

**§ 4583. Testimony and production of papers in extraordinary challenges**

**(a) Authority of extraordinary challenge committee to obtain information**

If an extraordinary challenge committee (hereafter in this section referred to as the “committee”) is convened under paragraph 13 of article 10.12, and the allegations before the committee include a matter referred to in paragraph 13(a)(i) of article 10.12, for the purposes of carrying out its functions and duties under Annex 10-B.3, the committee—

(1) shall have access to, and the right to copy, any document, paper, or record pertinent to the subject matter under consideration, in the possession of any individual, partnership, corporation, association, organization, or other entity;

(2) may summon witnesses, take testimony, and administer oaths;

(3) may require any individual, partnership, corporation, association, organization, or other entity to produce documents, books, or records relating to the matter in question; and

(4) may require any individual, partnership, corporation, association, organization, or other entity to furnish in writing, in such detail and in such form as the committee may prescribe, information in its possession pertaining to the matter.

Any member of the committee may sign subpoenas, and members of the committee, when authorized by the committee, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

**(b) Witnesses and evidence**

The attendance of witnesses who are authorized to be summoned, and the production of documentary evidence authorized to be ordered, under subsection (a) may be required from any place in the United States at any designated place of hearing. In the case of disobedience to a subpoena authorized under subsection (a), the committee may request the Attorney General of the United States to invoke the aid of any district or territorial court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Such court, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any individual, partnership, corporation, association, organization, or other entity, issue an order requiring such individual or entity to appear before the committee, or to produce documentary evidence if so ordered or to give evidence concerning the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

**(c) Mandamus**

Any court referred to in subsection (b) shall have jurisdiction to issue writs of 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 com-

mittee 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. 116-113, title IV, § 413, formerly Pub. L. 103-182, title IV, § 403, Dec. 8, 1993, 107 Stat. 2136; renumbered § 413 of Pub. L. 116-113 and amended Pub. L. 116-113, title V, § 504(d), Jan. 29, 2020, 134 Stat. 74.)

**CODIFICATION**

Section was formerly classified to section 3433 of this title prior to renumbering by Pub. L. 116-113.

**AMENDMENTS**

2020—Subsec. (a). Pub. L. 116-113, § 504(d)(3), in introductory provisions, substituted “under paragraph 13 of article 10.12, and the allegations before the committee include a matter referred to in paragraph 13(a)(i) of article 10.12, for the purposes of carrying out its functions and duties under Annex 10-B.3, the committee—” for “under paragraph 13 of article 1904, and the allegations before the committee include a matter referred to in paragraph 13(a)(i) of article 1904, for the purposes of carrying out its functions and duties under Annex 1904.13, the committee—”.

**EFFECTIVE DATE OF 2020 AMENDMENT**

Transfer to and amendment of this section by Pub. L. 116-113 effective on the date on which the USMCA enters into force (July 1, 2020), but not applicable to certain determinations under section 1516a of this title or binational panel reviews under NAFTA, see section 504(k) of Pub. L. 116-113, set out as a note under section 4581 of this title.

**§ 4584. Requests for review of determinations by competent investigating authorities**

**(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 10.8, of a USMCA country.

**(2) United States Secretary**

The term “United States Secretary” means that officer of the United States referred to in article 10.16.

**(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 10.12 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 10.12, 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 10.12. 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 10.12. 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. 116–113, title IV, §414, formerly Pub. L. 103–182, title IV, §404, Dec. 8, 1993, 107 Stat. 2137; renumbered §414 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, §504(e), Jan. 29, 2020, 134 Stat. 75.)

CODIFICATION

Section was formerly classified to section 3434 of this title prior to renumbering by Pub. L. 116–113.

AMENDMENTS

2020—Pub. L. 116–113, §504(e)(3)(A), struck out “of NAFTA countries” after “authorities” in section catchline.

Subsec. (a)(1). Pub. L. 116–113, §504(e)(3)(B)(i), substituted “article 10.8, of a USMCA country.” for “article 1911, of a NAFTA country.”

Subsec. (a)(2). Pub. L. 116–113, §504(e)(3)(B)(ii), substituted “article 10.16” for “article 1908”.

Subsec. (b). Pub. L. 116–113, §504(e)(3)(C), substituted “article 10.12” for “article 1904”.

Subsec. (c). Pub. L. 116–113, §504(e)(3)(D), substituted “article 10.12” for “article 1904” wherever appearing.

EFFECTIVE DATE OF 2020 AMENDMENT

Transfer to and amendment of this section by Pub. L. 116–113 effective on the date on which the USMCA enters into force (July 1, 2020), but not applicable to certain determinations under section 1516a of this title or binational panel reviews under NAFTA, see section 504(k) of Pub. L. 116–113, set out as a note under section 4581 of this title.

**§ 4585. 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 10.12, 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 10–B.3, 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 10–B.4, governing the procedures for special committees described in such Annex.

**(d) Publication of rules**

The rules prescribed under subsections (a), (b), and (c) 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. 116–113, title IV, §415, formerly Pub. L. 103–182, title IV, §405, Dec. 8, 1993, 107 Stat. 2137; renumbered §415 of Pub. L. 116–113 and amended Pub. L. 116–113, title V, §504(f), Jan. 29, 2020, 134 Stat. 75.)

CODIFICATION

Section was formerly classified to section 3435 of this title prior to renumbering by Pub. L. 116–113.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–113, §504(f)(3)(A), substituted “article 10.12” for “article 1904” in introductory provisions.

Subsec. (b). Pub. L. 116–113, §504(f)(3)(B), substituted “Annex 10–B.3” for “Annex 1904.13”.

Subsec. (c). Pub. L. 116–113, §504(f)(3)(C), substituted “Annex 10–B.4” for “Annex 1905.6”.

EFFECTIVE DATE OF 2020 AMENDMENT

Transfer to and amendment of this section by Pub. L. 116–113 effective on the date on which the USMCA enters into force (July 1, 2020), but not applicable to certain determinations under section 1516a of this title or binational panel reviews under NAFTA, see section 504(k) of Pub. L. 116–113, set out as a note under section 4581 of this title.

**§ 4586. Subsidy negotiations**

In the case of any trade agreement which may be entered into by the President with a USMCA 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.