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§ 4501. Purpose

The purpose of this Act is to approve and implement the Agreement between the United States of America, the United Mexican States, and Canada entered into under the authority of section 4202(b) of this title.

(Pub. L. 116–113, § 2, Jan. 29, 2020, 134 Stat. 13.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 116–113, Jan. 29, 2020, 134 Stat. 11, known as the United States-Mexico-Canada Agreement Implementation Act. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Pub. L. 116–113, §1(a), Jan. 29, 2020, 134 Stat. 11, provided that: “This Act [enacting this chapter, repealing chapter 21 of this title, and enacting, amending, and repealing numerous sections and provisions set out as notes in this title and in Title 8, Aliens and Nationality, Title 15, Commerce and Trade, Title 22, Foreign Relations and Intercourse, Title 26, Internal Revenue Code, Title 28, Judiciary and Judicial Procedure, Title 42, The Public Health and Welfare, and Title 49, Transportation] may be cited as the ‘United States-Mexico-Canada Agreement Implementation Act.’”

EFFECTIVE DATE

Pub. L. 116–113, title I, § 107, Jan. 29, 2020, 134 Stat. 19, provided that:

“(a) IN GENERAL.—Sections 1 through 3 [enacting this section, section 4502 of this title, and provisions set out as a note under this section] and this title [enacting subchapter I of this chapter] (other than section 103(c) [19 U.S.C. 4513(c)]) shall take effect on the date of the enactment of this Act [Jan. 29, 2020].

“(b) PROCLAMATION AUTHORITY.—Section 103(c) shall take effect on the date on which the USMCA enters into force [July 1, 2020].”

[For definition of “USMCA” as used in section 107(b) of Pub. L. 116–113, set out above, see section 4502 of this title.]

§ 4502. Definitions

In this Act:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(2) HTS

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

(3) Identical goods

The term “identical goods” means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(4) International Trade Commission

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

(5) Mexico

The term “Mexico” means the United Mexican States.

(6) NAFTA

The term “NAFTA” means the North American Free Trade Agreement approved by Congress under section 101(a)(1) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3311(a)(1)).¹

(7) Preferential tariff treatment

The term “preferential tariff treatment” means the customs duty rate that is applicable to an originating good (as defined in section 4531(a) of this title) under the USMCA.

(8) Trade Representative

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

¹ See References in Text note below.

(9) USMCA

The term “USMCA” means the Agreement between the United States of America, the United Mexican States, and Canada, which is—

(A) attached as an Annex to the Protocol Replacing the North American Free Trade Agreement with the Agreement between the United States of America, the United Mexican States, and Canada, done at Buenos Aires on November 30, 2018, as amended by the Protocol of Amendment to the Agreement Between the United States of America, the United Mexican States, and Canada, done at Mexico City on December 10, 2019; and

(B) approved by Congress under section 4511(a)(1) of this title.

(10) USMCA country

Except as otherwise provided, the term “USMCA country” means—

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

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

(Pub. L. 116–113, §3, Jan. 29, 2020, 134 Stat. 13.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 116–113, Jan. 29, 2020, 134 Stat. 11, known as the United States-Mexico-Canada Agreement Implementation Act. For complete classification of this Act to the Code, see Short Title note set out under section 4501 of this title and Tables.

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.

Section 101(a)(1) of the North American Free Trade Agreement Implementation Act, referred to in par. (6), is section 101(a)(1) of Pub. L. 103–182, title I, Dec. 8, 1993, 107 Stat. 2061, which was classified to section 3511 of this title prior to repeal by Pub. L. 116–113, title VI, §601, Jan. 29, 2020, 134 Stat. 78, effective on the date on which the USMCA entered into force (July 1, 2020).

SUBCHAPTER I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE USMCA

§ 4511. Approval and entry into force of the USMCA**(a) Approval of USMCA and statement of administrative action**

Pursuant to section 4205 of this title and section 2191 of this title, Congress approves—

(1) the Protocol Replacing the North American Free Trade Agreement with the Agreement between the United States of America, the United Mexican States, and Canada, done at Buenos Aires on November 30, 2018, as submitted to Congress on December 13, 2019;

(2) the Agreement between the United States of America, the United Mexican States, and Canada, attached as an Annex to the Protocol, as amended by the Protocol of Amendment to the Agreement between the United States of America, the United Mexican States, and Canada, done at Mexico City on December 10, 2019, as submitted to Congress on December 13, 2019; and

(3) the statement of administrative action proposed to implement that Agreement, as submitted to Congress on December 13, 2019.

(b) Conditions for entry into force of the agreement

The President is authorized to provide for the USMCA to enter into force with respect to Canada and Mexico not earlier than 30 days after the date on which the President submits to Congress the written notice required by section 4205(a)(1)(G) of this title, which shall include the date on which the USMCA will enter into force. (Pub. L. 116–113, title I, §101, Jan. 29, 2020, 134 Stat. 14.)

§ 4512. Relationship of the USMCA to United States and State law**(a) Relationship of USMCA to United States law****(1) United States law to prevail in conflict**

No provision of the USMCA, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States, shall have effect.

(2) Construction

Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) Relationship of USMCA to State law**(1) Legal challenge**

No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the USMCA, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) Definition of State law

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 USMCA with respect to private remedies

No person other than the United States—

(1) shall have any cause of action or defense under the USMCA or by virtue of congressional approval thereof; 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 USMCA.

(Pub. L. 116–113, title I, §102, Jan. 29, 2020, 134 Stat. 15.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(2), is Pub. L. 116–113, Jan. 29, 2020, 134 Stat. 11, known as the United