

of the Secretariat established under article 30.6 of the USMCA.

**(2) Functions and administrative assistance**

The office established or designated under paragraph (1), subject to the oversight of the interagency group established under section 411(c)(2),<sup>1</sup> shall—

(A) carry out its functions within the Secretariat to facilitate the operation of the USMCA, including the operation of section D of chapter 10 and chapter 31 of the USMCA; and

(B) provide administrative assistance to—

(i) panels established under chapter 31 of the USMCA, including under Annex 31–A (relating to the Facility-Specific Rapid Response Labor Mechanism);

(ii) technical advisers and experts provided for under chapter 31 of the USMCA;

(iii) binational panels and extraordinary challenge committees established under section D of chapter 10 of the USMCA; and

(iv) binational panels and extraordinary challenge committees established under NAFTA for matters covered by article 34.1 of the USMCA (relating to transition from NAFTA).

**(3) Treatment of office under Freedom of Information Act**

The office established or designated under paragraph (1) shall not be considered an agency for purposes of section 552 of title 5.

**(b) Authorization of appropriations**

There are authorized to be appropriated for each fiscal year after fiscal year 2020 to the Department of Commerce \$2,000,000 for—

(1) the operations of the office established or designated under subsection (a)(1); and

(2) the payment of the United States share of the expenses of—

(A) panels established under chapter 31 of the USMCA, including under Annex 31–A (relating to the Facility-Specific Rapid Response Labor Mechanism);

(B) binational panels and extraordinary challenge committees established under section D of chapter 10 of the USMCA; and

(C) binational panels and extraordinary challenge committees established under NAFTA for matters covered by article 34.1 of the USMCA (relating to transition from NAFTA).

**(c) Reimbursement of certain expenses**

If the Canadian Section or the Mexican Section of the Secretariat provides funds to the United States Section during any fiscal year as reimbursement for expenses in connection with dispute settlement proceedings under section D of chapter 10 or chapter 31 of the USMCA, or under chapter 19 of NAFTA, the United States Section may, notwithstanding section 3302 of title 31, retain and use such funds to carry out the functions described in subsection (a)(2).

(Pub. L. 116–113, title I, §105, Jan. 29, 2020, 134 Stat. 18.)

<sup>1</sup> See References in Text note below.

**Editorial Notes**

REFERENCES IN TEXT

Section 411(c)(2), referred to in subsec. (a)(2), means section 411(c)(2) of Pub. L. 116–113, but probably should be a reference to section 412(c)(2) of that Act, which establishes an interagency group and is classified to section 4582(c)(2) of this title.

The Freedom of Information Act, referred to in subsec. (a)(3), is section 552 of Title 5, Government Organization and Employees.

**Executive Documents**

DELEGATION OF FUNCTIONS

Proc. No. 10053, par. (8), June 29, 2020, 85 F.R. 39826, authorized The Secretary of Commerce to exercise the authority of the President under subsec. (a) of this section to establish or designate an office within the Department of Commerce to carry out the functions set forth in that subsection.

**§ 4516. Trade Representative authority**

If a country (other than the United States) that has signed the USMCA does not enact implementing legislation, the Trade Representative is authorized to enter into negotiations with the other country that has signed the USMCA to consider how the applicable provisions of the USMCA can come into force with respect to the United States and that other country as promptly as possible.

(Pub. L. 116–113, title I, §106, Jan. 29, 2020, 134 Stat. 19.)

SUBCHAPTER II—CUSTOMS PROVISIONS

**§ 4531. Rules of origin**

**(a) Definitions**

In this section:

**(1) Aquaculture**

The term “aquaculture” means the farming of aquatic organisms, including fish, molluscs, crustaceans, other aquatic invertebrates, and aquatic plants from seed stock such as eggs, fry, fingerlings, or larvae, by intervention in the rearing or growth processes to enhance production such as regular stocking, feeding, or protection from predators.

**(2) Customs Valuation Agreement**

The term “Customs Valuation Agreement” means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 3511(d)(8) of this title.

**(3) Fungible good or fungible material**

The term “fungible good” or “fungible material” means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

**(4) Good wholly obtained or produced entirely in the territory of one or more USMCA countries**

The term “good wholly obtained or produced entirely in the territory of one or more USMCA countries” means any of the following: