

graph (A) as confidential business information in accordance with regulations adopted by the Commission to carry out this part.

(f) Limited disclosure of confidential business information under protective order

The Commission shall promulgate regulations to provide access to confidential business information under protective order to authorized representatives of interested parties who are parties to an investigation under subsection (a).

(g) Deadline for determination

(1) In general

Not later than 120 days after the date on which an investigation is initiated under subsection (a) with respect to a petition, request, or resolution, the Commission shall make a determination with respect to the petition, request, or resolution.

(2) Exception

If, before the 100th day after an investigation is initiated under subsection (a), the Commission determines that the investigation is extraordinarily complicated, the Commission shall make its determination with respect to the investigation not later than 150 days after the date referred to in paragraph (1).

(h) Applicable provisions

For purposes of this part, the provisions of paragraphs (1), (2), and (3) of section 1330(d) of this title shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 2252 of this title.

(Pub. L. 116–113, title III, §322, Jan. 29, 2020, 134 Stat. 55.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in subsecs. (a), (e)(2)(B), and (h), was in the original “this subtitle”, meaning subtitle C (§§ 321–327) of title III of Pub. L. 116–113, Jan. 29, 2020, 134 Stat. 54, which is classified principally to this subchapter. For complete classification of subtitle C to the Code, see Tables.

§ 4573. Commission recommendations and report

(a) In general

If the Commission makes an affirmative determination under section 4572 of this title, the Commission shall recommend the action that is necessary to address the material harm or threat of material harm found.

(b) Limitation

Only those members of the Commission who agreed to the affirmative determination under section 4572 of this title are eligible to vote on the recommendation required to be made under subsection (a).

(c) Report

Not later than the date that is 60 days after the date on which the determination is made under section 4572 of this title, the Commission shall submit to the President a report that includes—

(1) the determination and an explanation of the basis for the determination;

(2) if the determination is affirmative, recommendations for action and an explanation of the basis for the recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination.

(d) Public notice

Upon submitting a report to the President under subsection (c), the Commission shall—

(1) promptly make public the report (with the exception of information which the Commission determines to be confidential business information); and

(2) publish a summary of the report in the Federal Register.

(Pub. L. 116–113, title III, §323, Jan. 29, 2020, 134 Stat. 57.)

§ 4574. Action by President with respect to affirmative determination

(a) In general

Not later than the date that is 30 days after the date on which the President receives a report of the Commission in which the Commission’s determination under section 4572 of this title is affirmative or which contains a determination that the President may treat as affirmative in accordance with section 1330(d)(1) of this title—

(1) the President shall, subject to subsection (b), issue an order to the Secretary of Transportation specifying the relief to be provided, consistent with subsection (c), and directing the relief to be carried out; and

(2) the Secretary of Transportation shall carry out such relief.

(b) Exception

The President is not required to provide relief under this section if the President determines that provision of such relief—

(1) is not in the national economic interest of the United States; or

(2) would cause serious harm to the national security of the United States.

(c) Nature of relief

(1) In general

The relief under this subsection is as follows:

(A)(i) With respect to a determination relating to an investigation under section 4572(a)(1) of this title, the denial or imposition of limitations on a request for a new grant of authority by the persons of Mexico that are the subject of the investigation.

(ii) With respect to a determination relating to an investigation under section 4572(a)(1) of this title, the revocation of, or restrictions on, grants of authority issued to the persons of Mexico that are the subject of the investigation since the date of the petition, request, or resolution.

(B) With respect to a determination relating to an investigation under section 4572(a)(2) or (3) of this title, the revocation or imposition of limitations on an existing grant of authority by the persons of Mexico that are the subject of the investigation.

(C) With respect to a determination relating to an investigation under section

4572(a)(1), (2), or (3) of this title, a cap on the number of grants of authority issued to persons of Mexico annually.

(2) Deadline for relief

Not later than 15 days after the date on which the President determines the relief to be provided under this subsection, the President shall direct the Secretary of Transportation to carry out the relief.

(d) Period of relief

(1) In general

Subject to paragraph (2), any relief that the President provides under this section may not be in effect for more than 2 years.

(2) Extension

(A) In general

Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which contains a determination that the President may treat as affirmative in accordance with section 1330(d)(1) of this title, may extend the effective period of relief provided under this section by up to an additional 4 years, if the President determines that the provision of the relief continues to be necessary to remedy or prevent material harm.

(B) Action by Commission

(i) Investigation

Upon request of the President, or upon the filing by an interested party described in subparagraph (A), (B), or (C) of section 4571(8) of this title which is representative of a United States long-haul trucking services industry that is filed with the Commission not earlier than the date that is 270 days, and not later than the date that is 240 days, before the date on which any action taken under this section is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent material harm.

(ii) Notice and hearing

The Commission shall—

(I) publish notice of the commencement of an investigation under clause (i) in the Federal Register; and

(II) within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise be heard.

(iii) Report

Not later than the date that is 60 days before relief provided under subsection (a) is to terminate, or such other date as determined by the President, the Commission shall submit to the President a report on its investigation and determination under this subparagraph.

(C) Period of relief

Any relief provided under this section, including any extension thereof, may not, in

the aggregate, be in effect for more than 6 years.

(D) Limitation

(i) In general

Except as provided in clause (ii), the Commission may not conduct an investigation under subparagraph (B)(i) if—

(I) the subject matter of the investigation is the same as the subject matter of a previous investigation conducted under subparagraph (B)(i); and

(II) less than 1 year has elapsed since the Commission made its report to the President of the results of such previous investigation.

(ii) Exception

Clause (i) shall not apply with respect to an investigation if the Commission determines good cause exists to conduct the investigation.

(e) Regulations

The Commission and the Secretary of Transportation are authorized to promulgate such rules and regulations as may be necessary to carry out this part.

(Pub. L. 116–113, title III, § 324, Jan. 29, 2020, 134 Stat. 58.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in subsec. (e), was in the original “this subtitle”, meaning subtitle C (§§ 321–327) of title III of Pub. L. 116–113, Jan. 29, 2020, 134 Stat. 54, which is classified principally to this subchapter. For complete classification of subtitle C to the Code, see Tables.

Executive Documents

DELEGATION OF FUNCTIONS

Proc. No. 10053, par. (13), June 29, 2020, 85 F.R. 39826, authorized the United States Trade Representative, after consultation with the Secretary of Transportation, to exercise the authority of the President under this section.

SUBCHAPTER IV—ANTIDUMPING AND
COUNTERVAILING DUTIES

PART A—DISPUTE SETTLEMENT

§ 4581. References in part

Any reference in this part to an Annex, chapter, or article shall be considered to be a reference to the respective Annex, chapter, or article of the USMCA.

(Pub. L. 116–113, title IV, § 411, formerly Pub. L. 103–182, title IV, § 401, Dec. 8, 1993, 107 Stat. 2129; renumbered § 411 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, § 504(b), Jan. 29, 2020, 134 Stat. 72.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3431 of this title prior to renumbering by Pub. L. 116–113.

AMENDMENTS

2020—Pub. L. 116–113, § 504(b)(3), substituted “the USMCA” for “the Agreement”.