

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”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116–113, title V, §504(k), Jan. 29, 2020, 134 Stat. 76, provided that:

“(1) IN GENERAL.—Each transfer, redesignation, and amendment made by this section [transferring sections 3431 to 3438 of this title, respectively, to and amending sections 4581 to 4588 of this title] shall take effect on the date on which the USMCA enters into force [July 1, 2020], but shall not apply—

“(A) to any final determination described in paragraph (1)(B) or clause (i), (ii), or (iii) of paragraph (2)(B) of section 516A(a) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)) notice of which is published in the Federal Register before such date, or to a determination described in paragraph (2)(B)(vi) of that section notice of which is received by the Government of Canada or Mexico before such date; and

“(B) to any binational panel review under NAFTA, or any extraordinary challenge arising out of any such review, that was commenced before such date.

“(2) TRANSITION FROM NAFTA.—The transfers, redesignations, and amendments made by this section shall not apply, and the provisions of title IV of the North American Free Trade Agreement Implementation Act [19 U.S.C. 3431 et seq.], as in effect on the day before the date on which the USMCA enters into force, shall continue to apply on and after that date with respect—

“(A) to any final determination described in paragraph (1)(B) or clause (i), (ii), or (iii) of paragraph (2)(B) of section 516A(a) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)) notice of which is published in the Federal Register before such date, or to a determination described in paragraph (2)(B)(vi) of that section notice of which is received by the Government of Canada or Mexico before the date on which the USMCA enters into force; and

“(B) to any binational panel review under NAFTA, or any extraordinary challenge arising out of any such review, that was commenced before the date on which the USMCA enters into force.”

[For definition of “USMCA” as used in section 504(k) of Pub. L. 116–113, set out above, see section 4502 of this title.]

**§ 4582. Organizational and administrative provisions****(a) Criteria for selection of individuals to serve on panels and committees****(1) In general**

The selection of individuals under this section for—

(A) placement on lists prepared by the interagency group under subsection (c)(2)(B)(i) and (ii);

(B) placement on preliminary candidate lists under subsection (c)(3)(A);

(C) placement on final candidate lists under subsection (c)(4)(A);

(D) placement by the Trade Representative on the rosters described in paragraph 1 of Annex 10–B.1 and paragraph 1 of Annex 10–B.3; and

(E) appointment by the Trade Representative for service on the panels and committees convened under chapter 10;

shall be made on the basis of the criteria provided in paragraph 1 of Annex 10–B.1 and paragraph 1 of Annex 10–B.3 and shall be made without regard to political affiliation.

**(2) Additional criteria for roster placements and appointments**

Rosters described in paragraph 1 of Annex 10–B.1 shall include, to the fullest extent prac-

ticable, judges and former judges who meet the criteria referred to in paragraph (1). The Trade Representative shall, subject to subsection (b), appoint judges to binational panels convened under chapter 10, extraordinary challenge committees convened under chapter 10, and special committees established under article 10.13, where such judges offer and are available to serve and such service is authorized by the chief judge of the court on which they sit.

**(b) Selection of certain judges to serve on panels and committees****(1) Applicability**

This subsection applies only with respect to the selection of individuals for binational panels convened under chapter 10, extraordinary challenge committees convened under chapter 10, and special committees established under article 10.13, who are judges of courts created under article III of the Constitution of the United States.

**(2) Consultation with chief judges**

The Trade Representative shall consult, from time to time, with the chief judges of the Federal judicial circuits regarding the interest in, and availability for, participation in binational panels, extraordinary challenge committees, and special committees, of judges within their respective circuits. If the chief judge of a Federal judicial circuit determines that it is appropriate for one or more judges within that circuit to be included on a roster described in subsection (a)(1)(D), the chief judge shall identify all such judges for the Chief Justice of the United States who may, upon his or her approval, submit the names of such judges to the Trade Representative. The Trade Representative shall include the names of such judges on the roster.

**(3) Submission of lists to Congress**

The Trade Representative shall submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on Finance and the Committee on the Judiciary of the Senate a list of all judges included on a roster under paragraph (2). Such list shall be submitted at the same time as the final candidate lists are submitted under subsection (c)(4)(A) and the final forms of amendments are submitted under subsection (c)(4)(C)(iv).

**(4) Appointment of judges to panels or committees**

At such time as the Trade Representative proposes to appoint a judge described in paragraph (1) to a binational panel, an extraordinary challenge committee, or a special committee, the Trade Representative shall consult with that judge in order to ascertain whether the judge is available for such appointment.

**(c) Selection of other candidates****(1) Applicability**

This subsection applies only with respect to the selection of individuals for binational panels convened under chapter 10, extraordinary challenge committees convened under chapter