

Editorial Notes

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.)

Editorial Notes

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-

nance of their environmental obligations; and

(C) to request enforcement actions with respect to USMCA countries that are not in compliance with their environmental obligations.

(b) Membership

The members of the Interagency Environment Committee shall be the following:

(1) The Trade Representative, who shall serve as chairperson.

(2) Representatives from each of the following:

(A) The National Oceanic Atmospheric¹ Administration.

(B) The U.S. Fish and Wildlife Service.

(C) The U.S. Forest Service.

(D) The Environmental Protection Agency.

(E) The Animal and Plant Health Inspection Service.

(F) U.S. Customs and Border Protection.

(G) The Department of State.

(H) The Department of Justice.

(I) The Department of the Treasury.

(J) The United States Agency for International Development.

(3) Representatives from other Federal agencies, as the President determines to be appropriate.

(c) Information sharing

Notwithstanding any other provision of law, the members of the Interagency Environment Committee may exchange information for purposes of carrying out this part.

(Pub. L. 116-113, title VIII, §811, Jan. 29, 2020, 134 Stat. 90.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), 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.

Executive Documents

EX. ORD. NO. 13907. ESTABLISHMENT OF THE INTERAGENCY ENVIRONMENT COMMITTEE FOR MONITORING AND ENFORCEMENT UNDER SECTION 811 OF THE UNITED STATES-MEXICO-CANADA AGREEMENT IMPLEMENTATION ACT

Ex. Ord. No. 13907, Feb. 28, 2020, 85 F.R. 12977, 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 811 of the United States-Mexico-Canada Agreement Implementation Act (Act) (Public Law 116-113), it is hereby ordered as follows:

SECTION 1. *Establishment of Interagency Environment Committee.* The Interagency Environment Committee for Monitoring and Enforcement (Committee) is hereby established to coordinate United States efforts to monitor and enforce environmental obligations consistent with title VIII of the Act [19 U.S.C. 4701 et seq.] and, with respect to Mexico and Canada, to carry out assessments of their environmental laws and policies, to

carry out monitoring actions with respect to the implementation and maintenance of their environmental obligations, and to request enforcement actions as provided for in section 814 of the Act [19 U.S.C. 4714].

SEC. 2. *Membership.* The Committee shall be composed of the United States Trade Representative (USTR) and representatives of the Department of State, the Department of the Treasury, the Department of Justice, the U.S. Fish and Wildlife Service in the Department of the Interior, the U.S. Forest Service and the Animal and Plant Health Inspection Service in the Department of Agriculture, the National Oceanic Atmospheric Administration in the Department of Commerce, U.S. Customs and Border Protection in the Department of Homeland Security, the Environmental Protection Agency, and the United States Agency for International Development, and representatives from other Federal agencies, as the President determines to be appropriate. The USTR shall serve as Chair. The Chair may invite representatives from other executive departments or agencies, as appropriate, to participate as members or observers. Each executive department, agency, and component represented on the Committee shall ensure that the necessary staff are available to assist their respective representatives in performing the responsibilities of the Committee.

SEC. 3. *Committee Decision-making.* The Committee shall endeavor to make any decision on an action or determination under sections 812, 813, and 814 of the Act [19 U.S.C. 4712, 4713, and 4714] by consensus, which shall be deemed to exist where no Committee member objects to the proposed action or determination. If the Committee is unable to reach a consensus on a proposed action or determination and the Chair determines that allotting further time will cause a decision to be unduly delayed, the Committee shall decide the matter by majority vote of its members.

SEC. 4. *Implementing Measures.* The heads of the executive departments and agencies set forth in section 2 of this order, in consultation with the Committee, may prescribe such regulations as are necessary to carry out the authorities of the respective department or agency as provided for under subtitle A of title VIII of the Act [19 U.S.C. 4711 et seq.].

SEC. 5. *General Provisions.* (a) Each executive department and agency shall bear its own expenses incurred in connection with the Committee’s functions described in sections 811, 812, 813, 814, and 816 of the Act [19 U.S.C. 4711, 4712, 4713, 4714, and 4716].

(b) 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.

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

(d) 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.

§ 4712. Assessment

(a) In general

The Interagency Environment Committee shall carry out an assessment of the environmental laws and policies of the USMCA countries—

(1) to determine if such laws and policies are sufficient to implement their environmental obligations; and

(2) to identify any gaps between such laws and policies and their environmental obligations.

¹ So in original. Probably should be preceded by “and”.