

nation of duty-free treatment” in section catchline and amended text generally, substituting provisions establishing a termination date of Dec. 31, 2006, for preferential treatment under this chapter for provisions designated subsecs. (a) and (b) establishing an effective date of Dec. 4, 1991, for this chapter and a termination date 10 years later for duty-free treatment under this chapter.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-42 applicable to articles entered on or after the 15th day after Oct. 21, 2011, with retroactive application for certain liquidations and re-liquidations, see section 501(c) of Pub. L. 112-42, set out in a note under section 3805 of this title.

RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS

Pub. L. 107-210, div. C, title XXXI, §3104(b), Aug. 6, 2002, 116 Stat. 1034, provided that:

“(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. Repealed.

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

3311 to 3317. Repealed.

SUBCHAPTER II—CUSTOMS PROVISIONS

3331, 3332. Repealed.
3333. Repealed or Transferred.
3334, 3335. Repealed.

Sec.
SUBCHAPTER III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

PART A—SAFEGUARDS

SUBPART 1—RELIEF FROM IMPORTS BENEFITING FROM AGREEMENT

3351 to 3358. Repealed.

SUBPART 2—RELIEF FROM IMPORTS FROM ALL COUNTRIES
3371, 3372. Transferred.

SUBPART 3—GENERAL PROVISIONS

3381, 3382. Repealed.

PART B—AGRICULTURE

3391. Repealed.

PART C—TEMPORARY ENTRY OF BUSINESS PERSONS

3401. Transferred.

PART D—STANDARDS

SUBPART 1—STANDARDS AND MEASURES

3411. Repealed.

SUBPART 2—AGRICULTURAL STANDARDS

3421. Repealed.

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 to 3438. Transferred.

PART B—GENERAL PROVISIONS

3451. Repealed.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

PART A—PROVISIONS RELATING TO PERFORMANCE UNDER AGREEMENT

3461 to 3463. Repealed.

PART B—IMPLEMENTATION OF NAFTA SUPPLEMENTAL AGREEMENTS

3471. Repealed.
3472. Agreement on Environmental Cooperation.
3473. Agreement on Border Environment Cooperation Commission.

§ 3301. Repealed. Pub. L. 116-113, title VI, § 601, Jan. 29, 2020, 134 Stat. 78

Section, Pub. L. 103-182, §2, Dec. 8, 1993, 107 Stat. 2060, defined terms for the North American Free Trade Agreement Implementation Act.

EFFECTIVE DATE OF REPEAL OF NORTH AMERICAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Pub. L. 116-113, title VI, § 601, Jan. 29, 2020, 134 Stat. 78, provided that: “The North American Free Trade Agreement Implementation Act (Public Law 103-182; 19 U.S.C. 3301 et seq.) is repealed, effective on the date on which the USMCA enters into force [July 1, 2020].”

[For definition of “USMCA” as used in section 601 of Pub. L. 116-113, set out above, see section 4502 of this title.]

SHORT TITLE

Pub. L. 103-182, §1(a), Dec. 8, 1993, 107 Stat. 2057, which provided that Pub. L. 103-182 could be cited as the “North American Free Trade Agreement Implementation Act”, was repealed by Pub. L. 116-113, title VI,

§ 601, Jan. 29, 2020, 134 Stat. 78, effective on the date the USMCA entered into force (July 1, 2020).

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

§§ 3311 to 3317. Repealed. Pub. L. 116–113, title VI, § 601, Jan. 29, 2020, 134 Stat. 78

Section 3311, Pub. L. 103–182, title I, § 101, Dec. 8, 1993, 107 Stat. 2061, related to approval and entry into force of the North American Free Trade Agreement.

Section 3312, Pub. L. 103–182, title I, § 102, Dec. 8, 1993, 107 Stat. 2062, described the relationship of the Agreement to United States and State law.

Section 3313, Pub. L. 103–182, title I, § 103, Dec. 8, 1993, 107 Stat. 2063, related to consultation and layover requirements for, and effective date of, proclaimed actions.

Section 3314, Pub. L. 103–182, title I, § 104, Dec. 8, 1993, 107 Stat. 2064, related to implementing actions in anticipation of entry into force and initial regulations.

Section 3315, Pub. L. 103–182, title I, § 105, Dec. 8, 1993, 107 Stat. 2064; Pub. L. 110–161, div. B, title I, § 107, Dec. 26, 2007, 121 Stat. 1893, related to establishment of United States Section of NAFTA Secretariat.

Section 3316, Pub. L. 103–182, title I, § 106, Dec. 8, 1993, 107 Stat. 2065, related to appointments to chapter 20 panel proceedings, with emphasis on individuals having expertise in environmental issues.

Section 3317, Pub. L. 103–182, title I, § 108, Dec. 8, 1993, 107 Stat. 2066, related to congressional intent regarding future accessions with respect to countries other than Canada and Mexico.

EFFECTIVE DATE OF REPEAL

Repeal effective on the date on which the USMCA entered into force (July 1, 2020), see section 601 of Pub. L. 116–113, set out as a note under former section 3301 of this title.

EFFECTIVE DATE; TERMINATION OF NAFTA STATUS

Pub. L. 103–182, title I, § 109, Dec. 8, 1993, 107 Stat. 2067, which provided that title I of Pub. L. 103–182 (except for section 107) would take effect on Dec. 8, 1993, and terminated the effect of sections 101 through 106 of Pub. L. 103–182 with respect to a country ceasing to be a NAFTA country, was repealed by Pub. L. 116–113, title VI, § 601, Jan. 29, 2020, 134 Stat. 78, effective on the date the USMCA entered into force (July 1, 2020).

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 under former 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 [former 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 [former 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 technical regulation or any Federal sanitary or phytosanitary measure of general application, other than a regulation issued pursuant to section 104(a) of the NAFTA Implementation Act [former 19 U.S.C. 3314(a)], publish or serve notice of such regulation or measure not less than 75 days before the comment due date, except:

(1) in the case of a technical regulation relating to perishable goods, in which case the agency shall, to the greatest extent practicable, publish or serve notice at least 30 days prior to adoption of such regulation;

(2) in the case of a technical regulation, where the United States considers it necessary to address an urgent problem relating to safety or to protection of human, animal or plant life or health, the environment or consumers; or

(3) in the case of a sanitary or phytosanitary measure, where the United States considers it necessary to address an urgent problem relating to sanitary or phytosanitary protection.

(b) For purposes of this section, the term “sanitary or phytosanitary measure” shall be defined in accordance with section 463 of the Trade Agreements Act of 1979 [19 U.S.C. 2575b], and “technical regulation” shall be defined in accordance with section 473 of the Trade Agreements Act of 1979 [19 U.S.C. 2576b].

(c) This section supersedes section 1 of Executive Order No. 12662 of December 31, 1988 [19 U.S.C. 2112 note].

SEC. 5. *Government Procurement Procedures.* (a) Waiver.

(1) With respect to eligible products (as defined in section 381(c) of the NAFTA Implementation Act [amending section 2518(4)(A) of this title]) of Canada and Mexico, and suppliers of such products, the application of any law, regulation, procedure, or practice regarding Federal Government procurement that would, if applied to such products or suppliers, result in treatment less favorable than the most favorable treatment accorded:

(A) to United States products and services and suppliers of such products and services; or

(B) to eligible products of either Mexico or Canada, shall be waived.

(2) This waiver shall be applied by all executive agencies listed in Annexes 1 and 2 of this Executive order in consultation with, and when deemed necessary at the direction of, the United States Trade Representative (Trade Representative).

(b) The Secretary of Defense, or his designee, in consultation with the Trade Representative, shall be re-