

**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 303<sup>1</sup> 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 Section 303 of the Act was classified to section 1303 of this title and was repealed, effective Jan. 1, 1995, by Pub.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 title<sup>1</sup> (other than this section) and the amendments made by this title<sup>1</sup> 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 title<sup>1</sup>) 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)<sup>2</sup> 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.)

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be preceded by “section”.

<sup>1</sup> See References in Text note below.

**Editorial Notes**

## REFERENCES IN TEXT

This title, referred to in subsecs. (a) and (b)(1), means title IV of Pub. L. 116–113, Jan. 29, 2020, 134 Stat. 61, which enacted this section, amended sections 1516a, 1677, 1677f, and 4374 of this title and sections 1581, 1584, 2201, and 2643 of Title 28, Judiciary and Judicial Procedure, and enacted provisions set out as a note under section 1516a of this title.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section 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 432 of Pub. L. 116–113, set out as an Effective Date of 2020 Amendment note under section 1516a of this title.

SUBCHAPTER V—TRANSITION TO AND  
EXTENSION OF USMCAPART A—JOINT REVIEWS REGARDING EXTENSION  
OF USMCA**§ 4611. Participation in joint reviews with Canada and Mexico regarding extension of the term of the USMCA and other action regarding the USMCA****(a) In general**

Pursuant to the requirements of this section, the President shall consult with the appropriate congressional committees and stakeholders before each joint review, including consultation with respect to—

- (1) any recommendation for action to be proposed at the review; and
- (2) the decision whether or not to confirm that the United States wishes to extend the USMCA.

**(b) Consultations with Congress and stakeholders****(1) Publication and public hearing**

At least 270 days before a joint review commences, the Trade Representative shall publish in the Federal Register a notice regarding the joint review and shall, as soon as possible following such publication, provide opportunity for the presentation of views relating to the operation of the USMCA, including a public hearing.

**(2) Report to Congress**

At least 180 days before a 6-year joint review under article 34.7 of the USMCA commences, the Trade Representative shall report to the appropriate congressional committees regarding—

- (A) the assessment of the Trade Representative with respect to the operation of the USMCA;
- (B) the precise recommendation for action to be proposed at the review and the position of the United States with respect to whether to extend the term of the USMCA;
- (C) what, if any, prior efforts have been made to resolve any concern that underlies that recommendation or position; and
- (D) the views of the advisory committees established under section 2155 of this title regarding that recommendation or position.

**(c) Subsequent action to address lack of agreement on term extension****(1) In general**

If, as part of a joint review, any USMCA country does not confirm that the country wishes to extend the term of the USMCA under article 34.7.3 of the USMCA, at least 70 days before any subsequent annual joint review meeting conducted as required under article 34.7 of the USMCA, the Trade Representative shall report to the appropriate congressional committees regarding—

- (A) any reason offered by a USMCA country regarding why the country is unable to agree to extend the term of the USMCA;
- (B) the progress that has been made in efforts to achieve resolution of the concerns of that country;
- (C) any proposed action that the Trade Representative intends to raise during the meeting; and
- (D) the views of the advisory committees established under section 2155 of this title regarding the reasons described in subparagraph (A) and any proposed action under subparagraph (C).

**(2) Additional information**

The Trade Representative shall also provide detailed and timely information in response to any questions posed by the appropriate congressional committees with respect to any meeting described in paragraph (1), including by submitting to those committees copies of any proposed text that the Trade Representative plans to submit to the other parties to the meeting.

**(d) Congressional engagement after joint review****(1) In general**

Not later than 20 days after the USMCA countries have met for a joint review, the Trade Representative shall brief the appropriate congressional committees regarding the positions expressed by the countries during the joint review and what, if any, actions were agreed to by the countries.

**(2) Continued engagement**

After a joint review, the Trade Representative shall keep the appropriate congressional committees timely apprised of any developments arising out of or related to the review.

**(e) Definitions**

In this section:

**(1) Joint review**

The term “joint review” means a review conducted under the process provided for in article 34.7 of the USMCA relating to extension of the term of the USMCA.

**(2) USMCA country**

The term “USMCA country” has the meaning given that term in section 4531(a) of this title.

(Pub. L. 116–113, title VI, §611, Jan. 29, 2020, 134 Stat. 79.)

**Executive Documents**

## DELEGATION OF FUNCTIONS

Proc. No. 10053, par. (14), June 29, 2020, 85 F.R. 39826, authorized the United States Trade Representative to