

116TH CONGRESS
1ST SESSION

S. 3002

To amend the Trade Facilitation and Trade Enforcement Act of 2015 to increase amounts transferred to the Trade Enforcement Trust Fund and to require the use of certain amounts in the fund to implement labor obligations in a free trade agreement with Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2019

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Trade Facilitation and Trade Enforcement Act of 2015 to increase amounts transferred to the Trade Enforcement Trust Fund and to require the use of certain amounts in the fund to implement labor obligations in a free trade agreement with Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Tech-
5 nical Assistance for Mexican Labor Capacity Building Act
6 of 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Trade Enforcement Trust Fund was
4 established on February 24, 2016, with the enact-
5 ment of the Trade Facilitation and Trade Enforce-
6 ment Act of 2015 (Public Law 114–125).

7 (2) Congress created the Trade Enforcement
8 Trust Fund—

9 (A) to provide dedicated resources to en-
10 force the commitments and obligations under
11 the WTO Agreements (as defined in section
12 611(g) of the Trade Facilitation and Trade En-
13 forcement Act of 2015 (19 U.S.C. 4405(g)))
14 and free trade agreements to which the United
15 States is a party;

16 (B) to monitor and ensure the full imple-
17 mentation by foreign trading partners of com-
18 mitments and obligations under free trade
19 agreements to which the United States is a
20 party;

21 (C) to investigate and respond to enforce-
22 ment petitions filed under section 302 of the
23 Trade Act of 1974 (19 U.S.C. 2412); and

24 (D) to support capacity-building efforts
25 undertaken by the United States pursuant to

1 free trade agreements to which the United
2 States is a party.

3 (3) Since its establishment, the Trade Enforce-
4 ment Trust Fund (under section 611 of the Trade
5 Facilitation and Trade Enforcement Act of 2015 (19
6 U.S.C. 4405)) has supported efforts to investigate
7 discriminatory trade practices and enforce obliga-
8 tions relating to labor, the environment, intellectual
9 property, and trade in goods and services among
10 trading partners of the United States in Africa,
11 Asia, Europe, and South America.

12 (4) The renegotiation of the North American
13 Free Trade Agreement presents an opportunity to
14 further and expand the goals of the Trade Enforce-
15 ment Trust Fund with respect to Mexico and Can-
16 ada, particularly regarding the implementation and
17 enforcement by Mexico of labor obligations under
18 the United States-Mexico-Canada Agreement.

19 **SEC. 3. MODIFICATION OF TRADE ENFORCEMENT TRUST**
20 **FUND.**

21 (a) INCREASE OF AMOUNTS IN FUND.—Subsection
22 (b) of section 611 of the Trade Facilitation and Trade
23 Enforcement Act of 2015 (19 U.S.C. 4405) is amended—

24 (1) in paragraph (1), by striking
25 “\$15,000,000” and inserting “\$90,000,000”; and

1 (2) in paragraph (2), by striking
2 “\$30,000,000” and inserting “\$105,000,000”.

3 (b) MODIFICATION OF ADMINISTRATION OF FUND.—
4 Subsection (d)(1) of such section is amended, in the mat-
5 ter preceding subparagraph (A)—

6 (1) by striking “relevant subordinate bodies of
7 the TPC” and inserting “, relevant subordinate bod-
8 ies of the TPC, and other Federal agencies as re-
9 quired by law”; and

10 (2) by striking “, only as provided by appro-
11 priations Acts,”.

12 (c) USE OF CERTAIN AMOUNTS TO IMPLEMENT
13 LABOR OBLIGATIONS IN FREE TRADE AGREEMENT WITH
14 MEXICO.—Subsection (d) of such section is amended—

15 (1) by redesignating paragraph (2) as para-
16 graph (3); and

17 (2) by inserting after paragraph (1) the fol-
18 lowing:

19 “(2) IMPLEMENTATION OF LABOR OBLIGATIONS
20 IN FREE TRADE AGREEMENT WITH MEXICO.—

21 “(A) AMOUNTS FOR DEPARTMENT OF
22 LABOR.—Not less than \$59,400,000 of the
23 amount transferred to the Trust Fund under
24 subsection (b)(1) each fiscal year shall be used
25 by the Department of Labor as follows:

1 “(i) For the Office of Trade and
2 Labor Affairs at the Bureau of Inter-
3 national Labor Affairs of the Department
4 of Labor—

5 “(I) not less than \$35,000,000—

6 “(aa) to monitor the en-
7 forcement by Mexico of obliga-
8 tions under a free trade agree-
9 ment between Mexico and the
10 United States, including laws and
11 practices related to the imple-
12 mentation by Mexico of labor
13 laws that relate to the labor obli-
14 gations in the agreement;

15 “(bb) to conduct capacity
16 building, provide technical assist-
17 ance, and promote the use of dig-
18 ital technologies to assist Mexico
19 with enforcement of those labor
20 laws;

21 “(cc) to assist Mexico in
22 making available online and in an
23 easily accessible format all cur-
24 rent collective bargaining agree-

1 ments in Federal and local juris-
2 dictions in Mexico;

3 “(dd) to inspect facilities in
4 Mexico to determine whether
5 those facilities are complying
6 with those labor laws;

7 “(ee) to cooperate with Can-
8 ada, the International Labour
9 Organization, and international
10 financial institutions with respect
11 to monitoring the labor obliga-
12 tions in the agreement that apply
13 to Mexico;

14 “(ff) in coordination with
15 nongovernmental organizations
16 that have a history of working
17 with independent labor unions on
18 labor rights advocacy, to fund
19 programs to improve working
20 conditions, educate workers about
21 labor rights, and strengthen the
22 capacity of independent workers’
23 organizations in Mexico; and

24 “(gg) to support a long-term
25 commitment by the Bureau of

1 International Labor Affairs to
2 promote sustainable, independent
3 worker organizations in Mexico;
4 and

5 “(II) not less than \$2,100,000 to
6 provide for 12 full-time equivalent
7 personnel to monitor, report on, and
8 assist with the implementation by
9 Mexico of labor law that relate to the
10 labor obligations in the agreement.

11 “(ii) For the Office of Child Labor,
12 Forced Labor, and Human Trafficking at
13 the Bureau of International Labor Affairs
14 of the Department of Labor—

15 “(I) not less than \$20,000,000—

16 “(aa) to combat child labor
17 and forced labor in Mexico and to
18 report on the prevalence of child
19 labor and forced labor in Mexico;
20 and

21 “(bb) to support technical
22 assistance and cooperation efforts
23 to combat child labor and forced
24 labor in Mexico; and

1 “(II) not less than \$1,400,000 to
2 provide for 8 full-time equivalent per-
3 sonnel to research, monitor, and re-
4 port on the effective enforcement by
5 Mexico of its child labor laws and
6 forced labor laws.

7 “(iii) Not less than \$900,000 to pro-
8 vide for 3 permanent Labor Attachés at
9 the United States Embassy in Mexico or
10 consulates of the United States in Mexico
11 to monitor, report on, and assist with the
12 implementation by Mexico of labor laws
13 that relate to the labor obligations in the
14 agreement, including one attaché to mon-
15 itor, report on, and assist with efforts to
16 combat child labor in Mexico.

17 “(B) AMOUNTS FOR UNITED STATES
18 AGENCY FOR INTERNATIONAL DEVELOP-
19 MENT.—Not less than \$15,600,000 of the
20 amount transferred to the Trust Fund under
21 subsection (b)(1) each fiscal year shall be used
22 by the United States Agency for International
23 Development as follows:

24 “(i) To monitor anti-corruption obli-
25 gations and obligations intended to pro-

1 mote the rule of law in a free trade agree-
2 ment between Mexico and the United
3 States and to provide capacity building,
4 technical assistance, and judicial and legal
5 training related to that monitoring.

6 “(ii) To conduct capacity building and
7 provide technical assistance to assist Mex-
8 ico with enforcement of labor laws that re-
9 late to the labor obligations in the agree-
10 ment.

11 “(C) USE OF NONGOVERNMENTAL ORGANI-
12 ZATIONS.—Amounts may be expended under
13 subparagraphs (A) and (B) through the award
14 of grants to nongovernmental organizations.

15 “(D) STATUS OF LABOR COMMITMENTS
16 AND COORDINATION OF ASSISTANCE.—Not less
17 frequently than biannually, the Secretary of
18 Labor, the Administrator of the United States
19 Agency for International Development, the
20 United States Trade Representative, and the
21 Secretary of State shall meet to discuss the sta-
22 tus of labor commitments under a free trade
23 agreement between Mexico and the United
24 States and the coordination of activities and as-
25 sistance under subparagraphs (A) and (B).

1 “(E) ANNUAL REPORTS ON AMOUNTS
2 SPENT.—

3 “(i) IN GENERAL.—Not less fre-
4 quently than annually, the Secretary of
5 Labor and the Administrator of the United
6 States Agency for International Develop-
7 ment shall each submit to the Committee
8 on Finance of the Senate and the Com-
9 mittee on Ways and Means of the House
10 of Representatives and make available to
11 the public a report on—

12 “(I) how amounts described in
13 subparagraphs (A) and (B) were
14 spent and what outcomes were
15 achieved during the year covered by
16 the report; and

17 “(II) proposed future allocations
18 and priorities for those amounts.

19 “(ii) ASSESSMENT OF EFFECTIVE-
20 NESS.—The Secretary of Labor and the
21 Administrator of the United States Agency
22 for International Development shall include
23 in each report submitted under clause (i)
24 an assessment of the effectiveness of past
25 expenditures and proposed future alloca-

1 tions in achieving the goals described in
2 subparagraphs (A) and (B).”.

3 (d) ANNUAL REPORT.—Subsection (e) of such sec-
4 tion is amended—

5 (1) in the subsection heading by striking “RE-
6 PORT” and inserting “REPORTS”;

7 (2) by striking “Not” and inserting “(1) RE-
8 PORT ON ACTIONS TAKEN WITH RESPECT TO
9 AGREEMENTS.—Not”; and

10 (3) by adding at the end the following:

11 “(2) ANNUAL REPORT ON ACTIONS TAKEN.—
12 Not later than one year after the date of the enact-
13 ment of the United States Technical Assistance for
14 Mexican Labor Capacity Building Act of 2019, and
15 annually thereafter, the United States Trade Rep-
16 resentative, in consultation with the Federal agen-
17 cies represented on the TPC, shall submit to Con-
18 gress a report on the actions taken under subsection
19 (d) during the year covered by the report.”.

20 (e) SUPPLEMENT NOT SUPPLANT.—Increased fund-
21 ing for efforts relating to trade enforcement, trade capac-
22 ity building, and foreign assistance efforts pursuant to the
23 amendments made by this section shall supplement, not
24 supplant, existing funding for those efforts.

1 **SEC. 4. REPORT ON STATUS OF LABOR OBLIGATIONS WITH**
2 **RESPECT TO MEXICO.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, and every 180 days thereafter, the Sec-
5 retary of Labor shall submit to the Committee on Finance
6 of the Senate and the Committee on Ways and Means of
7 the House of Representatives a report on the status of
8 the laws and regulations in Mexico that are intended to
9 implement the labor obligations of Mexico under a free
10 trade agreement between Mexico and the United States
11 and an assessment of the effectiveness of those laws and
12 regulations.

13 **SEC. 5. LABOR ENFORCEMENT TRIGGER WITH RESPECT TO**
14 **MEXICO.**

15 (a) IN GENERAL.—Not later than 15 days after the
16 date on which a majority of the members of the Labor
17 Advisory Committee for Trade Negotiations and Trade
18 Policy request that the United States Trade Representa-
19 tive and the Secretary of Labor investigate a covered labor
20 matter, the Trade Representative and the Secretary shall
21 submit to the Labor Advisory Committee for Trade Nego-
22 tiations and Trade Policy, the Committee on Finance of
23 the Senate, and the Committee on Ways and Means of
24 the House of Representatives a report—

1 (1) indicating whether the Trade Representative
2 and the Secretary plan to investigate the covered
3 labor matter; and

4 (2) if the Trade Representative and the Sec-
5 retary do not plan to investigate the matter, explain-
6 ing why not.

7 (b) MATTERS TO BE INCLUDED.—A request under
8 subsection (a) shall include, at a minimum, a description
9 of the covered labor matter requested to be investigated
10 under that subsection and any related documentary evi-
11 dence.

12 (c) MANNER OF REQUEST.—A request may be made
13 under subsection (a) by—

14 (1) a notification to the United States Trade
15 Representative, the Secretary of Labor, the Com-
16 mittee on Finance of the Senate, and the Committee
17 on Ways and Means of the House of Representatives
18 following a majority vote of the members of the
19 Labor Advisory Committee for Trade Negotiations
20 and Trade Policy or their designees; or

21 (2) a signed letter by the majority of the mem-
22 bers of the Labor Advisory Committee for Trade Ne-
23 gotiations and Trade Policy or their designees to the
24 United States Trade Representative, the Secretary
25 of Labor, the Committee on Finance of the Senate,

1 and the Committee on Ways and Means of the
2 House of Representatives.

3 (d) ACTION IN CONNECTION WITH REQUEST.—If the
4 United States Trade Representative and the Secretary of
5 Labor decide to investigate a covered labor matter after
6 the receipt of a request under subsection (a), the Trade
7 Representative and the Secretary shall—

8 (1) not later than 120 days after receiving the
9 request, conclude the investigation; and

10 (2) not later than 90 days after concluding the
11 investigation, submit to the Labor Advisory Com-
12 mittee for Trade Negotiations and Trade Policy, the
13 Committee on Finance of the Senate, and the Com-
14 mittee on Ways and Means of the House of Rep-
15 resentatives a report—

16 (A) indicating whether the Trade Rep-
17 resentative intends to pursue dispute resolution
18 consultations with Mexico with respect to the
19 matter; and

20 (B) if the Trade Representative does not
21 intend to pursue dispute resolution consulta-
22 tions, explaining why not, including the specific
23 reasons, such as resource constraints or any
24 other factors.

1 (e) COVERED LABOR MATTER.—In this section, the
 2 term “covered labor matter” means a labor matter in Mex-
 3 ico that may indicate a violation of the labor obligations
 4 by Mexico under a free trade agreement between the
 5 United States and Mexico.

6 **SEC. 6. MONITORING, REPORTING, AND TECHNICAL ASSIST-**
 7 **ANCE WITH RESPECT TO COMBATING CHILD**
 8 **LABOR AND FORCED LABOR IN MEXICO.**

9 (a) ANNUAL REPORT.—Not later than 180 days after
 10 the date of the enactment of this Act, and annually there-
 11 after, the Deputy Undersecretary for International Affairs
 12 of the Department of Labor shall submit to Congress a
 13 report on child labor and forced labor in Mexico, includ-
 14 ing—

15 (1) an assessment of the implementation by
 16 Mexico of its international commitments to eliminate
 17 the worst forms of child labor; and

18 (2) an assessment of the effective enforcement
 19 of child labor laws and forced labor laws in Mexico.

20 (b) INCLUSION OF INFORMATION IN BIENNIAL
 21 LIST.—The head of the Bureau of International Labor Af-
 22 fairs of the Department of Labor shall include in the bien-
 23 nial List of Goods Produced by Child Labor or Forced
 24 Labor, as required under section 105(b)(2)(C) of the Traf-
 25 ficking Victims Protection Reauthorization Act of 2005

1 (22 U.S.C. 7112(b)(2)(C)), information included in the re-
 2 port under subsection (a).

3 (c) TECHNICAL ASSISTANCE AND COOPERATION.—
 4 Based on the results of the report under subsection (a),
 5 and using amounts under section 611(d)(2)(A)(ii) of the
 6 Trade Facilitation and Trade Enforcement Act of 2015
 7 (19 U.S.C. 4405), as amended by section 3(c) of this Act,
 8 the head of the Office of Child Labor, Forced Labor, and
 9 Human Trafficking of the Department of Labor shall pro-
 10 vide technical assistance and cooperation to reduce child
 11 labor and forced labor in supply chains and sectors in
 12 Mexico that produce goods likely to be exported to the
 13 United States.

14 **SEC. 7. MODIFICATION OF ANNUAL REPORT ON WORKERS**
 15 **RIGHTS IN CERTAIN DEVELOPING COUN-**
 16 **TRIES.**

17 Section 504 of the Trade Act of 1974 (19 U.S.C.
 18 2464) is amended by inserting before the period at the
 19 end the following: “and effective enforcement of child
 20 labor laws and forced labor laws”.

21 **SEC. 8. MEETING REQUIREMENTS FOR LABOR ADVISORY**
 22 **COMMITTEES ON TRADE.**

23 Section 135(d) of the Trade Act of 1974 (19 U.S.C.
 24 2155(d)) is amended—

- 1 (1) by striking “Committees” and inserting
2 “(1) Committees”; and
3 (2) by adding at the end the following:
4 “(2) In the case of a committee established
5 under subsection (c) for labor interests, that com-
6 mittee shall meet as described in paragraph (1) not
7 less frequently than twice each year.”.

○