

(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—

(i) the provisions set forth in Annex 4-B of the USMCA;

(ii) the provisions set forth in paragraph 2 of article 3.A.6 of Annex 3-A of the USMCA;

(iii) the provisions set forth in paragraph 5 of Annex 3-B of the USMCA;

(iv) the provisions set forth in paragraphs 14(b), 14(c), and 15(e) of Section B of Appendix 2 to Annex 2-B of the USMCA; and

(v) any additional subordinate category that is necessary to carry out section 4531 of this title and section 4532 of this title consistent with the USMCA.

(B) Modifications

(i) In general

Subject to the consultation and layover provisions of section 4514 of this title, the President may proclaim modifications to the provisions proclaimed under the authority of subparagraph (A), other than the provisions of chapters 50 through 63 of the USMCA.

(ii) Special rule for textiles

Notwithstanding clause (i), and subject to the consultation and layover provisions of section 4514 of this title, the President may proclaim—

(I) such modifications to the provisions proclaimed under the authority of subparagraph (A) as are necessary to implement an agreement with one or more USMCA countries pursuant to article 6.4 of the USMCA; and

(II) before the end of the 1-year period beginning on the date on which the USMCA enters into force, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the USMCA.

(Pub. L. 116–113, title I, §103, Jan. 29, 2020, 134 Stat. 15.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1), (2) and (b)(1), 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF SUBSECTION (c)

Subsec. (c) of this section effective on the date the USMCA entered into force (July 1, 2020), see section 107(b) of Pub. L. 116–113, set out as a note under section 4501 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

Proc. No. 10053, pars. (5), (6), June 29, 2020, 85 F.R. 39826, authorized the United States Trade Representative to exercise the authority of the President under subsec. (c)(4) of this section and the Committee for Im-

plementation of Textile Agreements to exercise the authority of the President under subsec. (c)(1) of this section with respect to a good provided for under article 6.2 of the USMCA.

§ 4514. Consultation and layover provisions for, and effective date of, proclaimed actions

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, that action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 2155 of this title; and

(B) the International Trade Commission, which shall hold a public hearing on the proposed action before providing advice regarding the proposed action;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the proposed action and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

(Pub. L. 116–113, title I, §104, Jan. 29, 2020, 134 Stat. 17.)

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.

Executive Documents

DELEGATION OF FUNCTIONS

Proc. No. 10053, par. (7), June 29, 2020, 85 F.R. 39826, authorized the United States Trade Representative to fulfill the obligations of the President to obtain advice from the appropriate advisory committees and the International Trade Commission on the proposed implementation of an action by Presidential proclamation; to submit a report on such proposed action to the appropriate congressional committees; and to consult with those congressional committees regarding the proposed action.

§ 4515. Administration of dispute settlement proceedings

(a) United States Section of Secretariat

(1) Establishment or designation of office

The President is authorized to establish or designate within the Department of Commerce an office to serve as the United States Section