

Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE AND TERMINATION DATES

Section effective Aug. 2, 2005, and to cease to have effect on date Dominican Republic-Central America-United States Free Trade Agreement ceases to be in force with respect to the United States, and, during any period in which a country ceases to be a CAFTA-DR country, to cease to have effect with respect to such country, see section 107 of Pub. L. 109-53, set out as a note under section 4001 of this title.

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

#### § 4011. Approval and entry into force of the Agreement

##### (a) Approval of Agreement and statement of administrative action

Pursuant to section 3805 of this title and section 2191 of this title, the Congress approves—

(1) the Dominican Republic-Central America-United States Free Trade Agreement entered into on August 5, 2004, with the Governments of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, and submitted to the Congress on June 23, 2005; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to the Congress on June 23, 2005.

##### (b) Conditions for entry into force of the Agreement

At such time as the President determines that countries listed in subsection (a)(1) have taken measures necessary to comply with the provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to provide for the Agreement to enter into force with respect to those countries that provide for the Agreement to enter into force for them.

(Pub. L. 109-53, title I, §101, Aug. 2, 2005, 119 Stat. 464.)

#### TERMINATION OF SECTION

*For termination of section by section 107(d) of Pub. L. 109-53, see Effective and Termination Dates note below.*

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE AND TERMINATION DATES

Section effective on the date the Dominican Republic-Central America-United States Free Trade Agreement enters into force (Mar. 1, 2006) and to cease to have effect on the date the Agreement ceases to be in force with respect to the United States, and, during any period in which a country ceases to be a CAFTA-DR country, to cease to have effect with respect to such country, see section 107 of Pub. L. 109-53, set out as a note under section 4001 of this title.

#### § 4012. Relationship of the Agreement to United States and State law

##### (a) Relationship of Agreement to United States law

###### (1) United States law to prevail in conflict

No provision of the Agreement, 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 chapter 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 chapter.

##### (b) Relationship of Agreement 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 Agreement, 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 Agreement with respect to private remedies

No person other than the United States—

(1) shall have any cause of action or defense under the Agreement 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 Agreement.

(Pub. L. 109-53, title I, §102, Aug. 2, 2005, 119 Stat. 464.)

#### TERMINATION OF SECTION

*For termination of section by section 107(d) of Pub. L. 109-53, see Effective and Termination Dates note below.*

#### Editorial Notes

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2), was in the original “this Act”, meaning Pub. L. 109-53, Aug. 2, 2005, 119 Stat. 462, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4001 of this title and Tables.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE AND TERMINATION DATES

Section effective on the date the Dominican Republic-Central America-United States Free Trade Agree-