

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 Section 303 of the Act was classified to section 1303 of this title and was repealed, effective Jan. 1, 1995, by Pub.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.

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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.