

**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 to<sup>1</sup> 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.)

<sup>1</sup> So in original. Probably should be followed by “the”.

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## REFERENCES IN TEXT

Section 1307 of this title, referred to in par. (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.

## PART E—ENFORCEMENT UNDER RAPID RESPONSE LABOR MECHANISM

**§ 4691. Transmission of reports**

Each report issued by a rapid response labor panel constituted in accordance with Annex 31–A of the USMCA shall be immediately submitted to the appropriate congressional committees, the Labor Advisory Committee established under section 2155(c)(1) of this title (or successor advisory committee), and, as appropriate, the petitioner submitting information pursuant to section 4646 of this title. The Trade Representative shall also make each such report publicly available in a timely manner.

(Pub. L. 116–113, title VII, § 751, Jan. 29, 2020, 134 Stat. 89.)

**§ 4692. Suspension of liquidation****(a) In general**

If the United States files a request pursuant to article 31–A.4.2 of Annex 31–A of the USMCA, the Trade Representative may direct the Secretary of the Treasury to suspend liquidation for unliquidated entries of goods from such covered facility until such time as the Trade Representative notifies the Secretary that a condition described in subsection (b) has been met.

**(b) Resumption of liquidation**

The conditions described in this subsection are the following:

(1) The rapid response labor panel has determined that there is no denial of rights at the covered facility within the meaning of such terms under Annex 31–A of the USMCA.

(2) A course of remediation for denial of rights has been agreed to and has been completed in accordance with the agreed-upon time.

(3) The denial of rights has been otherwise remedied.

(Pub. L. 116–113, title VII, § 752, Jan. 29, 2020, 134 Stat. 89.)

**§ 4693. Final remedies****(a) In general**

If a rapid response labor panel constituted in accordance with Annex 31–A of the USMCA determines with respect to a case that there has been a denial of rights within the meaning of such Annex, the Trade Representative may, in consultation with the appropriate congressional committees—

(1) direct the Secretary of the Treasury, until the date of the notification described in subsection (b) and in accordance with Annex 31–A of the USMCA—

(A) to—

(i) deny entry to goods, produced wholly or in part, from any covered facility involved in such case; or

(ii) allow for the release of goods, produced wholly or in part, from such covered facilities only upon payment of duties and any penalty; and

(B) to apply any duties or penalties to customs entries for which liquidation was suspended pursuant to section 4692 of this title; and

(2) apply other remedies that are appropriate and available under Annex 31–A of the USMCA, until the denial of rights with respect to the case has been remedied.

**(b) Remediation notification**

The Trade Representative shall promptly notify the Secretary when the denial of rights with respect to a case described in subsection (a) has been remedied.

(Pub. L. 116–113, title VII, § 753, Jan. 29, 2020, 134 Stat. 90.)

## SUBCHAPTER VII—ENVIRONMENT MONITORING AND ENFORCEMENT

**§ 4701. Definitions**

In this subchapter:

**(1) Environmental law**

The term “environmental law” has the meaning given the term in article 24.1 of the USMCA.

**(2) Environmental obligations**

The term “environmental obligations” means obligations relating to the environment under—

(A) chapter 1 of the USMCA (relating to initial provisions and general definitions); and

(B) chapter 24 of the USMCA (relating to environment).

(Pub. L. 116–113, title VIII, § 801, Jan. 29, 2020, 134 Stat. 90.)

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## REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title VIII of Pub. L. 116–113, Jan. 29, 2020, 134 Stat. 90, which is classified principally to this subchapter. For complete classification of title VIII to the Code, see Tables.

## PART A—INTERAGENCY ENVIRONMENT COMMITTEE FOR MONITORING AND ENFORCEMENT

**§ 4711. Establishment****(a) In general**

Not later than 30 days after January 29, 2020, the President shall establish an Interagency Environment Committee for Monitoring and Enforcement (in this subchapter referred to as the “Interagency Environment Committee”)—

(1) to coordinate United States efforts to monitor and enforce environmental obligations generally; and

(2) with respect to the USMCA countries—

(A) to carry out an assessment of their environmental laws and policies;

(B) to carry out monitoring actions with respect to the implementation and mainte-