

gress 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.

(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.)

Editorial Notes

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

¹ See References in Text note below.

(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.)

Editorial Notes

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 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.

§ 4513. Implementing actions in anticipation of entry into force; initial regulations; tariff proclamation authority

(a) Implementing actions

(1) Proclamation authority

After January 29, 2020—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may prescribe such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the USMCA enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the USMCA enters into force.

(2) Effective date of certain proclaimed actions

Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 4514 of this title may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) Waiver of 15-day restriction

The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the USMCA enters into force of any action proclaimed under this section.

(b) Initial regulations

(1) In general

Except as provided by paragraph (2) or (3), initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action approved under section 4511(a)(2) of this title to implement the USMCA shall, to the maximum extent feasible, be prescribed within 1 year after the date on which the USMCA enters into force.

(2) Uniform regulations

Interim or initial regulations to implement the Uniform Regulations regarding rules of or-

igin provided for under article 5.16 of the USMCA shall be prescribed not later than the date on which the USMCA enters into force.

(3) Implementing actions with effective dates after entry into force

In the case of any implementing action that takes effect on a date after the date on which the USMCA enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be prescribed within 1 year after such effective date.

(c) Tariff modifications

(1) Tariff modifications provided for in the USMCA

The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.4, 2.5, 2.7, 2.8, 2.9, 2.10, 6.2, and 6.3, the Schedule of the United States to Annex 2-B, including the appendices to that Annex, Annex 2-C, and Annex 6-A, of the USMCA.

(2) Other tariff modifications

Subject to the consultation and layover provisions of section 4514 of this title, the President may proclaim—

(A) such modifications or continuation of any duty,

(B) such modifications as the United States may agree to with a USMCA country regarding the staging of any duty treatment set forth in the Schedule of the United States to Annex 2-B of the USMCA, including the appendices to that Annex,

(C) such continuation of duty-free or excise treatment, or

(D) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to a USMCA country provided for by the USMCA.

(3) Conversion to ad valorem rates

For purposes of paragraphs (1) and (2), with respect to any good for which the base rate in the Schedule of the United States to Annex 2-B of the USMCA is a specific or compound rate of duty, the President shall substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(4) Tariff-rate quotas

In implementing the tariff-rate quotas set forth in the Schedule of the United States to Annex 2-B of the USMCA, the President shall take such actions as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of agricultural goods in the United States.

(5) Presidential proclamation authority relating to rules of origin

(A) In general

The President may proclaim, as part of the HTS—