

mandamus commanding compliance with the provisions of this section or any order of the committee made in pursuance thereof.

(d) Depositions

The committee may order testimony to be taken by deposition at any stage of the committee review. Such deposition may be taken before any person designated by the committee and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under the direction of such person, and shall then be subscribed by the deponent. Any individual, partnership, corporation, association, organization, or other entity may be compelled to appear and be deposed and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the committee, as provided in this section.

(Pub. L. 103-182, title IV, §403, Dec. 8, 1993, 107 Stat. 2136.)

§ 3434. Requests for review of determinations by competent investigating authorities of NAFTA countries

(a) Definitions

As used in this section:

(1) Competent investigating authority

The term “competent investigating authority” means the competent investigating authority, as defined in article 1911, of a NAFTA country.

(2) United States Secretary

The term “United States Secretary” means that officer of the United States referred to in article 1908.

(b) Requests for review by United States

In the case of a final determination of a competent investigating authority, requests by the United States for binational panel review of such determination under article 1904 shall be made by the United States Secretary.

(c) Requests for review by person

In the case of a final determination of a competent investigating authority, a person, within the meaning of paragraph 5 of article 1904, may request a binational panel review of such determination by filing such a request with the United States Secretary within the time limit provided for in paragraph 4 of article 1904. The receipt of such request by the United States Secretary shall be deemed to be a request for binational panel review within the meaning of article 1904. The request for such panel review shall be without prejudice to any challenge before a binational panel of the basis for a particular request for review.

(d) Service of request for review

Whenever binational panel review of a final determination made by a competent investigating authority is requested under this section, the United States Secretary shall serve a copy of the request on all persons who would otherwise be entitled under the law of the importing country to commence proceedings for judicial review of the determination.

(Pub. L. 103-182, title IV, §404, Dec. 8, 1993, 107 Stat. 2137.)

§ 3435. Rules of procedure for panels and committees

(a) Rules of procedure for binational panels

The administering authority shall prescribe rules, negotiated in accordance with paragraph 14 of article 1904, governing, with respect to binational panel reviews—

- (1) requests for such reviews, complaints, other pleadings, and other papers;
- (2) the amendment, filing, and service of such pleadings and papers;
- (3) the joinder, suspension, and termination of such reviews; and
- (4) other appropriate procedural matters.

(b) Rules of procedure for extraordinary challenge committees

The administering authority shall prescribe rules, negotiated in accordance with paragraph 2 of Annex 1904.13, governing the procedures for reviews by extraordinary challenge committees.

(c) Rules of procedure for safeguarding panel review system

The administering authority shall prescribe rules, negotiated in accordance with Annex 1905.6, governing the procedures for special committees described in such Annex.

(d) Publication of rules

The rules prescribed under subsections (a), (b), and (c) of this section shall be published in the Federal Register.

(e) Administering authority

As used in this section, the term “administering authority” has the meaning given such term in section 1677(1) of this title.

(Pub. L. 103-182, title IV, §405, Dec. 8, 1993, 107 Stat. 2137.)

§ 3436. Subsidy negotiations

In the case of any trade agreement which may be entered into by the President with a NAFTA country, the negotiating objectives of the United States with respect to subsidies shall include—

- (1) achievement of increased discipline on domestic subsidies provided by a foreign government, including—

- (A) the provision of capital, loans, or loan guarantees on terms inconsistent with commercial considerations;
- (B) the provision of goods or services at preferential rates;
- (C) the granting of funds or forgiveness of debt to cover operating losses sustained by a specific industry; and
- (D) the assumption of any costs or expenses of manufacture, production, or distribution;

- (2) achievement of increased discipline on export subsidies provided by a foreign government, particularly with respect to agricultural products; and

- (3) maintenance of effective remedies against subsidized imports, including, where appropriate, countervailing duties.