

(b) Rules of procedure for extraordinary challenge committees

The administering authority shall prescribe rules, negotiated in accordance with paragraph 2 of Annex 10–B.3, governing the procedures for reviews by extraordinary challenge committees.

(c) Rules of procedure for safeguarding panel review system

The administering authority shall prescribe rules, negotiated in accordance with Annex 10–B.4, governing the procedures for special committees described in such Annex.

(d) Publication of rules

The rules prescribed under subsections (a), (b), and (c) shall be published in the Federal Register.

(e) Administering authority

As used in this section, the term “administering authority” has the meaning given such term in section 1677(1) of this title.

(Pub. L. 116–113, title IV, §415, formerly Pub. L. 103–182, title IV, §405, Dec. 8, 1993, 107 Stat. 2137; renumbered §415 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, §504(f), Jan. 29, 2020, 134 Stat. 75.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3435 of this title prior to renumbering by Pub. L. 116–113.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–113, §504(f)(3)(A), substituted “article 10.12” for “article 1904” in introductory provisions.

Subsec. (b). Pub. L. 116–113, §504(f)(3)(B), substituted “Annex 10–B.3” for “Annex 1904.13”.

Subsec. (c). Pub. L. 116–113, §504(f)(3)(C), substituted “Annex 10–B.4” for “Annex 1905.6”.

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), but not applicable to certain determinations under section 1516a of this title or binational panel reviews under NAFTA, see section 504(k) of Pub. L. 116–113, set out as a note under section 4581 of this title.

§ 4586. Subsidy negotiations

In the case of any trade agreement which may be entered into by the President with a USMCA country, the negotiating objectives of the United States with respect to subsidies shall include—

(1) achievement of increased discipline on domestic subsidies provided by a foreign government, including—

(A) the provision of capital, loans, or loan guarantees on terms inconsistent with commercial considerations;

(B) the provision of goods or services at preferential rates;

(C) the granting of funds or forgiveness of debt to cover operating losses sustained by a specific industry; and

(D) the assumption of any costs or expenses of manufacture, production, or distribution;

(2) achievement of increased discipline on export subsidies provided by a foreign government, particularly with respect to agricultural products; and

(3) maintenance of effective remedies against subsidized imports, including, where appropriate, countervailing duties.

(Pub. L. 116–113, title IV, §416, formerly Pub. L. 103–182, title IV, §406, Dec. 8, 1993, 107 Stat. 2138; renumbered §416 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, §504(g), Jan. 29, 2020, 134 Stat. 75.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3436 of this title prior to renumbering by Pub. L. 116–113.

AMENDMENTS

2020—Pub. L. 116–113, §504(g)(3), substituted “USMCA country” for “NAFTA country” in introductory provisions.

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), but not applicable to certain determinations under section 1516a of this title or binational panel reviews under NAFTA, see section 504(k) of Pub. L. 116–113, set out as a note under section 4581 of this title.

§ 4587. Identification of industries facing subsidized imports**(a) Petitions**

Any entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of a United States industry and has reason to believe—

(1) that—

(A) as a result of implementation of provisions of the USMCA, the industry is likely to face increased competition from subsidized imports, from a USMCA country, with which it directly competes; or

(B) the industry is likely to face increased competition from subsidized imports with which it directly competes from any other country designated by the President, following consultations with the Congress, as benefiting from a reduction of tariffs or other trade barriers under a trade agreement that enters into force with respect to the United States after January 1, 1994; and

(2) that the industry is likely to experience a deterioration of its competitive position before more effective rules and disciplines relating to the use of government subsidies have been developed with respect to the country concerned;

may file with the Trade Representative a petition that such industry be identified under this section.

(b) Identification of industry

Within 90 days after receipt of a petition under subsection (a), the Trade Representative, in consultation with the Secretary of Commerce, shall

decide whether to identify the industry on the basis that there is a reasonable likelihood that the industry may face both the subsidization described in subsection (a)(1) and the deterioration described in subsection (a)(2).

(c) Action after identification

At the request of an entity that is representative of an industry identified under subsection (b), the Trade Representative shall—

(1) compile and make available to the industry information under section 2418 of this title;

(2) recommend to the President that an investigation by the International Trade Commission be requested under section 332 of the Tariff Act of 1930 [19 U.S.C. 1332]; or

(3) take actions described in both paragraphs (1) and (2).

The industry may request the Trade Representative to take appropriate action to update (as often as annually) any information obtained under paragraph (1) or (2), or both, as the case may be, until an agreement on more effective rules and disciplines relating to government subsidies is reached between the United States and the USMCA countries.

(d) Initiation of action under other law

(1) In general

The Trade Representative and the Secretary of Commerce shall review information obtained under subsection (c) and consult with the industry identified under subsection (b) with a view to deciding whether any action is appropriate—

(A) under section 2411 of this title, including the initiation of an investigation under section 2412(c) of this title (in the case of the Trade Representative); or

(B) under subtitle A of title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.], including the initiation of an investigation under section 702(a) of that Act [19 U.S.C. 1671a(a)] (in the case of the Secretary of Commerce).

(2) Criteria for initiation

In determining whether to initiate any investigation under section 2411 of this title or any other trade law, other than title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.], the Trade Representative, after consultation with the Secretary of Commerce—

(A) shall seek the advice of the advisory committees established under section 2155 of this title;

(B) shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives;

(C) shall coordinate with the interagency organization established under section 1872 of this title; and

(D) may ask the President to request advice from the International Trade Commission.

(3) Title III actions

In the event an investigation is initiated under section 2412(c) of this title as a result of a review under this subsection and the Trade Representative, following such investigation

(including any applicable dispute settlement proceedings under the USMCA or any other trade agreement), determines to take action under section 2411(a) of this title, the Trade Representative shall give preference to actions that most directly affect the products that benefit from governmental subsidies and were the subject of the investigation, unless there are no significant imports of such products or the Trade Representative otherwise determines that application of the action to other products would be more effective.

(e) Effect of decisions

Any decision, whether positive or negative, or any action by the Trade Representative or the Secretary of Commerce under this section shall not in any way—

(1) prejudice the right of any industry to file a petition under any trade law;

(2) prejudice, affect, or substitute for, any proceeding, investigation, determination, or action by the Secretary of Commerce, the International Trade Commission, or the Trade Representative pursuant to such a petition; or

(3) prejudice, affect, substitute for, or obviate any proceeding, investigation, or determination under section 2411 of this title, title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.], or any other trade law.

(f) Standing

Nothing in this section may be construed to alter in any manner the requirements in effect before January 29, 2020, for standing under any law of the United States or to add any additional requirements for standing under any law of the United States.

(Pub. L. 116–113, title IV, § 417, formerly Pub. L. 103–182, title IV, § 407, Dec. 8, 1993, 107 Stat. 2138; Pub. L. 104–295, § 21(c)(2), Oct. 11, 1996, 110 Stat. 3530; renumbered § 417 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, § 504(h), Jan. 29, 2020, 134 Stat. 75.)

Editorial Notes

REFERENCES IN TEXT

The Tariff Act of 1930, referred to in subsecs. (d)(1)(B), (2) and (e)(3), is act June 17, 1930, ch. 497, 46 Stat. 590. Title VII of the Act is classified generally to subtitle IV (§1671 et seq.) of chapter 4 of this title. Subtitle A of title VII of the Act is classified generally to part I (§1671 et seq.) of subtitle IV of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3437 of this title prior to renumbering by Pub. L. 116–113.

AMENDMENTS

2020—Subsec. (a)(1)(A). Pub. L. 116–113, § 504(h)(3)(A), substituted “the USMCA” for “the Agreement” and “USMCA country” for “NAFTA country”.

Subsec. (c). Pub. L. 116–113, § 504(h)(3)(B), substituted “USMCA countries” for “NAFTA countries” in concluding provisions.

Subsec. (d)(3). Pub. L. 116–113, § 504(h)(3)(C), substituted “the Agreement” for “the USMCA”.

1996—Subsec. (e)(2). Pub. L. 104–295 substituted semicolon for comma after “such a petition”.

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), but not applicable to certain determinations under section 1516a of this title or binational panel reviews under NAFTA, see section 504(k) of Pub. L. 116-113, set out as a note under section 4581 of this title.

§ 4588. Treatment of amendments to antidumping and countervailing duty law

Any amendment enacted after the USMCA that is made to—

(1) section 303¹ or title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.], or any successor statute, or

(2) any other statute which—

(A) provides for judicial review of final determinations under such section, title, or successor statute, or

(B) indicates the standard of review to be applied,

shall apply to goods from a USMCA country only to the extent specified in the amendment. (Pub. L. 116-113, title IV, § 418, formerly Pub. L. 103-182, title IV, § 408, Dec. 8, 1993, 107 Stat. 2140; renumbered § 418 of Pub. L. 116-113 and amended Pub. L. 116-113, title V, § 504(i), Jan. 29, 2020, 134 Stat. 76.)

Editorial Notes

REFERENCES IN TEXT

The Tariff Act of 1930, referred to in par. (1), is act June 17, 1930, ch. 497, 46 Stat. 590. Title VII of the Act is classified generally to subtitle IV (§ 1671 et seq.) of chapter 4 of this title. Section 303 of the Act was classified to section 1303 of this title and was repealed, effective Jan. 1, 1995, by Pub. L. 103-465, title II, § 261(a), Dec. 8, 1994, 108 Stat. 4908. For savings provisions and treatment of references to section 1303 in other laws, see section 261(b), (d)(1)(C) of Pub. L. 103-465, set out as notes under former section 1303 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3438 of this title prior to renumbering by Pub. L. 116-113.

AMENDMENTS

2020—Pub. L. 116-113, § 504(i)(3), substituted “the USMCA” for “the Agreement enters into force with respect to the United States” in introductory provisions and “USMCA country” for “NAFTA country” in concluding provisions.

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), but not applicable to certain determinations under section 1516a of this title or binational panel reviews under NAFTA, see section 504(k) of Pub. L. 116-113, set out as a note under section 4581 of this title.

APPLICATION OF AMENDMENTS BY PUBLIC LAW 114-27
TO GOODS FROM CANADA AND MEXICO

Pub. L. 114-27, title V, § 507, June 29, 2015, 129 Stat. 387, provided that: “Pursuant to article 1902 of the

North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act ([former] 19 U.S.C. 3438), the amendments made by this title [see Short Title of 2015 Amendment note set out under section 1654 of this title] shall apply with respect to goods from Canada and Mexico.”

APPLICATION OF AMENDMENTS BY PUBLIC LAW 103-465
TO GOODS FROM CANADA AND MEXICO

Pub. L. 103-465, title II, § 234, Dec. 8, 1994, 108 Stat. 4901, provided that: “Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act [former 19 U.S.C. 3438], the amendments made by this title [see Tables for classification] shall apply with respect to goods from Canada and Mexico.”

PART B—GENERAL PROVISIONS

§ 4601. Effect of termination of USMCA country status**(a) In general**

Except as provided in subsection (b), on the date on which a country ceases to be a USMCA country, the provisions of this title¹ (other than this section) and the amendments made by this title¹ shall cease to have effect with respect to that country.

(b) Transition provisions**(1) Proceedings regarding protective orders and undertakings**

If on the date on which a country ceases to be a USMCA country an investigation or enforcement proceeding concerning the violation of a protective order issued under section 1677f(f) of this title (as amended by this title¹) or an undertaking of the government of that country is pending, the investigation or proceeding shall continue, and sanctions may continue to be imposed, in accordance with the provisions of such section 1677f(f) of this title (as so amended).

(2) Binational panel and extraordinary challenge committee reviews

If on the date on which a country ceases to be a USMCA country—

(A) a binational panel review under article 10.12 of the USMCA is pending, or has been requested, or

(B) an extraordinary challenge committee review under that article is pending, or has been requested,

with respect to a determination which involves a class or kind of merchandise and to which subsection (g)(2) of section 1516a of this title applies, such determination shall be reviewable under subsection (a) of that section. In the case of a determination to which the provisions of this paragraph apply, the time limits for commencing an action under 1516a(a)² of this title shall not begin to run until the date on which the USMCA ceases to be in force with respect to that country.

(Pub. L. 116-113, title IV, § 431, Jan. 29, 2020, 134 Stat. 66.)

¹ See References in Text note below.

² So in original. Probably should be preceded by “section”.

¹ See References in Text note below.