

Sec.

## 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 Repealed.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 Repealed.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 Repealed.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 is repealed, effective on the date on which the USMCA enters into force [July 1, 2020].”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.]

**Statutory Notes and Related Subsidiaries**

## 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 L. 103–182 could be cited as the “North American Free Trade Agreement Implementation Act”, was repealed by Pub.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 Repealed.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.

**Statutory Notes and Related Subsidiaries**

## 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).

**Executive Documents**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 responsible for determinations under Article 1018(1), pursuant to Annex 1001.1b-1(A)(4), of the NAFTA. The Secretary of Defense, or his designee, and the Trade Representative shall establish procedures for this purpose.

(c) The executive agencies listed in Annex 2 are directed to procure eligible products in compliance with the procedural provisions of Chapter 10 of the NAFTA.

(d) The Trade Representative shall be responsible for calculating and adjusting the threshold as required by Article 1001(1)(c) of the NAFTA.

(e) This order shall apply only to solicitations issued on or after the date of entry into force of the NAFTA for the United States.

(f) Although regulatory implementation of this order must await revisions to the Federal Acquisitions Regulation (FAR), it is expected that agencies listed in Annexes 1 and 2 of this order will take all appropriate actions in the interim to implement those aspects of the order that are not dependent upon regulatory revision.

(g) Pursuant to section 25 of the Office of Federal Procurement Policy Act, as amended ([former] 41 U.S.C. 421(a)) [now 41 U.S.C. 1302, 1303], the Federal Acquisition Regulatory Council shall ensure that the policies established herein are incorporated in the FAR within 30 days from the date this order is issued.

SEC. 6. *Government Use of Patented Technology.* (a) Each agency shall, within 30 days from the date this order is issued, modify or adopt procedures to ensure compliance with Article 1709(10) of the NAFTA regarding notice when patented technology is used by or for the Federal Government without a license from the owner, except that the requirement of Article 1709(10)(b) regarding reasonable efforts to obtain advance authorization from the patent owner:

(1) is hereby waived for an invention used or manufactured by or for the Federal Government, except that the patent owner must be notified whenever the agency or its contractor, without making a patent

search, knows or has demonstrable reasonable grounds to know that an invention described in and covered by a valid United States patent is or will be used or manufactured without a license; and

(2) is waived whenever a national emergency or other circumstances of extreme urgency exists, except that the patent owner must be notified as soon as it is reasonably practicable to do so.

(b) Agencies shall treat the term "remuneration" as used in Articles 1709(10)(h) and (j) and 1715 of the NAFTA as equivalent to "reasonable and entire compensation" as used in section 1498 of title 28, United States Code.

(c) In addition to the general provisions of section 7 of this order regarding enforceable rights, nothing in this order is intended to suggest that the giving of notice to a patent owner under Article 1709(10) of the NAFTA constitutes an admission that the Federal Government has infringed a valid privately-owned patent.

SEC. 7. *Judicial Review.* This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

SEC. 8. *Effective Date.* This order shall take effect upon the date of entry into force of the NAFTA for the United States.

WILLIAM J. CLINTON.

ANNEX 1

- Department of Agriculture
- Department of Commerce
- Department of Defense
- Department of Education
- Department of Energy
- Department of Health and Human Services
- Department of Housing and Urban Development
- Department of the Interior
- Department of Justice
- Department of Labor
- Department of State
- Department of Transportation
- Department of the Treasury
- United States Agency for International Development
- General Services Administration
- National Aeronautics and Space Administration
- Department of Veterans Affairs
- Environmental Protection Agency
- United States Information Agency
- National Science Foundation
- Panama Canal Commission
- Executive Office of the President
- Farm Credit Administration
- National Credit Union Administration
- Merit Systems Protection Board
- ACTION Agency
- United States Arms Control and Disarmament Agency
- Office of Thrift Supervision
- Federal Housing Finance Board
- National Labor Relations Board
- National Mediation Board
- Railroad Retirement Board
- American Battle Monuments Commission
- Federal Communications Commission
- Federal Trade Commission
- Interstate Commerce Commission
- Securities and Exchange Commission
- Office of Personnel Management
- United States International Trade Commission
- Export-Import Bank of the United States
- Federal Mediation and Conciliation Service
- Selective Service System
- Smithsonian Institution
- Federal Deposit Insurance Corporation
- Consumer Product Safety Commission
- Equal Employment Opportunity Commission
- Federal Maritime Commission
- National Transportation Safety Board
- Nuclear Regulatory Commission

Overseas Private Investment Corporation [now United States International Development Finance Corporation]

Administrative Conference of the United States  
Board for International Broadcasting  
Commission on Civil Rights  
Commodity Futures Trading Commission  
Peace Corps  
National Archives and Records Administration

## ANNEX 2

The Power Marketing Administrations of the Department of Energy

Tennessee Valley Authority  
St. Lawrence Seaway Development Corporation  
[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of Title 22, Foreign Relations and Intercourse.]

[For abolition, transfer of functions, and treatment of references to United States Arms Control and Disarmament Agency, see section 6511 et seq. of Title 22, Foreign Relations and Intercourse.]

CONSULTATION AND LAYOVER REQUIREMENTS;  
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”) [former 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.

## SUBCHAPTER II—CUSTOMS PROVISIONS

## §§ 3331 to 3335. Repealed. Pub. L. 116-113, title VI, § 601, Jan. 29, 2020, 134 Stat. 78

Section 3331, Pub. L. 103-182, title II, § 201, Dec. 8, 1993, 107 Stat. 2068; Pub. L. 104-188, title I, § 1954(a)(5), Aug. 20, 1996, 110 Stat. 1927, provided for various tariff modifications.

Section 3332, Pub. L. 103-182, title II, § 202, Dec. 8, 1993, 107 Stat. 2069; Pub. L. 104-295, § 21(a)(2), Oct. 11, 1996, 110 Stat. 3529; Pub. L. 105-206, title V, § 5003(b)(4), July 22, 1998, 112 Stat. 790, related to rules of origin for goods.

Section 3333, Pub. L. 103-182, title II, § 203, Dec. 8, 1993, 107 Stat. 2086; Pub. L. 116-113, title V, § 501(b)(1), (2), (d)(1)–(3), Jan. 29, 2020, 134 Stat. 67, 68, consisted of sub-

secs. (a) to (e) relating to drawback. Subsecs. (b) and (c) had amended sections 81c, 1311 to 1313, and 1562 of this title. Subsecs. (a), (d), and (e) were transferred to section 4534 of this title by Pub. L. 116-113 prior to repeal of section 3333.

Section 3334, Pub. L. 103-182, title II, § 210, Dec. 8, 1993, 107 Stat. 2099, prohibited drawback for television picture tubes.

Section 3335, Pub. L. 103-182, title II, § 211, Dec. 8, 1993, 107 Stat. 2099, related to monitoring of television and picture tube imports and reports on results.

## Statutory Notes and Related Subsidiaries

## 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

Pub. L. 103-182, title II, § 213, Dec. 8, 1993, 107 Stat. 2099, which set out various effective dates for provisions in title II of Pub. L. 103-182, 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 III—APPLICATION OF  
AGREEMENT TO SECTORS AND SERVICES

## PART A—SAFEGUARDS

SUBPART 1—RELIEF FROM IMPORTS BENEFITING  
FROM AGREEMENT

## §§ 3351 to 3358. Repealed. Pub. L. 116-113, title VI, § 601, Jan. 29, 2020, 134 Stat. 78

Section 3351, Pub. L. 103-182, title III, § 301, Dec. 8, 1993, 107 Stat. 2100, provided definitions for this subpart.

Section 3352, Pub. L. 103-182, title III, § 302, Dec. 8, 1993, 107 Stat. 2100, related to commencing of action for relief.

Section 3353, Pub. L. 103-182, title III, § 303, Dec. 8, 1993, 107 Stat. 2101, related to required International Trade Commission actions on petitions.

Section 3354, Pub. L. 103-182, title III, § 304, Dec. 8, 1993, 107 Stat. 2102, related to provision of relief from certain imports.

Section 3355, Pub. L. 103-182, title III, § 305, Dec. 8, 1993, 107 Stat. 2103, related to termination of relief authority for certain articles.

Section 3356, Pub. L. 103-182, title III, § 306, Dec. 8, 1993, 107 Stat. 2104, related to compensation authority.

Section 3357, Pub. L. 103-182, title III, § 307, Dec. 8, 1993, 107 Stat. 2104, related to submission of petitions to the International Trade Commission.

Section 3358, Pub. L. 103-182, title III, § 309, Dec. 8, 1993, 107 Stat. 2105; Pub. L. 104-295, § 21(b)(4), Oct. 11, 1996, 110 Stat. 3530; Pub. L. 114-125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210, related to price-based snapback for frozen concentrated orange juice.

## Statutory Notes and Related Subsidiaries

## 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

Pub. L. 103-182, title III, § 318, Dec. 8, 1993, 107 Stat. 2108, which provided that the provisions of subtitle A of title III of Pub. L. 103-182 would take effect on the date the North American Free Trade Agreement entered