

These provisions related safeguard measures.

## United States-Mexico-Canada Agreement Implementation Act

### TITLE III—APPLICATION OF USMCA TO SECTORS AND SERVICES

#### Subtitle A—Relief From Injury Caused By Import Competition

##### SEC. 301. USMCA ARTICLE IMPACT IN IMPORT RELIEF CASES UNDER THE TRADE ACT OF 1974.

(a) IN GENERAL. — If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the International Trade Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the International Trade Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether —

(1) imports of the article from a USMCA country, considered individually, account for a substantial share of total imports; and

(2) imports of the article from a USMCA country; considered individually or; in exceptional circumstances; imports from USMCA countries considered collectively, contribute importantly to the serious injury, or threat thereof, caused by imports.

(b) FACTORS. —

(1) SUBSTANTIAL IMPORT SHARE. — In determining whether imports from a USMCA country, considered individually, account for a substantial share of total imports, such imports normally shall not be considered to account for a substantial share of total imports if that country is not among the top 5 suppliers of the article subject to the investigation, measured in terms of import share during the most recent 3-year period.

(2) APPLICATION OF “CONTRIBUTE IMPORTANTLY” STANDARD. — In determining whether imports from a USMCA country or countries contribute importantly to the serious injury, or threat thereof, the International Trade Commission shall consider such factors as the change in the import share of the USMCA country or countries, and the level and change in the level of imports of such country or countries. In applying the preceding sentence, imports from a USMCA country or countries normally shall not be considered to contribute importantly to serious injury, or the threat thereof, if the growth rate of imports from such country or countries during the period in which an injurious increase in imports occurred is appreciably lower than the growth rate of total imports from all sources over the same period.

(c) DEFINITION. — For purposes of this section and section 302(a), the term “contribute

importantly” refers to an important cause, but not necessarily the most important cause. (19 U.S.C. 4551)

(Pub. L. 116–113, title III, §301, formerly Pub. L. 103–182, title III, §311, Dec. 8, 1993, 107 Stat. 2106; renumbered §301 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, §502(b), Jan. 29, 2020, 134 Stat. 70.)

#### SEC. 302. PRESIDENTIAL ACTION REGARDING USMCA IMPORTS.

(a) IN GENERAL—In determining whether to take action under chapter 1 of title II of the Trade Act of 1974 with respect to imports from a USMCA country, the President shall determine whether—

(1) imports from such country, considered individually, account for a substantial share of total imports; or

(2) imports from a USMCA country, considered individually, or in exceptional circumstances imports from USMCA countries considered collectively, contribute importantly to the serious injury, or threat thereof, found by the International Trade Commission.

(b) EXCLUSION OF USMCA IMPORTS.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President shall exclude from such action imports from a USMCA country if the President makes a negative determination under subsection (a)(1) or (2) with respect to imports from such country.

(c) ACTION AFTER EXCLUSION OF USMCA COUNTRY IMPORTS.—

(1) IN GENERAL.—If the President, under subsection (b), excludes imports from a USMCA country or countries from action under chapter 1 of title II of the Trade Act of 1974 but thereafter determines that a surge in imports from that country or countries is undermining the effectiveness of the action—

(A) the President may take appropriate action under such chapter 1 to include those imports in the action; and

(B) any entity that is representative of an industry for which such action is being taken may request the International Trade Commission to conduct an investigation of the surge in such imports.

(2) INVESTIGATION.—Upon receiving a request under paragraph (1) (B), the International Trade Commission shall conduct an investigation to determine whether a surge in such imports undermines the effectiveness of the action. The International Trade Commission shall submit the findings of its investigation to the President no later than 30 days after the request is received by the International Trade Commission.

(3) DEFINITION.—For purposes of this subsection, the term “surge” means a significant increase in imports over the trend for a recent representative base period.

(d) CONDITION APPLICABLE TO QUANTITATIVE RESTRICTIONS. — 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, with allowance for reasonable growth.

(19 U.S.C. 4552)

(Pub. L. 116–113, title III, §302, formerly Pub. L. 103–182, title III, §312, Dec. 8, 1993, 107 Stat. 2107; renumbered §302 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, §502(c), Jan. 29, 2020, 134 Stat. 70.)