

(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.)