

rights to export and operate overseas, thereby harming the economic interests of the United States.

“(2) The purpose of this section [enacting this section and this note] is to provide for the development of an overall strategy to ensure adequate and effective protection of intellectual property rights and fair and equitable market access for United States persons that rely on protection of intellectual property rights.”

SUBCHAPTER II—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION

PART 1—POSITIVE ADJUSTMENT BY INDUSTRIES INJURED BY IMPORTS

§ 2251. Action to facilitate positive adjustment to import competition

(a) Presidential action

If the United States International Trade Commission (hereinafter referred to in this part as the “Commission”) determines under section 2252(b) of this title that an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article, the President, in accordance with this part, shall take all appropriate and feasible action within his power which the President determines will facilitate efforts by the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs.

(b) Positive adjustment to import competition

(1) For purposes of this part, a positive adjustment to import competition occurs when—

(A) the domestic industry—

(i) is able to compete successfully with imports after actions taken under section 2254 of this title terminate, or

(ii) the domestic industry experiences an orderly transfer of resources to other productive pursuits; and

(B) dislocated workers in the industry experience an orderly transition to productive pursuits.

(2) The domestic industry may be considered to have made a positive adjustment to import competition even though the industry is not of the same size and composition as the industry at the time the investigation was initiated under section 2252(b) of this title.

(Pub. L. 93-618, title II, § 201, Jan. 3, 1975, 88 Stat. 2011; Pub. L. 96-39, title I, § 106(b)(3), July 26, 1979, 93 Stat. 193; Pub. L. 98-573, title II, § 249, Oct. 30, 1984, 98 Stat. 2998; Pub. L. 100-418, title I, § 1401(a), Aug. 23, 1988, 102 Stat. 1225.)

Editorial Notes

AMENDMENTS

1988—Pub. L. 100-418, in amending section generally, substituted provisions relating to action to facilitate positive adjustment to import competition for provisions relating to investigation by International Trade Commission. See section 2252 of this title.

1984—Subsec. (b)(2)(B). Pub. L. 98-573, § 249(1)(A), substituted “inventory (whether maintained by domestic producers, importers, wholesalers, or retailers), and” for “inventory, and”.

Subsec. (b)(2)(D). Pub. L. 98-573, § 249(1)(B)-(D), added subpar. (D).

Subsec. (b)(7). Pub. L. 98-573, § 249(2), added par. (7).

1979—Subsec. (b)(6). Pub. L. 96-39 substituted “subtitles A and B of title VII or section 337 of the Tariff Act of 1930” for “the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-418, title I, § 1401(c), Aug. 23, 1988, 102 Stat. 1241, provided that: “The amendments made by subsections (a) and (b) [enacting section 2254 of this title and amending sections 1330, 2133, 2251 to 2253, 2274, 2354, and 2703 of this title and provisions set out as a note under section 2112 of this title] shall take effect on the date of the enactment of this Act [Aug. 23, 1988] and shall apply with respect to investigations initiated under chapter 1 of title II of the Trade Act of 1974 [this part] on or after that date. Any petition filed under section 201 of such chapter [19 U.S.C. 2251] before such date of enactment, and with respect to which the United States International Trade Commission did not make a finding before such date with respect to serious injury or the threat thereof, may be withdrawn and refiled, without prejudice, by the petitioner under section 202(a) of such chapter [19 U.S.C. 2252(a)] (as amended by this section).”

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-573 effective on 15th day after Oct. 30, 1984, see section 214(a), (b) of Pub. L. 98-573, set out as a note under section 1304 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-39 effective Jan. 1, 1980, see section 107 of Pub. L. 96-39, set out as an Effective Date note under section 1671 of this title.

STUDY ON TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

Pub. L. 107-210, div. A, title I, § 143, Aug. 6, 2002, 116 Stat. 953, required Secretary of Commerce, not later than 1 year after Aug. 6, 2002, to conduct a study and report to Congress on appropriateness and feasibility of a trade adjustment assistance program for fishermen.

TERM “INDUSTRY” TO INCLUDE PRODUCERS LOCATED IN UNITED STATES INSULAR POSSESSIONS

Pub. L. 98-67, title II, § 214(f), Aug. 5, 1983, 97 Stat. 393, provided that: “For purposes of chapter 1 of title II of the Trade Act of 1974 [this part], the term ‘industry’ shall include producers located in the United States insular possessions.”

Executive Documents

EX. ORD. NO. 11913. COLLECTION OF INFORMATION FOR IMPORT RELIEF AND ADJUSTMENT ASSISTANCE

Ex. Ord. No. 11913, Apr. 26, 1976, 41 F.R. 17721, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g)), and as President of the United States of America, in order to reduce the reporting burden with respect to the collection of information pursuant to Title II of the Trade Act of 1974 (88 Stat. 2011, 19 U.S.C. 2251 et seq.) and consistent with Chapter 35 of Title 44 of the United States Code, it is hereby ordered as follows:

SECTION 1. Whenever the United States International Trade Commission, in connection with investigations pursuant to Section 201 of the Trade Act of 1974 (19 U.S.C. 2251), collects factual data from firms on their sales, production, employment, and financial experience, the Commission shall provide such information to the Secretaries of Commerce and Labor.

SEC. 2. The Secretaries of Commerce and Labor shall ensure that the factual data, received pursuant to Section 1, are used solely for the performance of their functions pursuant to Sections 264 and 224, respectively, of the Trade Act of 1974 (19 U.S.C. 2354 and 2274).

GERALD R. FORD.

§ 2252. Investigations, determinations, and recommendations by Commission

(a) Petitions and adjustment plans

(1) A petition requesting action under this part for the purpose of facilitating positive adjustment to import competition may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of an industry.

(2) A petition under paragraph (1)—

(A) shall include a statement describing the specific purposes for which action is being sought, which may include facilitating the orderly transfer of resources to more productive pursuits, enhancing competitiveness, or other means of adjustment to new conditions of competition; and

(B) may—

(i) subject to subsection (d)(1)(C)(i), request provisional relief under subsection (d)(1); or

(ii) request provisional relief under subsection (d)(2).

(3) Whenever a petition is filed under paragraph (1), the Commission shall promptly transmit copies of the petition to the Office of the United States Trade Representative and other Federal agencies directly concerned.

(4) A petitioner under paragraph (1) may submit to the Commission and the United States Trade Representative (hereafter in this part referred to as the “Trade Representative”), either with the petition, or at any time within 120 days after the date of filing of the petition, a plan to facilitate positive adjustment to import competition.

(5)(A) Before submitting an adjustment plan under paragraph (4), the petitioner and other entities referred to in paragraph (1) that wish to participate may consult with the Trade Representative and the officers and employees of any Federal agency that is considered appropriate by the Trade Representative, for purposes of evaluating the adequacy of the proposals being considered for inclusion in the plan in relation to specific actions that may be taken under this part.

(B) A request for any consultation under subparagraph (A) must be made to the Trade Representative. Upon receiving such a request, the Trade Representative shall confer with the petitioner and provide such assistance, including publication of appropriate notice in the Federal Register, as may be practicable in obtaining other participants in the consultation. No consultation may occur under subparagraph (A) unless the Trade Representative, or his delegate, is in attendance.

(6)(A) In the course of any investigation under subsection (b) of this section, the Commission shall seek information (on a confidential basis, to the extent appropriate) on actions being

taken, or planned to be taken, or both, by firms and workers in the industry to make a positive adjustment to import competition.

(B) Regardless whether an adjustment plan is submitted under paragraph (4) by the petitioner, if the Commission makes an affirmative determination under subsection (b), any—

(i) firm in the domestic industry;

(ii) certified or recognized union or group of workers in the domestic industry;

(iii) State or local community;

(iv) trade association representing the domestic industry; or

(v) any other person or group of persons,

may, individually, submit to the Commission commitments regarding actions such persons and entities intend to take to facilitate positive adjustment to import competition.

(7) Nothing in paragraphs (5) and (6) may be construed to provide immunity under the antitrust laws.

(8) The procedures concerning the release of confidential business information set forth in section 332(g) of the Tariff Act of 1930 [19 U.S.C. 1332(g)] shall apply with respect to information received by the Commission in the course of investigations conducted under this part, part 1 of title III of the North American Free Trade Agreement Implementation Act, title II of the United States-Jordan Free Trade Area Implementation Act, title III of the United States-Chile Free Trade Agreement Implementation Act, title III of the United States-Singapore Free Trade Agreement Implementation Act, title III of the United States-Australia Free Trade Agreement Implementation Act, title III of the United States-Morocco Free Trade Agreement Implementation Act, title III of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act [19 U.S.C. 4051 et seq.], title III of the United States-Bahrain Free Trade Agreement Implementation Act, title III of the United States-Oman Free Trade Agreement Implementation Act, title III of the United States-Peru Trade Promotion Agreement Implementation Act, title III of the United States-Korea Free Trade Agreement Implementation Act, title III of the United States-Colombia Trade Promotion Agreement Implementation Act,¹ title III of the United States-Panama Trade Promotion Agreement Implementation Act, and subtitle C of title III of the United States-Mexico-Canada Agreement Implementation Act [19 U.S.C. 4571 et seq.]. The Commission may request that parties providing confidential business information furnish nonconfidential summaries thereof or, if such parties indicate that the information in the submission cannot be summarized, the reasons why a summary cannot be provided. If the Commission finds that a request for confidentiality is not warranted and if the party concerned is either unwilling to make the information public or to authorize its disclosure in generalized or summarized form, the Commission may disregard the submission.

¹ So in original.

(b) Investigations and determinations by Commission

(1)(A) Upon the filing of a petition under subsection (a), the request of the President or the Trade Representative, the resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, or on its own motion, the Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

(B) For purposes of this section, the term “substantial cause” means a cause which is important and not less than any other cause.

(2)(A) Except as provided in subparagraph (B), the Commission shall make the determination under paragraph (1) within 120 days (180 days if the petition alleges that critical circumstances exist) after the date on which the petition is filed, the request or resolution is received, or the motion is adopted, as the case may be.

(B) If before the 100th day after a petition is filed under subsection (a)(1) the Commission determines that the investigation is extraordinarily complicated, the Commission shall make the determination under paragraph (1) within 150 days (210 days if the petition alleges that critical circumstances exist) after the date referred to in subparagraph (A).

(3) The Commission shall publish notice of the commencement of any proceeding under this subsection in the Federal Register and shall, within a reasonable time thereafter, hold public hearings at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, to comment on the adjustment plan, if any, submitted under subsection (a), to respond to the presentations of other parties and consumers, and otherwise to be heard.

(c) Factors applied in making determinations

(1) In making determinations under subsection (b), the Commission shall take into account all economic factors which it considers relevant, including (but not limited to)—

(A) with respect to serious injury—

(i) the significant idling of productive facilities in the domestic industry,

(ii) the inability of a significant number of firms to carry out domestic production operations at a reasonable level of profit, and

(iii) significant unemployment or underemployment within the domestic industry;

(B) with respect to threat of serious injury—

(i) a decline in sales or market share, a higher and growing inventory (whether maintained by domestic producers, importers, wholesalers, or retailers), and a downward trend in production, profits, wages, productivity, or employment (or increasing underemployment) in the domestic industry,

(ii) the extent to which firms in the domestic industry are unable to generate adequate capital to finance the modernization of their domestic plants and equipment, or are unable to maintain existing levels of expenditures for research and development,

(iii) the extent to which the United States market is the focal point for the diversion of exports of the article concerned by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(C) with respect to substantial cause, an increase in imports (either actual or relative to domestic production) and a decline in the proportion of the domestic market supplied by domestic producers.

(2) In making determinations under subsection (b), the Commission shall—

(A) consider the condition of the domestic industry over the course of the relevant business cycle, but may not aggregate the causes of declining demand associated with a recession or economic downturn in the United States economy into a single cause of serious injury or threat of injury; and

(B) examine factors other than imports which may be a cause of serious injury, or threat of serious injury, to the domestic industry.

The Commission shall include the results of its examination under subparagraph (B) in the report submitted by the Commission to the President under subsection (e).

(3) The presence or absence of any factor which the Commission is required to evaluate in subparagraphs (A) and (B) of paragraph (1) is not necessarily dispositive of whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry.

(4) For purposes of subsection (b), in determining the domestic industry producing an article like or directly competitive with an imported article, the Commission—

(A) to the extent information is available, shall, in the case of a domestic producer which also imports, treat as part of such domestic industry only its domestic production;

(B) may, in the case of a domestic producer which produces more than one article, treat as part of such domestic industry only that portion or subdivision of the producer which produces the like or directly competitive article; and

(C) may, in the case of one or more domestic producers which produce a like or directly competitive article in a major geographic area of the United States and whose production facilities in such area for such article constitute a substantial portion of the domestic industry in the United States and primarily serve the market in such area, and where the imports are concentrated in such area, treat as such domestic industry only that segment of the production located in such area.

(5) In the course of any proceeding under this subsection, the Commission shall investigate any factor which in its judgment may be contributing to increased imports of the article under investigation. Whenever in the course of its investigation the Commission has reason to believe that the increased imports are attributable in part to circumstances which come

within the purview of subtitles A and B of title VII [19 U.S.C. 1671 et seq., 1673 et seq.] or section 337 [19 U.S.C. 1337] of the Tariff Act of 1930, or other remedial provisions of law, the Commission shall promptly notify the appropriate agency so that such action may be taken as is otherwise authorized by such provisions of law.

(6) For purposes of this section:

(A)(i) The term “domestic industry” means, with respect to an article, the producers as a whole of the like or directly competitive article or those producers whose collective production of the like or directly competitive article constitutes a major proportion of the total domestic production of such article.

(ii) The term “domestic industry” includes producers located in the United States insular possessions.

(B) The term “significant idling of productive facilities” includes the closing of plants or the underutilization of production capacity.

(C) The term “serious injury” means a significant overall impairment in the position of a domestic industry.

(D) The term “threat of serious injury” means serious injury that is clearly imminent.

(d) Provisional relief

(1)(A) An entity representing a domestic industry that produces a perishable agricultural product or citrus product that is like or directly competitive with an imported perishable agricultural product or citrus product may file a request with the Trade Representative for the monitoring of imports of that product under subparagraph (B). Within 21 days after receiving the request, the Trade Representative shall determine if—

(i) the imported product is a perishable agricultural product or citrus product; and

(ii) there is a reasonable indication that such product is being imported into the United States in such increased quantities as to be, or likely to be, a substantial cause of serious injury, or the threat thereof, to such domestic industry.

(B) If the determinations under subparagraph (A)(i) and (ii) are affirmative, the Trade Representative shall request, under section 332(g) of the Tariff Act of 1930 [19 U.S.C. 1332(g)], the Commission to monitor and investigate the imports concerned for a period not to exceed 2 years. The monitoring and investigation may include the collection and analysis of information that would expedite an investigation under subsection (b).

(C) If a petition filed under subsection (a)—

(i) alleges injury from imports of a perishable agricultural product or citrus product that has been, on the date the allegation is included in the petition, subject to monitoring by the Commission under subparagraph (B) for not less than 90 days; and

(ii) requests that provisional relief be provided under this subsection with respect to such imports;

the Commission shall, not later than the 21st day after the day on which the request was filed, make a determination, on the basis of available information, whether increased imports (either

actual or relative to domestic production) of the perishable agricultural product or citrus product are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a like or directly competitive perishable product or citrus product, and whether either—

(I) the serious injury is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or

(II) the serious injury cannot be timely prevented through investigation under subsection (b) and action under section 2253 of this title.

(D) At the request of the Commission, the Secretary of Agriculture shall promptly provide to the Commission any relevant information that the Department of Agriculture may have for purposes of making determinations and findings under this subsection.

(E) Whenever the Commission makes an affirmative preliminary determination under subparagraph (C), the Commission shall find the amount or extent of provisional relief that is necessary to prevent or remedy the serious injury. In carrying out this subparagraph, the Commission shall give preference to increasing or imposing a duty on imports, if such form of relief is feasible and would prevent or remedy the serious injury.

(F) The Commission shall immediately report to the President its determination under subparagraph (C) and, if the determination is affirmative, the finding under subparagraph (E).

(G) Within 7 days after receiving a report from the Commission under subparagraph (F) containing an affirmative determination, the President, if he considers provisional relief to be warranted and after taking into account the finding of the Commission under subparagraph (E), shall proclaim such provisional relief that the President considers necessary to prevent or remedy the serious injury.

(2)(A) When a petition filed under subsection (a) alleges that critical circumstances exist and requests that provisional relief be provided under this subsection with respect to imports of the article identified in the petition, the Commission shall, not later than 60 days after the petition containing the request was filed, determine, on the basis of available information, whether—

(i) there is clear evidence that increased imports (either actual or relative to domestic production) of the article are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article; and

(ii) delay in taking action under this part would cause damage to that industry that would be difficult to repair.

(B) If the determinations under subparagraph (A)(i) and (ii) are affirmative, the Commission shall find the amount or extent of provisional relief that is necessary to prevent or remedy the serious injury. In carrying out this subparagraph, the Commission shall give preference to increasing or imposing a duty on imports, if such form of relief is feasible and would prevent or remedy the serious injury.

(C) The Commission shall immediately report to the President its determinations under subparagraph (A)(i) and (ii) and, if the determinations are affirmative, the finding under subparagraph (B).

(D) Within 30 days after receiving a report from the Commission under subparagraph (C) containing an affirmative determination under subparagraph (A)(i) and (ii), the President, if he considers provisional relief to be warranted and after taking into account the finding of the Commission under subparagraph (B), shall proclaim, for a period not to exceed 200 days, such provisional relief that the President considers necessary to prevent or remedy the serious injury. Such relief shall take the form of an increase in, or the imposition of, a duty on imports, if such form of relief is feasible and would prevent or remedy the serious injury.

(3) If provisional relief is proclaimed under paragraph (1)(G) or (2)(D) in the form of an increase, or the imposition of, a duty, the President shall order the suspension of liquidation of all imported articles subject to the affirmative determination under paragraph (1)(C) or paragraph (2)(A), as the case may be, that are entered, or withdrawn from warehouse for consumption, on or after the date of the determination.

(4)(A) Any provisional relief implemented under this subsection with respect to an imported article shall terminate on the day on which—

- (i) if such relief was proclaimed under paragraph (1)(G) or (2)(D), the Commission makes a negative determination under subsection (b) regarding injury or the threat thereof by imports of such article;
- (ii) action described in section 2253(a)(3)(A) or (C) of this title takes effect under section 2253 of this title with respect to such article;
- (iii) a decision by the President not to take any action under section 2253(a) of this title with respect to such article becomes final; or
- (iv) whenever the President determines that, because of changed circumstances, such relief is no longer warranted.

(B) Any suspension of liquidation ordered under paragraph (3) with respect to an imported article shall terminate on the day on which provisional relief is terminated under subparagraph (A) with respect to the article.

(C) If an increase in, or the imposition of, a duty that is proclaimed under section 2253 of this title on an imported article is different from a duty increase or imposition that was proclaimed for such an article under this section, then the entry of any such article for which liquidation was suspended under paragraph (3) shall be liquidated at whichever of such rates of duty is lower.

(D) If provisional relief in the form of an increase in, or the imposition of, a duty is proclaimed under this section with respect to an imported article and neither a duty increase nor a duty imposition is proclaimed under section 2253 of this title regarding such article, the entry of any such article for which liquidation was suspended under paragraph (3) may be liquidated at the rate of duty that applied before provisional relief was provided.

(5) For purposes of this subsection:

(A) The term “citrus product” means any processed oranges or grapefruit, or any orange or grapefruit juice, including concentrate.

(B) A perishable agricultural product is any agricultural article, including livestock, regarding which the Trade Representative considers action under this section to be appropriate after taking into account—

- (i) whether the article has—
 - (I) a short shelf life,
 - (II) a short growing season, or
 - (III) a short marketing period,

(ii) whether the article is treated as a perishable product under any other Federal law or regulation; and

(iii) any other factor considered appropriate by the Trade Representative.

The presence or absence of any factor which the Trade Representative is required to take into account under clause (i), (ii), or (iii) is not necessarily dispositive of whether an article is a perishable agricultural product.

(C) The term “provisional relief” means—

- (i) any increase in, or imposition of, any duty;
- (ii) any modification or imposition of any quantitative restriction on the importation of an article into the United States; or
- (iii) any combination of actions under clauses (i) and (ii).

(e) Commission recommendations

(1) If the Commission makes an affirmative determination under subsection (b)(1), the Commission shall also recommend the action that would address the serious injury, or threat thereof, to the domestic industry and be most effective in facilitating the efforts of the domestic industry to make a positive adjustment to import competition.

(2) The Commission is authorized to recommend under paragraph (1)—

- (A) an increase in, or the imposition of, any duty on the imported article;
- (B) a tariff-rate quota on the article;
- (C) a modification or imposition of any quantitative restriction on the importation of the article into the United States;
- (D) one or more appropriate adjustment measures, including the provision of trade adjustment assistance under part 2 of this subchapter; or
- (E) any combination of the actions described in subparagraphs (A) through (D).

(3) The Commission shall specify the type, amount, and duration of the action recommended by it under paragraph (1). The limitations set forth in section 2253(e) of this title are applicable to the action recommended by the Commission.

(4) In addition to the recommendation made under paragraph (1), the Commission may also recommend that the President—

- (A) initiate international negotiations to address the underlying cause of the increase in imports of the article or otherwise to alleviate the injury or threat; or
- (B) implement any other action authorized under law that is likely to facilitate positive adjustment to import competition.

(5) For purposes of making its recommendation under this subsection, the Commission shall—

(A) after reasonable notice, hold a public hearing at which all interested parties shall be provided an opportunity to present testimony and evidence; and

(B) take into account—

(i) the form and amount of action described in paragraph (2)(A), (B), and (C) that would prevent or remedy the injury or threat thereof,

(ii) the objectives and actions specified in the adjustment plan, if any, submitted under subsection (a)(4),

(iii) any individual commitment that was submitted to the Commission under subsection (a)(6),

(iv) any information available to the Commission concerning the conditions of competition in domestic and world markets, and likely developments affecting such conditions during the period for which action is being requested, and

(v) whether international negotiations may be constructive to address the injury or threat thereof or to facilitate adjustment.

(6) Only those members of the Commission who agreed to the affirmative determination under subsection (b) are eligible to vote on the recommendation required to be made under paragraph (1) or that may be made under paragraph (3). Members of the Commission who did not agree to the affirmative determination may submit, in the report required under subsection (f), separate views regarding what action, if any, should be taken under section 2253 of this title.

(f) Report by Commission

(1) The Commission shall submit to the President a report on each investigation undertaken under subsection (b). The report shall be submitted at the earliest practicable time, but not later than 180 days (240 days if the petition alleges that critical circumstances exist) after the date on which the petition is filed, the request or resolution is received, or the motion is adopted, as the case may be.

(2) The Commission shall include in the report required under paragraph (1) the following:

(A) The determination made under subsection (b) and an explanation of the basis for the determination.

(B) If the determination under subsection (b) is affirmative, the recommendations for action made under subsection (e) and an explanation of the basis for each recommendation.

(C) Any dissenting or separate views by members of the Commission regarding the determination and any recommendation referred to in subparagraphs (A) and (B).

(D) The findings required to be included in the report under subsection (c)(2).

(E) A copy of the adjustment plan, if any, submitted under section 2251(b)(4) of this title.

(F) Commitments submitted, and information obtained, by the Commission regarding steps that firms and workers in the domestic industry are taking, or plan to take, to facilitate positive adjustment to import competition.

(G) A description of—

(i) the short- and long-term effects that implementation of the action recommended under subsection² (e) is likely to have on the petitioning domestic industry, on other domestic industries, and on consumers, and

(ii) the short- and long-term effects of not taking the recommended action on the petitioning domestic industry, its workers and the communities where production facilities of such industry are located, and on other domestic industries.

(3) The Commission, after submitting a report to the President under paragraph (1), shall promptly make it available to the public (with the exception of the confidential information obtained under subsection (a)(6)(B) and any other information which the Commission determines to be confidential) and cause a summary thereof to be published in the Federal Register.

(g) Expedited consideration of adjustment assistance petitions

If the Commission makes an affirmative determination under subsection (b)(1), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce of the determination. After receiving such notification—

(1) the Secretary of Labor shall give expedited consideration to petitions by workers in the domestic industry for certification for eligibility to apply for adjustment assistance under part 2 of this subchapter; and

(2) the Secretary of Commerce shall give expedited consideration to petitions by firms in the domestic industry for certification of eligibility to apply for adjustment assistance under part 3 of this subchapter.

(h) Limitations on investigations

(1) Except for good cause determined by the Commission to exist, no investigation for the purposes of this section shall be made with respect to the same subject matter as a previous investigation under this part, unless 1 year has elapsed since the Commission made its report to the President of the results of such previous investigation.

(2) No new investigation shall be conducted with respect to an article that is or has been the subject of an action under section 2253(a)(3)(A), (B), (C), or (E) of this title if the last day on which the President could take action under section 2253 of this title in the new investigation is a date earlier than that permitted under section 2253(e)(7) of this title.

(3)(A) Not later than the date on which the Textiles Agreement enters into force with respect to the United States, the Secretary of Commerce shall publish in the Federal Register a list of all articles that are subject to the Textiles Agreement. An investigation may be conducted under this section concerning imports of any article that is subject to the Textiles Agreement only if the United States has integrated that article into GATT 1994 pursuant to the Textiles Agreement, as set forth in notices published in the Federal Register by the Secretary of Commerce, including the notice published under section 3591 of this title.

² So in original. Probably should be "subsection".

(B) For purposes of this paragraph:

(i) The term “Textiles Agreement” means the Agreement on Textiles and Clothing referred to in section 3511(d)(4) of this title.

(ii) The term “GATT 1994” has the meaning given that term in section 3501(1)(B) of this title.

(i) 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 this section.

(Pub. L. 93–618, title II, §202, Jan. 3, 1975, 88 Stat. 2014; Pub. L. 100–418, title I, §1401(a), Aug. 23, 1988, 102 Stat. 1225; Pub. L. 103–182, title III, §§315, 317(b), Dec. 8, 1993, 107 Stat. 2107, 2108; Pub. L. 103–465, title III, §§301(a)–(d)(2), (4), (e), (f), 302(b)(4)(B), 303(1)–(6), Dec. 8, 1994, 108 Stat. 4932–4934, 4936, 4937; Pub. L. 104–295, §20(c)(5), Oct. 11, 1996, 110 Stat. 3528; Pub. L. 107–43, title II, §222, Sept. 28, 2001, 115 Stat. 250; Pub. L. 108–77, title III, §316, Sept. 3, 2003, 117 Stat. 937; Pub. L. 108–78, title III, §316, Sept. 3, 2003, 117 Stat. 967; Pub. L. 108–286, title III, §316, Aug. 3, 2004, 118 Stat. 945; Pub. L. 108–302, title III, §316, Aug. 17, 2004, 118 Stat. 1120; Pub. L. 109–53, title III, §316, Aug. 2, 2005, 119 Stat. 492; Pub. L. 109–169, title III, §316, Jan. 11, 2006, 119 Stat. 3597; Pub. L. 109–283, title III, §316, Sept. 26, 2006, 120 Stat. 1207; Pub. L. 110–138, title III, §316, Dec. 14, 2007, 121 Stat. 1483; Pub. L. 112–41, title III, §316, Oct. 21, 2011, 125 Stat. 456; Pub. L. 112–42, title III, §316, Oct. 21, 2011, 125 Stat. 491; Pub. L. 112–43, title III, §316, Oct. 21, 2011, 125 Stat. 527; Pub. L. 116–113, title III, §325, Jan. 29, 2020, 134 Stat. 60.)

AMENDMENT OF SECTION

For termination of amendment by section 107(c) of Pub. L. 112–43, see Effective and Termination Dates of 2011 Amendment note below.

For termination of amendment by section 107(c) of Pub. L. 112–42, see Effective and Termination Dates of 2011 Amendment note below.

For termination of amendment by section 107(c) of Pub. L. 112–41, see Effective and Termination Dates of 2011 Amendment note below.

For termination of amendment by section 107(c) of Pub. L. 110–138, see Effective and Termination Dates of 2007 Amendment note below.

For termination of amendment by section 107(c) of Pub. L. 109–283, see Effective and Termination Dates of 2006 Amendment note below.

For termination of amendment by section 106(c) of Pub. L. 109–169, see Effective and Termination Dates of 2006 Amendment note below.

For termination of amendment by section 107(d) of Pub. L. 109–53, see Effective and Termination Dates of 2005 Amendment note below.

For termination of amendment by section 107(c) of Pub. L. 108–302, see Effective and Termination Dates of 2004 Amendments note below.

For termination of amendment by section 106(c) of Pub. L. 108–286, see Effective and Termination Dates of 2004 Amendments note below.

For termination of amendment by section 107(c) of Pub. L. 108–78, see Effective and Termination Dates of 2003 Amendments note below.

For termination of amendment by section 107(c) of Pub. L. 108–77, see Effective and Termination Dates of 2003 Amendments note below.

For termination of amendment by section 404(c) of Pub. L. 107–43, see Effective and Termination Dates of 2001 Amendment note below.

Editorial Notes

REFERENCES IN TEXT

The North American Free Trade Agreement Implementation Act, referred to in subsec. (a)(8), is Pub. L. 103–182, Dec. 8, 1993, 107 Stat. 2057. Part 1 of title III of the Act probably means part 1 of subtitle A of title III of the Act, which was classified generally to subpart 1 (§3351 et seq.) of part A of subchapter III of chapter 21 of this title, prior to repeal by Pub. L. 116–113, title VI, §601, Jan. 29, 2020, 134 Stat. 78, effective on the date on which the USMCA entered into force (July 1, 2020). For complete classification of this Act to the Code, see Short Title note under former section 3301 of this title and Tables.

Title II of the United States-Jordan Free Trade Area Implementation Act, referred to in subsec. (a)(8), is title II of Pub. L. 107–43, Sept. 28, 2001, 115 Stat. 243, which is set out in a note under section 2112 of this title.

Title III of the United States-Chile Free Trade Agreement Implementation Act, referred to in subsec. (a)(8), is title III of Pub. L. 108–77, Sept. 3, 2003, 117 Stat. 909, which is set out in a note under section 3805 of this title.

Title III of the United States-Singapore Free Trade Agreement Implementation Act, referred to in subsec. (a)(8), is title III of Pub. L. 108–78, Sept. 3, 2003, 117 Stat. 948, which is set out in a note under section 3805 of this title.

Title III of the United States-Australia Free Trade Agreement Implementation Act, referred to in subsec. (a)(8), is title III of Pub. L. 108–286, Aug. 3, 2004, 118 Stat. 941, which is set out in a note under section 3805 of this title.

Title III of the United States-Morocco Free Trade Agreement Implementation Act, referred to in subsec. (a)(8), is title III of Pub. L. 108–302, Aug. 17, 2004, 118 Stat. 1116, which is set out in a note under section 3805 of this title.

The Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, referred to in subsec. (a)(8), is Pub. L. 109–53, Aug. 2, 2005, 119 Stat. 462. Title III of the Act is classified generally to subchapter III (§4051 et seq.) of chapter 26 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4001 of this title and Tables.

Title III of the United States-Bahrain Free Trade Agreement Implementation Act, referred to in subsec. (a)(8), is title III of Pub. L. 109–169, Jan. 11, 2006, 119 Stat. 3593, which is set out in a note under section 3805 of this title.

Title III of the United States-Oman Free Trade Agreement Implementation Act, referred to in subsec. (a)(8), is title III of Pub. L. 109–283, Sept. 26, 2006, 120 Stat. 1203, which is set out in a note under section 3805 of this title.

Title III of the United States-Peru Trade Promotion Agreement Implementation Act, referred to in subsec. (a)(8), is title III of Pub. L. 110–138, Dec. 14, 2007, 121 Stat. 1455, which is set out in a note under section 3805 of this title.

Title III of the United States-Korea Free Trade Agreement Implementation Act, referred to in subsec. (a)(8), is title III of Pub. L. 112–41, Oct. 21, 2011, 125 Stat. 451, which is set out in a note under section 3805 of this title.

Title III of the United States-Colombia Trade Promotion Agreement Implementation Act, referred to in subsec. (a)(8), is title III of Pub. L. 112–42, Oct. 21, 2011, 125 Stat. 487, which is set out in a note under section 3805 of this title.

Title III of the United States-Panama Trade Promotion Agreement Implementation Act, referred to in subsec. (a)(8), is title III of Pub. L. 112-43, Oct. 21, 2011, 125 Stat. 523, which is set out in a note under section 3805 of this title.

Subtitle C of title III of the United States-Mexico-Canada Agreement Implementation Act, referred to in subsec. (a)(8), is subtitle C (§§ 321-327) of title III of Pub. L. 116-113, which enacted part C (§ 4571 et seq.) of subchapter III of chapter 29 of this title and amended this section and sections 13902 and 13905 of Title 49, Transportation. For complete classification of subtitle C to the Code, see Tables.

The Tariff Act of 1930, referred to in subsec. (c)(5), is act June 17, 1930, ch. 497, 46 Stat. 590. Subtitles A and B of title VII of the Tariff Act of 1930 are classified generally to parts I and II (§ 1671 et seq. and 1673 et seq., respectively) 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.

AMENDMENTS

2020—Subsec. (a)(8). Pub. L. 116-113 substituted “, title III of the United States-Panama Trade Promotion Agreement Implementation Act, and subtitle C of title III of the United States-Mexico-Canada Agreement Implementation Act” for “and title III of the United States-Panama Trade Promotion Agreement Implementation Act”.

2011—Subsec. (a)(8). Pub. L. 112-43, §§ 107(c), 316, in first sentence, temporarily struck out “and” before “title III of the United States-Colombia Trade Promotion Agreement Implementation Act” and inserted before period at end “, and title III of the United States-Panama Trade Promotion Agreement Implementation Act”. See Effective and Termination Dates of 2011 Amendment note below.

Pub. L. 112-42, §§ 107(c), 316, in first sentence, temporarily struck out “and” before “title III of the United States-Korea Free Trade Agreement Implementation Act” and inserted before period at end “, and title III of the United States-Colombia Trade Promotion Agreement Implementation Act”. See Effective and Termination Dates of 2011 Amendment note below.

Pub. L. 112-41, §§ 107(c), 316, in first sentence, temporarily struck out “and” before “title III of the United States-Peru Trade Promotion Agreement Implementation Act” and inserted before period at end “, and title III of the United States-Korea Free Trade Agreement Implementation Act”. See Effective and Termination Dates of 2011 Amendment note below.

2007—Subsec. (a)(8). Pub. L. 110-138, §§ 107(c), 316, in first sentence, temporarily struck out “and” before “title III of the United States-Oman Free Trade Agreement Implementation Act” and inserted before period at end “, and title III of the United States-Peru Trade Promotion Agreement Implementation Act”. See Effective and Termination Dates of 2007 Amendment note below.

2006—Subsec. (a)(8). Pub. L. 109-283, §§ 107(c), 316, in first sentence, temporarily struck out “and” before “title III of the United States-Bahrain Free Trade Agreement Implementation Act” and inserted before period at end “, and title III of the United States-Oman Free Trade Agreement Implementation Act”. See Effective and Termination Dates of 2006 Amendment note below.

Pub. L. 109-169, §§ 106(c), 316, in first sentence, temporarily struck out “and” before “title III of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act” and inserted before period at end “, and title III of the United States-Bahrain Free Trade Agreement Implementation Act”. See Effective and Termination Dates of 2006 Amendment note below.

2005—Subsec. (a)(8). Pub. L. 109-53, §§ 107(d), 316, in first sentence, temporarily struck out “and” before “title III of the United States-Morocco Free Trade Agreement Implementation Act” and inserted before period at end “, and title III of the Dominican Repub-

lic-Central America-United States Free Trade Agreement Implementation Act”. See Effective and Termination Dates of 2005 Amendment note below.

2004—Subsec. (a)(8). Pub. L. 108-302, §§ 107(c), 316, in first sentence, temporarily struck out “and” before “title III of the United States-Australia” and inserted before period at end “, and title III of the United States-Morocco Free Trade Agreement Implementation Act”. See Effective and Termination Dates of 2004 Amendments note below.

Pub. L. 108-286, §§ 106(c), 316, in first sentence, temporarily struck out “and” before “title III of the United States-Singapore” and inserted before period at end “, and title III of the United States-Australia Free Trade Agreement Implementation Act”. See Effective and Termination Dates of 2004 Amendments note below.

2003—Subsec. (a)(8). Pub. L. 108-78, §§ 107(c), 316, in first sentence, temporarily struck out “and” before “title III of the United States-Chile” and inserted before period at end “, and title III of the United States-Singapore Free Trade Agreement Implementation Act”. See Effective and Termination Dates of 2003 Amendments note below.

Pub. L. 108-77, §§ 107(c), 316, in first sentence, temporarily struck out “and” before “title II” and inserted before period at end “, and title III of the United States-Chile Free Trade Agreement Implementation Act”. See Effective and Termination Dates of 2003 Amendments note below.

2001—Subsec. (a)(8). Pub. L. 107-43, in first sentence, temporarily substituted “, part 1” for “and part 1” and inserted before period at end “, and title II of the United States-Jordan Free Trade Area Implementation Act”. See Effective and Termination Dates of 2001 Amendment note below.

1996—Subsec. (d)(4)(A)(i). Pub. L. 104-295 made technical amendment to reference in original act which appears in text as reference to subsection (b).

1994—Subsec. (a)(2)(B)(ii). Pub. L. 103-465, § 303(1), struck out “, or at any time before the 150th day after the date of filing be amended to request,” after “request”.

Subsec. (a)(8). Pub. L. 103-465, § 301(a), inserted at end “The Commission may request that parties providing confidential business information furnish nonconfidential summaries thereof or, if such parties indicate that the information in the submission cannot be summarized, the reasons why a summary cannot be provided. If the Commission finds that a request for confidentiality is not warranted and if the party concerned is either unwilling to make the information public or to authorize its disclosure in generalized or summarized form, the Commission may disregard the submission.”

Subsec. (b)(1)(A). Pub. L. 103-465, § 303(2), substituted “subsection (a)” for “subsection (b)”.

Subsec. (b)(2)(A). Pub. L. 103-465, § 301(d)(2)(A)(i), inserted “(180 days if the petition alleges that critical circumstances exist)” after “120 days”.

Subsec. (b)(2)(B). Pub. L. 103-465, § 301(d)(2)(A)(ii), inserted “(210 days if the petition alleges that critical circumstances exist)” after “150 days”.

Subsec. (b)(3), (4). Pub. L. 103-465, § 301(c), added par. (3), struck out former par. (3) which provided time limits on Commission determinations where petitioner alleged existence of critical circumstances, and struck out former par. (4) which provided for notice and hearings on any adjustment plan submitted under subsec. (a) of this section.

Subsec. (c)(1)(B)(i). Pub. L. 103-465, § 301(e)(1), inserted “productivity,” after “wages.”

Subsec. (c)(6). Pub. L. 103-465, § 303(5), substituted “section” for “subsection” in introductory provisions.

Subsec. (c)(6)(A). Pub. L. 103-465, § 301(e)(2)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “The term ‘domestic industry’ includes producers located in the United States insular possession.”

Subsec. (c)(6)(C), (D). Pub. L. 103-465, § 301(e)(2)(B), added subpars. (C) and (D).

Subsec. (d)(1)(C)(i). Pub. L. 103-465, § 303(3)(A), substituted “subparagraph (B)” for “paragraph (2)”.

Subsec. (d)(1)(E), (G). Pub. L. 103-465, §303(3)(B), struck out “or threat thereof” after “the serious injury” wherever appearing.

Subsec. (d)(2). Pub. L. 103-465, §301(d)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows:

“(2)(A) The Commission shall, at the same time it makes an affirmative determination under subsection (b)(3)(A) of this section regarding the existence of critical circumstances, find the amount or extent of provisional relief that is appropriate to address such critical circumstances. The Commission shall immediately report to the President each such affirmative determination and finding.

“(B) After receiving a report from the Commission under subparagraph (A), the President shall, within 7 days after the day on which the report is received and after taking into account the finding of the Commission under subparagraph (A), proclaim such provisional relief, if any, that the President considers appropriate to address the critical circumstances.”

Subsec. (d)(3). Pub. L. 103-465, §301(d)(4)(A), substituted “(2)(D)” for “(2)(B)” and “paragraph (2)(A)” for “subsection (b)(1) of this section”.

Subsec. (d)(4)(A)(i). Pub. L. 103-465, §§301(d)(4)(B), 303(4), inserted “or (2)(D)” after “(1)(G)” and substituted “subsection (b)” for “section 2253(a) of this title”.

Subsec. (f)(1). Pub. L. 103-465, §301(d)(2)(B), inserted “(240 days if the petition alleges that critical circumstances exist)” after “180 days”.

Subsec. (f)(2)(G)(ii). Pub. L. 103-465, §303(6), substituted “industry are located” for “industry is located”.

Subsec. (h)(2). Pub. L. 103-465, §302(b)(4)(B), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “If an article was the subject of an investigation under this section that resulted in any action described in section 2253(a)(3)(A), (B), (C), or (E) of this title being taken under section 2253 of this title, no other investigation under this part may be initiated with respect to such article while such action is in effect or during the period beginning on the date on which such action terminates that is equal in duration to the period during which such action was in effect.”

Subsec. (h)(3). Pub. L. 103-465, §301(f), added par. (3).
Subsec. (i). Pub. L. 103-465, §301(b), added subsec. (i).
1993—Subsec. (a)(8). Pub. L. 103-182, §317(b), added par. (8).

Subsec. (d)(1)(A). Pub. L. 103-182, §315(1), inserted “or citrus product” after “agricultural product” wherever appearing.

Subsec. (d)(1)(C). Pub. L. 103-182, §315(2), in cl. (i) and provisions before subcl. (I), inserted “or citrus product” after “agricultural product” wherever appearing and in provisions before subcl. (I), inserted “or citrus product” after “competitive perishable product”.

Subsec. (d)(5). Pub. L. 103-182, §315(3), (4), added subpar. (A) and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

1988—Pub. L. 100-418, in amending section generally, substituted provisions relating to investigations, determinations and recommendations by Commission for provisions relating to Presidential action after investigations. See section 2253 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES OF 2011 AMENDMENT

Amendment by Pub. L. 112-43 effective on the date the United States-Panama Trade Promotion Agreement enters into force (Oct. 31, 2012) and to cease to be effective on the date the Agreement terminates, see section 107(a), (c) of Pub. L. 112-43, set out in a note under section 3805 of this title.

Amendment by Pub. L. 112-42 effective on the date the United States-Colombia Trade Promotion Agreement enters into force (May 15, 2012) and to cease to be

effective on the date the Agreement terminates, see section 107(a), (c) of Pub. L. 112-42, set out in a note under section 3805 of this title.

Amendment by Pub. L. 112-41 effective on the date the United States-Korea Free Trade Agreement enters into force (Mar. 15, 2012) and to cease to be effective on the date the Agreement terminates, see section 107(a), (c) of Pub. L. 112-41, set out in a note under section 3805 of this title.

EFFECTIVE AND TERMINATION DATES OF 2007 AMENDMENT

Amendment by Pub. L. 110-138 effective on the date the United States-Peru Trade Promotion Agreement enters into force (Feb. 1, 2009) and to cease to be effective on the date the Agreement ceases to be in force, see section 107(a), (c) of Pub. L. 110-138, set out in a note under section 3805 of this title.

EFFECTIVE AND TERMINATION DATES OF 2006 AMENDMENT

Amendment by Pub. L. 109-283 effective on the date on which the United States-Oman Free Trade Agreement enters into force (Jan. 1, 2009) and to cease to be effective on the date on which the Agreement terminates, see section 107(a), (c) of Pub. L. 109-283, set out in a note under section 3805 of this title.

Amendment by Pub. L. 109-169 effective on the date on which the United States-Bahrain Free Trade Agreement enters into force (Aug. 1, 2006) and to cease to be effective on the date on which the Agreement terminates, see section 106(a), (c) of Pub. L. 109-169, set out in a note under section 3805 of this title.

EFFECTIVE AND TERMINATION DATES OF 2005 AMENDMENT

Amendment by Pub. L. 109-53 effective on the date the Dominican Republic-Central America-United States Free Trade Agreement enters into force (Mar. 1, 2006) and to cease to have effect on date Agreement ceases to be in force with respect to the United States, and, during any period in which a country ceases to be a CAFTA-DR country, to cease to have effect with respect to such country, see section 107 of Pub. L. 109-53, set out as an Effective and Termination Dates note under section 4001 of this title.

EFFECTIVE AND TERMINATION DATES OF 2004 AMENDMENTS

Amendment by Pub. L. 108-302 effective on the date on which the United States-Morocco Free Trade Agreement enters into force (Jan. 1, 2006) and to cease to be effective on the date on which the Agreement terminates, see section 107(a), (c) of Pub. L. 108-302, set out in a note under section 3805 of this title.

Amendment by Pub. L. 108-286 effective on the date on which the United States-Australia Free Trade Agreement enters into force (Jan. 1, 2005) and to cease to be effective on the date on which the Agreement terminates, see section 106(a), (c) of Pub. L. 108-286, set out in a note under section 3805 of this title.

EFFECTIVE AND TERMINATION DATES OF 2003 AMENDMENTS

Amendment by Pub. L. 108-78 effective on the date the United States-Singapore Free Trade Agreement enters into force (Jan. 1, 2004), and to cease to be effective on the date the Agreement ceases to be in force, see section 107(a), (c) of Pub. L. 108-78, set out in a note under section 3805 of this title.

Amendment by Pub. L. 108-77 effective on the date the United States-Chile Free Trade Agreement enters into force (Jan. 1, 2004), and to cease to be effective on the date the Agreement ceases to be in force, see section 107(a), (c) of Pub. L. 108-77, set out in a note under section 3805 of this title.

EFFECTIVE AND TERMINATION DATES OF 2001 AMENDMENT

Amendment by Pub. L. 107-43 effective on the date the Agreement between the United States of America

and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area enters into force (Dec. 17, 2001), and ceases to be effective on the date the Agreement ceases to be in force, see section 404(a), (c), of Pub. L. 107-43, set out in a note under section 2112 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-465, title III, §304, Dec. 8, 1994, 108 Stat. 4938, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this subtitle [subtitle A (§§301-304) of title III of Pub. L. 103-465, amending this section and sections 2253 and 2254 of this title] and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995].

“(b) SECTION 301(b).—The amendment made by section 301(b) [amending this section] takes effect on the date of the enactment of this Act [Dec. 8, 1994].”

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States (Jan. 1, 1994), see section 318 of Pub. L. 103-182, formerly set out as an Effective Date note under former section 3351 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective Aug. 23, 1988, and applicable with respect to investigations initiated under this part on or after that date, see section 1401(c) of Pub. L. 100-418, set out as a note under section 2251 of this title.

Executive Documents

URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

§ 2253. Action by President after determination of import injury

(a) In general

(1)(A) After receiving a report under section 2252(f) of this title containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the President shall take all appropriate and feasible action within his power which the President determines will facilitate efforts by the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs.

(B) The action taken by the President under subparagraph (A) shall be to such extent, and for such duration, subject to subsection (e)(1), that the President determines to be appropriate and feasible under such subparagraph.

(C) The interagency trade organization established under section 1872(a) of this title shall, with respect to each affirmative determination reported under section 2252(f) of this title, make a recommendation to the President as to what action the President should take under subparagraph (A).

(2) In determining what action to take under paragraph (1), the President shall take into account—

(A) the recommendation and report of the Commission;

(B) the extent to which workers and firms in the domestic industry are—

- (i) benefitting from adjustment assistance and other manpower programs, and
- (ii) engaged in worker retraining efforts;

(C) the efforts being made, or to be implemented, by the domestic industry (including the efforts included in any adjustment plan or commitment submitted to the Commission under section 2252(a) of this title) to make a positive adjustment to import competition;

(D) the probable effectiveness of the actions authorized under paragraph (3) to facilitate positive adjustment to import competition;

(E) the short- and long-term economic and social costs of the actions authorized under paragraph (3) relative to their short- and long-term economic and social benefits and other considerations relative to the position of the domestic industry in the United States economy;

(F) other factors related to the national economic interest of the United States, including, but not limited to—

(i) the economic and social costs which would be incurred by taxpayers, communities, and workers if import relief were not provided under this part,

(ii) the effect of the implementation of actions under this section on consumers and on competition in domestic markets for articles, and

(iii) the impact on United States industries and firms as a result of international obligations regarding compensation;

(G) the extent to which there is diversion of foreign exports to the United States market by reason of foreign restraints;

(H) the potential for circumvention of any action taken under this section;

(I) the national security interests of the United States; and

(J) the factors required to be considered by the Commission under section 2252(e)(5) of this title.

(3) The President may, for purposes of taking action under paragraph (1)—

(A) proclaim an increase in, or the imposition of, any duty on the imported article;

(B) proclaim a tariff-rate quota on the article;

(C) proclaim a modification or imposition of any quantitative restriction on the importation of the article into the United States;

(D) implement one or more appropriate adjustment measures, including the provision of trade adjustment assistance under part 2 of this subchapter;

(E) negotiate, conclude, and carry out agreements with foreign countries limiting the export from foreign countries and the import into the United States of such article;

(F) proclaim procedures necessary to allocate among importers by the auction of import licenses quantities of the article that are permitted to be imported into the United States;

(G) initiate international negotiations to address the underlying cause of the increase in

imports of the article or otherwise to alleviate the injury or threat thereof;

(H) submit to Congress legislative proposals to facilitate the efforts of the domestic industry to make a positive adjustment to import competition;

(I) take any other action which may be taken by the President under the authority of law and which the President considers appropriate and feasible for purposes of paragraph (1); and

(J) take any combination of actions listed in subparagraphs (A) through (I).

(4)(A) Subject to subparagraph (B), the President shall take action under paragraph (1) within 60 days (50 days if the President has proclaimed provisional relief under section 2252(d)(2)(D) of this title with respect to the article concerned) after receiving a report from the Commission containing an affirmative determination under section 2252(b)(1) of this title (or a determination under such section which he considers to be an affirmative determination by reason of section 1330(d) of this title).

(B) If a supplemental report is requested under paragraph (5), the President shall take action under paragraph (1) within 30 days after the supplemental report is received, except that, in a case in which the President has proclaimed provisional relief under section 2252(d)(2)(D) of this title with respect to the article concerned, action by the President under paragraph (1) may not be taken later than the 200th day after the provisional relief was proclaimed.

(5) The President may, within 15 days after the date on which he receives a report from the Commission containing an affirmative determination under section 2252(b)(1) of this title, request additional information from the Commission. The Commission shall, as soon as practicable but in no event more than 30 days after the date on which it receives the President's request, furnish additional information with respect to the industry in a supplemental report.

(b) Reports to Congress

(1) On the day the President takes action under subsection (a)(1), the President shall transmit to Congress a document describing the action and the reasons for taking the action. If the action taken by the President differs from the action required to be recommended by the Commission under section 2252(e)(1) of this title, the President shall state in detail the reasons for the difference.

(2) On the day on which the President decides that there is no appropriate and feasible action to take under subsection (a)(1) with respect to a domestic industry, the President shall transmit to Congress a document that sets forth in detail the reasons for the decision.

(3) On the day on which the President takes any action under subsection (a)(1) that is not reported under paragraph (1), the President shall transmit to Congress a document setting forth the action being taken and the reasons therefor.

(c) Implementation of action recommended by Commission

If the President reports under subsection (b)(1) or (2) that—

(1) the action taken under subsection (a)(1) differs from the action recommended by the Commission under section 2252(e)(1) of this title; or

(2) no action will be taken under subsection (a)(1) with respect to the domestic industry;

the action recommended by the Commission shall take effect (as provided in subsection (d)(2)) upon the enactment of a joint resolution described in section 2192(a)(1)(A) of this title within the 90-day period beginning on the date on which the document referred to in subsection (b)(1) or (2) is transmitted to the Congress.

(d) Time for taking effect of certain relief

(1) Except as provided in paragraph (2), any action described in subsection (a)(3)(A), (B), or (C), that is taken under subsection (a)(1) shall take effect within 15 days after the day on which the President proclaims the action, unless the President announces, on the date he decides to take such action, his intention to negotiate one or more agreements described in subsection (a)(3)(E) in which case the action under subsection (a)(3)(A), (B), or (C) shall be proclaimed and take effect within 90 days after the date of such decision.

(2) If the contingency set forth in subsection (c) occurs, the President shall, within 30 days after the date of the enactment of the joint resolution referred to in such subsection, proclaim the action recommended by the Commission under section 2252(e)(1) of this title.

(e) Limitations on actions

(1)(A) Subject to subparagraph (B), the duration of the period in which an action taken under this section may be in effect shall not exceed 4 years. Such period shall include the period, if any, in which provisional relief under section 2252(d) of this title was in effect.

(B)(i) Subject to clause (ii), the President, after receiving an affirmative determination from the Commission under section 2254(c) of this title (or, if the Commission is equally divided in its determination, a determination which the President considers to be an affirmative determination of the Commission), may extend the effective period of any action under this section if the President determines that—

(I) the action continues to be necessary to prevent or remedy the serious injury; and

(II) there is evidence that the domestic industry is making a positive adjustment to import competition.

(ii) The effective period of any action under this section, including any extensions thereof, may not, in the aggregate, exceed 8 years.

(2) Action of a type described in subsection (a)(3)(A), (B), or (C) may be taken under subsection (a)(1), under section 2252(d)(1)(G) of this title, or under section 2252(d)(2)(D) of this title only to the extent the cumulative impact of such action does not exceed the amount necessary to prevent or remedy the serious injury.

(3) No action may be taken under this section which would increase a rate of duty to (or impose a rate) which is more than 50 percent ad valorem above the rate (if any) existing at the time the action is taken.

(4) Any action taken under this section proclaiming a quantitative restriction shall permit

the importation of a quantity or value of the article which is not less than the average quantity or value of such article entered into the United States in the most recent 3 years that are representative of imports of such article and for which data are available, unless the President finds that the importation of a different quantity or value is clearly justified in order to prevent or remedy the serious injury.

(5) An action described in subsection (a)(3)(A), (B), or (C) that has an effective period of more than 1 year shall be phased down at regular intervals during the period in which the action is in effect.

(6)(A) The suspension, pursuant to any action taken under this section, of—

(i) subheadings 9802.00.60 or 9802.00.80 of the Harmonized Tariff Schedule of the United States with respect to an article; and

(ii) the designation of any article as an eligible article for purposes of subchapter V;

shall be treated as an increase in duty.

(B) No proclamation providing for a suspension referred to in subparagraph (A) with respect to any article may be made by the President, nor may any such suspension be recommended by the Commission under section 2252(e) of this title, unless the Commission, in addition to making an affirmative determination under section 2252(b)(1) of this title, determines in the course of its investigation under section 2252(b) of this title that the serious injury, or threat thereof, substantially caused by imports to the domestic industry producing a like or directly competitive article results from, as the case may be—

(i) the application of subheading 9802.00.60 or subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(ii) the designation of the article as an eligible article for the purposes of subchapter V.

(7)(A) If an article was the subject of an action under subparagraph (A), (B), (C), or (E) of subsection (a)(3), no new action may be taken under any of those subparagraphs with respect to such article for—

(i) a period beginning on the date on which the previous action terminates that is equal to the period in which the previous action was in effect, or

(ii) a period of 2 years beginning on the date on which the previous action terminates,

whichever is greater.

(B) Notwithstanding subparagraph (A), if the previous action under subparagraph (A), (B), (C), or (E) of subsection (a)(3) with respect to an article was in effect for a period of 180 days or less, the President may take a new action under any of those subparagraphs with respect to such article if—

(i) at least 1 year has elapsed since the previous action went into effect; and

(ii) an action described in any of those subparagraphs has not been taken with respect to such article more than twice in the 5-year period immediately preceding the date on which the new action with respect to such article first becomes effective.

(f) Certain agreements

(1) If the President takes action under this section other than the implementation¹ of agreements of the type described in subsection (a)(3)(E), the President may, after such action takes effect, negotiate agreements of the type described in subsection (a)(3)(E), and may, after such agreements take effect, suspend or terminate, in whole or in part, any action previously taken.

(2) If an agreement implemented under subsection (a)(3)(E) is not effective, the President may, consistent with the limitations contained in subsection (e), take additional action under subsection (a).

(g) Regulations

(1) The President shall by regulation provide for the efficient and fair administration of all actions taken for the purpose of providing import relief under this part.

(2) In order to carry out an international agreement concluded under this part, the President may prescribe regulations governing the entry or withdrawal from warehouse of articles covered by such agreement. In addition, in order to carry out any agreement of the type described in subsection (a)(3)(E) that is concluded under this part with one or more countries accounting for a major part of United States imports of the article covered by such agreement, including imports into a major geographic area of the United States, the President may issue regulations governing the entry or withdrawal from warehouse of like articles which are the product of countries not parties to such agreement.

(3) Regulations prescribed under this subsection shall, to the extent practicable and consistent with efficient and fair administration, insure against inequitable sharing of imports by a relatively small number of the larger importers.

(Pub. L. 93-618, title II, § 203, Jan. 3, 1975, 88 Stat. 2015; Pub. L. 96-39, title XI, § 1106(d), July 26, 1979, 93 Stat. 312; Pub. L. 98-573, title II, § 248(a), Oct. 30, 1984, 98 Stat. 2998; Pub. L. 100-418, title I, §§ 1214(j)(2), 1401(a), Aug. 23, 1988, 102 Stat. 1158, 1234; Pub. L. 100-647, title IX, § 9001(a)(2), Nov. 10, 1988, 102 Stat. 3806; Pub. L. 103-465, title III, §§ 301(d)(3), 302(a)-(b)(4)(A), 303(7)-(10), Dec. 8, 1994, 108 Stat. 4933-4937.)

Editorial Notes

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (e)(6), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

AMENDMENTS

1994—Subsec. (a)(2)(C). Pub. L. 103-465, § 303(7), substituted “2252(a)” for “2251(b)”.

Subsec. (a)(3)(E). Pub. L. 103-465, § 302(a)(1), struck out “orderly marketing” before “agreements”.

Subsec. (a)(4). Pub. L. 103-465, § 301(d)(3), designated existing provisions as subpar. (A), substituted “Subject to subparagraph (B), the” for “The”, inserted “(50 days if the President has proclaimed provisional relief under

¹ So in original. Probably should be “implementation”.

section 2252(d)(2)(D) of this title with respect to the article concerned” after “60 days”, and substituted a period and subpar. (B) for “; except that if a supplemental report is requested under paragraph (5), the President shall take action under paragraph (1) within 30 days after the supplemental report is received.”

Subsec. (c). Pub. L. 103-465, §303(8), substituted “subsection (d)(2)” for “subsection (c)(2)” in concluding provisions.

Subsec. (d)(1). Pub. L. 103-465, §302(a)(2), substituted “agreements described in subsection (a)(3)(E)” for “orderly marketing agreements”.

Subsec. (e)(1). Pub. L. 103-465, §302(b)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1)(A) The duration of the period in which action taken under this section may be in effect shall not exceed 8 years.

“(B) If the initial effective period for action taken under this section is less than 8 years, the President may extend the effective period once, but the aggregate of the initial period and the extension may not exceed 8 years.”

Subsec. (e)(2). Pub. L. 103-465, §303(9), substituted “of a type described in subsection (a)(3)(A), (B), or (C) may be taken under subsection (a)(1), under section 2252(d)(1)(G) of this title, or under section 2252(d)(2)(D) of this title” for “may be taken under subsection (a)(1)(A), (B), or (C) or under section 2252(d)(2)(B) of this title” and struck out “or threat thereof” after “the serious injury”.

Subsec. (e)(4), (5). Pub. L. 103-465, §302(b)(2), (3), amended pars. (4) and (5) generally. Prior to amendment, pars. (4) and (5) read as follows:

“(4) Any action taken under this section proclaiming a quantitative restriction shall permit the importation of a quantity or value of the article which is not less than the quantity or value of such article imported into the United States during the most recent period that is representative of imports of such article.

“(5) To the extent feasible, an effective period of more than 3 years for an action described in subsection (a)(3)(A), (B), or (C) of this section shall be phased down during the period in which the action is taken, with the first reduction taking effect no later than the close of the day which is 3 years after the day on which such action first takes effect.”

Subsec. (e)(6)(B). Pub. L. 103-465, §303(10), substituted “section 2252(e) of this title” for “subsection (c) of this section” and “section 2252(b) of this title” for “subsection (a) of this section”.

Subsec. (e)(7). Pub. L. 103-465, §302(b)(4)(A), added par. (7).

Subsec. (f). Pub. L. 103-465, §302(a)(3), in heading, substituted “Certain” for “Orderly marketing and other”, in par. (1), substituted “implementation of agreements of the type described in subsection (a)(3)(E)” for “implementation of orderly marketing agreements” and “negotiate agreements of the type described in subsection (a)(3)(E)” for “negotiate orderly marketing agreements with foreign countries”, and in par. (2), substituted “agreement implemented under subsection (a)(3)(E)” for “orderly marketing agreement implemented under subsection (a) of this section”.

Subsec. (g)(2). Pub. L. 103-465, §302(a)(4), in first sentence, struck out “orderly marketing or other” before “international”, and in second sentence, substituted “agreement of the type described in subsection (a)(3)(E) that is” for “orderly marketing agreement” and “covered by such agreement” for “covered by such agreements”.

1988—Pub. L. 100-418, §1401(a), in amending section generally, substituted provisions relating to action by President after determination of import injury for provisions relating to import relief.

Subsec. (e)(6)(A)(i). Pub. L. 100-418, §1214(j)(2)(A), as amended by Pub. L. 100-647, §9001(a)(2)(B)(i), (ii), substituted “subheadings 9802.00.60 or 9802.00.80 of the Harmonized Tariff Schedule of the United States” for “item 806.30 or 807.00 of the Tariff Schedules of the United States”.

Subsec. (e)(6)(B). Pub. L. 100-647, §9001(a)(2)(A), substituted “(i) the application” for “(A) the application”, and “(ii) the designation” for “(B) the designation”.

Subsec. (e)(6)(B)(i). Pub. L. 100-418, §1214(j)(2)(B), as amended by Pub. L. 100-647, §9001(a)(2)(B)(i), (iii), substituted “subheading 9802.00.60 or subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States” for “item 806.30 or item 807.00”.

1984—Subsec. (c)(1). Pub. L. 98-573, §248(a)(1), substituted provision that the action recommended by the Commission shall take effect upon enactment of a joint resolution described in section 2192(a)(1)(A) of this title for provision that the action recommended by the Commission would take effect upon the adoption by both Houses of Congress, by an affirmative vote of a majority of the Members of each House present and voting under the procedures set forth in section 2192 of this title, of a concurrent resolution disapproving the action taken by the President or his determination not to provide import relief under section 2252(a)(1)(A) of this title.

Subsec. (c)(2). Pub. L. 98-573, §248(a)(2), substituted “enactment of the joint resolution referred to in paragraph (1)” for “adoption of such resolution” and “section 2251(d)” for “section 2251(b)”.

1979—Subsec. (a)(4). Pub. L. 96-39, §1106(d)(1), substituted “negotiate, conclude, and carry out” for “negotiate”.

Subsec. (b)(1). Pub. L. 96-39, §1106(d)(2)(A), (B), substituted “On the day the President determines under section 2252 of this title to provide import relief, including announcement of his intention to negotiate an orderly marketing agreement” for “On the day on which the President proclaims import relief under this section or announces his intention to negotiate one or more orderly marketing agreements” and section “2251(d)(1)(A)” for “2251(b)(1)(A)” of this title.

Subsec. (b)(3). Pub. L. 96-39, §1106(d)(2)(C), added par. (3).

Subsec. (c)(1). Pub. L. 96-39, §1106(d)(3)(A), (B), substituted “section 2251(d)(1)(A)” for “section 2251(b)(1)(A)” of this title and inserted “under the procedures set forth in section 2192 of this title” after “voting”.

Subsec. (e)(3). Pub. L. 96-39, §1106(d)(4), substituted “subsection (a) of this section” for “subsection (a)(1), (2), (3), or (5) of this section”.

Subsec. (g)(1). Pub. L. 96-39, §1106(d)(5)(A), (B), struck out “quantitative” before “restriction” and substituted “pursuant to this section” for “pursuant to subsection (a)(3) or (c) of this section”.

Subsec. (g)(2). Pub. L. 96-39, §1106(d)(6), inserted references to subsec. (e)(3) of this section.

Subsec. (h)(3). Pub. L. 96-39, §1106(d)(7)(A), (B), inserted reference to subsec. (i)(3) of this section and substituted “one period of not more than 3 years” for “one 3-year period”.

Subsec. (h)(4). Pub. L. 96-39, §1106(d)(7)(A), inserted reference to subsec. (i)(3) of this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date on which the WTO Agreement enters into force with respect to the United States (Jan. 1, 1995), see section 304(a) of Pub. L. 103-465, set out as a note under section 2252 of this title.

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100-647 applicable as if such amendment took effect on Aug. 23, 1988, see section 9001(b) of Pub. L. 100-647, set out as an Effective and Termination Dates of 1988 Amendments note under section 58c of this title.

Amendment by section 1214(j)(2) of Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as an Effective Date note under section 3001 of this title.

Amendment by section 1401a of Pub. L. 100-418 effective Aug. 23, 1988, and applicable with respect to investigations initiated under this part on or after that date, see section 1401(c) of Pub. L. 100-418, set out as a note under section 2251 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-573 effective on 15th day after Oct. 30, 1984, see section 214(a), (b) of Pub. L. 98-573, set out as a note under section 1304 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-39 effective July 26, 1979, see section 1114 of Pub. L. 96-39, set out as an Effective Date note under section 2581 of this title.

STEEL IMPORT STABILIZATION

Title VIII of Pub. L. 98-573, as amended by Pub. L. 100-418, title I, §1322, Aug. 23, 1988, 102 Stat. 1195; Pub. L. 101-221, §§2, 3(a), 4-6(a), Dec. 12, 1989, 103 Stat. 1886-1889, known as the Steel Import Stabilization Act, endorsed principles and goals of steel trade liberalization program as announced by the President on July 25, 1989, and provided for its implementation, granted specific enforcement powers to President to carry out terms and conditions of bilateral arrangements entered into for purposes of implementing that program, made continuation of those powers subject to condition that steel industry continue to modernize its plant and equipment and provide for appropriate worker retraining, directed Secretary of Labor to prepare and submit to Congress plan of action for assisting workers in communities adversely affected by imports of steel products, and provided that section 805 which provided enforcement authority for President would terminate Mar. 31, 1992.

LIMITATION ON MEAT IMPORTS

Pub. L. 88-482, §2, Aug. 22, 1964, 78 Stat. 594, as amended by Pub. L. 96-177, Dec. 31, 1979, 93 Stat. 1291; Pub. L. 100-418, title I, §1214(u), Aug. 23, 1988, 102 Stat. 1162; Pub. L. 100-449, title III, §301(b), Sept. 28, 1988, 102 Stat. 1867; Pub. L. 103-182, title III, §321(a), Dec. 8, 1993, 107 Stat. 2108, provided that this section was to be cited as the "Meat Import Act of 1979", defined terms for purposes of this section, limited with exception the aggregate quantity of meat articles which could enter the country in any calendar year after 1979, provided for adjustment of aggregate quantity for calendar years after 1979, required Secretary of Agriculture to estimate and publish yearly aggregate quantity, authorized President to increase or limit by proclamation the total quantity of meat articles entering this country under certain circumstances, and provided for suspension of such proclamations after providing notice in Federal Register and opportunity to comment, prior to repeal by Pub. L. 103-465, title IV, §403, Dec. 8, 1994, 108 Stat. 4959, effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995).

§ 2254. Monitoring, modification, and termination of action

(a) Monitoring

(1) So long as any action taken under section 2253 of this title remains in effect, the Commission shall monitor developments with respect to the domestic industry, including the progress and specific efforts made by workers and firms in the domestic industry to make a positive adjustment to import competition.

(2) If the initial period during which the action taken under section 2253 of this title is in effect exceeds 3 years, or if an extension of such action exceeds 3 years, the Commission shall submit a report on the results of the monitoring under

paragraph (1) to the President and to the Congress not later than the date that is the midpoint of the initial period, and of each such extension, during which the action is in effect.

(3) In the course of preparing each report under paragraph (2), the Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard.

(4) Upon request of the President, the Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of any reduction, modification, or termination of the action taken under section 2253 of this title which is under consideration.

(b) Reduction, modification, and termination of action

(1) Action taken under section 2253 of this title may be reduced, modified, or terminated by the President (but not before the President receives the report required under subsection (a)(2)(A)) if the President—

(A) after taking into account any report or advice submitted by the Commission under subsection (a) and after seeking the advice of the Secretary of Commerce and the Secretary of Labor, determines, on the basis that either—

(i) the domestic industry has not made adequate efforts to make a positive adjustment to import competition, or

(ii) the effectiveness of the action taken under section 2253 of this title has been impaired by changed economic circumstances,

that changed circumstances warrant such reduction, or termination; or

(B) determines, after a majority of the representatives of the domestic industry submits to the President a petition requesting such reduction, modification, or termination on such basis, that the domestic industry has made a positive adjustment to import competition.

(2) Notwithstanding paragraph (1), the President is authorized to take such additional action under section 2253 of this title as may be necessary to eliminate any circumvention of any action previously taken under such section.

(3) Notwithstanding paragraph (1), the President may, after receipt of a Commission determination under section 3538(a)(4) of this title and consulting with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, reduce, modify, or terminate action taken under section 2253 of this title.

(c) Extension of action

(1) Upon request of the President, or upon petition on behalf of the industry concerned filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under section 2253 of this title is to terminate, the Commission shall investigate to determine whether action under section 2253 of this title continues to be necessary to prevent or remedy serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(2) The Commission shall publish notice of the commencement of any proceeding under this

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

(3) The Commission shall transmit to the President a report on its investigation and determination under this subsection not later than 60 days before the action under section 2253 of this title is to terminate, unless the President specifies a different date.

(d) Evaluation of effectiveness of action

(1) After any action taken under section 2253 of this title has terminated, the Commission shall evaluate the effectiveness of the actions in facilitating positive adjustment by the domestic industry to import competition, consistent with the reasons set out by the President in the report submitted to the Congress under section 2253(b) of this title.

(2) During the course of the evaluation conducted under paragraph (1), the Commission shall, after reasonable public notice, hold a hearing on the effectiveness of the action. All interested persons shall have the opportunity to attend such hearing and to present evidence or testimony at such hearing.

(3) A report on the evaluation made under paragraph (1) and the hearings held under paragraph (2) shall be submitted by the Commission to the President and to the Congress by no later than the 180th day after the day on which the actions taken under section 2253 of this title terminated.

(e) Other provisions

(1) Action by the President under this part may be taken without regard to the provisions of section 2136(a) of this title but only after consideration of the relation of such actions to the international obligations of the United States.

(2) If the Commission treats as the domestic industry production located in a major geographic area of the United States under section 2252(c)(4)(C) of this title, then the President shall take into account the geographic concentration of domestic production and of imports in that area in taking any action authorized under paragraph (1).

(Pub. L. 93-618, title II, § 204, as added Pub. L. 100-418, title I, § 1401(a), Aug. 23, 1988, 102 Stat. 1238; amended Pub. L. 100-647, title IX, § 9001(a)(8), Nov. 10, 1988, 102 Stat. 3807; Pub. L. 103-465, title I, § 129(a)(7), title III, § 302(c), (d), Dec. 8, 1994, 108 Stat. 4837, 4936.)

Editorial Notes

AMENDMENTS

1994—Subsec. (a)(2). Pub. L. 103-465, § 302(c)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Commission shall submit a report on the results of the monitoring under paragraph (1) to the President and to the Congress not later than—

“(A) the 2nd-anniversary of the day on which the action under section 2253 of this title first took effect; and

“(B) the last day of each 2-year period occurring after the 2-year period referred to in subparagraph (A).”

Subsec. (a)(4). Pub. L. 103-465, § 302(c)(2), struck out “extension,” before “reduction.”

Subsec. (b)(3). Pub. L. 103-465, § 129(a)(7), added par. (3).

Subsecs. (c) to (e). Pub. L. 103-465, § 302(d), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1988—Subsecs. (c) to (e). Pub. L. 100-647 redesignated subsecs. (d) and (e) as (c) and (d), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 129(a)(7) of Pub. L. 103-465 effective on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995], see section 130 of Pub. L. 103-465, set out as an Effective Date note under section 3531 of this title.

Amendment by section 302(c), (d) of Pub. L. 103-465 effective on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995], see section 304(a) of Pub. L. 103-465, set out as a note under section 2252 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-647 applicable as if such amendment took effect on Aug. 23, 1988, see section 9001(b) of Pub. L. 100-647, set out as an Effective and Termination Dates of 1988 Amendments note under section 58c of this title.

EFFECTIVE DATE

Section effective Aug. 23, 1988, and applicable with respect to investigations initiated under this part on or after that date, see section 1401(c) of Pub. L. 100-418, set out as an Effective Date of 1988 Amendment note under section 2251 of this title.

§ 2255. Trade monitoring

(a) Monitoring tool for imports

(1) In general

Not later than 180 days after February 24, 2016, the Commission shall make available on a website of the Commission an import monitoring tool to allow the public access to data on the volume and value of goods imported to the United States for the purpose of assessing whether such data has changed with respect to such goods over a period of time.

(2) Data described

For purposes of the monitoring tool under paragraph (1), the Commission shall use data compiled by the Department of Commerce and such other government data as the Commission considers appropriate.

(3) Periods of time

The Commission shall ensure that data accessed through the monitoring tool under paragraph (1) includes data for the most recent quarter for which such data are available and previous quarters as the Commission considers practicable.

(b) Monitoring reports

(1) In general

Not later than 270 days after February 24, 2016, and not less frequently than quarterly thereafter, the Secretary of Commerce shall publish on a website of the Department of Commerce, and notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representa-

tives of the availability of, a monitoring report on changes in the volume and value of trade with respect to imports and exports of goods categorized based on the 6-digit sub-heading number of the goods under the Harmonized Tariff Schedule of the United States during the most recent quarter for which such data are available and previous quarters as the Secretary considers practicable.

(2) Requests for comment

Not later than one year after February 24, 2016, the Secretary of Commerce shall solicit through the Federal Register public comment on the monitoring reports described in paragraph (1).

(c) Sunset

The requirements under this section terminate on the date that is seven years after February 24, 2016.

(Pub. L. 93–618, title II, §205, as added Pub. L. 114–125, title VI, §603(a), Feb. 24, 2016, 130 Stat. 185.)

Editorial Notes

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (b)(1), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

PART 2—ADJUSTMENT ASSISTANCE FOR WORKERS

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES OF 2015 REVIVAL

Pub. L. 114–27, title IV, §402(b), (c), June 29, 2015, 129 Stat. 374, provided that:

“(b) APPLICABILITY OF CERTAIN PROVISIONS.—Except as otherwise provided in this title [see Tables for classification], the provisions of chapters 2 through 6 of title II of the Trade Act of 1974 [this part, parts 3 to 6 of this subchapter, and provisions set out as a note below], as in effect on December 31, 2013, and as amended by this title, shall—

“(1) take effect on the date of the enactment of this Act [June 29, 2015]; and

“(2) apply to petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 [this part and parts 3 and 6 of this subchapter] on or after such date of enactment.

“(c) REFERENCES.—Except as otherwise provided in this title, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on December 31, 2013.”

Pub. L. 114–27, title IV, §406, June 29, 2015, 129 Stat. 379, provided that:

“(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on July 1, 2021, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) [this part, parts 3, 5, and 6 of this subchapter, and provisions set out as a note below], as in effect on January 1, 2014, shall be in effect and apply, except that in applying and administering such chapters—

“(1) paragraph (1) of section 231(c) of that Act [19 U.S.C. 2291(c)(1)] shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

“(2) section 233 of that Act [19 U.S.C. 2293] shall be applied and administered—

“(A) in subsection (a)—

“(i) in paragraph (2), by substituting ‘104-week period’ for ‘104-week period’ and all that follows through ‘130-week period’; and

“(ii) in paragraph (3)—

“(I) in the matter preceding subparagraph (A), by substituting ‘65’ for ‘52’; and

“(II) by substituting ‘78-week period’ for ‘52-week period’ each place it appears; and

“(B) by applying and administering subsection (g) as if it read as follows:

“(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 [19 U.S.C. 2296] that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter [this part] if—

“(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

“(2) the worker participates in training in each such week; and

“(3) the worker—

“(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

“(B) is expected to continue to make progress toward the completion of the training; and

“(C) will complete the training during that period of eligibility.”;

“(3) section 245(a) of that Act [19 U.S.C. 2317(a)] shall be applied and administered by substituting ‘June 30, 2022’ for ‘December 31, 2007’;

“(4) section 246(b)(1) of that Act [19 U.S.C. 2318(b)(1)] shall be applied and administered by substituting ‘June 30, 2022’ for ‘the date that is 5 years’ and all that follows through ‘State’;

“(5) section 256(b) of that Act [19 U.S.C. 2346(b)] shall be applied and administered by substituting ‘the 1-year period beginning on July 1, 2021’ for ‘each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning on October 1, 2007’;

“(6) section 298(a) of that Act [19 U.S.C. 2401g(a)] shall be applied and administered by substituting ‘the 1-year period beginning on July 1, 2021’ for ‘each of the fiscal years’ and all that follows through ‘October 1, 2007’; and

“(7) section 285 of that Act [Pub. L. 93–618, set out as a Termination Date note below] shall be applied and administered—

“(A) in subsection (a), by substituting ‘June 30, 2022’ for ‘December 31, 2007’ each place it appears; and

“(B) by applying and administering subsection (b) as if it read as follows:

“(b) OTHER ASSISTANCE.—

“(1) ASSISTANCE FOR FIRMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 [part 3 of this subchapter] after June 30, 2022.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 pursuant to a petition filed under section 251 [19 U.S.C. 2341] on or before June 30, 2022, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

“(2) FARMERS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided