

§ 4663. Status

Any officer or employee, while detailed or assigned under this part, shall be considered, for the purpose of preserving their allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and shall continue to receive compensation, allowances, and benefits from program funds appropriated to that agency or made available to that agency for purposes related to the activities of the detail or assignment, in accordance with authorities related to their employment status and agency policies.

(Pub. L. 116–113, title VII, § 723, Jan. 29, 2020, 134 Stat. 86.)

PART C—INDEPENDENT MEXICO LABOR EXPERT BOARD

§ 4671. Establishment

There is hereby established a board, to be known as the “Independent Mexico Labor Expert Board”, to be responsible for monitoring and evaluating the implementation of Mexico’s labor reform and compliance with its labor obligations. The Board shall also advise the Interagency Labor Committee with respect to capacity-building activities needed to support such implementation and compliance.

(Pub. L. 116–113, title VII, § 731, Jan. 29, 2020, 134 Stat. 87.)

§ 4672. Membership; term**(a) Membership**

The Board shall be composed of 12 members who shall be appointed as follows:

(1) Four members to be appointed by the Labor Advisory Committee established under section 2155(c)(1) of this title (or successor advisory committee).

(2) Two members appointed by the Speaker of the House of Representatives, in consultation with the Chair of the Committee on Ways and Means of the House of Representatives.

(3) Two members appointed by the president pro tempore of the Senate from among individuals recommended by the majority leader of the Senate and in consultation with the Chair of the Committee on Finance of the Senate.

(4) Two members appointed by the minority leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Ways and Means of the House of Representatives.

(5) Two members appointed by the President pro tempore of the Senate from among individuals recommended by the minority leader of the Senate and in consultation with the Ranking Member of the Committee on Finance of the Senate.

(b) Term

Except as provided in subsection (c), members of the Board shall serve for a term of 6 years.

(c) Extension of term

If the Board determines, at the end of the 6-year period beginning on the date of the ap-

pointment of the last member appointed in accordance with subsection (a), that Mexico is not fully in compliance with its labor obligations, a majority of the members of the Board may determine to extend its term for 4 additional years. A new Board shall be appointed in accordance with subsection (a) and shall serve for a single term of 4 years.

(Pub. L. 116–113, title VII, § 732, Jan. 29, 2020, 134 Stat. 87.)

§ 4673. Funding

The United States shall provide necessary funding to support the work of the Board, including with respect to translation services and personnel support.

(Pub. L. 116–113, title VII, § 733, Jan. 29, 2020, 134 Stat. 87.)

§ 4674. Reports

For the 6-year period beginning on January 29, 2020, and for an additional 4 years if the term of the Board is extended in accordance with section 4672(c) of this title, the Board shall submit to¹ appropriate congressional committees and to the Interagency Labor Committee an annual report that—

(1) contains an assessment of—
 (A) the efforts of Mexico to implement Mexico’s labor reform; and
 (B) the manner and extent to which labor laws are generally enforced in Mexico; and

(2) may include a determination that Mexico is not in compliance with its labor obligations.

(Pub. L. 116–113, title VII, § 734, Jan. 29, 2020, 134 Stat. 87.)

PART D—FORCED LABOR

§ 4681. Forced Labor Enforcement Task Force**(a) Establishment**

Not later than 90 days after January 29, 2020, the President shall establish a Forced Labor Enforcement Task Force to monitor United States enforcement of the prohibition under section 1307 of this title.

(b) Members; meetings**(1) Members**

The Task Force shall be chaired by the Secretary of Homeland Security and shall be comprised of representatives from such other agencies with relevant expertise, including the Office of the United States Trade Representative and the Department of Labor, as the President determines appropriate.

(2) Meetings

The Task Force shall meet on a quarterly basis regarding active Withhold and Release Orders, ongoing investigations, petitions received, and enforcement priorities, and other relevant issues with respect to enforcing the prohibition under section 1307 of this title.

(Pub. L. 116–113, title VII, § 741, Jan. 29, 2020, 134 Stat. 88.)

¹ So in original. Probably should be followed by “the”.

Editorial Notes

REFERENCES IN TEXT

Section 1307 of this title, referred to in subsec. (b)(2), was in the original “section 307 of the Tariff Act”, and was translated as reading “section 307 of the Tariff Act of 1930”, to reflect the probable intent of Congress.

Executive Documents

EX. ORD. NO. 13923. ESTABLISHMENT OF THE FORCED LABOR ENFORCEMENT TASK FORCE UNDER SECTION 741 OF THE UNITED STATES-MEXICO-CANADA AGREEMENT IMPLEMENTATION ACT

Ex. Ord. No. 13923, May 15, 2020, 85 F.R. 30587, 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 741 of the United States-Mexico-Canada Agreement Implementation Act (Act) (Public Law 116-113) [19 U.S.C. 4681], it is hereby ordered as follows:

SECTION 1. *Establishment of Forced Labor Enforcement Task Force.* The Forced Labor Enforcement Task Force (Task Force) is hereby established to monitor United States enforcement of the prohibition under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 2. *Membership.* The Task Force shall be chaired by the Secretary of Homeland Security and shall be composed of representatives from the Department of State, the Department of the Treasury, the Department of Justice, the Department of Labor, and the Office of the United States Trade Representative. The Chair may invite representatives from other executive departments or agencies, as appropriate, to participate as members or observers. Members of the Task Force may designate an officer of the United States within their respective executive department or agency to serve as their representative on the Task Force. Each executive department or agency represented on the Task Force shall ensure that the necessary staff are available to assist their respective representatives in performing the responsibilities of the Task Force.

SEC. 3. *Task Force Decision-making.* The Task Force shall endeavor to make any decision on an action under sections 742 through 744 of the Act [19 U.S.C. 4682 to 4684] by consensus, which shall be deemed to exist where no Task Force member objects to the proposed action. If the Task Force is unable to reach a consensus on a proposed action, and the Chair determines that allotting further time will cause a decision to be unduly delayed, the Task Force shall decide the matter by majority vote of its members. The Chair, in addition to voting, may also break any tie vote.

SEC. 4. *Funding.* Each executive department and agency shall bear its own expenses incurred in connection with the Task Force’s functions described in sections 741 through 744 of the Act.

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;

(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.

§ 4682. Timeline required**(a) In general**

Not later than 90 days after the establishment of the Forced Labor Enforcement Task Force

pursuant to section 4681(a) of this title, the Task Force shall establish timelines for responding to petitions submitted to the Commissioner of U.S. Customs and Border Protection alleging that goods are being imported by or with child or forced labor.

(b) Consultation required

In establishing the timelines during such 90-day period, the Task Force shall consult with the appropriate congressional committees.

(c) Report

The Task Force shall timely submit to the appropriate congressional committees a report that contains the timelines established pursuant to subsection (a) and shall make such report publicly available.

(Pub. L. 116-113, title VII, § 742, Jan. 29, 2020, 134 Stat. 88.)

§ 4683. Reports required

The Forced Labor Enforcement Task Force shall submit to¹ appropriate congressional committees a biannual report that includes the following:

(1) The enforcement activities and priorities of the Department of Homeland Security with respect to enforcing the prohibition under section 1307 of this title.

(2) The number of instances in which merchandise was denied entry pursuant to such prohibition during the preceding 180-day period.

(3) A description of the merchandise so denied entry.

(4) An enforcement plan regarding goods included in the most recent “Findings on the Worst Forms of Child Labor” report submitted in accordance with section 2464 of this title and “List of Goods Produced by Child Labor or Forced Labor” submitted in accordance with section 7112(b)(2)(C) of title 22.

(5) Such other information as the Forced Labor Enforcement Task Force considers appropriate with respect to monitoring and enforcing compliance with section 1307 of this title.

(Pub. L. 116-113, title VII, § 743, Jan. 29, 2020, 134 Stat. 88.)

§ 4684. Duties related to Mexico

The Task Force shall—

(1) develop, in consultation with the appropriate congressional committees, an enforcement plan regarding goods produced by or with forced labor in Mexico; and

(2) report to the Interagency Labor Committee with respect to any concerns relating to the enforcement of the prohibition under section 1307 of this title with respect to Mexico, including any allegations that may be filed with respect to forced labor in Mexico.

(Pub. L. 116-113, title VII, § 744, Jan. 29, 2020, 134 Stat. 89.)

¹ So in original. Probably should be followed by “the”.