

“(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 [19 U.S.C. 1514] or any other provision of law, and subject to paragraph (3), the entry—

“(A) of any article to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) would have applied if the entry had been made on December 4, 2001, and

“(B) that was made after December 4, 2001, and before the date of the enactment of this Act [Aug. 6, 2002],

shall be liquidated or reliquidated as if such duty-free treatment (or preferential treatment) applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

“(2) ENTRY.—As used in this subsection, the term ‘entry’ includes a withdrawal from warehouse for consumption.

“(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

“(A) to locate the entry; or

“(B) to reconstruct the entry if it cannot be located.”

[For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.]

## 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.

Sec.

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.
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 complete 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

Pub. L. 103–182, §1(a), Dec. 8, 1993, 107 Stat. 2057, 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

Pub. L. 103–182, title I, §109, Dec. 8, 1993, 107 Stat. 2067, 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.