

(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.)

§ 4647. Hotline

The Interagency Labor Committee shall establish a web-based hotline, monitored by the Department of Labor, to receive confidential information regarding labor issues among USMCA countries directly from interested parties, including Mexican workers.

(Pub. L. 116–113, title VII, §717, Jan. 29, 2020, 134 Stat. 85.)

§ 4648. Reports**(a) In general**

Not later than 180 days after January 29, 2020, and every 180 days thereafter for 10 years except as provided in subsection (b), the Interagency Labor Committee shall submit to the appropriate congressional committees a report that includes—

(1) a description of Committee staffing and capacity building activities with Mexico;

(2) information regarding the budget resources for Mexico's labor reform and the deadlines 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;

(3) a summary of petitions filed in accordance with section 4646 of this title and the use of the rapid response labor mechanism under Annex 31–A of the USMCA;

(4) the results of the most recent assessment conducted under section 4644 of this title; and

(5) if, with respect to any report of the Independent Mexico Labor Expert Board submitted under section 4674 of this title that includes a determination described in paragraph (2) of such section, the Interagency Labor Committee does not concur with such determination, an explanation of the reasons for not concurring in such determination and a commitment to provide an oral briefing with respect to such explanation upon request.

(b) Consultation relating to annual assessment

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

(c) Five-year assessment

Not later than the date that is 5 years after the date of the establishment of the Interagency Labor Committee pursuant to section 4641(a) of this title, the Committee shall jointly submit to the appropriate congressional committees—

(1) a comprehensive assessment of the implementation of Mexico's labor reform, including with respect to—

(A) whether Mexico has reviewed and legitimized all existing collective bargaining agreements in Mexico;

(B) whether Mexico has addressed the pre-existing legal or administrative labor disputes;

(C) whether Mexico has established the Federal Center for Conciliation and Labor Registration, and an assessment of that Center's operation;

(D) whether Mexico has established the federal labor courts, and an assessment of their operation; and

(E) whether Mexico has established the state conciliation centers and labor courts in all states and an assessment of their operation; and

(2) a strategic plan and recommendations for actions to address areas of concern relating to the implementation of Mexico's labor reform, for purposes of the joint review conducted pursuant to article 34.7 of the USMCA on the sixth anniversary of the entry into force of the USMCA.

(Pub. L. 116–113, title VII, §718, Jan. 29, 2020, 134 Stat. 85.)

§ 4649. Consultations on appointment and funding of rapid response labor panelists**(a) In general**

The Interagency Labor Committee shall consult with the Labor Advisory Committee established under section 2155(c)(1) of this title and the Advisory Committee for Trade Policy and Negotiations established under section 2155(b) of this title (or successor advisory committees) and the appropriate congressional committees with respect to the selection and appointment of candidates for the rapid response labor panelists described in Annex 31–A of the USMCA.

(b) Funding

The United States, in consultation with Mexico, shall provide adequate funding for rapid response labor panelists to carry out the responsibilities under the USMCA promptly and fully.

(Pub. L. 116–113, title VII, §719, Jan. 29, 2020, 134 Stat. 86.)

PART B—MEXICO LABOR ATTACHES**§ 4661. Establishment**

The Secretary of Labor shall—

(1) hire and fix the compensation of up to 5 additional full-time officers or employees of the Department of Labor; and

(2) detail or assign such officers or employees to the United States Embassy or a United States Consulate in Mexico to carry out the duties described in section 4662 of this title.

(Pub. L. 116–113, title VII, §721, Jan. 29, 2020, 134 Stat. 86.)

§ 4662. Duties

The duties described in this section are the following:

(1) Assisting the Interagency Labor Committee to monitor and enforce the labor obligations of Mexico.

(2) Submitting to the Interagency Labor Committee on a quarterly basis reports on the efforts undertaken by Mexico to comply with its labor obligations.

(Pub. L. 116–113, title VII, §722, Jan. 29, 2020, 134 Stat. 86.)