

(7) Major industrial country.—The term “major industrial country” means any such country as defined in section 2136 of this title and any instrumentality of such a country.
Pub.L. 96-39, Title III, § 308, July 26, 1979, 93 Stat. 241.

Historical Note

References in Text. Section 601(a)(2), referred to in par. (2), is section 601(a)(2) of Pub.L. 96-39 which directed a duty rate of “Free” in the rate column numbered 1 of the Tariff Schedules of the United States for articles classified under specified items between 518.51 and 772.05 which the President determines would provide coverage comparable to that provided by foreign countries in the Annex to the Agreement on Trade in Civil Aircraft if such articles were certified for use in civil aircraft in accordance

With headnote 3 to schedule 6, part 6, subpart C of the Tariff Schedules of the United States. See note under part 6 of schedule 6 of the Tariff Schedules.

Effective Date. Section effective July 26, 1979, see section 309 of Pub.L. 96-39, set out as a note under section 2511 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-39, see 1979 U.S.Code Cong. and Adm.News, p. 381.

SUBCHAPTER II—TECHNICAL BARRIERS TO TRADE (STANDARDS)

PART A—OBLIGATIONS OF UNITED STATES

§ 2531. Certain standards-related activities

Nothing in this subchapter may be construed as prohibiting any private person, Federal agency, or State agency from engaging in standards-related activities that do not create unnecessary obstacles to the foreign commerce of the United States. No standards-related activity of any private person, Federal agency, or State agency shall be deemed to constitute an unnecessary obstacle to the foreign commerce of the United States if the demonstrable purpose of the standards-related activity is to achieve a legitimate domestic objective including, but not limited to, the protection of legitimate health or safety, essential security, environmental, or consumer interests and if such activity does not operate to exclude imported products which fully meet the objectives of such activity.

Pub.L. 96-39, Title IV, § 401, July 26, 1979, 93 Stat. 242.

Historical Note

Effective Date. Section 454 of Pub.L. 96-39 provided that: “This title [subchapter] shall take effect on January 1, 1979 U.S.Code Cong. and Adm.News, p. 381, with respect to the United States by that date.”

Legislative History. For legislative history and purpose of Pub.L. 96-39, see 1980, if the Agreement enters into force with respect to the United States by that date.”

§ 2532. Federal standards-related activities

No Federal agency may engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States, including, but not limited to, standards-related activities that violate any of the following requirements:

- (1) **Nondiscriminatory treatment.**—Each Federal agency shall ensure, in applying standards-related activities with respect to any imported product, that such product is treated no less favorably than are like domestic or imported products, including, but not limited to, when applying tests or test methods, no less favorable treatment with respect to—
 - (A) the acceptance of the product for testing in comparable situations;
 - (B) the administration of the tests in comparable situations;
 - (C) the fees charged for tests;

- (D) the release of test results to the exporter, importer, or agents;
- (E) the siting of testing facilities and the selection of samples for testing; and
- (F) the treatment of confidential information pertaining to the product.

(2) **Use of international standards.**—

(A) **In general.**—Except as provided in subparagraph (B)(ii), each Federal agency, in developing standards, shall take into consideration international standards and shall, if appropriate, base the standards on international standards.

(B) **Application of requirement.**—For purposes of this paragraph, the following apply:

(i) **International standards not appropriate.**—The reasons for which the basing of a standard on an international standard may not be appropriate include, but are not limited to, the following:

- (I) National security requirements.
- (II) The prevention of deceptive practices.
- (III) The protection of human health or safety, animal or plant life or health, or the environment.
- (IV) Fundamental climatic or other geographical factors.

(V) Fundamental technological problems.

(ii) **Regional standards.**—In developing standards, a Federal agency may, but is not required to, take into consideration any international standard promulgated by an international standards organization the membership of which is described in section 2571(6)(A)(ii) of this title.

(3) **Performance criteria.**—Each Federal agency shall, if appropriate, develop standards based on performance criteria, such as those relating to the intended use of a product and the level of performance that the product must achieve under defined conditions, rather than on design criteria, such as those relating to the physical form of the product or the types of material of which the product is made.

(4) **Certification access for foreign suppliers.**—Each Federal agency shall, with respect to any certification system used by it, permit access for obtaining certification under that system to foreign suppliers of a product on the same basis as access is

permitted to suppliers of like products, whether of domestic or other foreign origin.

Pub.L. 96-39, Title IV, § 402, July 26, 1979, 93 Stat. 242.

Historical Note

Effective Date. Section effective Jan. 1, 1980, if the Agreement enters into force with respect to the United States by that date, see section 454 of Pub.L. 96-39, set out as a note under section 2531 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-39, see 1979 U.S.Code Cong. and Adm.News, p. 381.

§ 2533. State and private standards-related activities

(a) **In general.**—It is the sense of the Congress that no State agency and no private person should engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States.

(b) **Presidential action.**—The President shall take such reasonable measures as may be available to promote the observance by State agencies and private persons, in carrying out standards-related activities, of requirements equivalent to those imposed on Federal agencies under section 2532 of this title, and of procedures that provide for notification, participation, and publication with respect to such activities.

Pub.L. 96-39, Title IV, § 403, July 26, 1979, 93 Stat. 243.

Historical Note

Effective Date. Section effective Jan. 1, 1980, if the Agreement enters into force with respect to the United States by that date, see section 454 of Pub.L. 96-39, set out as a note under section 2531 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-39, see 1979 U.S.Code Cong. and Adm.News, p. 381.

PART B—FUNCTIONS OF FEDERAL AGENCIES

§ 2541. Functions of Trade Representative

(a) **In general.**—The Trade Representative shall coordinate the consideration of international trade policy issues that arise as a result of, and shall develop international trade policy as it relates to, the implementation of this subchapter.

(b) **Negotiating functions.**—The Trade Representative has responsibility for coordinating United States discussions and negotiations with foreign countries for the purpose of establishing mutual arrangements with respect to standards-related activities. In carrying out this responsibility, the Trade Representative shall inform and