

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 USMCAPART 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;

(2) to monitor the implementation and maintenance of Mexico’s labor reform; and

(3) to request enforcement actions with respect to a USMCA country that is not in compliance with such labor obligations.

(b) Membership

The Interagency Labor Committee shall—

(1) be co-chaired by the Trade Representative and the Secretary of Labor; and

(2) include representatives of such other Federal departments or agencies with relevant expertise as the President determines appropriate.

(c) Meetings

The Interagency Labor Committee shall meet at least once every 90 days during the 5-year period beginning on January 29, 2020, and at least once every 180 days thereafter for 5 years.

(d) Information sharing

Notwithstanding any other provision of law, the members of the Interagency Labor Committee may exchange information for purposes of carrying out this subchapter.

(Pub. L. 116–113, title VII, § 711, Jan. 29, 2020, 134 Stat. 81.)

Executive Documents

EX. ORD. NO. 13918. ESTABLISHMENT OF THE INTERAGENCY LABOR COMMITTEE FOR MONITORING AND ENFORCEMENT UNDER SECTION 711 OF THE UNITED STATES-MEXICO-CANADA AGREEMENT IMPLEMENTATION ACT

Ex. Ord. No. 13918, Apr. 28, 2020, 85 F.R. 26315, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and section 711 of the United States-Mexico-Canada Agreement Implementation Act (Act) (Public Law 116–113) [19 U.S.C. 4641], it is hereby ordered as follows:

SECTION 1. *Establishment of the Interagency Labor Committee for Monitoring and Enforcement.* The Interagency Labor Committee for Monitoring and Enforcement (Committee) is hereby established to coordinate the efforts of the United States to monitor the implementation and maintenance of the labor obligations of Canada and Mexico, to monitor the implementation and maintenance of Mexico’s labor reform, and to recommend enforcement actions with respect to Canada or Mexico, as provided for in section 715 of the Act [19 U.S.C. 4645].

SEC. 2. *Membership.* The Committee shall be co-chaired by the United States Trade Representative and the Secretary of Labor, and shall include representatives of the Department of State, the Department of the Treasury, the Department of Agriculture, the Department of Commerce, the Department of Homeland Security, and the United States Agency for International Development. The Co-Chairs may invite representatives from other executive departments or agencies, as appropriate, to participate as members or observers. Each executive department, agency, and component represented on the Committee shall ensure that the necessary staff are available to assist their respective representatives in performing the responsibilities of the Committee. The Committee, by consensus, may designate members to assist it in carrying out the functions described in the Act.

SEC. 3. *Committee Decision-Making.* The Committee shall endeavor to make any decision on an action or determination under sections 712 through 719 of the Act [19 U.S.C. 4642 to 4649] by consensus, which shall be deemed to exist where no member objects to the proposed action or determination.