

Pub. L. 116–113, §501(b)(1), (2), (d)(1)–(3), were based on Pub. L. 103–182, title II, §203(a), (d), (e), Dec. 8, 1993, 107 Stat. 2086, 2092.

(Pub. L. 116–113, title II, §210, Jan. 29, 2020, 134 Stat. 53.)

AMENDMENTS

2020—Pub. L. 116–113, §501(a), struck out “[reserved]” after “Drawback” in section catchline.

Subsec. (a). Pub. L. 116–113, §501(b)(3)(A)–(C), substituted “USMCA” for “NAFTA” in heading, struck out “and the amendments made by subsection (b)” after “of this Act” and substituted “USMCA drawback” for “NAFTA drawback” in introductory provisions, and substituted “USMCA country” for “NAFTA country” wherever appearing in pars. (1) to (5).

Pub. L. 116–113, §501(b)(1), (2), transferred subsec. (a) of section 3333 of this title to this section and inserted it after section catchline. See Codification note above.

Subsec. (a)(2)(A). Pub. L. 116–113, §501(b)(3)(D)(i), inserted “sorting, marking,” after “repacking.”

Subsec. (a)(2)(B). Pub. L. 116–113, §501(b)(3)(D)(ii), substituted “paragraph 11 of Annex 3–B of the USMCA” for “paragraph 12 of section A of Annex 703.2 of the Agreement”.

Subsec. (a)(6). Pub. L. 116–113, §501(b)(3)(E), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “A good provided for in subheading 1701.11.02 of the HTS that is—

“(A) used as a material, or

“(B) substituted for by a good of the same kind and quality that is used as a material, in the production of a good provided for in existing Canadian tariff item 1701.99.00 or existing Mexican tariff item 1701.99.01 or 1701.99.99 (relating to refined sugar).”

Subsec. (b). Pub. L. 116–113, §501(c), added subpar. (b).

Subsec. (c). Pub. L. 116–113, §501(d)(4), substituted “exported to a USMCA country.” for “exported to—

“(1) Canada after December 31, 1995, for so long as it is a NAFTA country; or

“(2) Mexico after December 31, 2000, for so long as it is a NAFTA country.”

Pub. L. 116–113, §501(d)(1)–(3), transferred subsec. (d) of section 3333 of this title to this section, inserted it after subsec. (b), and redesignated it as subsec. (c). See Codification note above.

Subsec. (d). Pub. L. 116–113, §501(d)(1)–(3), transferred subsec. (e) of section 3333 of this title to this section, inserted it after subsec. (c), and redesignated it as subsec. (d). See Codification note above.

Subsec. (e). Pub. L. 116–260 added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116–260 effective July 1, 2020, see section 601(h) of div. O of Pub. L. 116–260, set out as a note under section 81c of this title.

Amendment by section 501(b) to (d) of Pub. L. 116–113 effective on the date the USMCA enters into force (July 1, 2020) and applicable with respect to goods entered, or withdrawn from warehouse for consumption, on or after that date, see section 501(g) of Pub. L. 116–113, set out as a note under section 81c of this title.

§ 4535. Regulations

(a) Secretary of the Treasury

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this title¹ and the amendments made by this title¹ (except as provided by subsection (b)).

(b) Secretary of Labor

The Secretary of Labor shall prescribe such regulations as may be necessary to carry out the labor value content determination under section 4532 of this title.

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

This title, referred to in subsec. (a), is title II of Pub. L. 116–113, Jan. 29, 2020, 134 Stat. 19, which enacted this subchapter and amended and enacted provisions set out as notes under several sections within this title. For complete classification of title II to the Code, see Tables.

SUBCHAPTER III—APPLICATION OF USMCA TO SECTORS AND SERVICES

PART A—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION

Editorial Notes

CODIFICATION

Pub. L. 116–113, title V, §502(a), (d), Jan. 29, 2020, 134 Stat. 70, struck out “[reserved]” at end of part heading and reenacted part heading without change.

§ 4551. USMCA article impact in import relief cases under Trade Act of 1974

(a) In general

If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 [19 U.S.C. 2251 et seq.], the International Trade Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 1330(d) of this title), the International Trade Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether—

(1) imports of the article from a USMCA country, considered individually, account for a substantial share of total imports; and

(2) imports of the article from a USMCA country, considered individually or, in exceptional circumstances, imports from USMCA countries considered collectively, contribute importantly to the serious injury, or threat thereof, caused by imports.

(b) Factors

(1) Substantial import share

In determining whether imports from a USMCA country, considered individually, account for a substantial share of total imports, such imports normally shall not be considered to account for a substantial share of total imports if that country is not among the top 5 suppliers of the article subject to the investigation, measured in terms of import share during the most recent 3-year period.

(2) Application of “contribute importantly” standard

In determining whether imports from a USMCA country or countries contribute importantly to the serious injury, or threat thereof, the International Trade Commission shall consider such factors as the change in the import share of the USMCA country or countries, and the level and change in the level of imports of such country or countries.