

(3) “State law” defined

For purposes of this subsection, the term “State law” includes—

- (A) any law of a political subdivision of a State; and
- (B) any State law regulating or taxing the business of insurance.

(c) Effect of Agreement with respect to private remedies

No person other than the United States—

(1) shall have any cause of action or defense under—

- (A) the Agreement or by virtue of Congressional approval thereof, or
- (B) the North American Agreement on Environmental Cooperation or the North American Agreement on Labor Cooperation; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement, the North American Agreement on Environmental Cooperation, or the North American Agreement on Labor Cooperation.

(Pub. L. 103-182, title I, §102, Dec. 8, 1993, 107 Stat. 2062.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(2), is Pub. L. 103-182, Dec. 8, 1993, 107 Stat. 2057, known as the North American Free Trade Agreement Implementation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3301 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (b)(1), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

TERMINATION OF NAFTA STATUS

Section to cease to have effect with respect to any country during any period in which such country ceases to be a NAFTA country, see section 109(b) of Pub. L. 103-182, set out as an Effective Date; Termination of NAFTA Status note under section 3311 of this title.

§ 3313. Consultation and layover requirements for, and effective date of, proclaimed actions**(a) Consultation and layover requirements**

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

- (1) the President has obtained advice regarding the proposed action from—
 - (A) the appropriate advisory committees established under section 2155 of this title, and
 - (B) the International Trade Commission;
- (2) the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth—
 - (A) the action proposed to be proclaimed and the reasons therefor, and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of paragraphs (1) and (2) with respect to such action, has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

(b) Effective date of certain proclaimed actions

Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover requirements under subsection (a) may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(Pub. L. 103-182, title I, §103, Dec. 8, 1993, 107 Stat. 2063.)

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 complete classification of this Act to the Code, see Short Title note set out under section 3301 of this title and Tables.

DELEGATION OF AUTHORITY

Memorandum of President of the United States, Sept. 29, 1995, 60 F.R. 52061, provided:

Memorandum for the United States Trade Representative

By virtue of the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, you are hereby delegated the authority set forth in section 103(a) of the North American Free Trade Agreement Implementation Act (“NAFTA Act”) [19 U.S.C. 3313(a)] and section 115 of the Uruguay Round Agreements Act (“Uruguay Round Act”) [19 U.S.C. 3524] to perform certain functions in order to fulfill the consultation and layover requirements set forth in those provisions, including:

- (1) obtaining advice from the appropriate advisory committees and the U.S. International Trade Commission on the proposed implementation of an action by Presidential proclamation;
- (2) submitting a report on such action to the House Ways and Means and Senate Finance Committees; and
- (3) consulting with such committees during the 60-day period following the date on which the requirements under (1) and (2) have been met.

The President retains the sole authority under the NAFTA Act [Pub. L. 103-182, see Tables for classification] and Uruguay Round Act [Pub. L. 103-465, see Tables for classification] to implement an action by proclamation after the consultation and layover requirements set forth in section 103(a)(1) through (4) and section 115 of such Acts, respectively, have been met.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

TERMINATION OF NAFTA STATUS

Section to cease to have effect with respect to any country during any period in which such country ceases to be a NAFTA country, see section 109(b) of Pub. L. 103-182, set out as an Effective Date; Termination of NAFTA Status note under section 3311 of this title.

§ 3314. Implementing actions in anticipation of entry into force and initial regulations**(a) Implementing actions**

After December 8, 1993—