

North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act ([former] 19 U.S.C. 3438), the amendments made by this title [see Short Title of 2015 Amendment note set out under section 1654 of this title] shall apply with respect to goods from Canada and Mexico.”

APPLICATION OF AMENDMENTS BY PUBLIC LAW 103-465
TO GOODS FROM CANADA AND MEXICO

Pub. L. 103-465, title II, §234, Dec. 8, 1994, 108 Stat. 4901, provided that: “Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act [former 19 U.S.C. 3438], the amendments made by this title [see Tables for classification] shall apply with respect to goods from Canada and Mexico.”

PART B—GENERAL PROVISIONS

§ 4601. Effect of termination of USMCA country status

(a) In general

Except as provided in subsection (b), on the date on which a country ceases to be a USMCA country, the provisions of this title¹ (other than this section) and the amendments made by this title¹ shall cease to have effect with respect to that country.

(b) Transition provisions

(1) Proceedings regarding protective orders and undertakings

If on the date on which a country ceases to be a USMCA country an investigation or enforcement proceeding concerning the violation of a protective order issued under section 1677f(f) of this title (as amended by this title¹) or an undertaking of the government of that country is pending, the investigation or proceeding shall continue, and sanctions may continue to be imposed, in accordance with the provisions of such section 1677f(f) of this title (as so amended).

(2) Binational panel and extraordinary challenge committee reviews

If on the date on which a country ceases to be a USMCA country—

(A) a binational panel review under article 10.12 of the USMCA is pending, or has been requested, or

(B) an extraordinary challenge committee review under that article is pending, or has been requested,

with respect to a determination which involves a class or kind of merchandise and to which subsection (g)(2) of section 1516a of this title applies, such determination shall be reviewable under subsection (a) of that section. In the case of a determination to which the provisions of this paragraph apply, the time limits for commencing an action under 1516a(a)² of this title shall not begin to run until the date on which the USMCA ceases to be in force with respect to that country.

(Pub. L. 116-113, title IV, §431, Jan. 29, 2020, 134 Stat. 66.)

¹ See References in Text note below.

² So in original. Probably should be preceded by “section”.

Editorial Notes

REFERENCES IN TEXT

This title, referred to in subsecs. (a) and (b)(1), means title IV of Pub. L. 116-113, Jan. 29, 2020, 134 Stat. 61, which enacted this section, amended sections 1516a, 1677, 1677f, and 4374 of this title and sections 1581, 1584, 2201, and 2643 of Title 28, Judiciary and Judicial Procedure, and enacted provisions set out as a note under section 1516a of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date on which the USMCA enters into force (July 1, 2020), but not applicable to certain determinations under section 1516a of this title or binational panel reviews under NAFTA, see section 432 of Pub. L. 116-113, set out as an Effective Date of 2020 Amendment note under section 1516a of this title.

SUBCHAPTER V—TRANSITION TO AND
EXTENSION OF USMCA

PART A—JOINT REVIEWS REGARDING EXTENSION
OF USMCA

§ 4611. Participation in joint reviews with Canada and Mexico regarding extension of the term of the USMCA and other action regarding the USMCA

(a) In general

Pursuant to the requirements of this section, the President shall consult with the appropriate congressional committees and stakeholders before each joint review, including consultation with respect to—

(1) any recommendation for action to be proposed at the review; and

(2) the decision whether or not to confirm that the United States wishes to extend the USMCA.

(b) Consultations with Congress and stakeholders

(1) Publication and public hearing

At least 270 days before a joint review commences, the Trade Representative shall publish in the Federal Register a notice regarding the joint review and shall, as soon as possible following such publication, provide opportunity for the presentation of views relating to the operation of the USMCA, including a public hearing.

(2) Report to Congress

At least 180 days before a 6-year joint review under article 34.7 of the USMCA commences, the Trade Representative shall report to the appropriate congressional committees regarding—

(A) the assessment of the Trade Representative with respect to the operation of the USMCA;

(B) the precise recommendation for action to be proposed at the review and the position of the United States with respect to whether to extend the term of the USMCA;

(C) what, if any, prior efforts have been made to resolve any concern that underlies that recommendation or position; and

(D) the views of the advisory committees established under section 2155 of this title regarding that recommendation or position.

(c) Subsequent action to address lack of agreement on term extension

(1) In general

If, as part of a joint review, any USMCA country does not confirm that the country wishes to extend the term of the USMCA under article 34.7.3 of the USMCA, at least 70 days before any subsequent annual joint review meeting conducted as required under article 34.7 of the USMCA, the Trade Representative shall report to the appropriate congressional committees regarding—

(A) any reason offered by a USMCA country regarding why the country is unable to agree to extend the term of the USMCA;

(B) the progress that has been made in efforts to achieve resolution of the concerns of that country;

(C) any proposed action that the Trade Representative intends to raise during the meeting; and

(D) the views of the advisory committees established under section 2155 of this title regarding the reasons described in subparagraph (A) and any proposed action under subparagraph (C).

(2) Additional information

The Trade Representative shall also provide detailed and timely information in response to any questions posed by the appropriate congressional committees with respect to any meeting described in paragraph (1), including by submitting to those committees copies of any proposed text that the Trade Representative plans to submit to the other parties to the meeting.

(d) Congressional engagement after joint review

(1) In general

Not later than 20 days after the USMCA countries have met for a joint review, the Trade Representative shall brief the appropriate congressional committees regarding the positions expressed by the countries during the joint review and what, if any, actions were agreed to by the countries.

(2) Continued engagement

After a joint review, the Trade Representative shall keep the appropriate congressional committees timely apprised of any developments arising out of or related to the review.

(e) Definitions

In this section:

(1) Joint review

The term “joint review” means a review conducted under the process provided for in article 34.7 of the USMCA relating to extension of the term of the USMCA.

(2) USMCA country

The term “USMCA country” has the meaning given that term in section 4531(a) of this title.

(Pub. L. 116–113, title VI, §611, Jan. 29, 2020, 134 Stat. 79.)

Executive Documents

DELEGATION OF FUNCTIONS

Proc. No. 10053, par. (14), June 29, 2020, 85 F.R. 39826, authorized the United States Trade Representative to

exercise the function assigned to the President under subsec. (a) of this section to consult with the appropriate congressional committees and stakeholders regarding joint reviews under article 34.7 of the USMCA.

PART B—TERMINATION OF USMCA

§ 4621. Termination of USMCA

(a) Termination of USMCA country status

During any period in which a country ceases to be a USMCA country, this Act (other than this subsection and title IX) and the amendments made by this Act shall cease to have effect with respect to that country.

(b) Termination of USMCA

On the date on which the USMCA ceases to be in force with respect to the United States, this Act and the amendments made by this Act (other than this subsection and title IX) shall cease to have effect.

(Pub. L. 116–113, title VI, §621, Jan. 29, 2020, 134 Stat. 80.)

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. Title IX of the Act (134 Stat. 98) provides for USMCA supplemental appropriations and is not classified to the Code. For complete classification of this Act to the Code, see Short Title note set out under section 4501 of this title and Tables.

SUBCHAPTER VI—LABOR MONITORING AND ENFORCEMENT

§ 4631. Definitions

In this subchapter:

(1) Labor attaché

The term “labor attaché” means an individual hired under part B.

(2) Labor obligations

The term “labor obligations” means the obligations under chapter 23 of the USMCA (relating to labor).

(3) Mexico’s labor reform

The term “Mexico’s labor reform” means the legislation on labor reform enacted by Mexico on May 1, 2019.

(Pub. L. 116–113, title VII, §701, Jan. 29, 2020, 134 Stat. 80.)

PART A—INTERAGENCY LABOR COMMITTEE FOR MONITORING AND ENFORCEMENT

§ 4641. Interagency Labor Committee for Monitoring and Enforcement

(a) Establishment

Not later than 90 days after January 29, 2020, the President shall establish an Interagency Labor Committee for Monitoring and Enforcement (in this subchapter referred to as the “Interagency Labor Committee”), to coordinate United States efforts with respect to each USMCA country—

(1) to monitor the implementation and maintenance of the labor obligations;