

U.S.C. 2251 et seq.] with respect to imports from a USMCA country, the President shall determine whether—

(1) imports from such country, considered individually, account for a substantial share of total imports; or

(2) imports 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, found by the International Trade Commission.

**(b) Exclusion of USMCA imports**

In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 [19 U.S.C. 2251 et seq.], the President shall exclude from such action imports from a USMCA country if the President makes a negative determination under subsection (a)(1) or (2) with respect to imports from such country.

**(c) Action after exclusion of USMCA country imports**

**(1) In general**

If the President, under subsection (b), excludes imports from a USMCA country or countries from action under chapter 1 of title II of the Trade Act of 1974 [19 U.S.C. 2251 et seq.] but thereafter determines that a surge in imports from that country or countries is undermining the effectiveness of the action—

(A) the President may take appropriate action under such chapter 1 to include those imports in the action; and

(B) any entity that is representative of an industry for which such action is being taken may request the International Trade Commission to conduct an investigation of the surge in such imports.

**(2) Investigation**

Upon receiving a request under paragraph (1)(B), the International Trade Commission shall conduct an investigation to determine whether a surge in such imports undermines the effectiveness of the action. The International Trade Commission shall submit the findings of its investigation to the President no later than 30 days after the request is received by the International Trade Commission.

**(3) “Surge” defined**

For purposes of this subsection, the term “surge” means a significant increase in imports over the trend for a recent representative base period.

**(d) Condition applicable to quantitative restrictions**

Any action taken under this section proclaiming a quantitative restriction shall permit the importation of a quantity or value of the article which is not less than the quantity or value of such article imported into the United States during the most recent period that is representative of imports of such article, with allowance for reasonable growth.

(Pub. L. 116–113, title III, §302, formerly Pub. L. 103–182, title III, §312, Dec. 8, 1993, 107 Stat. 2107;

renumbered §302 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, §502(c), Jan. 29, 2020, 134 Stat. 70.)

**Editorial Notes**

REFERENCES IN TEXT

The Trade Act of 1974, referred to in subsecs. (a) to (c), 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 3372 of this title prior to renumbering by Pub. L. 116–113.

AMENDMENTS

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

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2020 AMENDMENT

Transfer to and amendment of this section by Pub. L. 116–113 effective on the date on which the USMCA enters into force (July 1, 2020) and applicable 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, see section 502(e) of Pub. L. 116–113, set out as a note under section 4551 of this title.

PART B—TEMPORARY ENTRY OF BUSINESS PERSONS

**Editorial Notes**

CODIFICATION

Pub. L. 116–113, title V, §503(a), (e), Jan. 29, 2020, 134 Stat. 71, 72, struck out “[reserved]” at end of part heading and reenacted part heading without change.

**§ 4561. Temporary entry**

Upon a basis of reciprocity secured by the USMCA, an alien who is a citizen of Canada or Mexico, and the spouse and children of any such alien if accompanying or following to join such alien, may, if otherwise eligible for a visa and if otherwise admissible into the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), be considered to be classifiable as a nonimmigrant under section 101(a)(15)(E) of such Act (8 U.S.C. 1101(a)(15)(E)) if entering solely for a purpose specified in Section B of Annex 16–A of the USMCA, but only if any such purpose shall have been specified in such Annex on the date of entry into force of the USMCA. For purposes of this section, the term “citizen of Mexico” means “citizen” as defined in article 16.1 of the USMCA.

(Pub. L. 116–113, title III, §311, formerly Pub. L. 103–182, title III, §341(a), Dec. 8, 1993, 107 Stat. 2116; renumbered §311 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, §503(b), Jan. 29, 2020, 134 Stat. 71.)

**Editorial Notes**

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in text, is act June 27, 1952, ch. 477, 66 Stat. 163, which is

classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

#### CODIFICATION

Section was formerly classified to section 3401 of this title and section 1184 of Title 8, Aliens and Nationality, prior to renumbering by Pub. L. 116-113.

#### AMENDMENTS

2020—Pub. L. 116-113, §503(b)(4)(C)–(E), substituted “the USMCA” for “the Agreement” wherever appearing, “Annex 16-A” for “Annex 1603”, and “article 16.1” for “Annex 1608”.

Pub. L. 116-113, §503(b)(4)(A), (B), in original Act, struck out subsec. (a) designation and heading “NON-IMMIGRANT TRADERS AND INVESTORS.—” before “Upon a basis” and struck out subsecs. (b) and (c), which had amended section 1184 of Title 8, Aliens and Nationality, resulting in no change to the text of this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-113 effective on the date the USMCA enters into force (July 1, 2020) and applicable to visas issued on or after that date, see section 503(f) of Pub. L. 116-113, set out as a note under section 1184 of Title 8, Aliens and Nationality.

##### EFFECTIVE DATE

Pub. L. 103-182, title III, §342, Dec. 8, 1993, 107 Stat. 2118, which provided that the provisions of subtitle D (§§341, 342) of title III of Pub. L. 103-182 (enacting this section and amending section 1184 of Title 8, Aliens and Nationality) took effect on the date the North American Free Trade Agreement entered into force with respect to the United States (Jan. 1, 1994), was repealed by Pub. L. 116-113, title VI, §601, Jan. 29, 2020, 134 Stat. 78, effective on the date the USMCA entered into force (July 1, 2020).

#### PART C—UNITED STATES-MEXICO CROSS-BORDER LONG-HAUL TRUCKING SERVICES

### § 4571. Definitions

In this part:

#### (1) Border commercial zone

The term “border commercial zone” means—

(A) the area of United States territory of the municipalities along the United States-Mexico international border and the commercial zones of such municipalities as described in subpart B of part 372 of title 49, Code of Federal Regulations; and

(B) any additional border crossing and associated commercial zones listed in the Federal Motor Carrier Safety Administration OP-2 application instructions or successor documents.

#### (2) Cargo originating in Mexico

The term “cargo originating in Mexico” means any cargo that enters the United States by commercial motor vehicle from Mexico, including cargo that may have originated in a country other than Mexico.

#### (3) Change in circumstances

The term “change in circumstance” may include a substantial increase in services supplied by the grantee of a grant of authority.

#### (4) Commercial motor vehicle

The term “commercial motor vehicle” means a commercial motor vehicle, as such term is defined in paragraph (1) of section 31132 of title 49, that meets the requirements of subparagraph (A) of such paragraph.

#### (5) Cross-border long-haul trucking services

The term “cross-border long-haul trucking services” means—

(A) the transportation by commercial motor vehicle of cargo originating in Mexico to a point in the United States outside of a border commercial zone; or

(B) the transportation by commercial motor vehicle of cargo originating in the United States from a point in the United States outside of a border commercial zone to a point in a border commercial zone or a point in Mexico.

#### (6) Driver

The term “driver” means a person that drives a commercial motor vehicle in cross-border long-haul trucking services.

#### (7) Grant of authority

The term “grant of authority” means registration granted pursuant to section 13902 of title 49, or a successor provision, to persons of Mexico to conduct cross-border long-haul trucking services in the United States.

#### (8) Interested party

The term “interested party” means—

(A) persons of the United States engaged in the provision of cross-border long-haul trucking services;

(B) a trade or business association, a majority of whose members are part of the relevant United States long-haul trucking services industry;

(C) a certified or recognized union, or representative group of suppliers, operators, or drivers who are part of the United States long-haul trucking services industry;

(D) the Government of Mexico; or

(E) persons of Mexico.

#### (9) Material harm

The term “material harm” means a significant loss in the share of the United States market or relevant sub-market for cross-border long-haul trucking services held by persons of the United States.

#### (10) Operator or supplier

The term “operator” or “supplier” means an entity that has been granted registration under section 13902 of title 49 to provide cross-border long-haul trucking services.

#### (11) Persons of Mexico

The term “persons of Mexico” includes—

(A) entities domiciled in Mexico organized, or otherwise constituted under Mexican law, including subsidiaries of United States companies domiciled in Mexico, or entities owned or controlled by a Mexican national, which conduct cross-border long-haul trucking services, or employ drivers who are non-United States nationals; and

(B) drivers who are Mexican nationals.