

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

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.

In applying the preceding sentence, imports from a USMCA country or countries normally shall not be considered to contribute importantly to serious injury, or the threat thereof, if the growth rate of imports from such country or countries during the period in which an injurious increase in imports occurred is appreciably lower than the growth rate of total imports from all sources over the same period.

(c) “Contribute importantly” defined

For purposes of this section and section 4552(a) of this title, the term “contribute importantly” refers to an important cause, but not necessarily the most important cause.

(Pub. L. 116–113, title III, §301, formerly Pub. L. 103–182, title III, §311, Dec. 8, 1993, 107 Stat. 2106; renumbered §301 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, §502(b), Jan. 29, 2020, 134 Stat. 70.)

Editorial Notes

REFERENCES IN TEXT

The Trade Act of 1974, referred to in subsec. (a), is Pub. L. 93–618, Jan. 3, 1975, 88 Stat. 1978. Chapter 1 of title II of the Act is classified generally to part 1 (§2251 et seq.) of subchapter II of chapter 12 of this title. For complete classification of this Act to the Code, see section 2101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3371 of this title prior to renumbering by Pub. L. 116–113.

AMENDMENTS

2020—Pub. L. 116–113, §502(b)(4)(A), (C), substituted “USMCA” for “NAFTA” in section catchline and wherever appearing in text.

Subsec. (c). Pub. L. 116–113, §502(b)(4)(B), substituted “section 4552(a) of this title” for “section 3372(a) of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116–113, title V, §502(e), Jan. 29, 2020, 134 Stat. 70, provided that:

“(1) IN GENERAL.—Each transfer, redesignation, and amendment made by this section [transferring sections 3371 and 3372 of this title, respectively, to and amending this section and section 4552 of this title] shall—

“(A) take effect on the date on which the USMCA enters into force [July 1, 2020]; and

“(B) apply with respect to an investigation under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) initiated on or after that date.

“(2) TRANSITION FROM NAFTA.—In the case of an investigation under chapter 1 of title II of the Trade Act of 1974 initiated before the date on which the USMCA enters into force—

“(A) the transfers, redesignations, and amendments made by this section shall not apply with respect to the investigation; and

“(B) sections 311 and 312 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3371 and 3372), as in effect on the day before that date, shall continue to apply on and after that date with respect to the investigation.”

[For definition of “USMCA” as used in section 502(e) of Pub. L. 116–113, set out above, see section 4502 of this title.]

§ 4552. Presidential action regarding USMCA imports

(a) In general

In determining whether to take action under chapter 1 of title II of the Trade Act of 1974 [19