

SEC. 4. *Funding.* Each executive department and agency participating in the Committee shall bear its own expenses incurred in connection with the Committee's functions described in sections 711 through 719 of the Act. The Department of Labor will provide funding for the hotline required under section 717 of the Act [19 U.S.C. 4647].

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 4642. Duties

The duties of the Interagency Labor Committee shall include the following:

(1) Coordinating the activities of departments and agencies of the Committee in monitoring implementation of and compliance with labor obligations, including by—

(A) requesting and reviewing relevant information from the governments of USMCA countries and from the public;

(B) coordinating visits to Mexico as necessary to assess implementation of Mexico's labor reform and compliance with the labor obligations of Mexico;

(C) receiving and reviewing quarterly assessments from the labor attachés with respect to the implementation of and compliance with Mexico's labor reform; and

(D) coordinating with the Secretary of Treasury with respect to support relating to labor issues provided to Mexico by the Inter-American Development Bank.

(2) Establishing an ongoing dialogue with appropriate officials of the Government of Mexico regarding the implementation of Mexico's labor reform and compliance with its labor obligations.

(3) Coordinating with other institutions and governments with respect to support relating to labor issues, such as the International Labour Organization and the Government of Canada.

(4) Identifying priority issues for capacity-building activities in Mexico to be funded by the United States, drawing primarily on the expertise of the Department of Labor.

(5) Meeting, at least biannually during the 5-year period beginning on January 29, 2020, and at least annually for 5 years thereafter, with the Labor Advisory Committee for Trade Negotiations and Trade Policy established under section 2155(c)(1) of this title (or any successor advisory committee) to consult and provide opportunities for input with respect to—

(A) the implementation of Mexico's labor reform;

(B) labor capacity-building activities in Mexico funded by the United States;

(C) labor monitoring efforts;

(D) labor enforcement priorities; and

(E) other relevant issues.

(6) Based on the assessments required by section 4644 of this title, making recommendations relating to dispute settlement actions to the Trade Representative, in accordance with section 4645 of this title.

(7) Based on reports provided by the Forced Labor Enforcement Task Force under section 4683 of this title, developing recommendations for appropriate enforcement actions by the Trade Representative.

(8) Reviewing reports submitted by the labor experts appointed in accordance with Annex 31-A of the USMCA, with respect to the functioning of that Annex.

(9) Reviewing reports submitted by the Independent Mexico Labor Expert Board under section 4674 of this title.

(Pub. L. 116-113, title VII, § 712, Jan. 29, 2020, 134 Stat. 81.)

§ 4643. Enforcement priorities

The Interagency Labor Committee shall—

(1) review the list of priority sectors under Annex 31-A of the USMCA and suggest to USTR additional sectors for review by the USMCA countries as appropriate;

(2) establish and annually update a list of priority subsectors within such priority sectors to be the focus of the enforcement efforts of the Committee, the first of which shall consist of—

(A) auto assembly;

(B) auto parts;

(C) aerospace;

(D) industrial bakeries;

(E) electronics;

(F) call centers;

(G) mining; and

(H) steel and aluminum; and

(3) review priority facilities within such priority subsectors for monitoring and enforcement.

(Pub. L. 116-113, title VII, § 713, Jan. 29, 2020, 134 Stat. 82.)

§ 4644. Assessments

(a) Ongoing assessments

For the 10-year period beginning on January 29, 2020, except as provided in subsection (b), the Interagency Labor Committee shall assess on a biannual basis the extent to which Mexico is in compliance with its obligations under Annex 23-A of the USMCA.

(b) Consultation relating to annual assessment

On or after the date that is 5 years after January 29, 2020, the Interagency Labor Committee may consult with the appropriate congressional committees with respect to the frequency of the assessment required under subsection (a) and, with the approval of both such committees, may conduct such assessment on an annual basis for the following 5 years.

(c) Matters to be included

The assessment required under subsection (a) shall also include each of the following:

(1) Whether Mexico is providing adequate funding to implement and enforce Mexico's labor reform, including specifically whether Mexico has provided funding consistent with commitments made to contribute the following amounts for the labor reform implementation budget:

- (A) \$176,000,000 for 2021.
- (B) \$325,000,000 for 2022.
- (C) \$328,000,000 for 2023.

(2) The extent to which any legal challenges to Mexico's labor reform have succeeded in that court system.

(3) The extent to which Mexico has implemented the federal and state labor courts, registration entity, and federal and state conciliation centers consistent with the timeline set forth for Mexico's labor reform, in the September 2019 policy statements by the Government of Mexico on a national strategy for implementation of the labor justice system, and in subsequent policy statements in accordance with Mexico's labor reform.

(Pub. L. 116–113, title VII, § 714, Jan. 29, 2020, 134 Stat. 82.)

§ 4645. Recommendation for enforcement action

(a) Recommendation to initiate

If the Interagency Labor Committee determines, pursuant to an assessment under section 4644 of this title, as a result of monitoring activities described in section 4642(1) of this title, or pursuant to a report of the Independent Mexico Labor Expert Board that a USMCA country has failed to meet its labor obligations, including with respect to obligations under Annex 23–A of the USMCA, the Committee shall recommend that the Trade Representative initiate enforcement actions under—

- (1) article 23.13 or 23.17 of the USMCA (relating to cooperative labor dialogue and labor consultations);
- (2) articles 31.4 and 31.6 of the USMCA (relating to dispute settlement consultations); or
- (3) Annex 31–A of the USMCA (relating to the rapid response labor mechanism).

(b) Trade Representative determinations

Not later than 60 days after the date on which the Trade Representative receives a recommendation pursuant to subsection (a), the Trade Representative shall—

- (1) determine whether to initiate an enforcement action; and
- (2) if such determination is negative, submit to the appropriate congressional committees a report on the reasons for such negative determination.

(Pub. L. 116–113, title VII, § 715, Jan. 29, 2020, 134 Stat. 83.)

§ 4646. Petition process

(a) In general

The Interagency Labor Committee shall establish procedures for submissions by the public of information with respect to potential failures to implement the labor obligations of a USMCA country.

(b) Facility-specific petitions

With respect to information submitted in accordance with the procedures established under

subsection (a) accompanying a petition relating to a denial of rights at a covered facility, as such terms are defined for purposes of Annex 31–A of the USMCA:

(1) The Interagency Labor Committee shall review such information within 30 days of submission and shall determine whether there is sufficient, credible evidence of a denial of rights (as so defined) enabling the good-faith invocation of enforcement mechanisms.

(2) If the Committee reaches a negative determination under paragraph (1), the Committee shall certify such determination to the appropriate congressional committees and the petitioner.

(3) If the Committee reaches an affirmative determination under paragraph (1), the Trade Representative shall submit a request for review, in accordance with article 31–A.4 of such Annex, with respect to the covered facility and shall inform the petitioner and the appropriate congressional committees of the submission of such request.

(4) Not later than 60 days after the date of an affirmative determination under paragraph (1), the Trade Representative shall—

- (A) determine whether to request the establishment of a rapid response labor panel in accordance with such Annex; and
- (B) if such determination is negative, certify such determination to the appropriate congressional committees in conjunction with the reasons for such determination and the details of any agreed-upon remediation plan.

(c) Other petitions

With respect to information submitted in accordance with the procedures established under subsection (a) accompanying a petition relating to any other violation of the labor obligations of a USMCA country:

(1) The Interagency Labor Committee shall review such information not later than 20 days after the date of the submission and shall determine whether the information warrants further review.

(2) If the Committee reaches an affirmative determination under paragraph (1), such further review shall focus exclusively on determining, not later than 60 days after the date of such submission, whether there is sufficient, credible evidence that the USMCA country is in violation of its labor obligations, for purposes of initiating enforcement action under chapter 23 or chapter 31 of the USMCA.

(3) If the Committee reaches an affirmative determination under paragraph (2), the Trade Representative shall—

- (A) not later than 60 days after the date of the determination of the Committee, initiate appropriate enforcement action under such chapter 23 or chapter 31; or
- (B) submit to the appropriate congressional committees a notification including the reasons for which action was not initiated within such 60-day period.

(Pub. L. 116–113, title VII, § 716, Jan. 29, 2020, 134 Stat. 83.)