

CHAPTER 21—NORTH AMERICAN FREE TRADE

Sec.
3301. Definitions.

SUBCHAPTER I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, NORTH AMERICAN FREE TRADE AGREEMENT

3311. Approval and entry into force of North American Free Trade Agreement.

3312. Relationship of Agreement to United States and State law.

3313. Consultation and layover requirements for, and effective date of, proclaimed actions.

3314. Implementing actions in anticipation of entry into force and initial regulations.

3315. United States Section of NAFTA Secretariat.

3316. Appointments to chapter 20 panel proceedings.

3317. Congressional intent regarding future accessions.

SUBCHAPTER II—CUSTOMS PROVISIONS

3331. Tariff modifications.

3332. Rules of origin.

3333. Drawback.

3334. Prohibition on drawback for television picture tubes.

3335. Monitoring of television and picture tube imports.

SUBCHAPTER III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

PART A—SAFEGUARDS

SUBPART 1—RELIEF FROM IMPORTS BENEFITING FROM AGREEMENT

3351. Definitions.

3352. Commencing of action for relief.

3353. International Trade Commission action on petition.

3354. Provision of relief.

3355. Termination of relief authority.

3356. Compensation authority.

3357. Submission of petitions.

3358. Price-based snapback for frozen concentrated orange juice.

SUBPART 2—RELIEF FROM IMPORTS FROM ALL COUNTRIES

3371. NAFTA article impact in import relief cases under Trade Act of 1974.

3372. Presidential action regarding NAFTA imports.

SUBPART 3—GENERAL PROVISIONS

3381. Monitoring.

3382. Procedures concerning conduct of International Trade Commission Investigations.

PART B—AGRICULTURE

3391. Agriculture.

PART C—TEMPORARY ENTRY OF BUSINESS PERSONS

3401. Nonimmigrant traders and investors.

PART D—STANDARDS

SUBPART 1—STANDARDS AND MEASURES

3411. Transportation.

SUBPART 2—AGRICULTURAL STANDARDS

3421. Agricultural standards.

SUBCHAPTER IV—DISPUTE SETTLEMENT IN ANTIDUMPING AND COUNTERVAILING DUTY CASES

PART A—ORGANIZATIONAL, ADMINISTRATIVE, AND PROCEDURAL PROVISIONS REGARDING IMPLEMENTATION OF CHAPTER 19 OF AGREEMENT

3431. References in part.

Sec.
3432. Organizational and administrative provisions.

3433. Testimony and production of papers in extraordinary challenges.

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

3435. Rules of procedure for panels and committees.

3436. Subsidy negotiations.

3437. Identification of industries facing subsidized imports.

3438. Treatment of amendments to antidumping and countervailing duty law.

PART B—GENERAL PROVISIONS

3451. Effect of termination of NAFTA country status.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

PART A—PROVISIONS RELATING TO PERFORMANCE UNDER AGREEMENT

3461. Discriminatory taxes.

3462. Review of operation and effects of Agreement.

3463. Report on impact of NAFTA on motor vehicle exports to Mexico.

PART B—IMPLEMENTATION OF NAFTA SUPPLEMENTAL AGREEMENTS

3471. Agreement on Labor Cooperation.

3472. Agreement on Environmental Cooperation.

3473. Agreement on Border Environment Cooperation Commission.

§ 3301. Definitions

For purposes of this Act:

(1) Agreement

The term “Agreement” means the North American Free Trade Agreement approved by the Congress under section 3311(a) of this title.

(2) HTS

The term “HTS” means the Harmonized Tariff Schedule of the United States.

(3) Mexico

Any reference to Mexico shall be considered to be a reference to the United Mexican States.

(4) NAFTA country

Except as provided in section 3332 of this title, the term “NAFTA country” means—

(A) Canada for such time as the Agreement is in force with respect to, and the United States applies the Agreement to, Canada; and

(B) Mexico for such time as the Agreement is in force with respect to, and the United States applies the Agreement to, Mexico.

(5) International Trade Commission

The term “International Trade Commission” means the United States International Trade Commission.

(6) Trade Representative

The term “Trade Representative” means the United States Trade Representative.

(Pub. L. 103-182, §2, Dec. 8, 1993, 107 Stat. 2060.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-182, Dec. 8, 1993, 107 Stat. 2057, known as the North American Free Trade Agreement Implementation Act. For com-

plete classification of this Act to the Code, see Short Title note set out below and Tables.

The North American Free Trade Agreement, referred to in par. (1), is not set out in the Code.

The Harmonized Tariff Schedule of the United States, referred to in par. (2), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

SHORT TITLE

Section 1(a) of Pub. L. 103-182 provided that: "This Act [see Tables for classification] may be cited as the 'North American Free Trade Agreement Implementation Act'."

SUBCHAPTER I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, NORTH AMERICAN FREE TRADE AGREEMENT

§ 3311. Approval and entry into force of North American Free Trade Agreement

(a) Approval of Agreement and statement of administrative action

Pursuant to section 2903 of this title and section 2191 of this title, the Congress approves—

(1) the North American Free Trade Agreement entered into on December 17, 1992, with the Governments of Canada and Mexico and submitted to the Congress on November 4, 1993; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to the Congress on November 4, 1993.

(b) Conditions for entry into force of Agreement

The President is authorized to exchange notes with the Government of Canada or Mexico providing for the entry into force, on or after January 1, 1994, of the Agreement for the United States with respect to such country at such time as—

(1) the President—

(A) determines that such country has implemented the statutory changes necessary to bring that country into compliance with its obligations under the Agreement and has made provision to implement the Uniform Regulations provided for under article 511 of the Agreement regarding the interpretation, application, and administration of the rules of origin, and

(B) transmits a report to the House of Representatives and the Senate setting forth the determination under subparagraph (A) and including, in the case of Mexico, a description of the specific measures taken by that country to—

(i) bring its laws into conformity with the requirements of the Schedule of Mexico in Annex 1904.15 of the Agreement, and

(ii) otherwise ensure the effective implementation of the binational panel review process under chapter 19 of the Agreement regarding final antidumping and countervailing duty determinations; and

(2) the Government of such country exchanges notes with the United States providing for the entry into force of the North American Agreement on Environmental Cooperation and the North American Agreement on Labor Cooperation for that country and the United States.

(Pub. L. 103-182, title I, §101, Dec. 8, 1993, 107 Stat. 2061.)

EFFECTIVE DATE; TERMINATION OF NAFTA STATUS

Section 109 of title I of Pub. L. 103-182 provided that: "(a) EFFECTIVE DATES.—

"(1) IN GENERAL.—This title [enacting this subchapter and amending provisions set out as a note under section 2112 of this title] (other than the amendment made by section 107 [amending provisions set out as a note under section 2112 of this title]) takes effect on the date of the enactment of this Act [Dec. 8, 1993].

"(2) SECTION 107 AMENDMENT.—The amendment made by section 107 takes effect on the date the Agreement enters into force between the United States and Canada [Jan. 1, 1994].

"(b) TERMINATION OF NAFTA STATUS.—During any period in which a country ceases to be a NAFTA country, sections 101 through 106 [enacting this section and sections 3312 to 3316 of this title] shall cease to have effect with respect to such country."

NORTH AMERICAN FREE TRADE AGREEMENT: ENTRY INTO FORCE

A Presidential Memorandum on the Implementation of the North American Free Trade Agreement, dated Dec. 27, 1993, directing the Secretary of State to exchange notes with the Government of Canada and the Government of Mexico to provide for the entry into force of the Agreement on Jan. 1, 1994, is set out in 29 Weekly Compilation of Presidential Documents 2641, Jan. 3, 1994.

EX. ORD. NO. 12889. IMPLEMENTATION OF NORTH AMERICAN FREE TRADE AGREEMENT

Ex. Ord. No. 12889, Dec. 27, 1993, 58 F.R. 69681, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the North American Free Trade Agreement Implementation Act (Public Law 103-182, 107 Stat. 2057) (the NAFTA Implementation Act) [see Short Title note set out under section 3301 of this title] and section 302 of title 3, United States Code, and in order to implement the North American Free Trade Agreement (NAFTA), it is hereby ordered:

SECTION 1. *Establishment of United States Section of the NAFTA Secretariat.* Pursuant to section 105(a) of the NAFTA Implementation Act [19 U.S.C. 3315(a)], a United States section of the NAFTA Secretariat shall be established within the Department of Commerce and shall carry out the functions set out in that section.

SEC. 2. *Acceptance by the President of Panel and Committee Decisions.* Pursuant to subparagraph 516A(g)(7)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. 1516a(g)(7)(B), in the event that the provisions of that subparagraph take effect, I accept, as a whole, all decisions of binational panels and extraordinary challenge committees.

SEC. 3. *Implementation of Safeguard Provisions for Textile and Apparel Goods.* Pursuant to section 201 of the NAFTA Implementation Act [19 U.S.C. 3331], the Committee for the Implementation of Textile Agreements (the Committee) shall take such action as necessary to implement the bilateral safeguard provisions (tariff actions) set out in section 4 of Annex 300-B of the NAFTA. The United States Customs Service shall take such actions to carry out those safeguard provisions as directed by the Secretary of the Treasury, upon the advice and recommendation of the Chairman of the Committee.

SEC. 4. *Publication of Proposed Rules regarding Technical Regulations and Sanitary and Phytosanitary Measures.* (a) In accordance with Articles 718 and 909 of the NAFTA, each agency subject to the provisions of the Administrative Procedure Act, as amended (5 U.S.C. 551 *et seq.*), shall, in applying section 553 of title 5, United States Code, with respect to any proposed Federal tech-