Section 2451b, Pub. L. 93-618, title IV, § 423, as added Pub. L. 106-286, div. A, title I, § 103(a)(3), Oct. 10, 2000, 114 Stat. 890, related to regulations; termination of provision.

**SUBCHAPTER V—GENERALIZED SYSTEM OF PREFERENCES**

**§ 2461. Authority to extend preferences**

The President may provide duty-free treatment for any eligible article from any beneficiary developing country in accordance with the provisions of this subchapter. In taking any such action, the President shall have due regard for—

(1) the effect such action will have on furthering the economic development of developing countries through the expansion of their exports;

(2) the extent to which other major developed countries are undertaking a comparable effort to assist developing countries by granting generalized preferences with respect to imports of products of such countries;

(3) the anticipated impact of such action on United States producers of like or directly competitive products; and

(4) the extent of the beneficiary developing country's competitiveness with respect to eligible articles.

(Pub. L. 93-618, title V, § 501, as added Pub. L. 104-188, title I, § 1952(a), Aug. 20, 1996, 110 Stat. 1917.)

PRIOR PROVISIONS

A prior section 2461, Pub. L. 93-618, title V, § 501, Jan. 3, 1975, 88 Stat. 2066; Pub. L. 98-573, title V, § 502, Oct. 30, 1984, 98 Stat. 3018, related to authority to extend preferences, prior to the general amendment of this subchapter by Pub. L. 104-188.

EFFECTIVE DATE

Pub. L. 104-188, title I, § 1953, Aug. 20, 1996, 110 Stat. 1926, provided that:

“(a) IN GENERAL.—The amendments made by this subtitle [subtitle J (§§ 1951-1954) of title I of Pub. L. 104-188, enacting this subchapter, amending sections 2702, 3011, 3202, 3331, and 3551 of this title, section 1444-2 of Title 7, Agriculture, section 4711 of Title 15, Commerce and Trade, sections 262p-4p and 2191a of Title 22, Foreign Relations and Intercourse, and section 871 of Title 26, Internal Revenue Code, and enacting provisions set out as a note under section 2101 of this title] apply to articles entered on or after October 1, 1996.

“(b) RETROACTIVE APPLICATION.—

“(1) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 [19 U.S.C. 1514] or any other provision of law and subject to subsection (c)—

“(A) any article that was entered—

“(i) after July 31, 1995, and

“(ii) before January 1, 1996, and

to which duty-free treatment under title V of the Trade Act of 1974 [this subchapter] would have applied if the entry had been made on July 31, 1995, shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry, and

“(B) any article that was entered—

“(i) after December 31, 1995, and

“(ii) before October 1, 1996, and