

tions of the United States under the Agreement may be filed with the International Trade Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The International Trade Commission shall transmit a copy of any petition filed under this subsection to the Trade Representative.

(2) Provisional relief

An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 2252(a) of this title.

(3) Critical circumstances

An allegation that critical circumstances exist must be included in the petition or made on or before the 90th day after the date on which the investigation is initiated under subsection (b) of this section.

(b) Investigation and determination

Upon the filing of a petition under subsection (a) of this section, the International Trade Commission, unless subsection (d) of this section applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Canadian article or a Mexican article, as the case may be, is being imported into the United States in such increased quantities (in absolute terms) and under such conditions so that imports of the article, alone, constitute a substantial cause of—

- (1) serious injury; or
- (2) except in the case of a Canadian article, a threat of serious injury;

to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) Applicable provisions

The provisions of—

- (1) paragraphs (1)(B), (3)¹ (except subparagraph (A)), and (4)¹ of subsection (b);
- (2) subsection (c); and
- (3) subsection (d),

of section 2252 of this title apply with respect to any investigation initiated under subsection (b) of this section.

(d) Articles exempt from investigation

No investigation may be initiated under this section with respect to—

- (1) any Canadian article or Mexican article if import relief has been provided under this subpart with respect to that article; or
- (2) any textile or apparel article set out in Appendix 1.1 of Annex 300-B of the Agreement.

(Pub. L. 103-182, title III, §302, Dec. 8, 1993, 107 Stat. 2100.)

REFERENCES IN TEXT

Paragraphs (3) and (4) of subsection (b) of section 2252 of this title, referred to in subsec. (c)(1), were repealed and a new paragraph (3) was added by Pub. L. 103-465, title III, §301(c), Dec. 8, 1994, 108 Stat. 4932.

¹ See References in Text note below.

§ 3353. International Trade Commission action on petition

(a) Determination

By no later than 120 days after the date on which an investigation is initiated under section 3352(b) of this title with respect to a petition, the International Trade Commission shall—

- (1) make the determination required under that section; and
- (2) if the determination referred to in paragraph (1) is affirmative and an allegation regarding critical circumstances was made under section 3352(a) of this title, make a determination regarding that allegation.

(b) Additional finding and recommendation if determination affirmative

If the determination made by the International Trade Commission under subsection (a) of this section with respect to imports of an article is affirmative, the International Trade Commission shall find, and recommend to the President in the report required under subsection (c) of this section, the amount of import relief that is necessary to remedy or, except in the case of imports of a Canadian article, prevent the injury found by the International Trade Commission in the determination. The import relief recommended by the International Trade Commission under this subsection shall be limited to that described in section 3354(c) of this title.

(c) Report to President

No later than the date that is 30 days after the date on which a determination is made under subsection (a) of this section with respect to an investigation, the International Trade Commission shall submit to the President a report that shall include—

- (1) a statement of the basis for the determination;
- (2) dissenting and separate views; and
- (3) any finding made under subsection (b) of this section regarding import relief.

(d) Public notice

Upon submitting a report to the President under subsection (c) of this section, the International Trade Commission shall promptly make public such report (with the exception of information which the International Trade Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

(e) Applicable provisions

For purposes of this subpart, the provisions of paragraphs (1), (2), and (3) of section 1330(d) of this title shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 2252 of this title.

(Pub. L. 103-182, title III, §303, Dec. 8, 1993, 107 Stat. 2101.)

§ 3354. Provision of relief

(a) In general

No later than the date that is 30 days after the date on which the President receives the report