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IN THE SENATE OF THE UNITED STATES

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Received; read twice and referred jointly to the Committees on Finance, Health, Education, Labor, and Pensions, Environment and Public Works, Appropriations, Foreign Relations, Commerce, Science, and Transportation, and the Budget pursuant to section 151(e)(2) of the Trade Act of 1974

JANUARY 15, 2020

Reported by Mr. GRASSLEY (from the Committee on Finance), and on behalf of Mr. ALEXANDER (from the Committee on Health, Education, Labor, and Pensions), Mr. BARRASSO (from the Committee on Environment and Public Works), Mr. SHELBY (from the Committee on Appropriations), Mr. RISCH (from the Committee on Foreign Relations), Mr. WICKER (from the Committee on Commerce, Science, and Transportation), and Mr. ENZI (from the Committee on the Budget), jointly, without amendment

AN ACT

To implement the Agreement between the United States of America, the United Mexican States, and Canada attached as an Annex to the Protocol Replacing the North American Free Trade Agreement.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “United States-Mexico-Canada Agreement Implementa-
4 tion Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING
TO, THE USMCA

- Sec. 101. Approval and entry into force of the USMCA.
- Sec. 102. Relationship of the USMCA to United States and State law.
- Sec. 103. Implementing actions in anticipation of entry into force; initial regulations; tariff proclamation authority.
- Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
- Sec. 105. Administration of dispute settlement proceedings.
- Sec. 106. Trade Representative authority.
- Sec. 107. Effective date.

TITLE II—CUSTOMS PROVISIONS

- Sec. 201. Exclusion of originating goods of USMCA countries from special agriculture safeguard authority.
- Sec. 202. Rules of origin.
- Sec. 202A. Special rules for automotive goods.
- Sec. 203. Merchandise processing fee.
- Sec. 204. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
- Sec. 205. Reliquidation of entries.
- Sec. 206. Recordkeeping requirements.
- Sec. 207. Actions regarding verification of claims under the USMCA.
- Sec. 208. Drawback [reserved].
- Sec. 209. Other amendments to the Tariff Act of 1930.
- Sec. 210. Regulations.

TITLE III—APPLICATION OF USMCA TO SECTORS AND SERVICES

Subtitle A—Relief From Injury Caused by Import Competition [reserved]

Subtitle B—Temporary Entry of Business Persons [reserved]

Subtitle C—United States-Mexico Cross-Border Long-Haul Trucking Services

- Sec. 321. Definitions.
- Sec. 322. Investigations and determinations by Commission.
- Sec. 323. Commission recommendations and report.

- Sec. 324. Action by President with respect to affirmative determination.
- Sec. 325. Confidential business information.
- Sec. 326. Conforming amendments.
- Sec. 327. Survey of operating authorities.

TITLE IV—ANTIDUMPING AND COUNTERVAILING DUTIES

Subtitle A—Preventing Duty Evasion

- Sec. 401. Cooperation on duty evasion.

Subtitle B—Dispute Settlement [reserved]

Subtitle C—Conforming Amendments

- Sec. 421. Judicial review in antidumping duty and countervailing duty cases.
- Sec. 422. Conforming amendments to other provisions of the Tariff Act of 1930.
- Sec. 423. Conforming amendments to title 28, United States Code.

Subtitle D—General Provisions

- Sec. 431. Effect of termination of USMCA country status.
- Sec. 432. Effective date.

TITLE V—TRANSFER PROVISIONS AND OTHER AMENDMENTS

- Sec. 501. Drawback.
- Sec. 502. Relief from injury caused by import competition.
- Sec. 503. Temporary entry.
- Sec. 504. Dispute settlement in antidumping and countervailing duty cases.
- Sec. 505. Government procurement.
- Sec. 506. Actions affecting United States cultural industries.
- Sec. 507. Regulatory treatment of uranium purchases.
- Sec. 508. Report on amendments to existing law.

TITLE VI—TRANSITION TO AND EXTENSION OF USMCA

Subtitle A—Transitional Provisions

- Sec. 601. Repeal of North American Free Trade Agreement Implementation Act.
- Sec. 602. Continued suspension of the United States-Canada Free-Trade Agreement.

Subtitle B—Joint Reviews Regarding Extension of USMCA

- Sec. 611. Participation in joint reviews with Canada and Mexico regarding extension of the term of the USMCA and other action regarding the USMCA.

Subtitle C—Termination of USMCA

- Sec. 621. Termination of USMCA.

TITLE VII—LABOR MONITORING AND ENFORCEMENT

- Sec. 701. Definitions.

Subtitle A—Interagency Labor Committee for Monitoring and Enforcement

- Sec. 711. Interagency labor committee for monitoring and enforcement.
- Sec. 712. Duties.
- Sec. 713. Enforcement priorities.
- Sec. 714. Assessments.
- Sec. 715. Recommendation for enforcement action.
- Sec. 716. Petition process.
- Sec. 717. Hotline.
- Sec. 718. Reports.
- Sec. 719. Consultations on appointment and funding of rapid response labor panelists.

Subtitle B—Mexico Labor Attachés

- Sec. 721. Establishment.
- Sec. 722. Duties.
- Sec. 723. Status.

Subtitle C—Independent Mexico Labor Expert Board

- Sec. 731. Establishment.
- Sec. 732. Membership; term.
- Sec. 733. Funding.
- Sec. 734. Reports.

Subtitle D—Forced Labor

- Sec. 741. Forced labor enforcement task force.
- Sec. 742. Timeline required.
- Sec. 743. Reports required.
- Sec. 744. Duties related to Mexico.

Subtitle E—Enforcement Under Rapid Response Labor Mechanism

- Sec. 751. Transmission of reports.
- Sec. 752. Suspension of liquidation.
- Sec. 753. Final remedies.

TITLE VIII—ENVIRONMENT MONITORING AND ENFORCEMENT

- Sec. 801. Definitions.

Subtitle A—Interagency Environment Committee for Monitoring and Enforcement

- Sec. 811. Establishment.
- Sec. 812. Assessment.
- Sec. 813. Monitoring actions.
- Sec. 814. Enforcement actions.
- Sec. 815. Other monitoring and enforcement actions.
- Sec. 816. Report to Congress.
- Sec. 817. Regulations.

Subtitle B—Other Matters

- Sec. 821. Border water infrastructure improvement authority.
- Sec. 822. Detail of personnel to Office of the United States Trade Representative.

Subtitle C—North American Development Bank

- Sec. 831. General capital increase.
- Sec. 832. Policy goals.
- Sec. 833. Efficiencies and streamlining.
- Sec. 834. Performance measures.

TITLE IX—USMCA SUPPLEMENTAL APPROPRIATIONS ACT, 2019

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to approve and implement
3 the Agreement between the United States of America, the
4 United Mexican States, and Canada entered into under
5 the authority of section 103(b) of the Bipartisan Congres-
6 sional Trade Priorities and Accountability Act of 2015 (19
7 U.S.C. 4202(b)).

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
11 **TEES.**—The term “appropriate congressional com-
12 mittees” means the Committee on Finance of the
13 Senate and the Committee on Ways and Means of
14 the House of Representatives.

15 (2) **HTS.**—The term “HTS” means the Har-
16 monized Tariff Schedule of the United States.

17 (3) **IDENTICAL GOODS.**—The term “identical
18 goods” means goods that are the same in all re-
19 spects relevant to the rule of origin that qualifies the
20 goods as originating goods.

1 (4) INTERNATIONAL TRADE COMMISSION.—The
2 term “International Trade Commission” means the
3 United States International Trade Commission.

4 (5) MEXICO.—The term “Mexico” means the
5 United Mexican States.

6 (6) NAFTA.—The term “NAFTA” means the
7 North American Free Trade Agreement approved by
8 Congress under section 101(a)(1) of the North
9 American Free Trade Agreement Implementation
10 Act (19 U.S.C. 3311(a)(1)).

11 (7) PREFERENTIAL TARIFF TREATMENT.—The
12 term “preferential tariff treatment” means the cus-
13 toms duty rate that is applicable to an originating
14 good (as defined in section 202(a)) under the
15 USMCA.

16 (8) TRADE REPRESENTATIVE.—The term
17 “Trade Representative” means the United States
18 Trade Representative.

19 (9) USMCA.—The term “USMCA” means the
20 Agreement between the United States of America,
21 the United Mexican States, and Canada, which is—

22 (A) attached as an Annex to the Protocol
23 Replacing the North American Free Trade
24 Agreement with the Agreement between the
25 United States of America, the United Mexican

1 States, and Canada, done at Buenos Aires on
2 November 30, 2018, as amended by the Pro-
3 tocol of Amendment to the Agreement Between
4 the United States of America, the United Mexi-
5 can States, and Canada, done at Mexico City
6 on December 10, 2019; and

7 (B) approved by Congress under section
8 101(a)(1).

9 (10) USMCA COUNTRY.—Except as otherwise
10 provided, the term “USMCA country” means—

11 (A) Canada for such time as the USMCA
12 is in force with respect to, and the United
13 States applies the USMCA to, Canada; and

14 (B) Mexico for such time as the USMCA
15 is in force with respect to, and the United
16 States applies the USMCA to, Mexico.

17 **TITLE I—APPROVAL OF, AND**
18 **GENERAL PROVISIONS RE-**
19 **LATING TO, THE USMCA**

20 **SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE**
21 **USMCA.**

22 (a) APPROVAL OF USMCA AND STATEMENT OF AD-
23 MINISTRATIVE ACTION.—Pursuant to section 106 of the
24 Bipartisan Congressional Trade Priorities and Account-
25 ability Act of 2015 (19 U.S.C. 4205) and section 151 of

1 the Trade Act of 1974 (19 U.S.C. 2191), Congress ap-
2 proves—

3 (1) the Protocol Replacing the North American
4 Free Trade Agreement with the Agreement between
5 the United States of America, the United Mexican
6 States, and Canada, done at Buenos Aires on No-
7 vember 30, 2018, as submitted to Congress on De-
8 cember 13, 2019;

9 (2) the Agreement between the United States of
10 America, the United Mexican States, and Canada,
11 attached as an Annex to the Protocol, as amended
12 by the Protocol of Amendment to the Agreement be-
13 tween the United States of America, the United
14 Mexican States, and Canada, done at Mexico City on
15 December 10, 2019, as submitted to Congress on
16 December 13, 2019; and

17 (3) the statement of administrative action pro-
18 posed to implement that Agreement, as submitted to
19 Congress on December 13, 2019.

20 (b) CONDITIONS FOR ENTRY INTO FORCE OF THE
21 AGREEMENT.—The President is authorized to provide for
22 the USMCA to enter into force with respect to Canada
23 and Mexico not earlier than 30 days after the date on
24 which the President submits to Congress the written no-
25 tice required by section 106(a)(1)(G) of the Bipartisan

1 Congressional Trade Priorities and Accountability Act of
2 2015 (19 U.S.C. 4205(a)(1)(G)), which shall include the
3 date on which the USMCA will enter into force.

4 **SEC. 102. RELATIONSHIP OF THE USMCA TO UNITED**
5 **STATES AND STATE LAW.**

6 (a) RELATIONSHIP OF USMCA TO UNITED STATES
7 LAW.—

8 (1) UNITED STATES LAW TO PREVAIL IN CON-
9 FFLICT.—No provision of the USMCA, nor the appli-
10 cation of any such provision to any person or cir-
11 cumstance, which is inconsistent with any law of the
12 United States, shall have effect.

13 (2) CONSTRUCTION.—Nothing in this Act shall
14 be construed—

15 (A) to amend or modify any law of the
16 United States, or

17 (B) to limit any authority conferred under
18 any law of the United States,

19 unless specifically provided for in this Act.

20 (b) RELATIONSHIP OF USMCA TO STATE LAW.—

21 (1) LEGAL CHALLENGE.—No State law, or the
22 application thereof, may be declared invalid as to
23 any person or circumstance on the ground that the
24 provision or application is inconsistent with the
25 USMCA, except in an action brought by the United

1 States for the purpose of declaring such law or ap-
2 plication invalid.

3 (2) DEFINITION OF STATE LAW.—For purposes
4 of this subsection, the term “State law” includes—

5 (A) any law of a political subdivision of a
6 State; and

7 (B) any State law regulating or taxing the
8 business of insurance.

9 (c) EFFECT OF USMCA WITH RESPECT TO PRIVATE
10 REMEDIES.—No person other than the United States—

11 (1) shall have any cause of action or defense
12 under the USMCA or by virtue of congressional ap-
13 proval thereof; or

14 (2) may challenge, in any action brought under
15 any provision of law, any action or inaction by any
16 department, agency, or other instrumentality of the
17 United States, any State, or any political subdivision
18 of a State, on the ground that such action or inac-
19 tion is inconsistent with the USMCA.

20 **SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF**
21 **ENTRY INTO FORCE; INITIAL REGULATIONS;**
22 **TARIFF PROCLAMATION AUTHORITY.**

23 (a) IMPLEMENTING ACTIONS.—

24 (1) PROCLAMATION AUTHORITY.—After the
25 date of the enactment of this Act—

1 (A) the President may proclaim such ac-
2 tions, and

3 (B) other appropriate officers of the
4 United States Government may prescribe such
5 regulations,

6 as may be necessary to ensure that any provision of
7 this Act, or amendment made by this Act, that takes
8 effect on the date on which the USMCA enters into
9 force is appropriately implemented on such date, but
10 no such proclamation or regulation may have an ef-
11 fective date earlier than the date on which the
12 USMCA enters into force.

13 (2) EFFECTIVE DATE OF CERTAIN PROCLAIMED
14 ACTIONS.—Any action proclaimed by the President
15 under the authority of this Act that is not subject
16 to the consultation and layover provisions under sec-
17 tion 104 may not take effect before the 15th day
18 after the date on which the text of the proclamation
19 is published in the Federal Register.

20 (3) WAIVER OF 15-DAY RESTRICTION.—The 15-
21 day restriction contained in paragraph (2) on the
22 taking effect of proclaimed actions is waived to the
23 extent that the application of such restriction would
24 prevent the taking effect on the date on which the

1 USMCA enters into force of any action proclaimed
2 under this section.

3 (b) INITIAL REGULATIONS.—

4 (1) IN GENERAL.—Except as provided by para-
5 graph (2) or (3), initial regulations necessary or ap-
6 propriate to carry out the actions required by or au-
7 thorized under this Act or proposed in the statement
8 of administrative action approved under section
9 101(a)(2) to implement the USMCA shall, to the
10 maximum extent feasible, be prescribed within 1
11 year after the date on which the USMCA enters into
12 force.

13 (2) UNIFORM REGULATIONS.—Interim or initial
14 regulations to implement the Uniform Regulations
15 regarding rules of origin provided for under article
16 5.16 of the USMCA shall be prescribed not later
17 than the date on which the USMCA enters into
18 force.

19 (3) IMPLEMENTING ACTIONS WITH EFFECTIVE
20 DATES AFTER ENTRY INTO FORCE.—In the case of
21 any implementing action that takes effect on a date
22 after the date on which the USMCA enters into
23 force, initial regulations to carry out that action
24 shall, to the maximum extent feasible, be prescribed
25 within 1 year after such effective date.

1 (c) TARIFF MODIFICATIONS.—

2 (1) TARIFF MODIFICATIONS PROVIDED FOR IN
3 THE USMCA.—The President may proclaim—

4 (A) such modifications or continuation of
5 any duty,

6 (B) such continuation of duty-free or ex-
7 cise treatment, or

8 (C) such additional duties,

9 as the President determines to be necessary or ap-
10 propriate to carry out or apply articles 2.4, 2.5, 2.7,
11 2.8, 2.9, 2.10, 6.2, and 6.3, the Schedule of the
12 United States to Annex 2–B, including the appen-
13 dices to that Annex, Annex 2–C, and Annex 6–A, of
14 the USMCA.

15 (2) OTHER TARIFF MODIFICATIONS.—Subject
16 to the consultation and layover provisions of section
17 104, the President may proclaim—

18 (A) such modifications or continuation of
19 any duty,

20 (B) such modifications as the United
21 States may agree to with a USMCA country re-
22 garding the staging of any duty treatment set
23 forth in the Schedule of the United States to
24 Annex 2–B of the USMCA, including the ap-
25 pendices to that Annex,

1 (C) such continuation of duty-free or excise
2 treatment, or

3 (D) such additional duties,
4 as the President determines to be necessary or ap-
5 propriate to maintain the general level of reciprocal
6 and mutually advantageous concessions with respect
7 to a USMCA country provided for by the USMCA.

8 (3) CONVERSION TO AD VALOREM RATES.—For
9 purposes of paragraphs (1) and (2), with respect to
10 any good for which the base rate in the Schedule of
11 the United States to Annex 2–B of the USMCA is
12 a specific or compound rate of duty, the President
13 shall substitute for the base rate an ad valorem rate
14 that the President determines to be equivalent to the
15 base rate.

16 (4) TARIFF-RATE QUOTAS.—In implementing
17 the tariff-rate quotas set forth in the Schedule of the
18 United States to Annex 2–B of the USMCA, the
19 President shall take such actions as may be nec-
20 essary to ensure that imports of agricultural goods
21 do not disrupt the orderly marketing of agricultural
22 goods in the United States.

23 (5) PRESIDENTIAL PROCLAMATION AUTHORITY
24 RELATING TO RULES OF ORIGIN.—

1 (A) IN GENERAL.—The President may
2 proclaim, as part of the HTS—

3 (i) the provisions set forth in Annex
4 4–B of the USMCA;

5 (ii) the provisions set forth in para-
6 graph 2 of article 3.A.6 of Annex 3–A of
7 the USMCA;

8 (iii) the provisions set forth in para-
9 graph 5 of Annex 3–B of the USMCA;

10 (iv) the provisions set forth in para-
11 graphs 14(b), 14(c), and 15(e) of Section
12 B of Appendix 2 to Annex 2–B of the
13 USMCA; and

14 (v) any additional subordinate cat-
15 egory that is necessary to carry out section
16 202 and section 202A consistent with the
17 USMCA.

18 (B) MODIFICATIONS.—

19 (i) IN GENERAL.—Subject to the con-
20 sultation and layover provisions of section
21 104, the President may proclaim modifica-
22 tions to the provisions proclaimed under
23 the authority of subparagraph (A), other
24 than the provisions of chapters 50 through
25 63 of the USMCA.

1 (ii) SPECIAL RULE FOR TEXTILES.—
2 Notwithstanding clause (i), and subject to
3 the consultation and layover provisions of
4 section 104, the President may proclaim—

5 (I) such modifications to the pro-
6 visions proclaimed under the authority
7 of subparagraph (A) as are necessary
8 to implement an agreement with one
9 or more USMCA countries pursuant
10 to article 6.4 of the USMCA; and

11 (II) before the end of the 1-year
12 period beginning on the date on which
13 the USMCA enters into force, modi-
14 fications to correct any typographical,
15 clerical, or other nonsubstantive tech-
16 nical error regarding the provisions of
17 chapters 50 through 63 of the
18 USMCA.

19 **SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR,**
20 **AND EFFECTIVE DATE OF, PROCLAIMED AC-**
21 **TIONS.**

22 If a provision of this Act provides that the implemen-
23 tation of an action by the President by proclamation is
24 subject to the consultation and layover requirements of
25 this section, that action may be proclaimed only if—

1 (1) the President has obtained advice regarding
2 the proposed action from—

3 (A) the appropriate advisory committees
4 established under section 135 of the Trade Act
5 of 1974 (19 U.S.C. 2155); and

6 (B) the International Trade Commission,
7 which shall hold a public hearing on the pro-
8 posed action before providing advice regarding
9 the proposed action;

10 (2) the President has submitted to the Com-
11 mittee on Finance of the Senate and the Committee
12 on Ways and Means of the House of Representatives
13 a report that sets forth—

14 (A) the proposed action and the reasons
15 therefor; and

16 (B) the advice obtained under paragraph
17 (1);

18 (3) a period of 60 calendar days, beginning on
19 the first day on which the requirements set forth in
20 paragraphs (1) and (2) have been met, has expired;
21 and

22 (4) the President has consulted with the com-
23 mittees referred to in paragraph (2) regarding the
24 proposed action during the period referred to in
25 paragraph (3).

1 **SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PRO-**
2 **CEEDINGS.**

3 (a) UNITED STATES SECTION OF SECRETARIAT.—

4 (1) ESTABLISHMENT OR DESIGNATION OF OF-
5 FICE.—The President is authorized to establish or
6 designate within the Department of Commerce an
7 office to serve as the United States Section of the
8 Secretariat established under article 30.6 of the
9 USMCA.

10 (2) FUNCTIONS AND ADMINISTRATIVE ASSIST-
11 ANCE.—The office established or designated under
12 paragraph (1), subject to the oversight of the inter-
13 agency group established under section 411(c)(2),
14 shall—

15 (A) carry out its functions within the Sec-
16 retariat to facilitate the operation of the
17 USMCA, including the operation of section D
18 of chapter 10 and chapter 31 of the USMCA;
19 and

20 (B) provide administrative assistance to—

21 (i) panels established under chapter
22 31 of the USMCA, including under Annex
23 31–A (relating to the Facility-Specific
24 Rapid Response Labor Mechanism);

25 (ii) technical advisers and experts pro-
26 vided for under chapter 31 of the USMCA;

1 (iii) binational panels and extraor-
2 dinary challenge committees established
3 under section D of chapter 10 of the
4 USMCA; and

5 (iv) binational panels and extraor-
6 dinary challenge committees established
7 under NAFTA for matters covered by arti-
8 cle 34.1 of the USMCA (relating to transi-
9 tion from NAFTA).

10 (3) TREATMENT OF OFFICE UNDER FREEDOM
11 OF INFORMATION ACT.—The office established or
12 designated under paragraph (1) shall not be consid-
13 ered an agency for purposes of section 552 of title
14 5, United States Code.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated for each fiscal year after
17 fiscal year 2020 to the Department of Commerce
18 \$2,000,000 for—

19 (1) the operations of the office established or
20 designated under subsection (a)(1); and

21 (2) the payment of the United States share of
22 the expenses of—

23 (A) panels established under chapter 31 of
24 the USMCA, including under Annex 31–A (re-

1 lating to the Facility-Specific Rapid Response
2 Labor Mechanism);

3 (B) binational panels and extraordinary
4 challenge committees established under section
5 D of chapter 10 of the USMCA; and

6 (C) binational panels and extraordinary
7 challenge committees established under NAFTA
8 for matters covered by article 34.1 of the
9 USMCA (relating to transition from NAFTA).

10 (c) REIMBURSEMENT OF CERTAIN EXPENSES.—If
11 the Canadian Section or the Mexican Section of the Secre-
12 tariat provides funds to the United States Section during
13 any fiscal year as reimbursement for expenses in connec-
14 tion with dispute settlement proceedings under section D
15 of chapter 10 or chapter 31 of the USMCA, or under
16 chapter 19 of NAFTA, the United States Section may,
17 notwithstanding section 3302 of title 31, United States
18 Code, retain and use such funds to carry out the functions
19 described in subsection (a)(2).

20 **SEC. 106. TRADE REPRESENTATIVE AUTHORITY.**

21 If a country (other than the United States) that has
22 signed the USMCA does not enact implementing legisla-
23 tion, the Trade Representative is authorized to enter into
24 negotiations with the other country that has signed the
25 USMCA to consider how the applicable provisions of the

1 USMCA can come into force with respect to the United
2 States and that other country as promptly as possible.

3 **SEC. 107. EFFECTIVE DATE.**

4 (a) IN GENERAL.—Sections 1 through 3 and this title
5 (other than section 103(c)) shall take effect on the date
6 of the enactment of this Act.

7 (b) PROCLAMATION AUTHORITY.—Section 103(c)
8 shall take effect on the date on which the USMCA enters
9 into force.

10 **TITLE II—CUSTOMS PROVISIONS**

11 **SEC. 201. EXCLUSION OF ORIGINATING GOODS OF USMCA**
12 **COUNTRIES FROM SPECIAL AGRICULTURE**
13 **SAFEGUARD AUTHORITY.**

14 (a) IN GENERAL.—Section 405(e) of the Uruguay
15 Round Agreements Act (19 U.S.C. 3602(e)) is amended
16 to read as follows:

17 “(e) EXCLUSION OF ORIGINATING GOODS OF
18 USMCA COUNTRIES.—

19 “(1) IN GENERAL.—The President shall exempt
20 from any duty imposed under this section any good
21 that qualifies as an originating good under section
22 202 of the United States-Mexico-Canada Agreement
23 Implementation Act of a USMCA country with re-
24 spect to which preferential tariff treatment is pro-
25 vided under the USMCA.

1 “(2) DEFINITIONS.—In this subsection, the
2 terms ‘preferential tariff treatment’, ‘USMCA’, and
3 ‘USMCA country’ have the meanings given those
4 terms in section 3 of the United States-Mexico-Can-
5 ada Agreement Implementation Act.”.

6 (b) EFFECTIVE DATE.—

7 (1) IN GENERAL.—The amendment made by
8 subsection (a) shall—

9 (A) take effect on the date on which the
10 USMCA enters into force; and

11 (B) apply with respect to a good entered
12 for consumption, or withdrawn from warehouse
13 for consumption, on or after that date.

14 (2) TRANSITION FROM NAFTA TREATMENT.—In
15 the case of a good entered for consumption, or with-
16 drawn from warehouse for consumption, before the
17 date on which the USMCA enters into force—

18 (A) the amendment made by subsection (a)
19 to section 405(e) of the Uruguay Round Agree-
20 ments Act (19 U.S.C. 3602(e)) shall not apply
21 with respect to the good; and

22 (B) section 405(e) of such Act, as in effect
23 on the day before that date, shall continue to
24 apply on and after that date with respect to the
25 good.

1 **SEC. 202. RULES OF ORIGIN.**

2 (a) DEFINITIONS.—In this section:

3 (1) AQUACULTURE.—The term “aquaculture”
4 means the farming of aquatic organisms, including
5 fish, molluscs, crustaceans, other aquatic inverte-
6 brates, and aquatic plants from seed stock such as
7 eggs, fry, fingerlings, or larvae, by intervention in
8 the rearing or growth processes to enhance produc-
9 tion such as regular stocking, feeding, or protection
10 from predators.

11 (2) CUSTOMS VALUATION AGREEMENT.—The
12 term “Customs Valuation Agreement” means the
13 Agreement on Implementation of Article VII of the
14 General Agreement on Tariffs and Trade 1994 re-
15 ferred to in section 101(d)(8) of the Uruguay Round
16 Agreements Act (19 U.S.C. 3511(d)(8)).

17 (3) FUNGIBLE GOOD OR FUNGIBLE MATE-
18 RIAL.—The term “fungible good” or “fungible mate-
19 rial” means a good or material, as the case may be,
20 that is interchangeable with another good or mate-
21 rial for commercial purposes and the properties of
22 which are essentially identical to such other good or
23 material.

24 (4) GOOD WHOLLY OBTAINED OR PRODUCED
25 ENTIRELY IN THE TERRITORY OF ONE OR MORE
26 USMCA COUNTRIES.—The term “good wholly ob-

1 tained or produced entirely in the territory of one or
2 more USMCA countries” means any of the fol-
3 lowing:

4 (A) A mineral good or other naturally oc-
5 ccurring substance extracted or taken from the
6 territory of one or more USMCA countries.

7 (B) A plant, plant good, vegetable, or fun-
8 gus grown, cultivated, harvested, picked, or
9 gathered in the territory of one or more
10 USMCA countries.

11 (C) A live animal born and raised in the
12 territory of one or more USMCA countries.

13 (D) A good obtained in the territory of one
14 or more USMCA countries from a live animal.

15 (E) An animal obtained by hunting, trap-
16 ping, fishing, gathering, or capturing in the ter-
17 ritory of one or more USMCA countries.

18 (F) A good obtained in the territory of one
19 or more USMCA countries from aquaculture.

20 (G) A fish, shellfish, or other marine life
21 taken from the sea, seabed, or subsoil outside
22 the territory of one or more USMCA countries
23 and outside the territorial sea of any country
24 that is not a USMCA country by—

1 (i) a vessel that is registered or re-
2 corded with a USMCA country and flying
3 the flag of that country; or

4 (ii) a vessel that is documented under
5 the laws of the United States.

6 (H) A good produced on board a factory
7 ship from goods referred to in subparagraph
8 (G), if such factory ship—

9 (i) is registered or recorded with a
10 USMCA country and flies the flag of that
11 country; or

12 (ii) is a vessel that is documented
13 under the laws of the United States.

14 (I) A good, other than a good referred to
15 in subparagraph (G), that is taken by a
16 USMCA country, or a person of a USMCA
17 country, from the seabed or subsoil outside the
18 territory of a USMCA country, if that USMCA
19 country has the right to exploit such seabed or
20 subsoil.

21 (J) Waste and scrap derived from—

22 (i) production in the territory of one
23 or more USMCA countries; or

24 (ii) used goods collected in the terri-
25 tory of one or more USMCA countries, if

1 such goods are fit only for the recovery of
2 raw materials.

3 (K) A good produced in the territory of
4 one or more USMCA countries exclusively from
5 goods referred to in any of subparagraphs (A)
6 through (J), or from their derivatives, at any
7 stage of production.

8 (5) INDIRECT MATERIAL.—The term “indirect
9 material” means a material used or consumed in the
10 production, testing, or inspection of a good but not
11 physically incorporated into the good, or a material
12 used or consumed in the maintenance of buildings or
13 the operation of equipment associated with the pro-
14 duction of a good, including—

15 (A) fuel and energy;

16 (B) tools, dies, and molds;

17 (C) spare parts and materials used or con-
18 sumed in the maintenance of equipment or
19 buildings;

20 (D) lubricants, greases, compounding ma-
21 terials, and other materials used or consumed
22 in production or to operate equipment or build-
23 ings;

24 (E) gloves, glasses, footwear, clothing,
25 safety equipment, and supplies;

1 (F) equipment, devices, and supplies used
2 for testing or inspecting the good;

3 (G) catalysts and solvents; and

4 (H) any other material that is not incor-
5 porated into the good, if the use of the material
6 in the production of the good can reasonably be
7 demonstrated to be a part of that production.

8 (6) INTERMEDIATE MATERIAL.—The term “in-
9 termediate material” means a material that is self-
10 produced, used or consumed in the production of a
11 good, and designated as an intermediate material
12 pursuant to subsection (d)(9).

13 (7) MATERIAL.—The term “material” means a
14 good that is used or consumed in the production of
15 another good and includes a part or an ingredient.

16 (8) NET COST.—The term “net cost” means
17 total cost minus sales promotion, marketing, and
18 after-sales service costs, royalties, shipping and
19 packing costs, and nonallowable interest costs that
20 are included in the total cost.

21 (9) NET COST OF A GOOD.—The term “net cost
22 of a good” means the net cost that can be reason-
23 ably allocated to a good using one of the methods set
24 forth in subsection (d)(7).

1 (10) NONALLOWABLE INTEREST COSTS.—The
2 term “nonallowable interest costs” means interest
3 costs incurred by a producer that exceed 700 basis
4 points above the applicable official interest rate for
5 comparable maturities of the country in which the
6 producer is located.

7 (11) NONORIGINATING GOOD OR NONORIGI-
8 NATING MATERIAL.—The term “nonoriginating
9 good” or “nonoriginating material” means a good or
10 material, as the case may be, that does not qualify
11 as originating under this section.

12 (12) ORIGINATING GOOD; ORIGINATING MATE-
13 RIAL.—The term “originating good” or “originating
14 material” means a good or material, as the case may
15 be, that qualifies as originating under this section.

16 (13) PACKAGING MATERIALS AND CON-
17 TAINERS.—The term “packaging materials and con-
18 tainers” means materials and containers in which a
19 good is packaged for retail sale.

20 (14) PACKING MATERIALS AND CONTAINERS.—
21 The term “packing materials and containers” means
22 materials and containers that are used to protect a
23 good during transportation.

24 (15) PRODUCER.—The term “producer” means
25 a person who engages in the production of a good.

1 (16) PRODUCTION.—The term “production”
2 means—

3 (A) growing, cultivating, raising, mining,
4 harvesting, fishing, trapping, hunting, cap-
5 turing, breeding, extracting, manufacturing,
6 processing, or assembling a good; or

7 (B) the farming of aquatic organisms
8 through aquaculture.

9 (17) REASONABLY ALLOCATE.—The term “rea-
10 sonably allocate” means to apportion in a manner
11 appropriate to the circumstances.

12 (18) RECOVERED MATERIAL.—The term “re-
13 covered material” means a material in the form of
14 individual parts that are the result of—

15 (A) the disassembly of a used good into in-
16 dividual parts; and

17 (B) the cleaning, inspecting, testing, or
18 other processing that is necessary for improve-
19 ment to sound working condition of such indi-
20 vidual parts.

21 (19) REMANUFACTURED GOOD.—The term “re-
22 manufactured good” means a good classified in the
23 HTS under any of chapters 84 through 90 or under
24 heading 9402, other than a good classified under
25 heading 8418, 8509, 8510, 8516, or 8703 or sub-

1 heading 8414.51, 8450.11, 8450.12, 8508.11, or
2 8517.11, that—

3 (A) is entirely or partially composed of re-
4 covered materials;

5 (B) has a life expectancy similar to, and
6 performs in a manner that is the same as or
7 similar to, such a good when new; and

8 (C) has a factory warranty similar to that
9 applicable to such a good when new.

10 (20) ROYALTIES.—The term “royalties” means
11 payments of any kind, including payments under
12 technical assistance or similar agreements, made as
13 consideration for the use of, or right to use, a copy-
14 right, literary, artistic, or scientific work, patent,
15 trademark, design, model, plan, or secret formula or
16 secret process, excluding payments under technical
17 assistance or similar agreements that can be related
18 to a specific service such as—

19 (A) personnel training, without regard to
20 where the training is performed; or

21 (B) if performed in the territory of one or
22 more USMCA countries, engineering, tooling,
23 die-setting, software design and similar com-
24 puter services, or other services.

1 (21) SALES PROMOTION, MARKETING, AND
2 AFTER-SALES SERVICE COSTS.—The term “sales
3 promotion, marketing, and after-sales service costs”
4 means the costs related to sales promotion, mar-
5 keting, and after-sales service for the following:

6 (A) Sales and marketing promotion, media
7 advertising, advertising and market research,
8 promotional and demonstration materials, ex-
9 hibits, sales conferences, trade shows, conven-
10 tions, banners, marketing displays, free sam-
11 ples, sales, marketing, and after-sales service
12 literature (product brochures, catalogs, tech-
13 nical literature, price lists, service manuals, and
14 sales aid information), establishment and pro-
15 tection of logos and trademarks, sponsorships,
16 wholesale and retail charges, and entertain-
17 ment.

18 (B) Sales and marketing incentives, con-
19 sumer, retailer, or wholesaler rebates, and mer-
20 chandise incentives.

21 (C) Salaries and wages, sales commissions,
22 bonuses, benefits (such as medical, insurance,
23 and pension benefits), traveling and living ex-
24 penses, and membership and professional fees

1 for sales promotion, marketing, and after-sales
2 service personnel.

3 (D) Product liability insurance.

4 (E) Rent and depreciation of sales pro-
5 motion, marketing, and after-sales service of-
6 fices and distribution centers.

7 (F) Payments by the producer to other
8 persons for warranty repairs.

9 (G) If the costs are identified separately
10 for sales promotion, marketing, or after-sales
11 service of goods on the financial statements or
12 cost accounts of the producer, the following:

13 (i) Property insurance premiums,
14 taxes, utilities, and repair and maintenance
15 of sales promotion, marketing, and after-
16 sales service offices and distribution cen-
17 ters.

18 (ii) Recruiting and training of sales
19 promotion, marketing, and after-sales serv-
20 ice personnel, and after-sales training of
21 customers' employees.

22 (iii) Office supplies for sales pro-
23 motion, marketing, and after-sales service
24 of goods.

1 (iv) Telephone, mail, and other com-
2 munications.

3 (22) SELF-PRODUCED MATERIAL.—The term
4 “self-produced material” means a material that is
5 produced by the producer of a good and used in the
6 production of that good.

7 (23) SHIPPING AND PACKING COSTS.—The
8 term “shipping and packing costs” means the costs
9 incurred in packing a good for shipment and ship-
10 ping the good from the point of direct shipment to
11 the buyer, excluding the costs of preparing and
12 packaging the good for retail sale.

13 (24) TERRITORY.—The term “territory”, with
14 respect to a USMCA country, has the meaning given
15 that term in section C of chapter 1 of the USMCA.

16 (25) TOTAL COST.—

17 (A) IN GENERAL.—The term “total
18 cost”—

19 (i) means all product costs, period
20 costs, and other costs for a good incurred
21 in the territory of one or more USMCA
22 countries; and

23 (ii) does not include—

24 (I) profits that are earned by the
25 producer of the good, regardless of

1 whether the costs are retained by the
2 producer or paid out to other persons
3 as dividends; or

4 (II) taxes paid on those profits,
5 including capital gains taxes.

6 (B) OTHER DEFINITIONS.—In this para-
7 graph:

8 (i) OTHER COSTS.—The term “other
9 costs” means all costs recorded on the
10 books of the producer that are not product
11 costs or period costs, such as interest.

12 (ii) PERIOD COSTS.—The term “pe-
13 riod costs” means costs, other than prod-
14 uct costs, that are expensed in the period
15 in which they are incurred, such as selling
16 expenses and general and administrative
17 expenses.

18 (iii) PRODUCT COSTS.—The term
19 “product costs” means costs that are asso-
20 ciated with the production of a good, in-
21 cluding the value of materials, direct labor
22 costs, and direct overhead.

23 (26) TRANSACTION VALUE.—The term “trans-
24 action value” means the price—

1 (A) actually paid or payable for a good or
2 material with respect to a transaction of a pro-
3 ducer; and

4 (B) adjusted in accordance with the prin-
5 ciples set forth in paragraphs 1, 3, and 4 of ar-
6 ticle 8 of the Customs Valuation Agreement.

7 (27) USMCA COUNTRY.—The term “USMCA
8 country” means the United States, Canada, or Mex-
9 ico for such time as the USMCA is in force with re-
10 spect to Canada or Mexico, and the United States
11 applies the USMCA to Canada or Mexico.

12 (28) VALUE.—The term “value” means the
13 value of a good or material for purposes of calcu-
14 lating customs duties or applying this section.

15 (b) APPLICATION AND INTERPRETATION.—In this
16 section:

17 (1) TARIFF CLASSIFICATION.—The basis for
18 any tariff classification is the HTS.

19 (2) REFERENCE TO HTS.—Whenever in this
20 section there is a reference to a chapter, heading, or
21 subheading, that reference shall be a reference to a
22 chapter, heading, or subheading of the HTS.

23 (3) COST OR VALUE.—Any cost or value re-
24 ferred to in this section with respect to a good shall
25 be recorded and maintained in accordance with the

1 generally accepted accounting principles applicable
2 in the territory of the USMCA country in which the
3 good is produced.

4 (c) ORIGINATING GOODS.—

5 (1) IN GENERAL.—For purposes of this Act
6 and for purposes of implementing the preferential
7 tariff treatment provided for under the USMCA, ex-
8 cept as otherwise provided in this section, a good is
9 an originating good if—

10 (A) the good is a good wholly obtained or
11 produced entirely in the territory of one or
12 more USMCA countries;

13 (B) the good is produced entirely in the
14 territory of one or more USMCA countries
15 using nonoriginating materials, if the good sat-
16 isfies all applicable requirements set forth in
17 Annex 4–B of the USMCA; or

18 (C) the good is produced entirely in the
19 territory of one or more USMCA countries, ex-
20 clusively from originating materials;

21 (D) except for a good provided for under
22 any of chapters 61 through 63—

23 (i) the good is produced entirely in the
24 territory of one or more USMCA countries;

1 (ii) one or more of the nonoriginating
2 materials provided for as parts under the
3 HTS and used in the production of the
4 good do not satisfy the requirements set
5 forth in Annex 4–B of the USMCA be-
6 cause—

7 (I) both the good and its mate-
8 rials are classified under the same
9 subheading or under the same head-
10 ing that is not further subdivided into
11 subheadings; or

12 (II) the good was imported into
13 the territory of a USMCA country in
14 an unassembled form or a disassem-
15 bled form but was classified as an as-
16 sembled good pursuant to rule 2(a) of
17 the General Rules of Interpretation of
18 the HTS; and

19 (iii) the regional value content of the
20 good is not less than 60 percent if the
21 transaction value method is used, or not
22 less than 50 percent if the net cost method
23 is used and the good satisfies all other ap-
24 plicable requirements of this section; or

1 (E) the good itself, as imported, is listed in
2 table 2.10.1 of the USMCA and is imported
3 into the territory of the United States from the
4 territory of a USMCA country.

5 (2) REMANUFACTURED GOODS.—For purposes
6 of determining whether a remanufactured good is an
7 originating good, a recovered material derived in the
8 territory of one or more USMCA countries shall be
9 treated as originating if the recovered material is
10 used or consumed in the production of, and incor-
11 porated into, the remanufactured good.

12 (d) REGIONAL VALUE CONTENT.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (5), for purposes of subparagraphs (B) and
15 (D) of subsection (c)(1), the regional value content
16 of a good shall be calculated, at the choice of the im-
17 porter, exporter, or producer of the good, on the
18 basis of—

19 (A) the transaction value method described
20 in paragraph (2); or

21 (B) the net cost method described in para-
22 graph (3).

23 (2) TRANSACTION VALUE METHOD.—

24 (A) IN GENERAL.—An importer, exporter,
25 or producer of a good may calculate the re-

1 regional value content of the good on the basis of
 2 the following transaction value method:

$$\text{RVC} = \frac{\text{TV} - \text{VNM}}{\text{TV}} \times 100$$

3 (B) DEFINITIONS.—In this paragraph:

4 (i) RVC.—The term “RVC” means
 5 the regional value content of the good, ex-
 6 pressed as a percentage.

7 (ii) TV.—The term “TV” means the
 8 transaction value of the good, adjusted to
 9 exclude any costs incurred in the inter-
 10 national shipment of the good.

11 (iii) VNM.—The term “VNM” means
 12 the value of nonoriginating materials used
 13 by the producer in the production of the
 14 good.

15 (3) NET COST METHOD.—

16 (A) IN GENERAL.—An importer, exporter,
 17 or producer of a good may calculate the re-
 18 gional value content of the good on the basis of
 19 the following net cost method:

$$\text{RVC} = \frac{\text{NC} - \text{VNM}}{\text{NC}} \times 100$$

20 (B) DEFINITIONS.—In this paragraph:

21 (i) NC.—The term “NC” means the
 22 net cost of the good.

1 (ii) RVC.—The term “RVC” means
2 the regional value content of the good, ex-
3 pressed as a percentage.

4 (iii) VNM.—The term “VNM” means
5 the value of nonoriginating materials used
6 by the producer in the production of the
7 good.

8 (4) VALUE OF NONORIGINATING MATERIALS.—

9 (A) IN GENERAL.—The value of nonorigi-
10 nating materials used by the producer in the
11 production of a good shall not, for purposes of
12 calculating the regional value content of the
13 good under paragraph (2) or (3), include the
14 value of nonoriginating materials used or con-
15 sumed to produce originating materials that are
16 subsequently used or consumed in the produc-
17 tion of the good.

18 (B) SPECIAL RULE FOR CERTAIN COMPO-
19 NENTS.—The following components of the value
20 of nonoriginating materials used by the pro-
21 ducer in the production of a good may be
22 counted as originating content for purposes of
23 determining whether the good meets the re-
24 gional value content requirement set forth in
25 Annex 4–B of the USMCA:

1 (i) The value of processing the non-
2 originating materials undertaken in the
3 territory of one or more USMCA countries.

4 (ii) The value of any originating mate-
5 rials used or consumed in the production
6 of the nonoriginating materials undertaken
7 in the territory of one or more USMCA
8 countries.

9 (5) NET COST METHOD REQUIRED IN CERTAIN
10 CASES.—An importer, exporter, or producer of a
11 good shall calculate the regional value content of the
12 good solely on the basis of the net cost method de-
13 scribed in paragraph (3) if the rule for the good set
14 forth in Annex 4–B of the USMCA includes a re-
15 gional value content requirement not based on the
16 transaction value method described in paragraph
17 (2).

18 (6) NET COST METHOD ALLOWED FOR ADJUST-
19 MENTS.—

20 (A) IN GENERAL.—If an importer, ex-
21 porter, or producer of a good calculates the re-
22 gional value content of the good on the basis of
23 the transaction value method described in para-
24 graph (2) and a USMCA country subsequently
25 notifies the importer, exporter, or producer,

1 during the course of a verification conducted in
2 accordance with chapter 5 or 6 of the USMCA,
3 that the transaction value of the good or the
4 value of any material used in the production of
5 the good must be adjusted or is unacceptable
6 under article 1 of the Customs Valuation
7 Agreement, the importer, exporter, or producer
8 may calculate the regional value content of the
9 good on the basis of the net cost method.

10 (B) REVIEW OF ADJUSTMENT.—Nothing
11 in subparagraph (A) shall be construed to pre-
12 vent any review or appeal available in accord-
13 ance with article 5.15 of the USMCA with re-
14 spect to an adjustment to or a rejection of—

15 (i) the transaction value of a good; or

16 (ii) the value of any material used in

17 the production of a good.

18 (7) CALCULATING NET COST.—The producer of
19 a good may, consistent with regulations imple-
20 menting this section, calculate the net cost of the
21 good under paragraph (3) by—

22 (A) calculating the total cost incurred with
23 respect to all goods produced by that producer,
24 subtracting any sales promotion, marketing,
25 and after-sales services costs, royalties, shipping

1 and packing costs, and nonallowable interest
2 costs that are included in the total cost of those
3 goods, and then reasonably allocating the re-
4 sulting net cost of those goods to the good;

5 (B) calculating the total cost incurred with
6 respect to all goods produced by that producer,
7 reasonably allocating the total cost to the good,
8 and subtracting any sales promotion, mar-
9 keting, and after-sales service costs, royalties,
10 shipping and packing costs, and nonallowable
11 interest costs, that are included in the portion
12 of the total cost allocated to the good; or

13 (C) reasonably allocating each cost that is
14 part of the total cost incurred with respect to
15 the good so that the aggregate of those costs
16 does not include any sales promotion, mar-
17 keting, and after-sales service costs, royalties,
18 shipping and packing costs, and nonallowable
19 interest costs.

20 (8) VALUE OF MATERIALS USED IN PRODUC-
21 TION.—For purposes of calculating the regional
22 value content of a good under this subsection, apply-
23 ing the de minimis rules under subsection (f), and
24 calculating the value of nonoriginating components

1 in a set under subsection (m), the value of a mate-
2 rial used in the production of a good is—

3 (A) in the case of a material that is im-
4 ported by the producer of the good, the trans-
5 action value of the material at the time of im-
6 portation, including the costs incurred in the
7 international shipment of the material;

8 (B) in the case of a material acquired in
9 the territory in which the good is produced—

10 (i) the price paid or payable by the
11 producer in the USMCA country where the
12 producer is located;

13 (ii) the value as determined under
14 subparagraph (A), as set forth in regula-
15 tions prescribed by the Secretary of the
16 Treasury providing for the application of
17 transaction value in the absence of an im-
18 portation by the producer; or

19 (iii) the earliest ascertainable price
20 paid or payable in the territory of the
21 country; or

22 (C) in the case of a self-produced material,
23 the sum of—

1 (i) all expenses incurred in the pro-
2 duction of the material, including general
3 expenses; and

4 (ii) an amount for profit equivalent to
5 the profit added in the normal course of
6 trade or equal to the profit that is usually
7 reflected in the sale of goods of the same
8 class or kind as the material.

9 (9) INTERMEDIATE MATERIALS.—

10 (A) IN GENERAL.—Any self-produced ma-
11 terial that is used in the production of a good
12 may be designated by the producer of the good
13 as an intermediate material for purposes of cal-
14 culating the regional value content of the good
15 under paragraph (2) or (3).

16 (B) MATERIALS USED IN PRODUCTION OF
17 INTERMEDIATE MATERIALS.—If a self-produced
18 material is designated as an intermediate mate-
19 rial under subparagraph (A) for purposes of
20 calculating a regional value content require-
21 ment, no other self-produced material subject to
22 a regional value content requirement used or
23 consumed in the production of that inter-
24 mediate material may be designated by the pro-
25 ducer as an intermediate material.

1 (10) FURTHER ADJUSTMENTS TO VALUE OF
2 MATERIALS.—The following expenses, if included in
3 the value of a nonoriginating material calculated
4 under paragraph (8), may be deducted from the
5 value of the nonoriginating material:

6 (A) The costs of freight, insurance, pack-
7 ing, and all other costs incurred in transporting
8 the material to the location of the producer.

9 (B) Duties, taxes, and customs brokerage
10 fees on the material paid in the territory of one
11 or more USMCA countries, other than duties or
12 taxes that are waived, refunded, refundable, or
13 otherwise recoverable, including credit against
14 duty or tax paid or payable.

15 (C) The cost of waste and spoilage result-
16 ing from the use of the material in the produc-
17 tion of the good, less the value of renewable
18 scrap or byproducts.

19 (e) ACCUMULATION.—

20 (1) PRODUCERS.—A good that is produced in
21 the territory of one or more USMCA countries, by
22 one or more producers, is an originating good if the
23 good satisfies the requirements of subsection (c) and
24 all other applicable requirements of this section.

1 (2) ORIGINATING MATERIALS USED IN PRODUC-
2 TION OF GOODS OF A USMCA COUNTRY.—Origini-
3 ating materials from the territory of one or more
4 USMCA countries that are used in the production of
5 a good in the territory of another USMCA country
6 shall be considered to originate in the territory of
7 such other USMCA country.

8 (3) PRODUCTION UNDERTAKEN ON NONORIGI-
9 NATING MATERIALS USED IN THE PRODUCTION OF
10 GOODS.—In determining whether a good is an origi-
11 nating good under this section, production under-
12 taken on nonoriginating material in the territory of
13 one or more USMCA countries by one or more pro-
14 ducers shall contribute to the originating status of
15 the good, regardless of whether that production is
16 sufficient to confer originating status to the non-
17 originating material.

18 (f) DE MINIMIS AMOUNTS OF NONORIGINATING MA-
19 TERIALS.—

20 (1) IN GENERAL.—Except as provided in para-
21 graphs (2) through (4), a good that does not under-
22 go a change in tariff classification or satisfy a re-
23 gional value content requirement set forth in Annex
24 4–B of the USMCA is an originating good if—

1 (A) the value of all nonoriginating mate-
2 rials that are used in the production of the
3 good, and do not undergo the applicable change
4 in tariff classification set forth in Annex 4–B of
5 the USMCA—

6 (i) does not exceed 10 percent of the
7 transaction value of the good, adjusted to
8 exclude any costs incurred in the inter-
9 national shipment of the good; or

10 (ii) does not exceed 10 percent of the
11 total cost of the good;

12 (B) the good meets all other applicable re-
13 quirements of this section; and

14 (C) the value of such nonoriginating mate-
15 rials is included in the value of nonoriginating
16 materials for any applicable regional value con-
17 tent requirement for the good.

18 (2) EXCEPTIONS FOR DAIRY AND OTHER PROD-
19 UCTS.—Paragraph (1) does not apply to the fol-
20 lowing:

21 (A) A nonoriginating material of headings
22 0401 through 0406, or a nonoriginating dairy
23 preparation containing over 10 percent by dry
24 weight of milk solids of subheading 1901.90 or

1 2106.90, used or consumed in the production of
2 a good of headings 0401 through 0406.

3 (B) A nonoriginating material of headings
4 0401 through 0406, or nonoriginating dairy
5 preparation containing over 10 percent by dry
6 weight of milk solids of subheading 1901.90 or
7 2106.90, used or consumed in the production of
8 any of the following goods:

9 (i) Infant preparations containing
10 over 10 percent by dry weight of milk sol-
11 ids, of subheading 1901.10.

12 (ii) Mixes and doughs containing over
13 25 percent by dry weight of butterfat, not
14 put up for retail sale, of subheading
15 1901.20.

16 (iii) A dairy preparation containing
17 over 10 percent by dry weight of milk sol-
18 ids, of subheading 1901.90 or 2106.90.

19 (iv) A good of heading 2105.

20 (v) Beverages containing milk of sub-
21 heading 2202.90.

22 (vi) Animal feeds containing over 10
23 percent by dry weight of milk solids of sub-
24 heading 2309.90.

1 (C) A nonoriginating material of heading
2 0805, or any of subheadings 2009.11 through
3 2009.39, used or consumed in the production of
4 a good of subheadings 2009.11 through
5 2009.39, or a fruit or vegetable juice of any
6 single fruit or vegetable, fortified with minerals
7 or vitamins, concentrated or unconcentrated, of
8 subheading 2106.90 or 2202.90.

9 (D) A nonoriginating material of chapter 9
10 used or consumed in the production of instant
11 coffee, not flavored, of subheading 2101.11.

12 (E) A nonoriginating material of chapter
13 15 used or consumed in the production of a
14 good of heading 1507, 1508, 1512, 1514, or
15 1515.

16 (F) A nonoriginating material of heading
17 1701 used or consumed in the production of a
18 good of any of headings 1701 through 1703.

19 (G) A nonoriginating material of chapter
20 17 or heading 1805 used in the production of
21 a good of subheading 1806.10.

22 (H) Nonoriginating peaches, pears, or
23 apricots of chapter 8 or 20, used in the produc-
24 tion of a good of heading 2008.

1 (I) A nonoriginating single juice ingredient
2 of heading 2009 used or consumed in the pro-
3 duction of a good of—

4 (i) subheading 2009.90, or tariff item
5 2106.90.54 (concentrated mixtures of fruit
6 or vegetable juice, fortified with minerals
7 or vitamins); or

8 (ii) tariff item 2202.99.37 (mixtures
9 of fruit or vegetable juices, fortified with
10 minerals or vitamins).

11 (J) A nonoriginating material of any of
12 headings 2203 through 2208 used or consumed
13 in the production of a good provided for under
14 heading 2207 or 2208.

15 (3) GOODS PROVIDED FOR UNDER CHAPTERS 1
16 THROUGH 27.—Paragraph (1) does not apply to a
17 nonoriginating material used or consumed in the
18 production of a good provided for in chapters 1
19 through 27 unless the nonoriginating material is
20 provided for in a different subheading than the sub-
21 heading of the good for which origin is being deter-
22 mined.

23 (4) TEXTILE OR APPAREL GOODS.—

24 (A) GOODS CLASSIFIED UNDER CHAPTERS
25 50 THROUGH 60.—Except as provided in sub-

1 paragraph (C), a textile or apparel good pro-
2 vided for in any of chapters 50 through 60 or
3 heading 9619 that is not an originating good
4 because certain nonoriginating materials used
5 in the production of the good do not undergo an
6 applicable change in tariff classification set
7 forth in Annex 4–B of the USMCA, shall be
8 considered to be an originating good if the total
9 weight of all such materials, including elas-
10 tomERIC yarns, is not more than 10 percent of
11 the total weight of the good and the good meets
12 all other applicable requirements of this section.

13 (B) GOODS CLASSIFIED UNDER CHAPTERS
14 61 THROUGH 63.—Except as provided in sub-
15 paragraph (C), a textile or apparel good pro-
16 vided for in chapter 61, 62, or 63 that is not
17 an originating good because certain fibers or
18 yarns used in the production of the component
19 of the good that determines the tariff classifica-
20 tion of the good do not undergo an applicable
21 change in tariff classification set forth in Annex
22 4–B of the USMCA shall be considered to be
23 an originating good if the total weight of all
24 such fibers or yarns in the component, includ-
25 ing elastomeric yarns, is not more than 10 per-

1 cent of the total weight of the component and
2 the good meets all other applicable require-
3 ments of this section.

4 (C) GOODS CONTAINING NONORIGINATING
5 ELASTOMERIC YARNS.—

6 (i) GOODS CLASSIFIED UNDER CHAP-
7 TERS 50 THROUGH 60 OR HEADING 9619 .—

8 A textile or apparel good described in sub-
9 paragraph (A) containing nonoriginating
10 elastomeric yarns shall be considered to be
11 an originating good only if the nonorigi-
12 nating elastomeric yarns contained in the
13 good do not exceed 7 percent of the total
14 weight of the good.

15 (ii) GOODS CLASSIFIED UNDER CHAP-
16 TERS 61 THROUGH 63.—A textile or ap-
17 parel good described in subparagraph (B)
18 containing nonoriginating elastomeric
19 yarns shall be considered to be an origi-
20 nating good only if the nonoriginating elas-
21 tomeric yarns contained in the component
22 of the good that determines the tariff clas-
23 sification of the good do not exceed 7 per-
24 cent of the total weight of the good.

25 (g) FUNGIBLE GOODS AND MATERIALS.—

1 (1) FUNGIBLE MATERIALS USED IN PRODUC-
2 TION.—Subject to paragraph (3), if originating and
3 nonoriginating fungible materials are used or con-
4 sumed in the production of a good, the determina-
5 tion of whether the materials are originating may be
6 made on the basis of any of the inventory manage-
7 ment methods set forth in regulations implementing
8 this section.

9 (2) FUNGIBLE GOODS COMMINGLED AND EX-
10 PORTED.—Subject to paragraph (3), if originating
11 and nonoriginating fungible goods are commingled
12 and exported in the same form, the determination of
13 whether the goods are originating may be made on
14 the basis of any of the inventory management meth-
15 ods set forth in regulations implementing this sec-
16 tion.

17 (3) USE OF INVENTORY MANAGEMENT METH-
18 OD.—A person that selects an inventory manage-
19 ment method for purposes of paragraph (1) or (2)
20 shall use that inventory management method
21 throughout the fiscal year of the person.

22 (h) ACCESSORIES, SPARE PARTS, TOOLS, AND IN-
23 STRUCTIONAL OR OTHER INFORMATION MATERIALS.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 accessories, spare parts, tools, or instructional or

1 other information materials delivered with a good
2 shall—

3 (A) be treated as originating if the good is
4 an originating good;

5 (B) be disregarded in determining whether
6 a good is a good wholly obtained or produced
7 entirely in the territory of one or more USMCA
8 countries or satisfies a process or change in tar-
9 iff classification set forth in Annex 4–B of the
10 USMCA; and

11 (C) be taken into account as originating or
12 nonoriginating materials, as the case may be, in
13 calculating any applicable regional value con-
14 tent of the good set forth in Annex 4–B of the
15 USMCA.

16 (2) CONDITIONS.—Paragraph (1) shall apply
17 only if—

18 (A) the accessories, spare parts, tools, or
19 instructional or other information materials are
20 classified with and delivered with, but not
21 invoiced separately from, the good; and

22 (B) the types, quantities, and value of the
23 accessories, spare parts, tools, or instructional
24 or other information materials are customary
25 for the good.

1 (i) PACKAGING MATERIALS AND CONTAINERS FOR
2 RETAIL SALE.—Packaging materials and containers in
3 which a good is packaged for retail sale, if classified with
4 the good, shall be disregarded in determining whether all
5 of the nonoriginating materials used in the production of
6 the good undergo the applicable process or change in tariff
7 classification requirement set forth in Annex 4–B of the
8 USMCA, or whether the good is a good wholly obtained
9 or produced entirely in the territory of one or more
10 USMCA countries. If the good is subject to a regional
11 value content requirement set forth in that Annex, the
12 value of such packaging materials and containers shall be
13 taken into account as originating or nonoriginating mate-
14 rials, as the case may be, in calculating the regional value
15 content of the good.

16 (j) PACKING MATERIALS AND CONTAINERS FOR
17 SHIPMENT.—Packing materials and containers for ship-
18 ment shall be disregarded in determining whether a good
19 is an originating good.

20 (k) INDIRECT MATERIALS.—An indirect material
21 shall be treated as an originating material without regard
22 to where it is produced.

23 (l) TRANSIT AND TRANSSHIPMENT.—A good that has
24 undergone production necessary to qualify as an origi-
25 nating good under subsection (c) shall not be considered

1 to be an originating good if, subsequent to that produc-
2 tion, the good—

3 (1) undergoes further production or any other
4 operation outside the territory of a USMCA country,
5 other than—

6 (A) unloading, reloading, separation from
7 a bulk shipment, storing, labeling, or marking,
8 as required by a USMCA country; or

9 (B) any other operation necessary to pre-
10 serve the good in good condition or to transport
11 the good to the territory of the importing
12 USMCA country; or

13 (2) does not remain under the control of cus-
14 toms authorities in a country other than a USMCA
15 country.

16 (m) GOODS CLASSIFIABLE AS GOODS PUT UP IN
17 SETS.—

18 (1) GOODS OTHER THAN TEXTILE OR APPAREL
19 GOODS.—Notwithstanding the rules set forth in
20 Annex 4–B of the USMCA, goods classifiable as
21 goods put up in sets for retail sale as provided for
22 in rule 3 of the General Rule of Interpretation of the
23 HTS shall not be considered to be originating goods
24 unless—

1 (A) each of the goods in the set is an origi-
2 nating good; or

3 (B) the total value of the nonoriginating
4 goods in the set does not exceed 10 percent of
5 the value of the set.

6 (2) TEXTILE OR APPAREL GOODS.—Notwith-
7 standing the rules set forth in Annex 4–B of the
8 USMCA, goods classifiable as goods put up in sets
9 for retail sale as provided for in rule 3 of the Gen-
10 eral Rule of Interpretation of the HTS shall not be
11 considered to be originating goods unless—

12 (A) each of the goods in the set is an origi-
13 nating good; or

14 (B) the total value of the nonoriginating
15 goods in the set does not exceed 10 percent of
16 the value of the set.

17 (n) NONQUALIFYING OPERATIONS.—A good shall not
18 be considered to be an originating good merely by reason
19 of—

20 (1) mere dilution with water or another sub-
21 stance that does not materially alter the characteris-
22 tics of the good; or

23 (2) any production or pricing practice with re-
24 spect to which it may be demonstrated, by a prepon-

1 derance of the evidence, that the object of the prac-
2 tice was to circumvent this section.

3 (o) EFFECTIVE DATE.—

4 (1) IN GENERAL.—This section shall—

5 (A) take effect on the date on which the
6 USMCA enters into force; and

7 (B) apply with respect to a good entered
8 for consumption, or withdrawn from warehouse
9 for consumption, on or after that date.

10 (2) TRANSITION FROM NAFTA TREATMENT.—

11 Section 202 of the North American Free Trade
12 Agreement Implementation Act (19 U.S.C. 3332), as
13 in effect on the day before the date on which the
14 USMCA enters into force, shall continue to apply on
15 and after that date with respect to a good entered
16 for consumption, or withdrawn from warehouse for
17 consumption, before that date.

18 **SEC. 202A. SPECIAL RULES FOR AUTOMOTIVE GOODS.**

19 (a) DEFINITIONS.—In this section:

20 (1) ALTERNATIVE STAGING REGIME.—The term
21 “alternative staging regime” means the application,
22 pursuant to subsection (d), of the requirements of
23 article 8 of the automotive appendix to the produc-
24 tion of covered vehicles to allow producers of such
25 vehicles to bring such production into compliance

1 with the requirements of articles 2 through 7 of that
2 appendix.

3 (2) ALTERNATIVE STAGING REGIME PERIOD.—
4 The term “alternative staging regime period” means
5 the period during which the alternative staging re-
6 gime is in effect.

7 (3) AUTOMOTIVE APPENDIX.—The term “auto-
8 motive appendix” means the Appendix to Annex 4–
9 B of the USMCA (relating to the product-specific
10 rules of origin for automotive goods).

11 (4) AUTOMOTIVE GOOD.—The term “auto-
12 motive good” means—

13 (A) a covered vehicle; or

14 (B) a part, component, or material listed
15 in table A.1, A.2, B, C, D, or E of the auto-
16 motive appendix.

17 (5) AUTOMOTIVE RULES OF ORIGIN.—The term
18 “automotive rules of origin” means the rules of ori-
19 gin for automotive goods set forth in the automotive
20 appendix.

21 (6) COMMISSIONER.—The term “Commis-
22 sioner” means the Commissioner of U.S. Customs
23 and Border Protection.

1 (7) COVERED VEHICLE.—The term “covered ve-
2 hicle” means a passenger vehicle, light truck, or
3 heavy truck.

4 (8) INTERAGENCY COMMITTEE.—The term
5 “interagency committee” means the interagency
6 committee established under subsection (b)(1).

7 (9) PASSENGER VEHICLE; LIGHT TRUCK;
8 HEAVY TRUCK.—The terms “passenger vehicle”,
9 “light truck”, and “heavy truck” have the meanings
10 given those terms in article 1 of the automotive ap-
11 pendix.

12 (10) USMCA COUNTRY.—The term “USMCA
13 country” means the United States, Canada, or Mex-
14 ico for such time as the USMCA is in force with re-
15 spect to Canada or Mexico, and the United States
16 applies the USMCA to Canada or Mexico.

17 (b) ESTABLISHMENT OF INTERAGENCY COM-
18 MITTEE.—

19 (1) IN GENERAL.—Not later than 30 days after
20 the date of the enactment of this Act, the President
21 shall establish an interagency committee—

22 (A) to provide advice, as appropriate, on
23 the implementation, enforcement, and modifica-
24 tion of provisions of the USMCA that relate to

1 automotive goods, including the alternative
2 staging regime; and

3 (B) to review the operation of the USMCA
4 with respect to trade in automotive goods, in-
5 cluding—

6 (i) the economic effects of the auto-
7 motive rules of origin on the United States
8 economy, workers, and consumers; and

9 (ii) the impact of new technology on
10 such rules of origin.

11 (2) MEMBERS.—The members of the inter-
12 agency committee shall be the following:

13 (A) The Trade Representative.

14 (B) The Secretary of Commerce.

15 (C) The Commissioner.

16 (D) The Secretary of Labor.

17 (E) The Chair of the International Trade
18 Commission.

19 (F) Any other members determined to be
20 necessary by the Trade Representative.

21 (3) CHAIR.—The chair of the interagency com-
22 mittee shall be the Trade Representative.

23 (4) USE OF INFORMATION.—

24 (A) INFORMATION SHARING.—Notwith-
25 standing any other provision of law, the mem-

1 bers of the interagency committee may ex-
2 change information for purposes of carrying out
3 this section.

4 (B) CONFIDENTIALITY OF INFORMA-
5 TION.—The interagency committee and any
6 Federal agency represented on the interagency
7 committee may not disclose to the public any
8 confidential documents or information received
9 in the course of carrying out this section, except
10 information aggregated to preserve confiden-
11 tiality and used in the reports described in sub-
12 section (g).

13 (c) CERTIFICATION REQUIREMENTS.—

14 (1) CERTIFICATION RELATING TO LABOR
15 VALUE CONTENT REQUIREMENTS.—

16 (A) IN GENERAL.—A covered vehicle shall
17 be eligible for preferential tariff treatment only
18 if the producer of the covered vehicle—

19 (i) provides a certification to the Com-
20 missioner that the production of covered
21 vehicles by the producer meets the labor
22 value content requirements, including the
23 high-wage material and manufacturing ex-
24 penditures, high-wage technology expendi-
25 tures, and high-wage assembly expendi-

1 tures, as set forth in article 7 of the auto-
2 motive appendix or, if the producer is sub-
3 ject to the alternative staging regime, arti-
4 cles 7 and 8 of that appendix, and includes
5 the calculations of the producer related to
6 the labor value content requirements; and

7 (ii) has information on record to sup-
8 port those calculations.

9 (B) IMPLEMENTATION.—For purposes of
10 meeting the requirements under subparagraph
11 (A)—

12 (i) the Secretary of Labor, in con-
13 sultation with the Commissioner, shall en-
14 sure that the certification of a producer
15 under subparagraph (A)(i) does not con-
16 tain omissions or errors before the certifi-
17 cation is considered properly filed; and

18 (ii) a calculation described in subpara-
19 graph (A)(i) based on a producer's pre-
20 ceding fiscal or calendar year is valid for
21 the producer's subsequent fiscal or cal-
22 endar year, as the case may be, as set
23 forth in articles 7 and 8 of the automotive
24 appendix.

1 (C) REGULATIONS REQUIRED.—The Sec-
2 retary of the Treasury, in consultation with the
3 Secretary of Labor, shall prescribe regulations
4 to carry out this paragraph, including regula-
5 tions setting forth the procedures and require-
6 ments for a producer of covered vehicles to es-
7 tablish that the producer meets the labor value
8 content requirements for preferential tariff
9 treatment.

10 (2) CERTIFICATION RELATING TO STEEL AND
11 ALUMINUM PURCHASE REQUIREMENTS.—

12 (A) IN GENERAL.—A covered vehicle shall
13 be eligible for preferential tariff treatment only
14 if the producer of the covered vehicle—

15 (i) provides a certification to the Com-
16 missioner that the production of covered
17 vehicles by the producer meets the steel
18 and aluminum purchase requirements set
19 forth in article 6 of the automotive appen-
20 dix or, if the producer is subject to the al-
21 ternative staging regime, articles 6 and 8
22 of that appendix; and

23 (ii) has information on record to sup-
24 port the calculations relied on for the cer-
25 tification.

1 (B) IMPLEMENTATION.—For purposes of
2 meeting the requirements under subparagraph
3 (A)—

4 (i) the Commissioner shall ensure that
5 the certification of a producer under sub-
6 paragraph (A)(i) does not contain omis-
7 sions or errors before the certification is
8 considered properly filed; and

9 (ii) a calculation described in subpara-
10 graph (A)(ii) based on a producer's pre-
11 ceding fiscal or calendar year is valid for
12 the producer's subsequent fiscal or cal-
13 endar year, as the case may be, as set
14 forth in articles 6 and 8 of the automotive
15 appendix.

16 (C) REGULATIONS REQUIRED.—The Sec-
17 retary of the Treasury shall prescribe regula-
18 tions to carry out this paragraph, including reg-
19 ulations setting forth the procedures and re-
20 quirements for a producer of covered vehicles to
21 establish that the producer meets the steel and
22 aluminum purchase requirements for pref-
23 erential tariff treatment.

24 (d) ALTERNATIVE STAGING REGIME.—

1 (1) PUBLICATION OF REQUIREMENTS.—Not
2 later than 90 days after the date of the enactment
3 of this Act, the Trade Representative, in consulta-
4 tion with the interagency committee, shall publish in
5 the Federal Register requirements, procedures, and
6 guidance required to implement the alternative stag-
7 ing regime, including with respect to the following:

8 (A) The procedures, calculation method-
9 ology, timeframe, specific regional value content
10 thresholds, and other minimum requirements,
11 consistent with article 8 of the automotive ap-
12 pendix, with which a producer of covered vehi-
13 cles subject to the alternative staging regime is
14 required to comply during the alternative stag-
15 ing regime period for such vehicles to be eligible
16 for preferential tariff treatment pursuant to the
17 alternative staging regime.

18 (B) The date by which requests for the al-
19 ternative staging regime are required to be sub-
20 mitted.

21 (C) The information a producer of pas-
22 senger vehicles or light trucks is required to
23 provide, in the producer's request to use the al-
24 ternative staging regime, to demonstrate the ac-
25 tions that the producer will take to be prepared

1 to meet all the requirements set forth in articles
2 2 through 7 of the automotive appendix after
3 the alternative staging regime period has ex-
4 pired, including the following:

5 (i) A statement identifying which of
6 the requirements set forth in articles 2
7 through 7 of the automotive appendix that
8 the producer expects it will be unable to
9 meet upon entry into force of the USMCA
10 based on current business plans.

11 (ii) A statement indicating whether
12 the passenger vehicles or light trucks for
13 which the producer seeks to use the alter-
14 native staging regime account for 10 per-
15 cent or less, or more than 10 percent, of
16 the total production of passenger vehicles
17 or light trucks, as the case may be, in
18 USMCA countries by the producer during
19 the 12-month period preceding the date on
20 which the USMCA enters into force, or the
21 average of such production during the 36-
22 month period preceding that date, which-
23 ever is greater.

24 (iii) In the case of a producer that
25 seeks to use the alternative staging regime

1 for more than 10 percent of the producer's
2 total production of passenger vehicles or
3 light trucks, as the case may be, in
4 USMCA countries—

5 (I) a detailed and credible plan
6 describing with specificity the actions
7 the producer intends to take to bring
8 production of the passenger vehicles
9 or light trucks, as the case may be,
10 into compliance with the requirements
11 set forth in articles 2 through 7 of the
12 automotive appendix after the alter-
13 native staging regime period expires;
14 and

15 (II) a statement indicating the
16 time period for which the producer is
17 requesting to use the alternative stag-
18 ing regime, if that time period is
19 greater than 5 years after the
20 USMCA enters into force.

21 (D) The procedures for accepting and re-
22 viewing requests for the alternative staging re-
23 gime, including that the Trade Representative
24 will—

1 (i) notify a producer of any defi-
2 ciencies in the request of the producer that
3 would result in a denial of the request not
4 later than 30 days after the request is sub-
5 mitted; and

6 (ii) provide producers the opportunity
7 to submit supplemental information.

8 (E) The criteria the Trade Representative,
9 in consultation with the interagency committee,
10 will consider when determining whether to ap-
11 prove a request for the alternative staging re-
12 gime. Such criteria shall only include elements
13 necessary for the producer to demonstrate the
14 producer's ability to meet the requirements
15 specified in subparagraphs (A) and (B). The
16 criteria shall also describe the information to
17 meet those requirements in sufficient detail to
18 allow the producer to identify the information
19 necessary to complete a request for the alter-
20 native staging regime.

21 (F) The opportunity for a producer de-
22 scribed in subparagraph (C)(iii) to modify the
23 producer's request for the alternative staging
24 regime.

1 (2) REVIEW OF REQUESTS FOR ALTERNATIVE
2 STAGING REGIME.—

3 (A) IN GENERAL.—In reviewing the re-
4 quest of a producer of passenger vehicles or
5 light trucks for the alternative staging regime,
6 the Trade Representative, in consultation with
7 the interagency committee, shall determine—

8 (i) whether the request covers 10 per-
9 cent or less, or more than 10 percent, of
10 the production of passenger vehicles or
11 light trucks in USMCA countries by the
12 producer; and

13 (ii) whether the producer has identi-
14 fied with specificity which of the require-
15 ments set forth in articles 2 through 7 of
16 the automotive appendix the producer is
17 unable to meet based on current business
18 plans.

19 (B) APPROVAL OF ALTERNATIVE STAGING
20 REGIME FOR PASSENGER VEHICLE OR LIGHT
21 TRUCK PRODUCTION NOT EXCEEDING 10 PER-
22 CENT OF NORTH AMERICAN PRODUCTION.—The
23 Trade Representative shall authorize the use of
24 the alternative staging regime if the Trade Rep-

1 representative, in consultation with the interagency
2 committee, determines that—

3 (i) the request for the alternative
4 staging regime covers passenger vehicles or
5 light trucks that do not exceed 10 percent
6 of the production of passenger vehicles or
7 light trucks, as the case may be, in
8 USMCA countries by the producer; and

9 (ii) the producer has identified with
10 specificity which of the requirements set
11 forth in articles 2 through 7 of the auto-
12 motive appendix the producer is unable to
13 meet based on current business plans.

14 (C) APPROVAL OF ALTERNATIVE STAGING
15 REGIME FOR PASSENGER VEHICLE OR LIGHT
16 TRUCK PRODUCTION EXCEEDING 10 PERCENT
17 OF NORTH AMERICAN PRODUCTION.—The
18 Trade Representative shall authorize the use of
19 the alternative staging regime if the Trade Rep-
20 resentative, in consultation with the interagency
21 committee, determines that—

22 (i) the request for the alternative
23 staging regime covers more than 10 per-
24 cent of the production of passenger vehi-

1 cles or lights trucks, as the case may be,
2 in USMCA countries by the producer;

3 (ii) the producer has identified with
4 specificity which of the requirements set
5 forth in articles 2 through 7 of the auto-
6 motive appendix the producer is unable to
7 meet based on current business plans; and

8 (iii) the detailed and credible plan of
9 the producer submitted under paragraph
10 (1)(C)(iii) is based on substantial evidence
11 and reasonably calculated to bring the pro-
12 duction of the passenger vehicles or light
13 trucks, as the case may be, into compliance
14 with the requirements set forth in articles
15 2 through 7 of the automotive appendix
16 after the alternative staging regime period
17 has expired.

18 (3) PROCEDURES RELATED TO REVIEWING AND
19 APPROVING REQUESTS.—

20 (A) DEADLINE FOR REVIEW.—Not later
21 than 120 days after receiving a request of a
22 producer for the alternative staging regime, the
23 Trade Representative, in consultation with the
24 interagency committee, shall—

25 (i) review the request;

1 (ii) make a determination with respect
2 to whether to authorize the use of the al-
3 ternative staging regime; and

4 (iii) provide to each producer a re-
5 sponse in writing stating whether the pro-
6 ducer may use the alternative staging re-
7 gime.

8 (B) ESTABLISHMENT OF A PUBLIC LIST.—

9 The Trade Representative shall maintain, and
10 update as necessary, a public list of the pro-
11 ducers of covered vehicles that have been au-
12 thorized to use the alternative staging regime.

13 (C) REPORTING.—Before a determination
14 is made with respect to whether to authorize
15 the use of the alternative staging regime, the
16 Trade Representative shall provide to the ap-
17 propriate congressional committees a summary
18 of requests for the alternative staging regime.

19 (4) ALTERNATIVE STAGING REGIME REVIEW
20 AND MODIFICATION.—

21 (A) MATERIAL CHANGES TO CIR-
22 CUMSTANCES.—

23 (i) NOTIFICATION.—If the request of
24 a producer to use the alternative staging
25 regime for more than 10 percent of the

1 total production of passenger vehicles or
2 light trucks, as the case may be, in
3 USMCA countries by the producer has
4 been granted, the producer shall notify the
5 Trade Representative and the interagency
6 committee of any material changes to the
7 information contained in the request, in-
8 cluding any supplemental information re-
9 lating to that request, and of any material
10 changes to circumstances, that will affect
11 the producer's ability to meet any of the
12 requirements set forth in articles 2
13 through 7 of the automotive appendix after
14 the alternative staging regime period has
15 expired.

16 (ii) REQUESTS FOR MODIFICATION OF
17 PLANS.—

18 (I) IN GENERAL.—A producer
19 that submits a notification under
20 clause (i) with respect to a change de-
21 scribed in that clause may submit to
22 the Trade Representative and the
23 interagency committee a request for
24 modification of its plan.

1 (II) DETERMINATION REGARDING
2 MODIFICATION.—Not later than 90
3 days after receiving a request sub-
4 mitted under subclause (I), the Trade
5 Representative, in consultation with
6 the interagency committee, shall—

7 (aa) review the request;

8 (bb) make a determination
9 with respect to whether the modi-
10 fied plan is based on substantial
11 evidence and reasonably cal-
12 culated to ensure that the pro-
13 ducer will still be able to meet
14 the requirements set forth in ar-
15 ticles 2 through 7 of the auto-
16 motive appendix after the alter-
17 native staging regime period has
18 expired;

19 (cc) if the Trade Represent-
20 ative makes an affirmative deter-
21 mination under item (bb), ap-
22 prove the modified plan; and

23 (dd) notify the producer in
24 writing of the determination.

1 (iii) INABILITY TO MEET REQUIRE-
2 MENTS.—If the Trade Representative, in
3 consultation with the interagency com-
4 mittee, determines that the information
5 provided by a producer under clause (i)
6 demonstrates that the producer will no
7 longer be able to meet the requirements set
8 forth in articles 2 through 7 of the auto-
9 motive appendix after the alternative stag-
10 ing regime period has expired, the Trade
11 Representative shall notify the producer in
12 writing, and no claim for preferential tariff
13 treatment may be made, on or after the
14 date of the determination, with respect to
15 a covered vehicle of the producer pursuant
16 to the alternative staging regime.

17 (5) FAILURE TO MEET REQUIREMENTS FOR AL-
18 TERNATIVE STAGING REGIME.—

19 (A) IN GENERAL.—If, at any time, the
20 Trade Representative, in consultation with the
21 interagency committee, makes a determination
22 described in subparagraph (B) with respect to
23 a producer of covered vehicles subject to the al-
24 ternative staging regime—

1 (i) any claim for preferential tariff
2 treatment under the alternative staging re-
3 gime for any covered vehicle of that pro-
4 ducer shall be considered invalid; and

5 (ii) notwithstanding the finality of a
6 liquidation of an entry, the importer of any
7 covered vehicle of that producer shall be
8 liable for the duties, taxes, and fees that
9 would have been applicable to that vehicle
10 if preferential tariff treatment pursuant to
11 the alternative staging regime had not ap-
12 plied when the vehicle was entered for con-
13 sumption, or withdrawn from warehouse
14 for consumption, plus interest assessed on
15 or after the date of entry and before the
16 date of the determination.

17 (B) DETERMINATION DESCRIBED.—A de-
18 termination described in this subparagraph is a
19 determination that a producer of covered vehi-
20 cles subject to the alternative staging regime—

21 (i) has failed to take the steps set
22 forth in the producer's request for the al-
23 ternative staging regime and, as a result of
24 that failure, the producer will no longer be
25 able to meet the requirements set forth in

1 articles 2 through 7 of the automotive ap-
2 pendix after the alternative staging regime
3 period has expired;

4 (ii) has provided false or misleading
5 information in the producer's request; or

6 (iii) in the case of a producer author-
7 ized to use the alternative staging regime
8 for more than 10 percent of the total pro-
9 duction of passenger vehicles or light
10 trucks in USMCA countries by the pro-
11 ducer, has failed to notify the Trade Rep-
12 resentative under paragraph (4)(A) of ma-
13 terial changes to circumstances that will
14 prevent the producer from meeting any of
15 the requirements set forth in articles 2
16 through 7 of the automotive appendix after
17 the alternative staging regime period has
18 expired.

19 (e) VERIFICATION OF LABOR VALUE CONTENT RE-
20 QUIREMENTS.—

21 (1) IN GENERAL.—As part of a verification con-
22 ducted under section 207, the Secretary of the
23 Treasury, in conjunction with the Secretary of
24 Labor, may conduct a verification of whether a cov-
25 ered vehicle complies with the labor value content re-

1 requirements set forth in article 7 of the automotive
2 appendix or, if the producer is subject to the alter-
3 native staging regime under subsection (d), articles
4 7 and 8 of that appendix.

5 (2) ROLE OF SECRETARY OF LABOR.—In co-
6 operation with the Secretary of the Treasury, the
7 Secretary of Labor shall participate in any
8 verification conducted under paragraph (1) by
9 verifying whether the production of covered vehicles
10 by a producer meets the high-wage components of
11 the labor value content requirements, including the
12 wage component of the high-wage material and man-
13 ufacturing expenditures, the high-wage technology
14 expenditures, and the high-wage assembly expendi-
15 tures, within the meaning given those terms in arti-
16 cle 7 of that appendix.

17 (3) ROLE OF SECRETARY OF THE TREASURY.—
18 The Secretary of the Treasury shall participate in
19 any verification conducted under paragraph (1) by
20 verifying—

21 (A) the components of the labor value con-
22 tent requirements not covered by paragraph
23 (2), including the annual purchase value and
24 cost components of the high-wage material and
25 manufacturing expenditures, within the mean-

1 ing given those terms in article 7 of that appen-
2 dix; and

3 (B) whether the producer has met the
4 labor value content requirements.

5 (4) ACTIONS BY SECRETARY OF LABOR.—

6 (A) IN GENERAL.—In participating in a
7 verification conducted under paragraph (1), the
8 Secretary of Labor shall assist the Secretary of
9 the Treasury to do the following:

10 (i) Examine, or cause to be examined,
11 upon reasonable notice, any record (includ-
12 ing any statement, declaration, document,
13 or electronically generated or machine
14 readable data) described in the notice with
15 reasonable specificity.

16 (ii) Request information from any of-
17 ficer, employee, or agent of a producer of
18 automotive goods, as necessary, that may
19 be relevant with respect to whether the
20 production of covered vehicles meets the
21 high-wage components of the labor value
22 content requirements set forth in article 7
23 of the automotive appendix or, if the pro-
24 ducer is subject to the alternative staging

1 regime under subsection (d), articles 7 and
2 8 of that appendix.

3 (B) NATURE OF INFORMATION RE-
4 QUESTED.—Records and information that may
5 be examined or requested under subparagraph
6 (A) may relate to wages, hours, job responsibil-
7 ities, and other information in any plant or fa-
8 cility relied on by a producer of covered vehicles
9 to demonstrate that the production of such ve-
10 hicles by the producer meets the labor value
11 content requirements set forth in article 7 of
12 the automotive appendix or, if the producer is
13 subject to the alternative staging regime under
14 subsection (d), articles 7 and 8 of that appen-
15 dix.

16 (5) WHISTLEBLOWER PROTECTIONS.—

17 (A) UNLAWFUL ACTS.—It is unlawful to
18 intimidate, threaten, restrain, coerce, blacklist,
19 discharge, or in any other manner discriminate
20 against any person for—

21 (i) disclosing information to a Federal
22 agency or to any person relating to a
23 verification under this subsection; or

24 (ii) cooperating or seeking to cooper-
25 ate in a verification under this subsection.

1 (B) ENFORCEMENT.—The Secretary of the
2 Treasury and the Secretary of Labor are au-
3 thorized to take such actions under existing
4 law, including imposing appropriate penalties
5 and seeking appropriate injunctive relief, as
6 may be necessary to ensure compliance with
7 this subsection and as provided for in existing
8 regulations.

9 (6) PROTESTS OF DECISIONS OF U.S. CUSTOMS
10 AND BORDER PROTECTION.—

11 (A) IN GENERAL.—If a protest under sec-
12 tion 514 of the Tariff Act of 1930 (19 U.S.C.
13 1514) of a decision of U.S. Customs and Bor-
14 der Protection with respect to the eligibility for
15 preferential tariff treatment of a covered vehicle
16 relates to the analysis of the Department of
17 Labor relating to the high-wage components of
18 the labor value content requirements described
19 in paragraph (1), the Secretary of Labor
20 shall—

21 (i) conduct an administrative review
22 of the portion of the decision relating to
23 such requirements; and

24 (ii) provide the results of that review
25 to the Commissioner.

1 (B) NO ACCELERATED DISPOSITION.—An
2 importer may not request the accelerated dis-
3 position under section 515(b) of the Tariff Act
4 of 1930 (19 U.S.C. 1515(b)) of a protest
5 against a decision of the Commissioner de-
6 scribed in subparagraph (A).

7 (f) ADMINISTRATION BY DEPARTMENT OF LABOR.—
8 The Secretary of Labor is authorized to establish or des-
9 ignate an office within the Department of Labor to carry
10 out the provisions of this section for which the Depart-
11 ment is responsible.

12 (g) REVIEW AND REPORTS.—

13 (1) PERIODIC REVIEW ON AUTOMOTIVE RULES
14 OF ORIGIN.—

15 (A) IN GENERAL.—The Trade Representa-
16 tive, in consultation with the interagency com-
17 mittee, shall conduct a biennial review of the
18 operation of the USMCA with respect to trade
19 in automotive goods, including—

20 (i) to the extent practicable, a sum-
21 mary of actions taken by producers to
22 demonstrate compliance with the auto-
23 motive rules of origin, use of the alter-
24 native staging regime, enforcement of such

1 rules of origin, and other relevant matters;
2 and

3 (ii) whether the automotive rules of
4 origin are effective and relevant in light of
5 new technology and changes in the content,
6 production processes, and character of
7 automotive goods.

8 (B) REPORT.—

9 (i) IN GENERAL.—The Trade Rep-
10 resentative shall submit to the appropriate
11 congressional committees a report on each
12 review conducted under subparagraph (A).

13 (ii) INITIAL REPORT.—The first re-
14 port required under clause (i) shall be sub-
15 mitted not later than 2 years after the
16 date on which the USMCA enters into
17 force.

18 (iii) TERMINATION OF REPORTING RE-
19 QUIREMENT.—The requirement to submit
20 reports under clause (i) shall terminate on
21 the date that is 10 years after the date on
22 which the USMCA enters into force.

23 (2) REPORT BY INTERNATIONAL TRADE COM-
24 MISSION.—Not later than 1 year after the submis-
25 sion of the first report required by paragraph

1 (1)(B), and every 2 years thereafter until the date
2 that is 12 years after the date on which the USMCA
3 enters into force, the International Trade Commis-
4 sion shall submit to the appropriate congressional
5 committees and the President a report on—

6 (A) the economic impact of the automotive
7 rules of origin on—

8 (i) the gross domestic product of the
9 United States;

10 (ii) exports from and imports into the
11 United States;

12 (iii) aggregate employment and em-
13 ployment opportunities in the United
14 States;

15 (iv) production, investment, use of
16 productive facilities, and profit levels in the
17 automotive industries and other pertinent
18 industries in the United States affected by
19 the automotive rules of origin;

20 (v) wages and employment of workers
21 in the automotive sector in the United
22 States; and

23 (vi) the interests of consumers in the
24 United States;

1 (B) the operation of the automotive rules
2 of origin and their effects on the competitive-
3 ness of the United States with respect to pro-
4 duction and trade in automotive goods, taking
5 into account developments in technology, pro-
6 duction processes, or other related matters;

7 (C) whether the automotive rules of origin
8 are relevant in light of technological changes in
9 the United States; and

10 (D) such other matters as the Inter-
11 national Trade Commission considers relevant
12 to the economic impact of the automotive rules
13 of origin, including prices, sales, inventories,
14 patterns of demand, capital investment, obsoles-
15 cence of equipment, and diversification of pro-
16 duction in the United States.

17 (3) REPORT BY COMPTROLLER GENERAL.—Not
18 later than 4 years after the date on which the
19 USMCA enters into force, the Comptroller General
20 of the United States shall submit to the Committee
21 on Appropriations and the Committee on Ways and
22 Means of the House of Representatives and the
23 Committee on Appropriations and the Committee on
24 Finance of the Senate a report assessing the effec-
25 tiveness of United States Government interagency

1 coordination on implementation, enforcement, and
2 verification of the automotive rules of origin and the
3 customs procedures of the USMCA with respect to
4 automotive goods.

5 (4) PUBLIC PARTICIPATION.—Before submit-
6 ting a report under paragraph (1)(B) or (2), the
7 agency responsible for the report shall—

8 (A) solicit information relating to matters
9 that will be addressed in the report from pro-
10 ducers of automotive goods, labor organizations,
11 and other interested parties;

12 (B) provide for an opportunity for the sub-
13 mission of comments, orally or in writing, from
14 members of the public relating to such matters;
15 and

16 (C) after submitting the report, post a
17 version of the report appropriate for public
18 viewing on a publicly available internet website
19 for the agency.

20 (h) EFFECTIVE DATE.—This section shall—

21 (1) take effect on the date of the enactment of
22 this Act; and

23 (2) apply with respect to goods entered, or
24 withdrawn from warehouse for consumption, on or

1 after the date on which the USMCA enters into
2 force.

3 **SEC. 203. MERCHANDISE PROCESSING FEE.**

4 (a) IN GENERAL.—Section 13031(b)(10) of the Con-
5 solidated Omnibus Budget Reconciliation Act of 1985 (19
6 U.S.C. 58c(b)(10)) is amended by striking subparagraph
7 (B) and inserting the following:

8 “(B) No fee may be charged under paragraph (9) or
9 (10) of subsection (a) with respect to goods that qualify
10 as originating goods under section 202 of the United
11 States-Mexico-Canada Agreement Implementation Act or
12 qualify for duty-free treatment under Annex 6–A of the
13 USMCA (as defined in section 3 of that Act). Any service
14 for which an exemption from such fee is provided by rea-
15 son of this paragraph may not be funded with money con-
16 tained in the Customs User Fee Account.”.

17 (b) EFFECTIVE DATE.—

18 (1) IN GENERAL.—The amendment made by
19 subsection (a) shall—

20 (A) take effect on the date on which the
21 USMCA enters into force; and

22 (B) apply with respect to a good entered or
23 released on or after that date.

1 (2) TRANSITION FROM NAFTA TREATMENT.—In
2 the case of a good entered or released before the
3 date on which the USMCA enters into force—

4 (A) the amendments made by subsection
5 (a) to section 13031(b)(10)(B) of the Consoli-
6 dated Omnibus Budget Reconciliation Act of
7 1985 (19 U.S.C. 58c(b)(10)(B)) shall not apply
8 with respect to the good; and

9 (B) section 13031(b)(10)(B) of such Act,
10 as in effect on the day before that date, shall
11 continue to apply on and after that date with
12 respect to the good.

13 (3) ENTERED OR RELEASED DEFINED.—In this
14 subsection, the term “entered or released” has the
15 meaning given that term in section 13031(b)(8)(E)
16 of the Consolidated Omnibus Budget Reconciliation
17 Act of 1985 (19 U.S.C. 58c(b)(8)(E)).

18 **SEC. 204. DISCLOSURE OF INCORRECT INFORMATION;**
19 **FALSE CERTIFICATIONS OF ORIGIN; DENIAL**
20 **OF PREFERENTIAL TARIFF TREATMENT.**

21 (a) DISCLOSURE OF INCORRECT INFORMATION.—
22 Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592)
23 is amended—

24 (1) in subsection (c), by striking paragraph (5)
25 and inserting the following:

1 “(5) PRIOR DISCLOSURE REGARDING CLAIMS
2 UNDER THE USMCA.—An importer shall not be sub-
3 ject to penalties under subsection (a) for making an
4 incorrect claim that a good qualifies as an origi-
5 nating good under section 202 of the United States-
6 Mexico-Canada Agreement Implementation Act if
7 the importer, in accordance with regulations pre-
8 scribed by the Secretary of the Treasury, promptly
9 makes a corrected declaration and pays any duties
10 owing with respect to that good.”; and

11 (2) by striking subsection (f) and inserting the
12 following:

13 “(f) FALSE CERTIFICATIONS OF ORIGIN UNDER THE
14 USMCA.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 it is unlawful for any person to certify falsely, by
17 fraud, gross negligence, or negligence, in a USMCA
18 certification of origin (as such term is defined in sec-
19 tion 508 of this Act) that a good exported from the
20 United States qualifies as an originating good under
21 the rules of origin provided for in section 202 of the
22 United States-Mexico-Canada Agreement Implemen-
23 tation Act. The procedures and penalties of this sec-
24 tion that apply to a violation of subsection (a) also
25 apply to a violation of this subsection.

1 “(2) PROMPT AND VOLUNTARY DISCLOSURE OF
2 INCORRECT INFORMATION.—No penalty shall be im-
3 posed under this subsection if, promptly after an ex-
4 porter or producer that issued a USMCA certifi-
5 cation of origin has reason to believe that such cer-
6 tification contains or is based on incorrect informa-
7 tion, the exporter or producer voluntarily provides
8 written notice of such incorrect information to every
9 person to whom the certification was issued.

10 “(3) EXCEPTION.—A person shall not be con-
11 sidered to have violated paragraph (1) if—

12 “(A) the information was correct at the
13 time it was provided in a USMCA certification
14 of origin but was later rendered incorrect due
15 to a change in circumstances; and

16 “(B) the person promptly and voluntarily
17 provides written notice of the change in cir-
18 cumstances to all persons to whom the person
19 provided the certification.”.

20 (b) DENIAL OF PREFERENTIAL TARIFF TREAT-
21 MENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C.
22 1514) is amended—

23 (1) in subsection (b), by striking “and article
24 1904” and all that follows through “Free-Trade
25 Agreement”;

1 (2) in subsection (c)—

2 (A) in paragraph (1), in the matter fol-
3 lowing subparagraph (D), by striking “section
4 202 of the North American Free Trade Agree-
5 ment Implementation Act” and inserting “sec-
6 tion 202 of the United States-Mexico-Canada
7 Agreement Implementation Act”; and

8 (B) in paragraph (2)(E)—

9 (i) by striking “section 202 of the
10 North American Free Trade Agreement
11 Implementation Act” and inserting “sec-
12 tion 202 of the United States-Mexico-Can-
13 ada Agreement Implementation Act”; and

14 (ii) by striking “NAFTA Certificate
15 of Origin” and inserting “USMCA certifi-
16 cation of origin (as such term is defined in
17 section 508 of this Act)”; and

18 (3) in subsection (e), by striking “section 202
19 of the North American Free Trade Agreement Im-
20 plementation Act” and inserting “section 202 of the
21 United States-Mexico-Canada Agreement Implemen-
22 tation Act”; and

23 (4) by striking subsection (f) and inserting the
24 following:

1 “(f) DENIAL OF PREFERENTIAL TARIFF TREAT-
2 MENT UNDER THE USMCA.—If U.S. Customs and Bor-
3 der Protection or U.S. Immigration and Customs Enforce-
4 ment of the Department of Homeland Security finds indi-
5 cations of a pattern of conduct by an importer, exporter,
6 or producer of false or unsupported representations that
7 goods qualify under the rules of origin provided for in sec-
8 tion 202 of the United States-Mexico-Canada Agreement
9 Implementation Act, U.S. Customs and Border Protec-
10 tion, in accordance with regulations prescribed by the Sec-
11 retary of the Treasury, may suspend preferential tariff
12 treatment under the USMCA (as defined in section 3 of
13 that Act) to entries of identical goods covered by subse-
14 quent representations by that importer, exporter, or pro-
15 ducer until U.S. Customs and Border Protection deter-
16 mines that representations of that person are in con-
17 formity with such section 202.”.

18 (c) EFFECTIVE DATE.—

19 (1) IN GENERAL.—The amendments made by
20 subsections (a) and (b) shall—

21 (A) take effect on the date on which the
22 USMCA enters into force; and

23 (B) apply with respect to a good entered,
24 or exported from the United States, as the case
25 may be, on or after that date.

1 (2) TRANSITION FROM NAFTA TREATMENT.—In
2 the case of a good entered, or exported from the
3 United States, as the case may be, before the date
4 on which the USMCA enters into force—

5 (A) the amendments made by subsection
6 (a) to section 592 of the Tariff Act of 1930 (19
7 U.S.C. 1592) and the amendments made by
8 subsection (b) to section 514 of such Act (19
9 U.S.C. 1514) shall not apply with respect to the
10 good; and

11 (B) sections 592 and 514 of such Act, as
12 in effect on the day before that date, shall con-
13 tinue to apply on and after that date with re-
14 spect to the good.

15 (3) ENTERED DEFINED.—In this subsection,
16 the term “entered” includes a withdrawal from
17 warehouse for consumption.

18 **SEC. 205. RELIQUIDATION OF ENTRIES.**

19 (a) IN GENERAL.—Section 520(d) of the Tariff Act
20 of 1930 (19 U.S.C. 1520(d)) is amended—

21 (1) in the matter preceding paragraph (1)—

22 (A) by striking “section 202 of the North
23 American Free Trade Agreement Implementa-
24 tion Act,”;

1 (B) by striking “, or section 203” and in-
2 serting “, section 203”; and

3 (C) by striking “for which” and inserting
4 “, or section 202 of the United States-Mexico-
5 Canada Agreement Implementation Act (except
6 with respect to any merchandise processing
7 fees), for which”; and

8 (2) by striking paragraph (2) and inserting the
9 following:

10 “(2) copies of all applicable certificates or cer-
11 tifications of origin; and”.

12 (b) EFFECTIVE DATE.—

13 (1) IN GENERAL.—The amendments made by
14 subsection (a) shall—

15 (A) take effect on the date on which the
16 USMCA enters into force; and

17 (B) apply with respect to a good entered
18 for consumption, or withdrawn from warehouse
19 for consumption, on or after that date.

20 (2) TRANSITION FROM NAFTA TREATMENT.—In
21 the case of a good entered for consumption, or with-
22 drawn from warehouse for consumption, before the
23 date on which the USMCA enters into force—

24 (A) the amendments made by subsection

25 (a) to section 520(d) of the Tariff Act of 1930

1 (19 U.S.C. 1520(d)) shall not apply with re-
2 spect to the good; and

3 (B) section 520(d) of such Act, as in effect
4 on the day before that date, shall continue to
5 apply on and after that date with respect to the
6 good.

7 **SEC. 206. RECORDKEEPING REQUIREMENTS.**

8 (a) IN GENERAL.—Section 508 of the Tariff Act of
9 1930 (19 U.S.C. 1508) is amended—

10 (1) by striking subsection (b) and inserting the
11 following:

12 “(b) EXPORTS AND IMPORTS RELATING TO USMCA
13 COUNTRIES.—

14 “(1) DEFINITIONS.—In this subsection:

15 “(A) USMCA; USMCA COUNTRY.—The
16 terms ‘USMCA’ and ‘USMCA country’ have the
17 meanings given those terms in section 3 of the
18 United States-Mexico-Canada Agreement Im-
19 plementation Act.

20 “(B) USMCA CERTIFICATION OF ORI-
21 GIN.—The term ‘USMCA certification of origin’
22 means the certification established under article
23 5.2.1 of the USMCA that a good qualifies as an
24 originating good under the USMCA.

1 “(2) EXPORTS TO USMCA COUNTRIES.—Any
2 person who completes a USMCA certification of ori-
3 gin or provides a written representation for a good
4 exported from the United States to a USMCA coun-
5 try shall make, keep, and, pursuant to rules and reg-
6 ulations prescribed by the Secretary of the Treasury,
7 render for examination and inspection, all records
8 and supporting documents related to the origin of
9 the good (including the certification or copies there-
10 of), including records related to—

11 “(A) the purchase, cost, value, and ship-
12 ping of, and payment for, the good;

13 “(B) the purchase, cost, value, and ship-
14 ping of, and payment for, all materials, includ-
15 ing indirect materials, used in the production of
16 the good; and

17 “(C) the production of the good in the
18 form in which it was exported or the production
19 of the material in the form in which it was sold.

20 “(3) EXPORTS UNDER THE CANADIAN AGREE-
21 MENT.—Any person who exports, or who knowingly
22 causes to be exported, any merchandise to Canada
23 during such time as the United States-Canada Free-
24 Trade Agreement is in force with respect to, and the
25 United States applies that Agreement to, Canada

1 shall make, keep, and render for examination and
2 inspection such records (including certifications of
3 origin or copies thereof) which pertain to the expor-
4 tations.

5 “(4) IMPORTS INTO THE UNITED STATES.—

6 “(A) IN GENERAL.—Any importer who
7 claims preferential tariff treatment under the
8 USMCA for a good imported into the United
9 States from a USMCA country shall make,
10 keep, and, pursuant to rules and regulations
11 prescribed by the Secretary of the Treasury of
12 the Secretary of Labor, render for examination
13 and inspection—

14 “(i) records and supporting docu-
15 mentation related to the importation;

16 “(ii) all records and supporting docu-
17 ments related to the origin of the good (in-
18 cluding the certification or copies thereof),
19 if the importer completed the certification;
20 and

21 “(iii) records and supporting docu-
22 ments necessary to demonstrate that the
23 good did not, while in transit to the United
24 States, undergo further production or any
25 other operation other than unloading, re-

1 loading, or any other operation necessary
2 to preserve the good in good condition or
3 to transport the good to the United States.

4 “(B) VEHICLE PRODUCER.—Any vehicle
5 producer whose good is the subject of a claim
6 for preferential tariff treatment under the
7 USMCA shall make, keep, and, pursuant to
8 rules and regulations promulgated by the Sec-
9 retary of the Treasury and Secretary of Labor,
10 render for examination and inspection records
11 and supporting documents related to the labor
12 value content and steel and aluminum pur-
13 chasing requirements for the qualification of its
14 vehicles for preferential treatment.

15 “(5) RETENTION PERIOD.—

16 “(A) EXPORTS TO USMCA COUNTRIES.—A
17 person covered by paragraph (2) who completes
18 a USMCA certification of origin or provides a
19 written representation for a good exported from
20 the United States to a USMCA country shall
21 keep the records required by such paragraph re-
22 lating to that certification of origin for a period
23 of at least 5 years after the date on which the
24 certification is completed.

1 “(B) EXPORTS UNDER CANADIAN AGREE-
2 MENT.—The records required by paragraph (3)
3 shall be kept for such periods of time as the
4 Secretary shall prescribe, except that—

5 “(i) no period of time for the reten-
6 tion of the records may exceed 5 years
7 from the date of entry, filing of a reconcili-
8 ation, or exportation, as appropriate; and

9 “(ii) records for any drawback claim
10 shall be kept until the third anniversary of
11 the date of liquidation of the claim.

12 “(C) IMPORTS INTO THE UNITED
13 STATES.—

14 “(i) IN GENERAL.—An importer cov-
15 ered by paragraph (4)(A) shall keep the
16 records and supporting documents required
17 by such paragraph for a period of at least
18 5 years after the date of importation of the
19 good.

20 “(ii) VEHICLE PRODUCER.—A vehicle
21 producer covered by paragraph (4)(B)
22 shall keep the records and supporting doc-
23 uments required by paragraph (4)(B) for a
24 period of at least 5 years after the date of
25 filing the certifications required under

1 paragraphs (1) and (2) of section 202A(c)
2 of the United States-Mexico-Canada
3 Agreement Implementation Act.”;

4 (2) by striking subsection (c); and

5 (3) in the paragraph heading for subsection
6 (e)(1), by striking “NAFTA” and inserting “USMCA”.

7 (b) EFFECTIVE DATE.—

8 (1) IN GENERAL.—The amendments made by
9 subsection (a) shall take effect on the date on which
10 the USMCA enters into force.

11 (2) APPLICABILITY.—

12 (A) EXPORTS.—Paragraphs (2) and (5)(A)
13 of section 508(b) of the Tariff Act of 1930, as
14 amended by subsection (a), shall apply with re-
15 spect to a good exported from the United
16 States on or after the date on which the
17 USMCA enters into force.

18 (B) IMPORTS.—Paragraphs (4) and (5)(C)
19 of section 508(b) of the Tariff Act of 1930, as
20 amended by subsection (a), shall apply with re-
21 spect to a good that is entered for consumption,
22 or withdrawn from warehouse for consumption,
23 on or after the date on which the USMCA en-
24 ters into force.

25 (3) TRANSITION FROM NAFTA TREATMENT.—

1 (A) EXPORTS.—In the case of a good ex-
2 ported from the United States before the date
3 on which the USMCA enters into force—

4 (i) the amendments made by sub-
5 section (a) to paragraphs (2) and (5)(A) of
6 section 508(b) of the Tariff Act of 1930
7 (19 U.S.C. 1508) shall not apply with re-
8 spect to the good; and

9 (ii) section 508 of such Act, as in ef-
10 fect on the day before that date, shall con-
11 tinue to apply on and after that date with
12 respect to the good.

13 (B) IMPORTS.—In the case of a good that
14 is entered for consumption, or withdrawn from
15 warehouse for consumption, before the date on
16 which the USMCA enters into force, the
17 amendments made by subsection (a) to para-
18 graphs (4) and (5)(C) of section 508(b) of the
19 Tariff Act of 1930 (19 U.S.C. 1508) shall not
20 apply with respect to the good.

21 **SEC. 207. ACTIONS REGARDING VERIFICATION OF CLAIMS**

22 **UNDER THE USMCA.**

23 (a) VERIFICATION.—

24 (1) ORIGIN VERIFICATION.—

1 (A) IN GENERAL.—The Secretary of the
2 Treasury may, pursuant to article 5.9 of the
3 USMCA, conduct a verification of whether a
4 good is an originating good under section 202
5 or 202A.

6 (B) ADDITIONAL REQUIREMENTS.—If the
7 Secretary conducts a verification under sub-
8 paragraph (A), the President may direct the
9 Secretary—

10 (i) during the verification process, to
11 release the good only upon payment of du-
12 ties or provision of security; and

13 (ii) if the Secretary makes a negative
14 determination under subsection (b), to take
15 action under subsection (c).

16 (2) TEXTILE AND APPAREL GOODS.—

17 (A) IN GENERAL.—The Secretary of the
18 Treasury may, pursuant to article 6.6 of the
19 USMCA, conduct a verification described in
20 subparagraph (C) with respect to a textile or
21 apparel good.

22 (B) ADDITIONAL REQUIREMENTS.—If the
23 Secretary conducts a verification under sub-
24 paragraph (A) with respect to a textile or ap-

1 parel good, the President may direct the Sec-
2 retary—

3 (i) during the verification process, to
4 take appropriate action described in sub-
5 paragraph (D); and

6 (ii) if the Secretary makes a negative
7 determination described in subsection (b),
8 to take action under subsection (c).

9 (C) VERIFICATION DESCRIBED.—A
10 verification described in this subparagraph with
11 respect to a textile or apparel good is—

12 (i) a verification of whether the good
13 qualifies for preferential tariff treatment
14 under the USMCA; or

15 (ii) a verification of whether customs
16 offenses are occurring or have occurred
17 with respect to the good.

18 (D) ACTION DURING VERIFICATION.—Ap-
19 propriate action described in this subparagraph
20 may consist of—

21 (i) release of the textile or apparel
22 good that is the subject of a verification
23 described in subparagraph (C) upon pay-
24 ment of duties or provision of security;

1 (ii) suspension of preferential tariff
2 treatment under the USMCA with respect
3 to—

4 (I) the textile or apparel good
5 that is the subject of a verification de-
6 scribed in subparagraph (C)(i), if the
7 Secretary determines that there is in-
8 sufficient information to support the
9 claim for preferential tariff treatment;
10 or

11 (II) any textile or apparel good
12 exported or produced by a person that
13 is the subject of a verification de-
14 scribed in subparagraph (C)(ii) if the
15 Secretary of the Treasury determines
16 that there is insufficient information
17 to support the claim for preferential
18 tariff treatment made with respect to
19 that good;

20 (iii) denial of preferential tariff treat-
21 ment under the USMCA with respect to—

22 (I) the textile or apparel good
23 that is the subject of a verification de-
24 scribed in subparagraph (C)(i) if the
25 Secretary determines that incorrect

1 information has been provided to sup-
2 port the claim for preferential tariff
3 treatment; or

4 (II) any textile or apparel good
5 exported or produced by a person that
6 is the subject of a verification de-
7 scribed in subparagraph (C)(ii) if the
8 Secretary determines that the person
9 has provided incorrect information to
10 support the claim for preferential tar-
11 iff treatment that has been made with
12 respect to that good;

13 (iv) detention of any textile or apparel
14 good exported or produced by a person
15 that is the subject of a verification de-
16 scribed in subparagraph (C) if the Sec-
17 retary determines that there is insufficient
18 information to determine the country of or-
19 igin of that good; and

20 (v) denial of entry into the United
21 States of any textile or apparel good ex-
22 ported or produced by a person that is the
23 subject of a verification described in sub-
24 paragraph (C) if the Secretary determines
25 that the person has provided incorrect in-

1 formation regarding the country of origin
2 of that good.

3 (b) NEGATIVE DETERMINATION.—

4 (1) IN GENERAL.—A negative determination de-
5 scribed in this subsection with respect to a good im-
6 ported, exported, or produced by an importer, ex-
7 porter, or producer is a determination by the Sec-
8 retary, based on a verification conducted under sub-
9 section (a), that—

10 (A) a claim by the importer, exporter, or
11 producer that the good qualifies as an origi-
12 nating good under section 202 is inaccurate; or

13 (B) the good does not qualify for pref-
14 erential tariff treatment under the USMCA be-
15 cause—

16 (i) the importer, exporter, or producer
17 failed to respond to a written request for
18 information or failed to provide sufficient
19 information to determine that the good
20 qualifies as an originating good;

21 (ii) after receipt of a written notifica-
22 tion for a visit to conduct verification
23 under subsection (a), the exporter or pro-
24 ducer did not provide written consent for
25 that visit;

1 (iii) the importer, exporter, or pro-
2 ducer does not maintain, or denies access
3 to, records or documentation required
4 under section 508(l) of the Tariff Act of
5 1930 (19 U.S.C. 1508(l));

6 (iv) in the case of verification con-
7 ducted under subsection (a)(2)—

8 (I) access or permission for a site
9 visit is denied;

10 (II) officials of the United States
11 are prevented from completing a site
12 visit on the proposed date and the ex-
13 porter or producer does not provide
14 an acceptable alternative date for the
15 site visit; or

16 (III) the exporter or producer
17 does not provide access to relevant
18 documents or facilities during a site
19 visit; or

20 (v) the importer, exporter, or pro-
21 ducer—

22 (I) otherwise fails to comply with
23 the requirements of this section; or

1 (II) based on the preponderance
2 of the evidence, circumvents the re-
3 quirements of this section.

4 (2) REQUESTS FOR INFORMATION.—The Sec-
5 retary shall not make a negative determination de-
6 scribed in paragraph (1)(B) unless—

7 (A) in a case in which the Secretary con-
8 ducts a verification with respect to a good by
9 written request or questionnaire submitted to
10 the importer under article 5.9.1(a) of the
11 USMCA and the claim for preferential tariff
12 treatment under the USMCA is based on a cer-
13 tification of origin completed by the exporter or
14 producer of the good, the Secretary requests in-
15 formation from the exporter or producer that
16 completed the certification; or

17 (B) in a case in which the Secretary con-
18 ducts a verification with respect to a textile or
19 apparel good by requesting a site visit under ar-
20 ticle 6.6.2 of the USMCA, the Secretary re-
21 quests information from the importer and from
22 any exporter or producer that provided informa-
23 tion to the Secretary to support the claim for
24 preferential tariff treatment.

25 (c) ACTION BASED ON DETERMINATION.—

1 (1) DENIAL OF PREFERENTIAL TARIFF TREAT-
2 MENT.—Upon making a negative determination de-
3 scribed in subsection (b)(1) with respect to a good,
4 the Secretary may deny preferential tariff treatment
5 under the USMCA with respect to the good.

6 (2) WITHHOLDING OF PREFERENTIAL TARIFF
7 TREATMENT BASED ON PATTERN OF CONDUCT.—If
8 verifications of origin relating to identical goods in-
9 dicate a pattern of conduct by an importer, exporter,
10 or producer of false or unsupported representations
11 relevant to a claim that a good imported into the
12 United States qualifies for preferential tariff treat-
13 ment under the USMCA, U.S. Customs and Border
14 Protection, in accordance with regulations prescribed
15 by the Secretary, may withhold preferential tariff
16 treatment under the USMCA for entries of those
17 goods imported, exported, or produced by that per-
18 son until U.S. Customs and Border Protection deter-
19 mines that person has established compliance with
20 requirements for claims for preferential tariff treat-
21 ment under the USMCA.

22 (d) PREVENTION OF CIRCUMVENTION.—In making a
23 determination under this section, including whether to ac-
24 cept or reject a claim for preferential tariff treatment
25 under the USMCA, the Secretary shall interpret the re-

1 requirements of this section in a manner to avoid and pre-
2 vent circumvention of those requirements.

3 **SEC. 208. DRAWBACK [RESERVED].**

4 **SEC. 209. OTHER AMENDMENTS TO THE TARIFF ACT OF**
5 **1930.**

6 (a) COUNTRY OF ORIGIN MARKING.—Section 304 of
7 the Tariff Act of 1930 (19 U.S.C. 1304) is amended by
8 striking subsection (k) and inserting the following:

9 “(k) TREATMENT OF GOODS OF A USMCA COUN-
10 TRY.—In applying this section to an article that qualifies
11 as a good of a USMCA country (as defined in section 3
12 of the United States-Mexico-Canada Agreement Imple-
13 mentation Act)—

14 “(1) the exemption under subsection (a)(3)(H)
15 shall be applied by substituting ‘reasonably know’
16 for ‘necessarily know’;

17 “(2) the Secretary shall exempt the good from
18 the requirements for marking under subsection (a) if
19 the good—

20 “(A) is an original work of art; or

21 “(B) is provided for under subheading
22 6904.10, heading 8541, or heading 8542 of the
23 Harmonized Tariff Schedule of the United
24 States; and

1 “(3) subsection (b) does not apply to the usual
2 container of any good described in subsection
3 (a)(3)(E) or (I) or paragraph (2)(A) or (B) of this
4 subsection.”.

5 (b) EXAMINATION OF BOOKS AND WITNESSES.—Sec-
6 tion 509(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C.
7 1509(a)(2)(A)) is amended—

8 (1) in clause (i), by inserting at the end “or a
9 vehicle producer whose good is subject to a claim of
10 preferential tariff treatment under the USMCA (as
11 defined in section 3 of the United States-Mexico-
12 Canada Agreement Implementation Act),”; and

13 (2) in clause (ii), by striking “a NAFTA coun-
14 try” and all that follows through “Implementation
15 Act)” and inserting “a USMCA country (as defined
16 in section 3 of the United States-Mexico-Canada
17 Agreement Implementation Act)”.

18 (c) EXCHANGE OF INFORMATION.—Section 628 of
19 the Tariff Act of 1930 (19 U.S.C. 1628) is amended by
20 striking subsection (c) and inserting the following:

21 “(c) GOVERNMENT AGENCY OF USMCA COUN-
22 TRY.—

23 “(1) IN GENERAL.—The Secretary may author-
24 ize U.S. Customs and Border Protection to exchange

1 information with any government agency of a
2 USMCA country, if the Secretary—

3 “(A) reasonably believes the exchange of
4 information is necessary to implement chapter
5 2, 4, 5, 6, or 7 of the USMCA; and

6 “(B) obtains assurances from such agency
7 that the information will be held in confidence
8 and used only for governmental purposes.

9 “(2) DEFINITIONS.—In this subsection, the
10 terms ‘USMCA’ and ‘USMCA country’ have the
11 meanings given those terms in section 3 of the
12 United States-Mexico-Canada Agreement Implemen-
13 tation Act.”.

14 (d) EFFECTIVE DATE.—

15 (1) IN GENERAL.—The amendments made by
16 this section shall—

17 (A) take effect on the date on which the
18 USMCA enters into force; and

19 (B) apply with respect to a good entered
20 for consumption, or withdrawn from warehouse
21 for consumption, on or after that date.

22 (2) TRANSITION FROM NAFTA TREATMENT.—In
23 the case of a good entered for consumption, or with-
24 drawn from warehouse for consumption, before the
25 date on which the USMCA enters into force—

1 (A) the amendments made by this section
2 shall not apply with respect to the good; and

3 (B) the provisions of law amended by this
4 section, as such provisions were in effect on the
5 day before that date, shall continue to apply on
6 and after that date with respect to the good.

7 (e) EFFECTIVE DATE RELATING TO EXCHANGE OF
8 INFORMATION.—Notwithstanding the amendment made
9 by subsection (c), the Secretary of the Treasury shall re-
10 tain the authority provided in section 628(e) of the Tariff
11 Act of 1930 (as in effect on the day before the date on
12 which the USMCA enters into force) to exchange informa-
13 tion with any government agency of a NAFTA country
14 (as defined in section 2 of the North American Free Trade
15 Agreement Implementation Act (as in effect on the day
16 before the date on which the USMCA enters into force)).

17 **SEC. 210. REGULATIONS.**

18 (a) SECRETARY OF THE TREASURY.—The Secretary
19 of the Treasury shall prescribe such regulations as may
20 be necessary to carry out this title and the amendments
21 made by this title (except as provided by subsection (b)).

22 (b) SECRETARY OF LABOR.—The Secretary of Labor
23 shall prescribe such regulations as may be necessary to
24 carry out the labor value content determination under sec-
25 tion 202A.

1 **TITLE III—APPLICATION OF**
2 **USMCA TO SECTORS AND**
3 **SERVICES**

4 **Subtitle A—Relief From Injury**
5 **Caused by Import Competition**
6 **[reserved]**

7 **Subtitle B—Temporary Entry of**
8 **Business Persons [reserved]**

9 **Subtitle C—United States-Mexico**
10 **Cross-Border Long-Haul Truck-**
11 **ing Services**

12 **SEC. 321. DEFINITIONS.**

13 In this subtitle:

14 (1) **BORDER COMMERCIAL ZONE.**—The term
15 “border commercial zone” means—

16 (A) the area of United States territory of
17 the municipalities along the United States-Mex-
18 ico international border and the commercial
19 zones of such municipalities as described in
20 subpart B of part 372 of title 49, Code of Fed-
21 eral Regulations; and

22 (B) any additional border crossing and as-
23 sociated commercial zones listed in the Federal
24 Motor Carrier Safety Administration OP–2 ap-
25 plication instructions or successor documents.

1 (2) CARGO ORIGINATING IN MEXICO.—The term
2 “cargo originating in Mexico” means any cargo that
3 enters the United States by commercial motor vehi-
4 cle from Mexico, including cargo that may have
5 originated in a country other than Mexico.

6 (3) CHANGE IN CIRCUMSTANCES.—The term
7 “change in circumstance” may include a substantial
8 increase in services supplied by the grantee of a
9 grant of authority.

10 (4) COMMERCIAL MOTOR VEHICLE.—The term
11 “commercial motor vehicle” means a commercial
12 motor vehicle, as such term is defined in paragraph
13 (1) of section 31132 of title 49, United States Code,
14 that meets the requirements of subparagraph (A) of
15 such paragraph.

16 (5) CROSS-BORDER LONG-HAUL TRUCKING
17 SERVICES.—The term “cross-border long-haul truck-
18 ing services” means—

19 (A) the transportation by commercial
20 motor vehicle of cargo originating in Mexico to
21 a point in the United States outside of a border
22 commercial zone; or

23 (B) the transportation by commercial
24 motor vehicle of cargo originating in the United
25 States from a point in the United States out-

1 side of a border commercial zone to a point in
2 a border commercial zone or a point in Mexico.

3 (6) DRIVER.—The term “driver” means a per-
4 son that drives a commercial motor vehicle in cross-
5 border long-haul trucking services.

6 (7) GRANT OF AUTHORITY.—The term “grant
7 of authority” means registration granted pursuant
8 to section 13902 of title 49, United States Code, or
9 a successor provision, to persons of Mexico to con-
10 duct cross-border long-haul trucking services in the
11 United States.

12 (8) INTERESTED PARTY.—The term “interested
13 party” means—

14 (A) persons of the United States engaged
15 in the provision of cross-border long-haul truck-
16 ing services;

17 (B) a trade or business association, a ma-
18 jority of whose members are part of the rel-
19 evant United States long-haul trucking services
20 industry;

21 (C) a certified or recognized union, or rep-
22 resentative group of suppliers, operators, or
23 drivers who are part of the United States long-
24 haul trucking services industry;

25 (D) the Government of Mexico; or

1 (E) persons of Mexico.

2 (9) MATERIAL HARM.—The term “material
3 harm” means a significant loss in the share of the
4 United States market or relevant sub-market for
5 cross-border long-haul trucking services held by per-
6 sons of the United States.

7 (10) OPERATOR OR SUPPLIER.—The term “op-
8 erator” or “supplier” means an entity that has been
9 granted registration under section 13902 of title 49,
10 United States Code, to provide cross-border long-
11 haul trucking services.

12 (11) PERSONS OF MEXICO.—The term “persons
13 of Mexico” includes—

14 (A) entities domiciled in Mexico organized,
15 or otherwise constituted under Mexican law, in-
16 cluding subsidiaries of United States companies
17 domiciled in Mexico, or entities owned or con-
18 trolled by a Mexican national, which conduct
19 cross-border long-haul trucking services, or em-
20 ploy drivers who are non-United States nation-
21 als; and

22 (B) drivers who are Mexican nationals.

23 (12) PERSONS OF THE UNITED STATES.—The
24 term “persons of the United States” includes enti-
25 ties domiciled in the United States, organized or

1 otherwise constituted under United States law, and
2 not owned or controlled by persons of Mexico, which
3 provide cross-border long-haul trucking services and
4 long-haul commercial motor vehicle drivers who are
5 United States nationals.

6 (13) THREAT OF MATERIAL HARM.—The term
7 “threat of material harm” means material harm
8 that is likely to occur.

9 (14) UNITED STATES LONG-HAUL TRUCKING
10 SERVICES INDUSTRY.—The term “United States
11 long-haul trucking services industry” means—

12 (A) United States suppliers, operators, or
13 drivers as a whole providing cross-border long-
14 haul trucking services; or

15 (B) United States suppliers, operators, or
16 drivers providing cross-border long-haul truck-
17 ing services in a specific sub-market of the
18 whole United States market.

19 **SEC. 322. INVESTIGATIONS AND DETERMINATIONS BY COM-**
20 **MISSION.**

21 (a) INVESTIGATION.—Upon the filing of a petition by
22 an interested party described in subparagraph (A), (B),
23 or (C) of section 321(8) which is representative of a
24 United States long-haul trucking services industry, or at
25 the request of the President or the Trade Representative,

1 or upon the resolution of the Committee on Ways and
2 Means of the House of Representatives or the Committee
3 on Finance of the Senate, the International Trade Com-
4 mission (in this subtitle referred to as the “Commission”)
5 shall promptly initiate an investigation to determine—

6 (1) whether a request by a person of Mexico to
7 receive a grant of authority that is pending as of the
8 date of the filing of the petition threatens to cause
9 material harm to a United States long-haul trucking
10 services industry;

11 (2) whether a person of Mexico who has re-
12 ceived a grant of authority on or after the date of
13 entry into force of the USMCA and retains such
14 grant of authority is causing or threatens to cause
15 material harm to a United States long-haul trucking
16 services industry; or

17 (3) whether, with respect to a person of Mexico
18 who has received a grant of authority before the
19 date of entry into force of the USMCA and retains
20 such grant of authority, there has been a change in
21 circumstances such that such person of Mexico is
22 causing or threatens to cause material harm to a
23 United States long-haul trucking services industry.

24 (b) TRANSMISSION OF PETITION, REQUEST, OR RES-
25 OLUTION.—The Commission shall transmit a copy of any

1 petition, request, or resolution filed under subsection (a)
2 to the Trade Representative and the Secretary of Trans-
3 portation.

4 (c) PUBLICATION AND HEARINGS.—The Commission
5 shall—

6 (1) promptly publish notice of the commence-
7 ment of any investigation under subsection (a) in
8 the Federal Register; and

9 (2) within a reasonable time period thereafter,
10 hold public hearings at which the Commission shall
11 afford interested parties an opportunity to be
12 present, to present evidence, to respond to presen-
13 tations of other parties, and otherwise to be heard.

14 (d) FACTORS APPLIED IN MAKING DETERMINA-
15 TIONS.—In making a determination under subsection (a)
16 of whether a request by a person of Mexico to receive a
17 grant of authority, or a person of Mexico who has received
18 a grant of authority and retains such grant of authority,
19 as the case may be, threatens to cause material harm to
20 a United States long-haul trucking services industry, the
21 Commission shall—

22 (1) consider, among other things, and as rel-
23 evant—

24 (A) the volume and tonnage of merchan-
25 dise transported; and

1 (B) the employment, wages, hours of serv-
2 ice, and working conditions; and

3 (2) with respect to a change in circumstances
4 described in subsection (a)(3), take into account
5 those operations by persons of Mexico under grants
6 of authority in effect as of the date of entry into
7 force of the USMCA are not causing material harm.

8 (e) ASSISTANCE TO COMMISSION.—

9 (1) IN GENERAL.—At the request of the Com-
10 mission, the Secretary of Homeland Security shall
11 consult with the Commission and shall collect and
12 maintain such additional data and other information
13 on commercial motor vehicles entering or exiting the
14 United States at a port of entry or exit at the
15 United States border with Mexico as the Commis-
16 sion may request for the purpose of conducting in-
17 vestigations under subsection (a) and shall make
18 such information available to the Commission in a
19 timely manner.

20 (2) REQUESTS FOR INFORMATION.—

21 (A) IN GENERAL.—At the request of the
22 Commission, the Secretary of Homeland Secu-
23 rity, the Secretary of Transportation, the Sec-
24 retary of Commerce, the Secretary of Labor,
25 and the head of any other Federal agency shall

1 make available to the Commission any informa-
2 tion in their possession, including proprietary
3 information, as the Commission may require in
4 order to assist the Commission in making deter-
5 minations under subsection (a).

6 (B) CONFIDENTIAL BUSINESS INFORMA-
7 TION.—The Commission shall treat any propri-
8 etary information obtained under subparagraph
9 (A) as confidential business information in ac-
10 cordance with regulations adopted by the Com-
11 mission to carry out this subtitle.

12 (f) LIMITED DISCLOSURE OF CONFIDENTIAL BUSI-
13 NESS INFORMATION UNDER PROTECTIVE ORDER.—The
14 Commission shall promulgate regulations to provide access
15 to confidential business information under protective order
16 to authorized representatives of interested parties who are
17 parties to an investigation under subsection (a).

18 (g) DEADLINE FOR DETERMINATION.—

19 (1) IN GENERAL.—Not later than 120 days
20 after the date on which an investigation is initiated
21 under subsection (a) with respect to a petition, re-
22 quest, or resolution, the Commission shall make a
23 determination with respect to the petition, request,
24 or resolution.

1 (2) EXCEPTION.—If, before the 100th day after
2 an investigation is initiated under subsection (a), the
3 Commission determines that the investigation is ex-
4 traordinarily complicated, the Commission shall
5 make its determination with respect to the investiga-
6 tion not later than 150 days after the date referred
7 to in paragraph (1).

8 (h) APPLICABLE PROVISIONS.—For purposes of this
9 subtitle, the provisions of paragraphs (1), (2), and (3) of
10 section 330(d) of the Tariff Act of 1930 (19 U.S.C.
11 1330(d)) shall be applied with respect to determinations
12 and findings made under this section as if such determina-
13 tions and findings were made under section 202 of the
14 Trade Act of 1974 (19 U.S.C. 2252).

15 **SEC. 323. COMMISSION RECOMMENDATIONS AND REPORT.**

16 (a) IN GENERAL.—If the Commission makes an af-
17 firmative determination under section 322, the Commis-
18 sion shall recommend the action that is necessary to ad-
19 dress the material harm or threat of material harm found.

20 (b) LIMITATION.—Only those members of the Com-
21 mission who agreed to the affirmative determination under
22 section 322 are eligible to vote on the recommendation re-
23 quired to be made under subsection (a).

24 (c) REPORT.—Not later than the date that is 60 days
25 after the date on which the determination is made under

1 section 322, the Commission shall submit to the President
2 a report that includes—

3 (1) the determination and an explanation of the
4 basis for the determination;

5 (2) if the determination is affirmative, rec-
6 ommendations for action and an explanation of the
7 basis for the recommendation; and

8 (3) any dissenting or separate views by mem-
9 bers of the Commission regarding the determination.

10 (d) PUBLIC NOTICE.—Upon submitting a report to
11 the President under subsection (c), the Commission
12 shall—

13 (1) promptly make public the report (with the
14 exception of information which the Commission de-
15 termines to be confidential business information);
16 and

17 (2) publish a summary of the report in the Fed-
18 eral Register.

19 **SEC. 324. ACTION BY PRESIDENT WITH RESPECT TO AF-**
20 **FIRMATIVE DETERMINATION.**

21 (a) IN GENERAL.—Not later than the date that is
22 30 days after the date on which the President receives a
23 report of the Commission in which the Commission's de-
24 termination under section 322 is affirmative or which con-
25 tains a determination that the President may treat as af-

1 firmative in accordance with section 330(d)(1) of the Tar-
2 iff Act of 1930 (19 U.S.C. 1330(d)(1))—

3 (1) the President shall, subject to subsection
4 (b), issue an order to the Secretary of Transpor-
5 tation specifying the relief to be provided, consistent
6 with subsection (c), and directing the relief to be
7 carried out; and

8 (2) the Secretary of Transportation shall carry
9 out such relief.

10 (b) EXCEPTION.—The President is not required to
11 provide relief under this section if the President deter-
12 mines that provision of such relief—

13 (1) is not in the national economic interest of
14 the United States; or

15 (2) would cause serious harm to the national
16 security of the United States.

17 (c) NATURE OF RELIEF.—

18 (1) IN GENERAL.—The relief the President is
19 authorized to provide under this subsection is as fol-
20 lows:

21 (A)(i) With respect to a determination re-
22 lating to an investigation under section
23 322(a)(1), the denial or imposition of limita-
24 tions on a request for a new grant of authority

1 by the persons of Mexico that are the subject
2 of the investigation.

3 (ii) With respect to a determination relat-
4 ing to an investigation under section 322(a)(1),
5 the revocation of, or restrictions on, grants of
6 authority issued to the persons of Mexico that
7 are the subject of the investigation since the
8 date of the petition, request, or resolution.

9 (B) With respect to a determination relat-
10 ing to an investigation under section 322(a)(2)
11 or (3), the revocation or imposition of limita-
12 tions on an existing grant of authority by the
13 persons of Mexico that are the subject of the in-
14 vestigation.

15 (C) With respect to a determination relat-
16 ing to an investigation under section 322(a)(1),
17 (2), or (3), a cap on the number of grants of
18 authority issued to persons of Mexico annually.

19 (2) DEADLINE FOR RELIEF.—Not later than 15
20 days after the date on which the President deter-
21 mines the relief to be provided under this subsection,
22 the President shall direct the Secretary of Transpor-
23 tation to carry out the relief.

24 (d) PERIOD OF RELIEF.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 any relief that the President provides under this sec-
3 tion may not be in effect for more than 2 years.

4 (2) EXTENSION.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (C), the President, after receiving a de-
7 termination from the Commission under sub-
8 paragraph (B) that is affirmative, or which con-
9 tains a determination that the President may
10 treat as affirmative in accordance with section
11 330(d)(1) of the Tariff Act of 1930 (19 U.S.C.
12 1330(d)(1)(1)), may extend the effective period
13 of relief provided under this section by up to an
14 additional 4 years, if the President determines
15 that the provision of the relief continues to be
16 necessary to remedy or prevent material harm.

17 (B) ACTION BY COMMISSION.—

18 (i) INVESTIGATION.—Upon request of
19 the President, or upon the filing by an in-
20 terested party described in subparagraph
21 (A), (B), or (C) of section 321(8) which is
22 representative of a United States long-haul
23 trucking services industry that is filed with
24 the Commission not earlier than the date
25 that is 270 days, and not later than the

1 date that is 240 days, before the date on
2 which any action taken under this section
3 is to terminate, the Commission shall con-
4 duct an investigation to determine whether
5 action under this section continues to be
6 necessary to remedy or prevent material
7 harm.

8 (ii) NOTICE AND HEARING.—The
9 Commission shall—

10 (I) publish notice of the com-
11 mencement of an investigation under
12 clause (i) in the Federal Register; and

13 (II) within a reasonable time
14 thereafter, hold a public hearing at
15 which the Commission shall afford in-
16 terested parties an opportunity to be
17 present, to present evidence, and to
18 respond to the presentations of other
19 parties and consumers, and otherwise
20 be heard.

21 (iii) REPORT.—Not later than the
22 date that is 60 days before relief provided
23 under subsection (a) is to terminate, or
24 such other date as determined by the
25 President, the Commission shall submit to

1 the President a report on its investigation
2 and determination under this subpara-
3 graph.

4 (C) PERIOD OF RELIEF.—Any relief pro-
5 vided under this section, including any exten-
6 sion thereof, may not, in the aggregate, be in
7 effect for more than 6 years.

8 (D) LIMITATION.—

9 (i) IN GENERAL.—Except as provided
10 in clause (ii), the Commission may not
11 conduct an investigation under subpara-
12 graph (B)(i) if—

13 (I) the subject matter of the in-
14 vestigation is the same as the subject
15 matter of a previous investigation con-
16 ducted under subparagraph (B)(i);
17 and

18 (II) less than 1 year has elapsed
19 since the Commission made its report
20 to the President of the results of such
21 previous investigation.

22 (ii) EXCEPTION.—Clause (i) shall not
23 apply with respect to an investigation if
24 the Commission determines good cause ex-
25 ists to conduct the investigation.

1 (e) REGULATIONS.—The Commission and the Sec-
2 retary of Transportation are authorized to promulgate
3 such rules and regulations as may be necessary to carry
4 out this subtitle.

5 **SEC. 325. CONFIDENTIAL BUSINESS INFORMATION.**

6 Section 202(a)(8) of the Trade Act of 1974 (19
7 U.S.C. 2252(a)(8)) is amended in the first sentence by
8 striking “and title III of the United States-Panama Trade
9 Promotion Agreement Implementation Act” and inserting
10 “, title III of the United States-Panama Trade Promotion
11 Agreement Implementation Act, and subtitle C of title III
12 of the United States-Mexico-Canada Agreement Imple-
13 mentation Act”.

14 **SEC. 326. CONFORMING AMENDMENTS.**

15 (a) REGISTRATION OF MOTOR CARRIERS.—Section
16 13902 of title 49, United States Code, is amended by in-
17 serting at the end the following:

18 “(j) MEXICO-DOMICILED MOTOR CARRIERS.—Not-
19 withstanding any other provision of this section, upon an
20 order in accordance with section 324(a) of the United
21 States-Mexico-Canada Agreement Implementation Act,
22 the Secretary shall carry out the relief specified by denying
23 or imposing limitations on a request for registration or
24 capping the number of requests for registration by Mexico-
25 domiciled motor carriers of cargo to operate beyond the

1 municipalities along the United States-Mexico inter-
2 national border and the commercial zones of those munici-
3 palities as directed.”.

4 (b) EFFECTIVE PERIODS OF REGISTRATION.—Sec-
5 tion 13905 of title 49, United States Code, is amended
6 by inserting at the end the following:

7 “(g) MEXICO-DOMICILED MOTOR CARRIERS.—Not-
8 withstanding any other provision of this section, upon an
9 order in accordance with section 324(a) of the United
10 States-Mexico-Canada Agreement Implementation Act,
11 the Secretary shall carry out the relief specified by revok-
12 ing or imposing limitations on existing registrations of
13 Mexico-domiciled motor carriers of cargo to operate be-
14 yond the municipalities along the United States-Mexico
15 international border and the commercial zones of those
16 municipalities as directed.”.

17 **SEC. 327. SURVEY OF OPERATING AUTHORITIES.**

18 The Department of Transportation shall undertake
19 a survey of all existing grants of operating authority to,
20 and pending applications for operating authority from, all
21 Mexico-domiciled motor property carriers for operating be-
22 yond the Border Commercial Zones, including OP-1 (MX)
23 operating authority (Mexico-domiciled Carriers for Motor
24 Carrier Authority to Operate Beyond U.S. Municipalities
25 and Commercial Zones on the U.S.-Mexico Border) and

1 OP–1 operating authority (United States-based Enter-
2 prise Carrier of International Cargo Application for Motor
3 Property Carrier and Broker Authority). The Department
4 of Transportation shall prepare a report summarizing the
5 results of such survey not less than 180 days after the
6 date on which the USMCA enters into force, which it shall
7 deliver to the Office of the United States Trade Represent-
8 ative, the Commission, and the Chairs and Ranking Mem-
9 bers of the Committee on Transportation and Infrastruc-
10 ture of the House of Representatives, the Committee on
11 Commerce, Science, and Transportation of the Senate, the
12 Committee on Ways and Means of the House of Rep-
13 resentatives, and the Committee on Finance of the Senate.

14 **TITLE IV—ANTIDUMPING AND**
15 **COUNTERVAILING DUTIES**
16 **Subtitle A—Preventing Duty**
17 **Evasion**

18 **SEC. 401. COOPERATION ON DUTY EVASION.**

19 Section 414(b) of the Enforce and Protect Act of
20 2015 (19 U.S.C. 4374(b)) is amended—

21 (1) by inserting “or a party to the USMCA (as
22 defined in section 3 of the United States-Mexico-
23 Canada Agreement Implementation Act)” after
24 “subsection (a)”; and

1 (2) by inserting “or the USMCA, as the case
2 may be,” after “the bilateral agreement”.

3 **Subtitle B—Dispute Settlement**

4 **[reserved]**

5 **Subtitle C—Conforming** 6 **Amendments**

7 **SEC. 421. JUDICIAL REVIEW IN ANTIDUMPING DUTY AND**
8 **COUNTERVAILING DUTY CASES.**

9 Section 516A of the Tariff Act of 1930 (19 U.S.C.
10 1516a) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (2)(B)(vii), by striking
13 “the Tariff Act of 1930” and inserting “this
14 Act”; and

15 (B) in paragraph (5)(D)(i), by striking
16 “article 1904 of the NAFTA” and inserting
17 “article 10.12 of the USMCA”;

18 (2) in subsection (b)(3)—

19 (A) in the paragraph heading, by striking
20 “NAFTA OR UNITED STATES-CANADA” and in-
21 serting “UNITED STATES-CANADA OR USMCA”;
22 and

23 (B) in the text, by striking “of the
24 NAFTA or of the Agreement” and inserting “of

1 the Agreement or article 10.12 of the
2 USMCA”;

3 (3) in subsection (f)—

4 (A) in paragraph (6)(A), by striking “arti-
5 cle 1908 of the NAFTA” and inserting “article
6 10.16 of the USMCA”;

7 (B) in paragraph (7)(A), by striking “arti-
8 cle 1908 of the NAFTA” and inserting “article
9 10.16 of the USMCA”;

10 (C) by striking paragraph (8);

11 (D) by redesignating paragraphs (9) and
12 (10) as paragraphs (8) and (9), respectively;

13 (E) in paragraph (9), as redesignated by
14 subparagraph (D), by striking subparagraphs
15 (A) and (B) and inserting the following:

16 “(A) Canada for such time as the USMCA
17 is in force with respect to, and the United
18 States applies the USMCA to, Canada.

19 “(B) Mexico for such time as the USMCA
20 is in force with respect to, and the United
21 States applies the USMCA to, Mexico.”; and

22 (F) by adding at the end the following:

23 “(10) USMCA.—The term ‘USMCA’ has the
24 meaning given that term in section 3 of the United

1 States-Mexico-Canada Agreement Implementation
2 Act.”;

3 (4) in subsection (g)—

4 (A) in paragraph (2), in the matter pre-
5 ceeding subparagraph (A), by striking “of the
6 NAFTA or of the Agreement” and inserting “of
7 the Agreement or article 10.12 of the
8 USMCA”;

9 (B) in paragraph (3)(A)—

10 (i) in clause (i), by striking “of the
11 NAFTA or of the Agreement.” and insert-
12 ing “of the Agreement or article 10.12 of
13 the USMCA.”;

14 (ii) in clause (iii), by striking “the
15 NAFTA or of the Agreement” and insert-
16 ing “the Agreement or the USMCA”;

17 (iii) in clause (v), by striking “para-
18 graph 12 of article 1905 of the NAFTA”
19 and inserting “article 10.13 of the
20 USMCA”; and

21 (iv) in clause (vi), by striking “para-
22 graph 12 of article 1905 of the NAFTA”
23 and inserting “article 10.13 of the
24 USMCA”;

1 (C) in paragraph (4)(A), by striking “the
2 North American Free Trade Agreement” and
3 all that follows through “chapter 19 of the
4 Agreement” and inserting “the United States-
5 Canada Free-Trade Agreement Implementation
6 Act of 1988 implementing the binational panel
7 dispute settlement system under chapter 19 of
8 the Agreement, or the United States-Mexico-
9 Canada Agreement Implementation Act imple-
10 menting the binational panel dispute settlement
11 system under chapter 10 of the USMCA”;

12 (D) in paragraph (5)—

13 (i) in subparagraph (A), by striking
14 “of the NAFTA or of the Agreement” and
15 inserting “of the Agreement or article
16 10.12 of the USMCA”;

17 (ii) in subparagraph (B), by striking
18 “of the NAFTA or of the Agreement” and
19 inserting “of the Agreement or article
20 10.12 of the USMCA”; and

21 (iii) in subparagraph (C)—

22 (I) in clause (i), by striking “of
23 the NAFTA or of the Agreement”
24 and inserting “of the Agreement or
25 article 10.12 of the USMCA”; and

1 (II) in clause (iii), by striking “of
2 the NAFTA or of the Agreement”
3 and inserting “of the Agreement or
4 chapter 10 of the USMCA”;

5 (E) in paragraph (6), by striking “of the
6 NAFTA or of the Agreement” and inserting “of
7 the Agreement or article 10.12 of the
8 USMCA”;

9 (F) in paragraph (7)—

10 (i) in the paragraph heading, by strik-
11 ing “OF THE NAFTA OR THE AGREEMENT”
12 and inserting “OF THE AGREEMENT OR
13 ARTICLE 10.12 OF THE USMCA”; and

14 (ii) in subparagraph (A), by striking
15 “the NAFTA or the Agreement” and in-
16 serting “article 1904 of the Agreement or
17 article 10.12 of the USMCA”;

18 (G) in paragraph (8)—

19 (i) in subparagraph (A)—

20 (I) in clause (i), by striking “of
21 the NAFTA or of the Agreement”
22 and inserting “of the Agreement or
23 article 10.12 of the USMCA”; and

24 (II) in clause (ii)—

1 (aa) in the clause heading,
2 by striking “NAFTA” and insert-
3 ing “USMCA”; and

4 (bb) in the text, by striking
5 “paragraph 11(a) of article 1905
6 of the NAFTA” and inserting
7 “article 10.13 of the USMCA”;
8 and

9 (ii) in subparagraph (C), by striking
10 “of the NAFTA or the Agreement” and in-
11 sserting “of the Agreement or article 10.12
12 of the USMCA”;

13 (H) in paragraph (9), by striking “of the
14 NAFTA or of the Agreement” and inserting “of
15 the Agreement or chapter 10 of the USMCA”;

16 (I) in paragraph (10), by striking “the
17 NAFTA or the Agreement” and inserting “the
18 Agreement or under article 10.12 of the
19 USMCA”;

20 (J) by striking paragraph (11) and insert-
21 ing the following:

22 “(11) SUSPENSION AND TERMINATION OF SUS-
23 PENSION OF ARTICLE 10.12 OF THE USMCA.—

24 “(A) SUSPENSION.—If a special committee
25 established under article 10.13 of the USMCA

1 issues an affirmative finding, the Trade Rep-
2 resentative may, in accordance with article
3 10.13 of the USMCA, suspend the operation of
4 article 10.12 of the USMCA.

5 “(B) TERMINATION OF SUSPENSION.—If a
6 special committee is reconvened and makes an
7 affirmative determination described in article
8 10.13 of the USMCA, any suspension of the op-
9 eration of article 10.12 of the USMCA shall
10 terminate.”; and

11 (K) in paragraph (12)—

12 (i) in the paragraph heading, by strik-
13 ing “NAFTA” and inserting “USMCA”;

14 (ii) by striking subparagraph (A) and
15 inserting the following:

16 “(A) NOTICE OF SUSPENSION OR TERMI-
17 NATION OF SUSPENSION OF ARTICLE 10.12 OF
18 THE USMCA.—

19 “(i) NOTICE OF SUSPENSION.—Upon
20 notification by the Trade Representative or
21 the government of a country described in
22 subparagraph (A) or (B) of subsection
23 (f)(9) that the operation of article 10.12 of
24 the USMCA has been suspended in accord-
25 ance with article 10.13 of the USMCA, the

1 United States Secretary shall publish in
2 the Federal Register a notice of suspension
3 of article 10.12 of the USMCA.

4 “(ii) NOTICE OF TERMINATION OF
5 SUSPENSION.—Upon notification by the
6 Trade Representative or the government of
7 a country described in subparagraph (A)
8 or (B) of subsection (f)(9) that the suspen-
9 sion of the operation of article 10.12 of the
10 USMCA is terminated in accordance with
11 article 10.13 of the USMCA, the United
12 States Secretary shall publish in the Fed-
13 eral Register a notice of termination of
14 suspension of article 10.12 of the
15 USMCA.”;

16 (iii) in subparagraph (B)—

17 (I) in the subparagraph heading,
18 by striking “ARTICLE 1904” and in-
19 sserting “ARTICLE 10.12 OF THE
20 USMCA”; and

21 (II) in the matter preceding
22 clause (i), by striking “If” and all
23 that follows through “NAFTA—” and
24 inserting the following: “If the oper-
25 ation of article 10.12 of the USMCA

1 is suspended in accordance with arti-
2 cle 10.13 of the USMCA—”;

3 (iv) in subparagraph (C)—

4 (I) in clause (i)—

5 (aa) in the matter preceding
6 subclause (I), by striking “if the
7 United States” and all that fol-
8 lows through “NAFTA—” and
9 inserting the following: “if the
10 United States made an allegation
11 under article 10.13 of the
12 USMCA and the operation of ar-
13 ticle 10.12 of the USMCA was
14 suspended pursuant to article
15 10.13 of the USMCA—”; and

16 (bb) in subclause (I), by
17 striking “subsection (f)(10)(A) or
18 (B)” and inserting “subpara-
19 graph (A) or (B) of subsection
20 (f)(9)”; and

21 (II) in clause (ii), in the matter
22 preceding subclause (I), by striking
23 “if a country” and all that follows
24 through “NAFTA—” and inserting
25 the following: “if a country described

1 in subparagraph (A) or (B) of sub-
2 section (f)(9) made an allegation
3 under article 10.13 of the USMCA
4 and the operation of article 10.12 of
5 the USMCA was suspended pursuant
6 to article 10.13 of the USMCA—”;
7 and

8 (v) in subparagraph (D)(i), by strik-
9 ing “a country described” and all that fol-
10 lows through “NAFTA” and inserting “a
11 country described in subparagraph (A) or
12 (B) of subsection (f)(9) pursuant to article
13 10.13 of the USMCA”.

14 **SEC. 422. CONFORMING AMENDMENTS TO OTHER PROVI-**
15 **SIONS OF THE TARIFF ACT OF 1930.**

16 (a) DISCLOSURE OF PROPRIETARY INFORMATION
17 UNDER PROTECTIVE ORDERS.—Section 777(f) of the
18 Tariff Act of 1930 (19 U.S.C. 1677f(f)) is amended—

19 (1) in the subsection heading, by striking
20 “NORTH AMERICAN FREE TRADE AGREEMENT OR
21 THE UNITED STATES-CANADA AGREEMENT” and in-
22 serting “THE UNITED STATES-CANADA AGREEMENT
23 OR THE USMCA”;

24 (2) in paragraph (1)—

1 (A) in subparagraph (A), by striking “arti-
2 cle 1904 of the NAFTA” and all that follows
3 through “, the administering authority” and in-
4 serting “article 1904 of the United States-Can-
5 ada Agreement or article 10.12 of the USMCA,
6 or an extraordinary challenge committee is con-
7 vened under Annex 1904.13 of the United
8 States-Canada Agreement or chapter 10 of the
9 USMCA, the administering authority”; and

10 (B) in subparagraph (B), by striking
11 “chapter 19 of the NAFTA or the Agreement”
12 each place it appears and inserting “chapter 19
13 of the Agreement or chapter 10 of the
14 USMCA”;

15 (3) in paragraph (3), by striking “the NAFTA
16 or the United States-Canada Agreement” and in-
17 serting “article 1904 of the United States-Canada
18 Agreement or article 10.12 of the USMCA”;

19 (4) in paragraph (4), by striking “section
20 402(b) of the North American Free Trade Agree-
21 ment Implementation Act” and inserting “section
22 412(b) of the United States-Mexico-Canada Agree-
23 ment Implementation Act”; and

24 (5) by striking “section 516A(f)(10)” each
25 place it appears and inserting “section 516A(f)(9)”.

1 (b) DEFINITION.—Section 771 of the Tariff Act of
2 1930 (19 U.S.C. 1677) is amended by striking paragraph
3 (22) and inserting the following:

4 “(22) USMCA.—The term ‘USMCA’ has the
5 meaning given that term in section 3 of the United
6 States-Mexico-Canada Agreement Implementation
7 Act.”.

8 **SEC. 423. CONFORMING AMENDMENTS TO TITLE 28, UNITED**
9 **STATES CODE.**

10 (a) COURT OF INTERNATIONAL TRADE.—Chapter 95
11 of title 28, United States Code, is amended—

12 (1) in section 1581(i)—

13 (A) by redesignating paragraphs (1)
14 through (4) as subparagraphs (A) through (D),
15 respectively;

16 (B) by inserting “(1)” after “(i)”;

17 (C) in subparagraph (D), as redesignated
18 by subparagraph (A), by striking “paragraphs
19 (1)–(3) of this subsection” and inserting “sub-
20 subparagraphs (A) through (C) of this paragraph”;
21 and

22 (D) by striking the flush text and inserting
23 the following:

1 “(2) This subsection shall not confer jurisdiction over
2 an antidumping or countervailing duty determination
3 which is reviewable by—

4 “(A) the Court of International Trade under
5 section 516A(a) of the Tariff Act of 1930 (19
6 U.S.C. 1516a(a)); or

7 “(B) a binational panel under section 516A(g)
8 of the Tariff Act of 1930 (19 U.S.C. 1516a(g)).”;

9 (2) in section 1584, by striking the section
10 heading and inserting the following:

11 **“§ 1584. Civil actions under the United States-Canada**
12 **Free-Trade Agreement or the USMCA”;**

13 and

14 (3) in the table of sections at the beginning of
15 the chapter, by striking the item relating to section
16 1584 and inserting the following:

“1584. Civil actions under the United States-Canada Free-Trade Agreement or
the USMCA.”.

17 (b) PARTICULAR PROCEEDINGS.—Sections 2201(a)
18 and 2643(c)(5) of title 28, United States Code, are each
19 amended by striking “section 516A(f)(10)” and inserting
20 “section 516A(f)(9)”.

1 **Subtitle D—General Provisions**

2 **SEC. 431. EFFECT OF TERMINATION OF USMCA COUNTRY** 3 **STATUS.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), on the date on which a country ceases to be a USMCA
6 country, the provisions of this title (other than this sec-
7 tion) and the amendments made by this title shall cease
8 to have effect with respect to that country.

9 (b) TRANSITION PROVISIONS.—

10 (1) PROCEEDINGS REGARDING PROTECTIVE OR-
11 DERS AND UNDERTAKINGS.—If on the date on which
12 a country ceases to be a USMCA country an inves-
13 tigation or enforcement proceeding concerning the
14 violation of a protective order issued under section
15 777(f) of the Tariff Act of 1930 (as amended by
16 this title) or an undertaking of the government of
17 that country is pending, the investigation or pro-
18 ceeding shall continue, and sanctions may continue
19 to be imposed, in accordance with the provisions of
20 such section 777(f) (as so amended).

21 (2) BINATIONAL PANEL AND EXTRAORDINARY
22 CHALLENGE COMMITTEE REVIEWS.—If on the date
23 on which a country ceases to be a USMCA coun-
24 try—

1 (A) a binational panel review under article
2 10.12 of the USMCA is pending, or has been
3 requested, or

4 (B) an extraordinary challenge committee
5 review under that article is pending, or has
6 been requested,

7 with respect to a determination which involves a
8 class or kind of merchandise and to which subsection
9 (g)(2) of section 516A of the Tariff Act of 1930 (19
10 U.S.C. 1516a) applies, such determination shall be
11 reviewable under subsection (a) of that section. In
12 the case of a determination to which the provisions
13 of this paragraph apply, the time limits for com-
14 mencing an action under 516A(a) of the Tariff Act
15 of 1930 shall not begin to run until the date on
16 which the USMCA ceases to be in force with respect
17 to that country.

18 **SEC. 432. EFFECTIVE DATE.**

19 The provisions of this title and the amendments made
20 by this title shall take effect on the date on which the
21 USMCA enters into force, but shall not apply—

22 (1) to any final determination described in
23 paragraph (1)(B) or clause (i), (ii), or (iii) of para-
24 graph (2)(B) of section 516A(a) of the Tariff Act of
25 1930 (19 U.S.C. 1516a(a)) notice of which is pub-

1 lished in the Federal Register before such date, or
2 to a determination described in paragraph (2)(B)(vi)
3 of that section notice of which is received by the
4 Government of Canada or Mexico before such date;
5 or

6 (2) to any binational panel review under
7 NAFTA, or any extraordinary challenge arising out
8 of any such review, that was commenced before such
9 date.

10 **TITLE V—TRANSFER PROVI-**
11 **SIONS AND OTHER AMEND-**
12 **MENTS**

13 **SEC. 501. DRAWBACK.**

14 (a) **CLERICAL AMENDMENT.**—Section 208 of this Act
15 is amended in the section heading by striking “[**RE-**
16 **SERVED**]”.

17 (b) **USMCA DRAWBACK.**—Subsection (a) of section
18 203 of the North American Free Trade Agreement Imple-
19 mentation Act (19 U.S.C. 3333) is—

20 (1) transferred to section 208 of this Act;

21 (2) inserted after the section heading for that
22 section (as amended by subsection (a)); and

23 (3) amended—

1 (A) by striking “NAFTA country” each
2 place it appears and inserting “USMCA coun-
3 try”;

4 (B) in the subsection heading, by striking
5 “NAFTA” and inserting “USMCA”;

6 (C) in the matter preceding paragraph
7 (1)—

8 (i) by striking “and the amendments
9 made by subsection (b)”;

10 (ii) by striking “NAFTA drawback”
11 and inserting “USMCA drawback”;

12 (D) in paragraph (2)—

13 (i) in subparagraph (A), by inserting
14 “sorting, marking,” after “repacking,”;
15 and

16 (ii) in subparagraph (B), by striking
17 “paragraph 12 of section A of Annex
18 703.2 of the Agreement” and inserting
19 “paragraph 11 of Annex 3–B of the
20 USMCA”; and

21 (E) by amending paragraph (6) to read as
22 follows:

23 “(6) A good provided for in subheading
24 1701.13.20 or 1701.14.20 of the HTS that is im-

1 ported under any re-export program or any like pro-
2 gram and that is—

3 “(A) used as a material, or

4 “(B) substituted for by a good of the same
5 kind and quality that is used as a material,
6 in the production of a good provided for in existing
7 Canadian tariff item 1701.99.00 or existing Mexican
8 tariff item 1701.99.01, 1701.99.02, or 1701.99.99
9 (relating to refined sugar).”.

10 (c) SAME KIND AND QUALITY.—Section 208 of this
11 Act, as amended by subsection (b), is further amended by
12 adding at the end the following:

13 “(b) SAME KIND AND QUALITY.—For purposes of
14 paragraphs (3)(A)(iii), (5)(C), (6)(B), and (8) of sub-
15 section (a), and for purposes of obtaining refunds, waivers,
16 or reductions of customs duties with respect to a good sub-
17 ject to USMCA drawback under section 313(n)(2) of the
18 Tariff Act of 1930 (19 U.S.C. 1313(n)(2)), a good is a
19 good of the same kind and quality as another good—

20 “(1) for a good described in such paragraph
21 (6)(B), if the good would have been considered of
22 the same kind and quality as the other good on the
23 day before the date on which the USMCA enters
24 into force; or

25 “(2) for other goods if—

1 “(A) the good is classified under the same
2 8-digit HTS subheading number as the other
3 good; or

4 “(B) drawback would be allowed with re-
5 spect to the goods under subsection (b)(4),
6 (j)(1), or (p) of section 313 of the Tariff Act
7 of 1930 (19 U.S.C. 1313).”.

8 (d) CERTAIN FEES; INAPPLICABILITY TO COUNTER-
9 VAILING AND ANTIDUMPING DUTIES.—Subsections (d)
10 and (e) of section 203 of the North American Free Trade
11 Agreement Implementation Act (19 U.S.C. 3333) are—

12 (1) transferred to section 208 of this Act;

13 (2) inserted after subsection (b) of section 208
14 (as added by subsection (c));

15 (3) redesignated as subsections (c) and (d), re-
16 spectively; and

17 (4) amended, in subsection (c) (as redesignated
18 by paragraph (3)), by striking “exported to” and all
19 that follows through the period at the end and in-
20 serting “exported to a USMCA country.”.

21 (e) CONFORMING AMENDMENTS.—

22 (1) BONDED MANUFACTURING WAREHOUSES.—
23 Section 311 of the Tariff Act of 1930 (19 U.S.C.
24 1311) is amended, in the eleventh paragraph—

1 (A) by striking “NAFTA” each place it
2 appears;

3 (B) by striking “section 203(a) of the
4 North American Free Trade Agreement Imple-
5 mentation Act” and inserting “section 208(a)
6 of the United States-Mexico-Canada Agreement
7 Implementation Act”; and

8 (C) by striking “section 2(4) of that Act”
9 and inserting “section 3 of that Act”.

10 (2) BONDED SMELTING AND REFINING WARE-
11 HOUSES.—Section 312 of the Tariff Act of 1930 (19
12 U.S.C. 1312) is amended, in subsections (b) and
13 (d)—

14 (A) by striking “NAFTA” each place it
15 appears and inserting “USMCA”;

16 (B) by striking “section 2(4) of the North
17 American Free Trade Agreement Implementa-
18 tion Act” each place it appears and inserting
19 “section 3 of the United States-Mexico-Canada
20 Agreement Implementation Act”; and

21 (C) by striking “section 203(a) of that
22 Act” each place it appears and inserting “sec-
23 tion 208(a) of that Act”.

1 (3) DRAWBACK AND REFUNDS.—Section 313 of
2 the Tariff Act of 1930 (19 U.S.C. 1313) is amend-
3 ed—

4 (A) in subsection (j)(4), by striking sub-
5 paragraph (A) and inserting the following:

6 “(A)(i) Effective upon the entry into force of
7 the USMCA, the exportation to a USMCA country
8 of merchandise that is fungible with and substituted
9 for imported merchandise, other than merchandise
10 described in paragraphs (1) through (8) of section
11 208(a) of the United States-Mexico-Canada Agree-
12 ment Implementation Act, shall not constitute an ex-
13 portation for purposes of paragraph (2).

14 “(ii) In this subparagraph, the terms ‘USMCA’
15 and ‘USMCA country’ have the meanings given
16 those terms in section 3 of the United States-Mex-
17 ico-Canada Agreement Implementation Act.”;

18 (B) in subsection (n)—

19 (i) in paragraph (1), by striking sub-
20 paragraphs (A) and (B) and inserting the
21 following:

22 “(A) the term ‘USMCA country’ has the mean-
23 ing given that term in section 3 of the United
24 States-Mexico-Canada Agreement Implementation
25 Act;

1 “(B) the term ‘good subject to USMCA draw-
2 back’ has the meaning given that term in section
3 208(a) of the United States-Mexico-Canada Agree-
4 ment Implementation Act;”;

5 (ii) in paragraphs (2) and (3), by
6 striking “NAFTA” each place it appears
7 and inserting “USMCA”; and

8 (C) in subsection (o), by striking
9 “NAFTA” each place it appears and inserting
10 “USMCA”.

11 (4) MANIPULATION IN WAREHOUSE.—Section
12 562 of the Tariff Act of 1930 (19 U.S.C. 1562) is
13 amended—

14 (A) by striking paragraph (1) and insert-
15 ing the following:

16 “(1) without payment of duties for exportation
17 to a USMCA country, as defined in section 3 of the
18 United States-Mexico-Canada Agreement Implemen-
19 tation Act, if the merchandise is of a kind described
20 in any of paragraphs (1) through (8) of section
21 208(a) of that Act;”;

22 (B) in paragraph (2)—

23 (i) by striking “section 203(a) of that
24 Act” and inserting “section 208(a) of that
25 Act”; and

1 (ii) by striking “NAFTA” each place
2 it appears and inserting “USMCA”; and
3 (C) in paragraphs (3) and (4), by striking
4 “NAFTA” each place it appears and inserting
5 “USMCA”.

6 (5) FOREIGN TRADE ZONES.—Section 3(a)(2)
7 of the Act of June 18, 1934 (commonly known as
8 the “Foreign Trade Zones Act”) (19 U.S.C.
9 81c(a)(2)) is amended, in the flush text—

10 (A) by striking “goods subject to NAFTA
11 drawback, as defined in section 203(a) of the
12 North American Free Trade Agreement Imple-
13 mentation Act” and inserting “goods subject to
14 USMCA drawback, as defined in section 208(a)
15 of the United States-Mexico-Canada Agreement
16 Implementation Act”;

17 (B) by striking “a NAFTA country, as de-
18 fined in section 2(4) of that Act” and inserting
19 “a USMCA country, as defined in section 3 of
20 that Act”; and

21 (C) by striking “NAFTA” each place it
22 appears and inserting “USMCA”.

23 (f) ADDITIONAL CLERICAL AMENDMENT.—The table
24 of contents for this Act is amended by striking the item
25 relating to section 208 and inserting the following:

“Sec. 208. Drawback.”.

1 (g) EFFECTIVE DATE.—

2 (1) IN GENERAL.—Each transfer, redesigna-
3 tion, and amendment made by subsections (b)
4 through (e) shall—

5 (A) take effect on the date on which the
6 USMCA enters into force; and

7 (B) apply with respect to a good entered,
8 or withdrawn from warehouse for consumption,
9 on or after that date.

10 (2) TRANSITION FROM NAFTA TREATMENT.—In
11 the case of a good entered, or withdrawn from ware-
12 house for consumption, before the date on which the
13 USMCA enters into force—

14 (A) the amendments made by subsections
15 (b) through (e) shall not apply with respect to
16 the good; and

17 (B) the provisions of law amended by such
18 subsections, as such provisions were in effect on
19 the day before that date, shall continue to apply
20 on and after that date with respect to the good.

21 **SEC. 502. RELIEF FROM INJURY CAUSED BY IMPORT COM-**
22 **PETITION.**

23 (a) CLERICAL AMENDMENT.—Subtitle A of title III
24 of this Act is amended in the subtitle heading by striking
25 “[**reserved**]”.

1 (b) ARTICLE IMPACT IN IMPORT RELIEF CASES.—
2 Section 311 of the North American Free Trade Agreement
3 Implementation Act (19 U.S.C. 3371) is—

4 (1) transferred to subtitle A of title III of this
5 Act;

6 (2) inserted after the heading (as amended by
7 subsection (a)) of such subtitle;

8 (3) redesignated as section 301; and

9 (4) amended—

10 (A) in the section heading, by striking
11 “**NAFTA**” and inserting “**USMCA**”;

12 (B) in subsection (c), by striking “section
13 312(a)” and inserting “section 302(a)”; and

14 (C) by striking “NAFTA” each place it
15 appears and inserting “USMCA”.

16 (c) PRESIDENTIAL ACTION REGARDING IMPORTS.—
17 Section 312 of the North American Free Trade Agreement
18 Implementation Act (19 U.S.C. 3372) is—

19 (1) transferred to subtitle A of title III of this
20 Act;

21 (2) inserted after section 301 (as inserted and
22 redesignated by subsection (b));

23 (3) redesignated as section 302; and

24 (4) amended—

1 (A) in the section heading, by striking
2 “**NAFTA**” and inserting “**USMCA**”;

3 (B) in subsection (b), in the subsection
4 heading, by striking “NAFTA” and inserting
5 “USMCA”;

6 (C) in subsection (c), in the subsection
7 heading, by striking “NAFTA” and inserting
8 “USMCA”; and

9 (D) by striking “NAFTA” each place it
10 appears and inserting “USMCA”.

11 (d) **ADDITIONAL CLERICAL AMENDMENTS.**—The
12 table of contents for this Act is amended by striking the
13 item relating to subtitle A of title III and inserting the
14 following:

“Subtitle A—Relief From Injury Caused by Import Competition

“Sec. 301. USMCA article impact in import relief cases under the Trade Act
of 1974.

“Sec. 302. Presidential action regarding USMCA imports.”.

15 (e) **EFFECTIVE DATE.**—

16 (1) **IN GENERAL.**—Each transfer, redesigna-
17 tion, and amendment made by this section shall—

18 (A) take effect on the date on which the
19 USMCA enters into force; and

20 (B) apply with respect to an investigation
21 under chapter 1 of title II of the Trade Act of
22 1974 (19 U.S.C. 2251 et seq.) initiated on or
23 after that date.

1 (2) TRANSITION FROM NAFTA.—In the case of
2 an investigation under chapter 1 of title II of the
3 Trade Act of 1974 initiated before the date on which
4 the USMCA enters into force—

5 (A) the transfers, redesignations, and
6 amendments made by this section shall not
7 apply with respect to the investigation; and

8 (B) sections 311 and 312 of the North
9 American Free Trade Agreement Implementa-
10 tion Act (19 U.S.C. 3371 and 3372), as in ef-
11 fect on the day before that date, shall continue
12 to apply on and after that date with respect to
13 the investigation.

14 **SEC. 503. TEMPORARY ENTRY.**

15 (a) CLERICAL AMENDMENT.—Subtitle B of title III
16 of this Act is amended in the subtitle heading by striking
17 “**[reserved]**”.

18 (b) NONIMMIGRANT TRADERS AND INVESTORS.—
19 Section 341 of the North American Free Trade Agreement
20 Implementation Act (Public Law 103–182; 107 Stat.
21 2116) is—

22 (1) transferred to subtitle B of title III of this
23 Act;

24 (2) inserted after the heading (as amended by
25 subsection (a)) of such subtitle;

1 (3) redesignated as section 311; and

2 (4) amended—

3 (A) by striking subsections (b) and (c);

4 (B) by striking “(a)” and all that follows
5 through “Upon” and inserting “Upon”;

6 (C) by striking “the Agreement” each
7 place it appears and inserting “the USMCA”;

8 (D) by striking “Annex 1603” and insert-
9 ing “Annex 16–A”; and

10 (E) by striking “Annex 1608” and insert-
11 ing “article 16.1”.

12 (e) NONIMMIGRANT PROFESSIONALS.—Section 214
13 of the Immigration and Nationality Act (8 U.S.C. 1184)
14 is amended—

15 (1) in subsection (e)—

16 (A) by striking paragraphs (1), (3), (4),
17 and (5);

18 (B) by redesignating paragraphs (2) and
19 (6) as paragraphs (1) and (2), respectively; and

20 (C) in paragraph (1), as redesignated by
21 subparagraph (B)—

22 (i) by striking “Annex 1603 of the
23 North American Free Trade Agreement (in
24 this subsection referred to as ‘NAFTA’)”
25 and inserting “Annex 16–A of the USMCA

1 (as defined in section 3 of the United
2 States-Mexico-Canada Agreement Imple-
3 mentation Act)”; and

4 (ii) by striking the third and fourth
5 sentences and inserting the following: “For
6 purposes of this paragraph, the term ‘cit-
7 izen of Mexico’ means ‘citizen’ as defined
8 in article 16.1 of the USMCA.”; and

9 (2) in subsection (j)(1)—

10 (A) in the first sentence, by striking
11 “Annex 1603 of the North American Free
12 Trade Agreement” and inserting “Annex 16–A
13 of the USMCA (as defined in section 3 of the
14 United States-Mexico-Canada Agreement Im-
15 plementation Act)”; and

16 (B) in the second sentence, by striking
17 “article 1603 of such Agreement” and inserting
18 “article 16.4 of the USMCA”; and

19 (C) in the third sentence, by striking
20 “Annex 1608 of such Agreement” and inserting
21 “article 16.1 of the USMCA”.

22 (d) CONFORMING AMENDMENTS.—

23 (1) INTEGRATED ENTRY AND EXIT DATA SYS-
24 TEM.—Section 110(c)(1)(B) of the Illegal Immigra-
25 tion Reform and Immigrant Responsibility Act of

1 1996 (8 U.S.C. 1365a(c)(1)(B)) is amended by
2 striking “North American Free Trade Agreement”
3 and inserting “USMCA (as defined in section 3 of
4 the United States-Mexico-Canada Agreement Imple-
5 mentation Act)”.

6 (2) ENHANCED BORDER SECURITY AND VISA
7 ENTRY REFORM ACT OF 2002.—Section 604 of the
8 Enhanced Border Security and Visa Entry Reform
9 Act of 2002 (8 U.S.C. 1773) is amended by striking
10 “North American Free Trade Agreement” and in-
11 sserting “USMCA (as defined in section 3 of the
12 United States-Mexico-Canada Agreement Implemen-
13 tation Act)”.

14 (e) ADDITIONAL CLERICAL AMENDMENTS.—The
15 table of contents for this Act is amended by striking the
16 item relating to subtitle A of title III and inserting the
17 following:

“Subtitle B—Temporary Entry of Business Persons

“Sec. 311. Temporary entry.”.

18 (f) EFFECTIVE DATE.—

19 (1) IN GENERAL.—Each transfer, redesigna-
20 tion, and amendment made by this section shall—

21 (A) take effect on the date on which the
22 USMCA enters into force; and

23 (B) apply with respect to a visa issued on
24 or after that date.

1 (2) TRANSITION FROM NAFTA.—In the case of
2 a visa issued before the date on which the USMCA
3 enters into force—

4 (A) the transfers, redesignations, and
5 amendments made by this section shall not
6 apply with respect to the visa; and

7 (B) the provisions of law amended by sub-
8 sections (b) through (d), as such provisions
9 were in effect on the day before that date, shall
10 continue to apply on and after that date with
11 respect to the visa.

12 **SEC. 504. DISPUTE SETTLEMENT IN ANTIDUMPING AND**
13 **COUNTERVAILING DUTY CASES.**

14 (a) CLERICAL AMENDMENT.—Subtitle B of title IV
15 of this Act is amended in the subtitle heading by striking
16 “[**reserved**]”.

17 (b) REFERENCES IN SUBTITLE.—Section 401 of the
18 North American Free Trade Agreement Implementation
19 Act (19 U.S.C. 3431) is—

20 (1) transferred to subtitle B of title IV of this
21 Act and inserted after the heading (as amended by
22 subsection (a)) of such subtitle;

23 (2) redesignated as section 411; and

24 (3) amended by striking “the Agreement” and
25 inserting “the USMCA”.

1 (c) ORGANIZATIONAL AND ADMINISTRATIVE PROVI-
2 SIONS.—Section 402 of the North American Free Trade
3 Agreement Implementation Act (19 U.S.C. 3432) is—

4 (1) transferred to subtitle B of title IV of this
5 Act and inserted after section 411 (as inserted and
6 redesignated by subsection (b));

7 (2) redesignated as section 412; and

8 (3) amended—

9 (A) in subsection (a)—

10 (i) in paragraph (1)—

11 (I) in subparagraph (D), by
12 striking “in paragraph 1” and all that
13 follows and inserting “in paragraph 1
14 of Annex 10–B.1 and paragraph 1 of
15 Annex 10–B.3; and”;

16 (II) in subparagraph (E), by
17 striking “chapter 19” and inserting
18 “chapter 10”; and

19 (III) in the matter following sub-
20 paragraph (E), by striking “in para-
21 graph 1” and all that follows through
22 “Annex 1904.13” and inserting “in
23 paragraph 1 of Annex 10–B.1 and
24 paragraph 1 of Annex 10–B.3”; and

25 (ii) in paragraph (2)—

1 (I) in the paragraph heading, by
2 striking “UNDER” and all that follows
3 before the period; and

4 (II) in the text—

5 (aa) by striking “paragraph
6 1 of Annex 1901.2” and insert-
7 ing “paragraph 1 of Annex 10-
8 B.1”;

9 (bb) by striking “chapter
10 19” each place it appears and in-
11 sserting “chapter 10”; and

12 (cc) by striking “article
13 1905” and inserting “article
14 10.13”;

15 (B) in subsection (b)(1)—

16 (i) by striking “chapter 19” each
17 place it appears and inserting “chapter
18 10”; and

19 (ii) by striking “article 1905” and in-
20 sserting “article 10.13”;

21 (C) in subsection (c)—

22 (i) in paragraph (1)—

23 (I) by striking “chapter 19” each
24 place it appears and inserting “chap-
25 ter 10”; and

1 (II) by striking “article 1905”
2 and inserting “article 10.13”;

3 (ii) in paragraph (2)(B)—

4 (I) by striking “chapter 19” each
5 place it appears and inserting “chap-
6 ter 10”; and

7 (II) in clause (i)(II), by striking
8 “article 1905” and inserting “article
9 10.13”;

10 (iii) in paragraph (3)—

11 (I) in subparagraph (A)(i), by
12 striking “Annex 1901.2” and insert-
13 ing “Annex 10–B.1”;

14 (II) in subparagraph (A)(ii), by
15 striking “under Annex 1904.13” and
16 all that follows and inserting “under
17 Annex 10–B.3 and special committees
18 under article 10.13.”; and

19 (III) in subparagraph (B)(i), by
20 striking “chapter 19” and inserting
21 “chapter 10”; and

22 (iv) in paragraph (4)—

23 (I) in subparagraph (A), by strik-
24 ing “chapter 19” and inserting “chap-
25 ter 10”; and

1 (II) in subparagraph (C)(iv)(III),
2 by striking “chapter 19” and insert-
3 ing “chapter 10”;

4 (D) in subsection (d)—

5 (i) in paragraph (1)—

6 (I) in subparagraph (A), by strik-
7 ing “in paragraph 1” and all that fol-
8 lows and inserting “in paragraph 1 of
9 Annex 10–B.1 and paragraph 1 of
10 Annex 10–B.3; or”; and

11 (II) in subparagraph (B), by
12 striking “chapter 19” and inserting
13 “chapter 10”;

14 (ii) in paragraph (2)—

15 (I) in subparagraph (A)(i), by
16 striking “in paragraph 1” and all that
17 follows through “during” and insert-
18 ing “in paragraph 1 of Annex 10–B.1
19 and paragraph 1 of Annex 10–B.3
20 during”;

21 (II) in subparagraph (A)(ii)—

22 (aa) by striking “chapter
23 19” and inserting “chapter 10”;
24 and

1 (bb) by striking “the Agree-
2 ment” and inserting “the
3 USMCA”;

4 (III) in subparagraph (A)(iii), by
5 striking “NAFTA” and inserting
6 “USMCA”;

7 (IV) in subparagraph (B)(i), by
8 striking “in paragraph 1” and all that
9 follows and inserting “in paragraph 1
10 of Annex 10–B.1 and paragraph 1 of
11 Annex 10–B.3; or”; and

12 (V) in subparagraph (B)(ii), by
13 striking “chapter 19” and inserting
14 “chapter 10”; and

15 (iii) in paragraph (3)—

16 (I) in subparagraph (A), by strik-
17 ing “in paragraph 1” and all that fol-
18 lows through “during” and inserting
19 “in paragraph 1 of Annex 10–B.1 and
20 paragraph 1 of Annex 10–B.3 dur-
21 ing”; and

22 (II) in subparagraph (B), by
23 striking “chapter 19” and inserting
24 “chapter 10”;

1 (E) in subsection (e), in the matter pre-
2 ceding paragraph (1)—

3 (i) by striking “the Agreement” and
4 inserting “the USMCA”;

5 (ii) by striking “between the United
6 States” and all that follows through
7 “NAFTA country”; and

8 (iii) by striking “January 3, 1994”
9 and inserting “January 3, 2020”;

10 (F) in subsection (f), by striking “chapter
11 19” and inserting “chapter 10”;

12 (G) in subsection (g), by striking “chapter
13 19” and inserting “chapter 10”; and

14 (H) in subsection (h), by striking “chapter
15 19” and inserting “chapter 10”.

16 (d) TESTIMONY AND PRODUCTION OF PAPERS.—Sec-
17 tion 403 of the North American Free Trade Agreement
18 Implementation Act (19 U.S.C. 3433) is—

19 (1) transferred to subtitle B of title IV of this
20 Act and inserted after section 412 (as inserted and
21 redesignated by subsection (c));

22 (2) redesignated as section 413; and

23 (3) amended in subsection (a), in the matter
24 preceding paragraph (1), by striking “under para-
25 graph 13” and all that follows through “the com-

1 mittee—” and inserting “under paragraph 13 of ar-
2 ticle 10.12, and the allegations before the committee
3 include a matter referred to in paragraph 13(a)(i) of
4 article 10.12, for the purposes of carrying out its
5 functions and duties under Annex 10–B.3, the com-
6 mittee—”.

7 (e) REQUESTS FOR REVIEW OF DETERMINATIONS.—
8 Section 404 of the North American Free Trade Agreement
9 Implementation Act (19 U.S.C. 3434) is—

10 (1) transferred to subtitle B of title IV of this
11 Act and inserted after section 413 (as inserted and
12 redesignated by subsection (d));

13 (2) redesignated as section 414; and

14 (3) amended—

15 (A) in the section heading, by striking “**OF**
16 **NAFTA COUNTRIES**”;

17 (B) in subsection (a)—

18 (i) in paragraph (1), by striking “arti-
19 cle 1911” and all that follows and insert-
20 ing “article 10.8, of a USMCA country.”;
21 and

22 (ii) in paragraph (2), by striking “ar-
23 ticle 1908” and inserting “article 10.16”;

24 (C) in subsection (b), by striking “article
25 1904” and inserting “article 10.12”; and

1 (D) in subsection (c), by striking “article
2 1904” each place it appears and inserting “ar-
3 ticle 10.12”.

4 (f) RULES OF PROCEDURE FOR PANELS AND COM-
5 MITTEES.—Section 405 of the North American Free
6 Trade Agreement Implementation Act (19 U.S.C. 3435)
7 is—

8 (1) transferred to subtitle B of title IV of this
9 Act and inserted after section 414 (as inserted and
10 redesignated by subsection (e));

11 (2) redesignated as section 415; and

12 (3) amended—

13 (A) in subsection (a), in the matter pre-
14 ceding paragraph (1), by striking “article
15 1904” and inserting “article 10.12”;

16 (B) in subsection (b), by striking “Annex
17 1904.13” and inserting “Annex 10–B.3”; and

18 (C) in subsection (c), by striking “Annex
19 1905.6” and inserting “Annex 10–B.4”.

20 (g) SUBSIDY NEGOTIATIONS.—Section 406 of the
21 North American Free Trade Agreement Implementation
22 Act (19 U.S.C. 3436) is—

23 (1) transferred to subtitle B of title IV of this
24 Act and inserted after section 415 (as inserted and
25 redesignated by subsection (f));

1 (2) redesignated as section 416; and

2 (3) amended, in the matter preceding para-
3 graph (1), by striking “NAFTA country” and in-
4 serting “USMCA country”.

5 (h) IDENTIFICATION OF INDUSTRIES FACING SUB-
6 SIDIZED IMPORTS.—Section 407 of the North American
7 Free Trade Agreement Implementation Act (19 U.S.C.
8 3437) is—

9 (1) transferred to subtitle B of title IV of this
10 Act and inserted after section 416 (as inserted and
11 redesignated by subsection (g));

12 (2) redesignated as section 417; and

13 (3) amended—

14 (A) in subsection (a)(1)(A)—

15 (i) by striking “the Agreement” and
16 inserting “the USMCA”; and

17 (ii) by striking “NAFTA country”
18 and inserting “USMCA country”;

19 (B) in subsection (c), in the matter fol-
20 lowing paragraph (3), by striking “NAFTA
21 countries” and inserting “USMCA countries”;
22 and

23 (C) in subsection (d)(3), by striking “the
24 Agreement” and inserting “the USMCA”.

1 (i) TREATMENT OF AMENDMENTS TO LAW.—Section
 2 408 of the North American Free Trade Agreement Imple-
 3 mentation Act (19 U.S.C. 3438) is—

4 (1) transferred to subtitle B of title IV of this
 5 Act and inserted after section 417 (as inserted and
 6 redesignated by subsection (h));

7 (2) redesignated as section 418; and

8 (3) amended—

9 (A) in the matter preceding paragraph (1),
 10 by striking “the Agreement” and all that fol-
 11 lows through “United States” and inserting
 12 “the USMCA”; and

13 (B) in the flush text, by striking “NAFTA
 14 country” and inserting “USMCA country”.

15 (j) ADDITIONAL CLERICAL AMENDMENTS.—The
 16 table of contents for this Act is amended by striking the
 17 item relating to subtitle B of title IV and inserting the
 18 following:

“Subtitle B—Dispute Settlement

“Sec. 411. References in subtitle.

“Sec. 412. Organizational and administrative provisions.

“Sec. 413. Testimony and production of papers in extraordinary challenges.

“Sec. 414. Requests for review of determination by competent investigating au-
 thorities.

“Sec. 415. Rules of procedure for panels and committees.

“Sec. 416. Subsidy negotiations.

“Sec. 417. Identification of industries facing subsidized imports.

“Sec. 418. Treatment of amendments to antidumping and countervailing duty
 law.”.

19 (k) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Each transfer, redesigna-
2 tion, and amendment made by this section shall take
3 effect on the date on which the USMCA enters into
4 force, but shall not apply—

5 (A) to any final determination described in
6 paragraph (1)(B) or clause (i), (ii), or (iii) of
7 paragraph (2)(B) of section 516A(a) of the
8 Tariff Act of 1930 (19 U.S.C. 1516a(a)) notice
9 of which is published in the Federal Register
10 before such date, or to a determination de-
11 scribed in paragraph (2)(B)(vi) of that section
12 notice of which is received by the Government
13 of Canada or Mexico before such date; and

14 (B) to any binational panel review under
15 NAFTA, or any extraordinary challenge arising
16 out of any such review, that was commenced be-
17 fore such date.

18 (2) TRANSITION FROM NAFTA.—The transfers,
19 redesignations, and amendments made by this sec-
20 tion shall not apply, and the provisions of title IV
21 of the North American Free Trade Agreement Im-
22 plementation Act, as in effect on the day before the
23 date on which the USMCA enters into force, shall
24 continue to apply on and after that date with re-
25 spect—

1 (A) to any final determination described in
2 paragraph (1)(B) or clause (i), (ii), or (iii) of
3 paragraph (2)(B) of section 516A(a) of the
4 Tariff Act of 1930 (19 U.S.C. 1516a(a)) notice
5 of which is published in the Federal Register
6 before such date, or to a determination de-
7 scribed in paragraph (2)(B)(vi) of that section
8 notice of which is received by the Government
9 of Canada or Mexico before the date on which
10 the USMCA enters into force; and

11 (B) to any binational panel review under
12 NAFTA, or any extraordinary challenge arising
13 out of any such review, that was commenced be-
14 fore the date on which the USMCA enters into
15 force.

16 **SEC. 505. GOVERNMENT PROCUREMENT.**

17 (a) GENERAL AUTHORITY TO MODIFY DISCRIMINA-
18 TORY PURCHASING REQUIREMENTS.—Section 301 of the
19 Trade Agreements Act of 1979 (19 U.S.C. 2511) is
20 amended—

21 (1) in subsection (b)(1), by striking “the North
22 American Free Trade Agreement” and inserting
23 “the USMCA (as defined in section 3 of the United
24 States-Mexico-Canada Agreement Implementation
25 Act)”; and

1 (2) in subsection (e)—

2 (A) by striking “Annex 1001.1a–2 of the
3 North American Free Trade Agreement” and
4 inserting “Annex 13–A of the USMCA (as de-
5 fined in section 3 of the United States-Mexico-
6 Canada Agreement Implementation Act)”; and

7 (B) by striking “chapter 10 of such Agree-
8 ment” and inserting “chapter 13 of the
9 USMCA”.

10 (b) DEFINITIONS.—Section 308(4)(A)(ii) of the
11 Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)(ii))
12 is amended—

13 (1) by striking “a party to the North American
14 Free Trade Agreement,” and inserting “Mexico, as
15 a party to the USMCA (as defined in section 3 of
16 the United States-Mexico-Canada Agreement Imple-
17 mentation Act),”; and

18 (2) by striking “the North American Free
19 Trade Agreement for” and inserting “the USMCA
20 for”.

21 (c) EFFECTIVE DATE.—

22 (1) IN GENERAL.—The amendments made by
23 subsections (a) and (b) shall—

24 (A) take effect on the date on which the
25 USMCA enters into force; and

1 (B) apply with respect to a procurement
2 on or after that date.

3 (2) TRANSITION FROM NAFTA TREATMENT.—In
4 the case of a procurement before the date on which
5 the USMCA enters into force—

6 (A) the amendments made by subsections
7 (a) and (b) to sections 301 and 308 of the
8 Trade Agreements Act of 1979 (19 U.S.C.
9 2511 and 2518) shall not apply with respect to
10 the contract; and

11 (B) sections 301 and 308 of such Act, as
12 in effect on the day before that date, shall con-
13 tinue to apply on and after that date with re-
14 spect to the contract.

15 **SEC. 506. ACTIONS AFFECTING UNITED STATES CULTURAL**
16 **INDUSTRIES.**

17 (a) IN GENERAL.—Section 182(f) of the Trade Act
18 of 1974 (19 U.S.C. 2242(f)) is amended—

19 (1) in paragraph (1)(C), by striking “article
20 2106 of the North American Free Trade Agree-
21 ment” and inserting “article 32.6 of the USMCA (as
22 defined in section 3 of the United States-Mexico-
23 Canada Agreement Implementation Act)”; and

24 (2) in paragraph (2), in the matter preceding
25 subparagraph (A), by striking “article 2106 of the

1 North American Free Trade Agreement” and insert-
2 ing “article 32.6 of the USMCA”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall take effect on the date on which the
5 USMCA enters into force.

6 **SEC. 507. REGULATORY TREATMENT OF URANIUM PUR-**
7 **CHASES.**

8 (a) IN GENERAL.—Section 1017(c) of the Energy
9 Policy Act of 1992 (42 U.S.C. 2296b–6(c)) is amended
10 by striking “North American Free Trade Agreement” and
11 inserting “USMCA (as defined in section 3 of the United
12 States-Mexico-Canada Agreement Implementation Act)”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on the date on which the
15 USMCA enters into force.

16 **SEC. 508. REPORT ON AMENDMENTS TO EXISTING LAW.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act, the Trade Representative shall submit
19 to the Committee on Finance of the Senate and the Com-
20 mittee on Ways and Means of the House of Representa-
21 tives a report setting forth a proposal for technical and
22 conforming amendments to the laws under the jurisdiction
23 of such committees, and other laws, necessary to fully
24 carry out the provisions of, and amendments made by, this
25 Act.

1 **TITLE VI—TRANSITION TO AND**
2 **EXTENSION OF USMCA**
3 **Subtitle A—Transitional Provisions**

4 **SEC. 601. REPEAL OF NORTH AMERICAN FREE TRADE**
5 **AGREEMENT IMPLEMENTATION ACT.**

6 The North American Free Trade Agreement Imple-
7 mentation Act (Public Law 103–182; 19 U.S.C. 3301 et
8 seq.) is repealed, effective on the date on which the
9 USMCA enters into force.

10 **SEC. 602. CONTINUED SUSPENSION OF THE UNITED**
11 **STATES-CANADA FREE-TRADE AGREEMENT.**

12 Section 501(c)(3) of the United States-Canada Free-
13 Trade Agreement Implementation Act of 1988 (Public
14 Law 100–449; 19 U.S.C. 2112 note) is amended—

15 (1) in the paragraph heading, by striking
16 “NAFTA” and inserting “USMCA”; and

17 (2) in the matter preceding subparagraph (A),
18 by striking “between them of the North American
19 Free Trade Agreement” and inserting “of the
20 USMCA (as defined in section 3 of the United
21 States-Mexico-Canada Agreement Implementation
22 Act)”.

1 **Subtitle B—Joint Reviews**
2 **Regarding Extension of USMCA**

3 **SEC. 611. PARTICIPATION IN JOINT REVIEWS WITH CANADA**
4 **AND MEXICO REGARDING EXTENSION OF THE**
5 **TERM OF THE USMCA AND OTHER ACTION**
6 **REGARDING THE USMCA.**

7 (a) IN GENERAL.—Pursuant to the requirements of
8 this section, the President shall consult with the appro-
9 priate congressional committees and stakeholders before
10 each joint review, including consultation with respect to—

11 (1) any recommendation for action to be pro-
12 posed at the review; and

13 (2) the decision whether or not to confirm that
14 the United States wishes to extend the USMCA.

15 (b) CONSULTATIONS WITH CONGRESS AND STAKE-
16 HOLDERS.—

17 (1) PUBLICATION AND PUBLIC HEARING.—At
18 least 270 days before a joint review commences, the
19 Trade Representative shall publish in the Federal
20 Register a notice regarding the joint review and
21 shall, as soon as possible following such publication,
22 provide opportunity for the presentation of views re-
23 lating to the operation of the USMCA, including a
24 public hearing.

1 (2) REPORT TO CONGRESS.—At least 180 days
2 before a 6-year joint review under article 34.7 of the
3 USMCA commences, the Trade Representative shall
4 report to the appropriate congressional committees
5 regarding—

6 (A) the assessment of the Trade Rep-
7 resentative with respect to the operation of the
8 USMCA;

9 (B) the precise recommendation for action
10 to be proposed at the review and the position of
11 the United States with respect to whether to ex-
12 tend the term of the USMCA;

13 (C) what, if any, prior efforts have been
14 made to resolve any concern that underlies that
15 recommendation or position; and

16 (D) the views of the advisory committees
17 established under section 135 of the Trade Act
18 of 1974 (19 U.S.C. 2155) regarding that rec-
19 ommendation or position.

20 (c) SUBSEQUENT ACTION TO ADDRESS LACK OF
21 AGREEMENT ON TERM EXTENSION.—

22 (1) IN GENERAL.—If, as part of a joint review,
23 any USMCA country does not confirm that the
24 country wishes to extend the term of the USMCA
25 under article 34.7.3 of the USMCA, at least 70 days

1 before any subsequent annual joint review meeting
2 conducted as required under article 34.7 of the
3 USMCA, the Trade Representative shall report to
4 the appropriate congressional committees regard-
5 ing—

6 (A) any reason offered by a USMCA coun-
7 try regarding why the country is unable to
8 agree to extend the term of the USMCA;

9 (B) the progress that has been made in ef-
10 forts to achieve resolution of the concerns of
11 that country;

12 (C) any proposed action that the Trade
13 Representative intends to raise during the
14 meeting; and

15 (D) the views of the advisory committees
16 established under section 135 of the Trade Act
17 of 1974 (19 U.S.C. 2155) regarding the rea-
18 sons described in subparagraph (A) and any
19 proposed action under subparagraph (C).

20 (2) ADDITIONAL INFORMATION.—The Trade
21 Representative shall also provide detailed and timely
22 information in response to any questions posed by
23 the appropriate congressional committees with re-
24 spect to any meeting described in paragraph (1), in-
25 cluding by submitting to those committees copies of

1 any proposed text that the Trade Representative
2 plans to submit to the other parties to the meeting.

3 (d) CONGRESSIONAL ENGAGEMENT AFTER JOINT
4 REVIEW.—

5 (1) IN GENERAL.—Not later than 20 days after
6 the USMCA countries have met for a joint review,
7 the Trade Representative shall brief the appropriate
8 congressional committees regarding the positions ex-
9 pressed by the countries during the joint review and
10 what, if any, actions were agreed to by the countries.

11 (2) CONTINUED ENGAGEMENT.—After a joint
12 review, the Trade Representative shall keep the ap-
13 propriate congressional committees timely apprised
14 of any developments arising out of or related to the
15 review.

16 (e) DEFINITIONS.—In this section:

17 (1) JOINT REVIEW.—The term “joint review”
18 means a review conducted under the process pro-
19 vided for in article 34.7 of the USMCA relating to
20 extension of the term of the USMCA.

21 (2) USMCA COUNTRY.—The term “USMCA
22 country” has the meaning given that term in section
23 202(a).

1 **Subtitle C—Termination of USMCA**

2 **SEC. 621. TERMINATION OF USMCA.**

3 (a) **TERMINATION OF USMCA COUNTRY STATUS.**—

4 During any period in which a country ceases to be a
5 USMCA country, this Act (other than this subsection and
6 title IX) and the amendments made by this Act shall cease
7 to have effect with respect to that country.

8 (b) **TERMINATION OF USMCA.**—On the date on
9 which the USMCA ceases to be in force with respect to
10 the United States, this Act and the amendments made by
11 this Act (other than this subsection and title IX) shall
12 cease to have effect.

13 **TITLE VII—LABOR MONITORING** 14 **AND ENFORCEMENT**

15 **SEC. 701. DEFINITIONS.**

16 In this title:

17 (1) **LABOR ATTACHÉ.**—The term “labor
18 attaché” means an individual hired under subtitle B.

19 (2) **LABOR OBLIGATIONS.**—The term “labor ob-
20 ligations” means the obligations under chapter 23 of
21 the USMCA (relating to labor).

22 (3) **MEXICO’S LABOR REFORM.**—The term
23 “Mexico’s labor reform” means the legislation on
24 labor reform enacted by Mexico on May 1, 2019.

1 **Subtitle A—Interagency Labor**
2 **Committee for Monitoring and**
3 **Enforcement**

4 **SEC. 711. INTERAGENCY LABOR COMMITTEE FOR MONI-**
5 **TORING AND ENFORCEMENT.**

6 (a) ESTABLISHMENT.—Not later than 90 days after
7 the date of the enactment of this Act, the President shall
8 establish an Interagency Labor Committee for Monitoring
9 and Enforcement (in this title referred to as the “Inter-
10 agency Labor Committee”), to coordinate United States
11 efforts with respect to each USMCA country—

12 (1) to monitor the implementation and mainte-
13 nance of the labor obligations;

14 (2) to monitor the implementation and mainte-
15 nance of Mexico’s labor reform; and

16 (3) to request enforcement actions with respect
17 to a USMCA country that is not in compliance with
18 such labor obligations.

19 (b) MEMBERSHIP.—The Interagency Labor Com-
20 mittee shall—

21 (1) be co-chaired by the Trade Representative
22 and the Secretary of Labor; and

23 (2) include representatives of such other Fed-
24 eral departments or agencies with relevant expertise
25 as the President determines appropriate.

1 (c) MEETINGS.—The Interagency Labor Committee
2 shall meet at least once every 90 days during the 5-year
3 period beginning on the date of the enactment of this Act,
4 and at least once every 180 days thereafter for 5 years.

5 (d) INFORMATION SHARING.—Notwithstanding any
6 other provision of law, the members of the Interagency
7 Labor Committee may exchange information for purposes
8 of carrying out this title.

9 **SEC. 712. DUTIES.**

10 The duties of the Interagency Labor Committee shall
11 include the following:

12 (1) Coordinating the activities of departments
13 and agencies of the Committee in monitoring imple-
14 mentation of and compliance with labor obligations,
15 including by—

16 (A) requesting and reviewing relevant in-
17 formation from the governments of USMCA
18 countries and from the public;

19 (B) coordinating visits to Mexico as nec-
20 essary to assess implementation of Mexico's
21 labor reform and compliance with the labor ob-
22 ligations of Mexico;

23 (C) receiving and reviewing quarterly as-
24 sessments from the labor attachés with respect

1 to the implementation of and compliance with
2 Mexico's labor reform; and

3 (D) coordinating with the Secretary of
4 Treasury with respect to support relating to
5 labor issues provided to Mexico by the Inter-
6 American Development Bank.

7 (2) Establishing an ongoing dialogue with ap-
8 propriate officials of the Government of Mexico re-
9 garding the implementation of Mexico's labor reform
10 and compliance with its labor obligations.

11 (3) Coordinating with other institutions and
12 governments with respect to support relating to
13 labor issues, such as the International Labour Orga-
14 nization and the Government of Canada.

15 (4) Identifying priority issues for capacity-
16 building activities in Mexico to be funded by the
17 United States, drawing primarily on the expertise of
18 the Department of Labor.

19 (5) Meeting, at least biannually during the 5-
20 year period beginning on the date of the enactment
21 of this Act and at least annually for 5 years there-
22 after, with the Labor Advisory Committee for Trade
23 Negotiations and Trade Policy established under
24 section 135(c)(1) of the Trade Act of 1974 (19
25 U.S.C. 2155(c)(1)) (or any successor advisory com-

1 mittee) to consult and provide opportunities for
2 input with respect to—

3 (A) the implementation of Mexico’s labor
4 reform;

5 (B) labor capacity-building activities in
6 Mexico funded by the United States;

7 (C) labor monitoring efforts;

8 (D) labor enforcement priorities; and

9 (E) other relevant issues.

10 (6) Based on the assessments required by sec-
11 tion 714, making recommendations relating to dis-
12 pute settlement actions to the Trade Representative,
13 in accordance with section 715.

14 (7) Based on reports provided by the Forced
15 Labor Enforcement Task Force under section 743,
16 developing recommendations for appropriate enforce-
17 ment actions by the Trade Representative.

18 (8) Reviewing reports submitted by the labor
19 experts appointed in accordance with Annex 31–A of
20 the USMCA, with respect to the functioning of that
21 Annex.

22 (9) Reviewing reports submitted by the Inde-
23 pendent Mexico Labor Expert Board under section
24 734.

1 **SEC. 713. ENFORCEMENT PRIORITIES.**

2 The Interagency Labor Committee shall—

3 (1) review the list of priority sectors under
4 Annex 31–A of the USMCA and suggest to USTR
5 additional sectors for review by the USMCA coun-
6 tries as appropriate;

7 (2) establish and annually update a list of pri-
8 ority subsectors within such priority sectors to be
9 the focus of the enforcement efforts of the Com-
10 mittee, the first of which shall consist of—

11 (A) auto assembly;

12 (B) auto parts;

13 (C) aerospace;

14 (D) industrial bakeries;

15 (E) electronics;

16 (F) call centers;

17 (G) mining; and

18 (H) steel and aluminum; and

19 (3) review priority facilities within such priority
20 subsectors for monitoring and enforcement.

21 **SEC. 714. ASSESSMENTS.**

22 (a) ONGOING ASSESSMENTS.—For the 10-year pe-
23 riod beginning on the date of the enactment of this Act,
24 except as provided in subsection (b), the Interagency
25 Labor Committee shall assess on a biannual basis the ex-

1 tent to which Mexico is in compliance with its obligations
2 under Annex 23–A of the USMCA.

3 (b) CONSULTATION RELATING TO ANNUAL ASSESS-
4 MENT.—On or after the date that is 5 years after the date
5 of the enactment of this Act, the Interagency Labor Com-
6 mittee may consult with the appropriate congressional
7 committees with respect to the frequency of the assess-
8 ment required under subsection (a) and, with the approval
9 of both such committees, may conduct such assessment
10 on an annual basis for the following 5 years.

11 (c) MATTERS TO BE INCLUDED.—The assessment
12 required under subsection (a) shall also include each of
13 the following:

14 (1) Whether Mexico is providing adequate fund-
15 ing to implement and enforce Mexico’s labor reform,
16 including specifically whether Mexico has provided
17 funding consistent with commitments made to con-
18 tribute the following amounts for the labor reform
19 implementation budget:

20 (A) \$176,000,000 for 2021.

21 (B) \$325,000,000 for 2022.

22 (C) \$328,000,000 for 2023.

23 (2) The extent to which any legal challenges to
24 Mexico’s labor reform have succeeded in that court
25 system.

1 (3) The extent to which Mexico has imple-
2 mented the federal and state labor courts, registra-
3 tion entity, and federal and state conciliation centers
4 consistent with the timeline set forth for Mexico’s
5 labor reform, in the September 2019 policy state-
6 ments by the Government of Mexico on a national
7 strategy for implementation of the labor justice sys-
8 tem, and in subsequent policy statements in accord-
9 ance with Mexico’s labor reform.

10 **SEC. 715. RECOMMENDATION FOR ENFORCEMENT ACTION.**

11 (a) **RECOMMENDATION TO INITIATE.**—If the Inter-
12 agency Labor Committee determines, pursuant to an as-
13 sessment under section 714, as a result of monitoring ac-
14 tivities described in section 712(1), or pursuant to a report
15 of the Independent Mexico Labor Expert Board that a
16 USMCA country has failed to meets its labor obligations,
17 including with respect to obligations under Annex 23–A
18 of the USMCA, the Committee shall recommend that the
19 Trade Representative initiate enforcement actions
20 under—

21 (1) article 23.13 or 23.17 of the USMCA (re-
22 lating to cooperative labor dialogue and labor con-
23 sultations);

24 (2) articles 31.4 and 31.6 of the USMCA (re-
25 lating to dispute settlement consultations); or

1 (3) Annex 31–A of the USMCA (relating to the
2 rapid response labor mechanism).

3 (b) TRADE REPRESENTATIVE DETERMINATIONS.—

4 Not later than 60 days after the date on which the Trade
5 Representative receives a recommendation pursuant to
6 subsection (a), the Trade Representative shall—

7 (1) determine whether to initiate an enforce-
8 ment action; and

9 (2) if such determination is negative, submit to
10 the appropriate congressional committees a report
11 on the reasons for such negative determination.

12 **SEC. 716. PETITION PROCESS.**

13 (a) IN GENERAL.—The Interagency Labor Com-
14 mittee shall establish procedures for submissions by the
15 public of information with respect to potential failures to
16 implement the labor obligations of a USMCA country.

17 (b) FACILITY-SPECIFIC PETITIONS.—With respect to
18 information submitted in accordance with the procedures
19 established under subsection (a) accompanying a petition
20 relating to a denial of rights at a covered facility, as such
21 terms are defined for purposes of Annex 31–A of the
22 USMCA:

23 (1) The Interagency Labor Committee shall re-
24 view such information within 30 days of submission
25 and shall determine whether there is sufficient, cred-

1 ible evidence of a denial of rights (as so defined) en-
2 abling the good-faith invocation of enforcement
3 mechanisms.

4 (2) If the Committee reaches a negative deter-
5 mination under paragraph (1), the Committee shall
6 certify such determination to the appropriate con-
7 gressional committees and the petitioner.

8 (3) If the Committee reaches an affirmative de-
9 termination under paragraph (1), the Trade Rep-
10 representative shall submit a request for review, in ac-
11 cordance with article 31–A.4 of such Annex, with re-
12 spect to the covered facility and shall inform the pe-
13 titioner and the appropriate congressional commit-
14 tees of the submission of such request.

15 (4) Not later than 60 days after the date of an
16 affirmative determination under paragraph (1), the
17 Trade Representative shall—

18 (A) determine whether to request the es-
19 tablishment of a rapid response labor panel in
20 accordance with such Annex; and

21 (B) if such determination is negative, cer-
22 tify such determination to the appropriate con-
23 gressional committees in conjunction with the
24 reasons for such determination and the details
25 of any agreed-upon remediation plan.

1 (c) OTHER PETITIONS.—With respect to information
2 submitted in accordance with the procedures established
3 under subsection (a) accompanying a petition relating to
4 any other violation of the labor obligations of a USMCA
5 country:

6 (1) The Interagency Labor Committee shall re-
7 view such information not later than 20 days after
8 the date of the submission and shall determine
9 whether the information warrants further review.

10 (2) If the Committee reaches an affirmative de-
11 termination under paragraph (1), such further re-
12 view shall focus exclusively on determining, not later
13 than 60 days after the date of such submission,
14 whether there is sufficient, credible evidence that the
15 USMCA country is in violation of its labor obliga-
16 tions, for purposes of initiating enforcement action
17 under chapter 23 or chapter 31 of the USMCA.

18 (3) If the Committee reaches an affirmative de-
19 termination under paragraph (2), the Trade Rep-
20 resentative shall—

21 (A) not later than 60 days after the date
22 of the determination of the Committee, initiate
23 appropriate enforcement action under such
24 chapter 23 or chapter 31; or

1 (B) submit to the appropriate congres-
2 sional committees a notification including the
3 reasons for which action was not initiated with-
4 in such 60-day period.

5 **SEC. 717. HOTLINE.**

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

11 **SEC. 718. REPORTS.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, and every 180 days
14 thereafter for 10 years except as provided in subsection
15 (b), the Interagency Labor Committee shall submit to the
16 appropriate congressional committees a report that in-
17 cludes—

18 (1) a description of Committee staffing and ca-
19 pacity building activities with Mexico;

20 (2) information regarding the budget resources
21 for Mexico’s labor reform and the deadlines in the
22 September 2019 policy statements by the Govern-
23 ment of Mexico on a national strategy for implemen-
24 tation of the labor justice system and in subsequent

1 policy statements in accordance with Mexico's labor
2 reform;

3 (3) a summary of petitions filed in accordance
4 with section 716 and the use of the rapid response
5 labor mechanism under Annex 31–A of the USMCA;

6 (4) the results of the most recent assessment
7 conducted under section 714; and

8 (5) if, with respect to any report of the Inde-
9 pendent Mexico Labor Expert Board submitted
10 under section 734 that includes a determination de-
11 scribed in paragraph (2) of such section, the Inter-
12 agency Labor Committee does not concur with such
13 determination, an explanation of the reasons for not
14 concurring in such determination and a commitment
15 to provide an oral briefing with respect to such ex-
16 planation upon request.

17 (b) CONSULTATION RELATING TO ANNUAL ASSESS-
18 MENT.—On or after the date that is 5 years after the date
19 of the enactment of this Act, the Trade Representative
20 and the Secretary of Labor may consult with the appro-
21 priate congressional committees with respect to the fre-
22 quency of the reports required under subsection (a) and,
23 with the approval of both such committees, may submit
24 such report on an annual basis for the following 5 years.

1 (c) FIVE-YEAR ASSESSMENT.—Not later than the
2 date that is 5 years after the date of the establishment
3 of the Interagency Labor Committee pursuant to section
4 711(a), the Committee shall jointly submit to the appro-
5 priate congressional committees—

6 (1) a comprehensive assessment of the imple-
7 mentation of Mexico’s labor reform, including with
8 respect to—

9 (A) whether Mexico has reviewed and le-
10 gitimized all existing collective bargaining
11 agreements in Mexico;

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

14 (C) whether Mexico has established the
15 Federal Center for Conciliation and Labor Reg-
16 istration, and an assessment of that Center’s
17 operation;

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

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

1 (1) hire and fix the compensation of up to 5 ad-
2 ditional full-time officers or employees of the De-
3 partment of Labor; and

4 (2) detail or assign such officers or employees
5 to the United States Embassy or a United States
6 Consulate in Mexico to carry out the duties de-
7 scribed in section 722.

8 **SEC. 722. DUTIES.**

9 The duties described in this section are the following:

10 (1) Assisting the Interagency Labor Committee
11 to monitor and enforce the labor obligations of Mex-
12 ico.

13 (2) Submitting to the Interagency Labor Com-
14 mittee on a quarterly basis reports on the efforts un-
15 dertaken by Mexico to comply with its labor obliga-
16 tions.

17 **SEC. 723. STATUS.**

18 Any officer or employee, while detailed or assigned
19 under this subtitle, shall be considered, for the purpose
20 of preserving their allowances, privileges, rights, seniority,
21 and other benefits as such, an officer or employee of the
22 United States Government and of the agency of the
23 United States Government from which detailed or as-
24 signed, and shall continue to receive compensation, allow-
25 ances, and benefits from program funds appropriated to

1 that agency or made available to that agency for purposes
2 related to the activities of the detail or assignment, in ac-
3 cordance with authorities related to their employment sta-
4 tus and agency policies.

5 **Subtitle C—Independent Mexico**
6 **Labor Expert Board**

7 **SEC. 731. ESTABLISHMENT.**

8 There is hereby established a board, to be known as
9 the “Independent Mexico Labor Expert Board”, to be re-
10 sponsible for monitoring and evaluating the implementa-
11 tion of Mexico’s labor reform and compliance with its labor
12 obligations. The Board shall also advise the Interagency
13 Labor Committee with respect to capacity-building activi-
14 ties needed to support such implementation and compli-
15 ance.

16 **SEC. 732. MEMBERSHIP; TERM.**

17 (a) MEMBERSHIP.—The Board shall be composed of
18 12 members who shall be appointed as follows:

19 (1) Four members to be appointed by the
20 Labor Advisory Committee established under section
21 135(c)(1) of the Trade Act of 1974 (19 U.S.C.
22 2155(e)(1)) (or successor advisory committee).

23 (2) Two members appointed by the Speaker of
24 the House of Representatives, in consultation with

1 the Chair of the Committee on Ways and Means of
2 the House of Representatives.

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

8 (4) Two members appointed by the minority
9 leader of the House of Representatives, in consulta-
10 tion with the Ranking Member of the Committee on
11 Ways and Means of the House of Representatives.

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

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

19 (c) EXTENSION OF TERM.—If the Board determines,
20 at the end of the 6-year period beginning on the date of
21 the appointment of the last member appointed in accord-
22 ance with subsection (a), that Mexico is not fully in com-
23 pliance with its labor obligations, a majority of the mem-
24 bers of the Board may determine to extend its term for
25 4 additional years. A new Board shall be appointed in ac-

1 cordance with subsection (a) and shall serve for a single
2 term of 4 years.

3 **SEC. 733. FUNDING.**

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

7 **SEC. 734. REPORTS.**

8 For the 6-year period beginning on the date of the
9 enactment of this Act, and for an additional 4 years if
10 the term of the Board is extended in accordance with sec-
11 tion 732(c), the Board shall submit to appropriate con-
12 gressional committees and to the Interagency Labor Com-
13 mittee an annual report that—

14 (1) contains an assessment of—

15 (A) the efforts of Mexico to implement
16 Mexico's labor reform; and

17 (B) the manner and extent to which labor
18 laws are generally enforced in Mexico; and

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

21 **Subtitle D—Forced Labor**

22 **SEC. 741. FORCED LABOR ENFORCEMENT TASK FORCE.**

23 (a) ESTABLISHMENT.—Not later than 90 days after
24 the date of the enactment of this Act, the President shall
25 establish a Forced Labor Enforcement Task Force to

1 monitor United States enforcement of the prohibition
2 under section 307 of the Tariff Act of 1930 (19 U.S.C.
3 1307).

4 (b) MEMBERS; MEETINGS.—

5 (1) MEMBERS.—The Task Force shall be
6 chaired by the Secretary of Homeland Security and
7 shall be comprised of representatives from such
8 other agencies with relevant expertise, including the
9 Office of the United States Trade Representative
10 and the Department of Labor, as the President de-
11 termines appropriate.

12 (2) MEETINGS.—The Task Force shall meet on
13 a quarterly basis regarding active Withhold and Re-
14 lease Orders, ongoing investigations, petitions re-
15 ceived, and enforcement priorities, and other rel-
16 evant issues with respect to enforcing the prohibition
17 under section 307 of the Tariff Act.

18 **SEC. 742. TIMELINE REQUIRED.**

19 (a) IN GENERAL.—Not later than 90 days after the
20 establishment of the Forced Labor Enforcement Task
21 Force pursuant to section 741(a), the Task Force shall
22 establish timelines for responding to petitions submitted
23 to the Commissioner of U.S. Customs and Border Protec-
24 tion alleging that goods are being imported by or with
25 child or forced labor.

1 (b) CONSULTATION REQUIRED.—In establishing the
2 timelines during such 90-day period, the Task Force shall
3 consult with the appropriate congressional committees.

4 (c) REPORT.—The Task Force shall timely submit to
5 the appropriate congressional committees a report that
6 contains the timelines established pursuant to subsection
7 (a) and shall make such report publicly available.

8 **SEC. 743. REPORTS REQUIRED.**

9 The Forced Labor Enforcement Task Force shall
10 submit to appropriate congressional committees a bian-
11 nual report that includes the following:

12 (1) The enforcement activities and priorities of
13 the Department of Homeland Security with respect
14 to enforcing the prohibition under section 307 of the
15 Tariff Act of 1930 (19 U.S.C. 1307).

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

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

21 (4) An enforcement plan regarding goods in-
22 cluded in the most recent “Findings on the Worst
23 Forms of Child Labor” report submitted in accord-
24 ance with section 504 of the Trade Act of 1974 (19
25 U.S.C. 2464) and “List of Goods Produced by Child

1 Labor or Forced Labor” submitted in accordance
2 with section 105(b)(2)(C) of the Trafficking Victims
3 Protection Reauthorization Act of 2005 (22 U.S.C.
4 7112(b)(2)(C)).

5 (5) Such other information as the Forced Labor
6 Enforcement Task Force considers appropriate with
7 respect to monitoring and enforcing compliance with
8 section 307 of the Tariff Act of 1930 (19 U.S.C.
9 1307).

10 **SEC. 744. DUTIES RELATED TO MEXICO.**

11 The Task Force shall—

12 (1) develop, in consultation with the appro-
13 priate congressional committees, an enforcement
14 plan regarding goods produced by or with forced
15 labor in Mexico; and

16 (2) report to the Interagency Labor Committee
17 with respect to any concerns relating to the enforce-
18 ment of the prohibition under section 307 of the
19 Tariff Act with respect to Mexico, including any alle-
20 gations that may be filed with respect to forced
21 labor in Mexico.

1 **Subtitle E—Enforcement Under**
2 **Rapid Response Labor Mechanism**

3 **SEC. 751. TRANSMISSION OF REPORTS.**

4 Each report issued by a rapid response labor panel
5 constituted in accordance with Annex 31–A of the
6 USMCA shall be immediately submitted to the appro-
7 priate congressional committees, the Labor Advisory Com-
8 mittee established under section 135(c)(1) of the Trade
9 Act of 1974 (19 U.S.C. 2155(c)(1)) (or successor advisory
10 committee), and, as appropriate, the petitioner submitting
11 information pursuant to section 716. The Trade Rep-
12 resentative shall also make each such report publicly avail-
13 able in a timely manner.

14 **SEC. 752. SUSPENSION OF LIQUIDATION.**

15 (a) IN GENERAL.—If the United States files a re-
16 quest pursuant to article 31–A.4.2 of Annex 31–A of the
17 USMCA, the Trade Representative may direct the Sec-
18 retary of the Treasury to suspend liquidation for unliqui-
19 dated entries of goods from such covered facility until such
20 time as the Trade Representative notifies the Secretary
21 that a condition described in subsection (b) has been met.

22 (b) RESUMPTION OF LIQUIDATION.—The conditions
23 described in this subsection are the following:

24 (1) The rapid response labor panel has deter-
25 mined that there is no denial of rights at the covered

1 facility within the meaning of such terms under
2 Annex 31–A of the USMCA.

3 (2) A course of remediation for denial of rights
4 has been agreed to and has been completed in ac-
5 cordance with the agreed-upon time.

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

8 **SEC. 753. FINAL REMEDIES.**

9 (a) IN GENERAL.—If a rapid response labor panel
10 constituted in accordance with Annex 31–A of the
11 USMCA determines with respect to a case that there has
12 been a denial of rights within the meaning of such Annex,
13 the Trade Representative may, in consultation with the
14 appropriate congressional committees—

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

19 (A) to—

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

23 (ii) allow for the release of goods, pro-
24 duced wholly or in part, from such covered

1 facilities only upon payment of duties and
2 any penalty; and

3 (B) to apply any duties or penalties to cus-
4 toms entries for which liquidation was sus-
5 pended pursuant to section 752; and

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

10 (b) REMEDIATION NOTIFICATION.—The Trade Rep-
11 resentative shall promptly notify the Secretary when the
12 denial of rights with respect to a case described in sub-
13 section (a) has been remedied.

14 **TITLE VIII—ENVIRONMENT**
15 **MONITORING AND ENFORCE-**
16 **MENT**

17 **SEC. 801. DEFINITIONS.**

18 In this title:

19 (1) ENVIRONMENTAL LAW.—The term “envi-
20 ronmental law” has the meaning given the term in
21 article 24.1 of the USMCA.

22 (2) ENVIRONMENTAL OBLIGATIONS.—The term
23 “environmental obligations” means obligations relat-
24 ing to the environment under—

- 1 (A) chapter 1 of the USMCA (relating to
2 initial provisions and general definitions); and
3 (B) chapter 24 of the USMCA (relating to
4 environment).

5 **Subtitle A—Interagency Environ-**
6 **ment Committee for Monitoring**
7 **and Enforcement**

8 **SEC. 811. ESTABLISHMENT.**

9 (a) IN GENERAL.—Not later than 30 days after the
10 date of the enactment of this Act, the President shall es-
11 tablish an Interagency Environment Committee for Moni-
12 toring and Enforcement (in this title referred to as the
13 “Interagency Environment Committee”)—

14 (1) to coordinate United States efforts to mon-
15 itor and enforce environmental obligations generally;
16 and

17 (2) with respect to the USMCA countries—

18 (A) to carry out an assessment of their en-
19 vironmental laws and policies;

20 (B) to carry out monitoring actions with
21 respect to the implementation and maintenance
22 of their environmental obligations; and

23 (C) to request enforcement actions with re-
24 spect to USMCA countries that are not in com-
25 pliance with their environmental obligations.

1 (b) MEMBERSHIP.—The members of the Interagency
2 Environment Committee shall be the following:

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

5 (2) Representatives from each of the following:

6 (A) The National Oceanic Atmospheric Ad-
7 ministration.

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

9 (C) The U.S. Forest Service.

10 (D) The Environmental Protection Agency.

11 (E) The Animal and Plant Health Inspec-
12 tion Service.

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

14 (G) The Department of State.

15 (H) The Department of Justice.

16 (I) The Department of the Treasury.

17 (J) The United States Agency for Inter-
18 national Development.

19 (3) Representatives from other Federal agen-
20 cies, as the President determines to be appropriate.

21 (c) INFORMATION SHARING.—Notwithstanding any
22 other provision of law, the members of the Interagency
23 Environment Committee may exchange information for
24 purposes of carrying out this subtitle.

1 **SEC. 812. ASSESSMENT.**

2 (a) IN GENERAL.—The Interagency Environment
3 Committee shall carry out an assessment of the environ-
4 mental laws and policies of the USMCA countries—

5 (1) to determine if such laws and policies are
6 sufficient to implement their environmental obliga-
7 tions; and

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

10 (b) MATTERS TO BE INCLUDED.—The assessment
11 required by subsection (a) shall identify the environmental
12 laws and policies of the USMCA countries with respect
13 to which enhanced cooperation, including the provision of
14 technical assistance and capacity building assistance, mon-
15 itoring actions, and enforcement actions, if appropriate,
16 should be carried out on an enhanced and continuing
17 basis.

18 (c) REPORT.—Not later than 90 days after the date
19 on which the Interagency Environment Committee is es-
20 tablished, or the date on which the USMCA enters into
21 force, whichever occurs earlier, the Interagency Environ-
22 ment Committee shall submit a report that contains the
23 assessment required by subsection (a) to—

24 (1) the appropriate congressional committees;
25 and

1 (2) the Trade and Environment Policy Advisory
2 Committee (or successor advisory committee) estab-
3 lished under section 135(c)(1) of the Trade Act of
4 1974 (19 U.S.C. 2155(c)(1)).

5 (d) UPDATE.—The Interagency Environment Com-
6 mittee shall—

7 (1) update the assessment required by sub-
8 section (a) at the appropriate time prior to submis-
9 sion of the report required by section 816(a) that is
10 to be submitted in the fifth year after the USMCA
11 enters into force; and

12 (2) submit the updated assessment to the Trade
13 Representative for inclusion in such fifth annual re-
14 port.

15 (e) CONSULTATION.—The Interagency Environment
16 Committee shall consult on a regular basis with the
17 USMCA countries—

18 (1) in carrying out the assessment required by
19 subsection (a) and the update to the assessment re-
20 quired by subsection (d); and

21 (2) in preparing the report required by sub-
22 section (c).

23 **SEC. 813. MONITORING ACTIONS.**

24 (a) IN GENERAL.—The Interagency Environment
25 Committee shall carry out monitoring actions, which shall

1 include the monitoring actions described in subsections
2 (b), (c), and (d), with respect to the implementation and
3 maintenance of the environmental obligations of the
4 USMCA countries.

5 (b) REVIEW OF CEC SECRETARIAT SUBMISSIONS.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date on which the Secretariat of the Commission
8 for Environmental Cooperation prepares a factual
9 record under article 24.28 of the USMCA relating to
10 a submission filed under article 24.27 of the
11 USMCA with respect to a USMCA country, the
12 Interagency Environment Committee—

13 (A) shall review the factual record; and

14 (B) may, based on findings of the review
15 under subparagraph (A) that the USMCA
16 country is not in compliance with its environ-
17 mental obligations, request enforcement actions
18 under section 814 with respect to the USMCA
19 country.

20 (2) WRITTEN JUSTIFICATION.—If the Inter-
21 agency Environment Committee finds that a
22 USMCA country is not in compliance with its envi-
23 ronmental obligations under paragraph (1)(B) and
24 determines not to request enforcement actions under
25 section 814 with respect to the USMCA country, the

1 Committee shall, not later than 30 days after the
2 date on which it makes the determination, provide to
3 the appropriate congressional committees a written
4 explanation and justification of the determination.

5 (c) REVIEW OF REPORTS OF UNITED STATES ENVI-
6 RONMENT ATTACHÉS TO MEXICO.—The Interagency En-
7 vironment Committee shall—

8 (1) review each report submitted to the Com-
9 mittee under section 822(b)(2); and

10 (2) based on the findings of each such report,
11 assess the efforts of Mexico to comply with its envi-
12 ronmental obligations.

13 (d) UNITED STATES IMPLEMENTATION OF ENVIRON-
14 MENT COOPERATION AND CUSTOMS VERIFICATION
15 AGREEMENT.—

16 (1) VERIFICATION OF SHIPMENTS.—The Inter-
17 agency Environment Committee—

18 (A) may request verification of particular
19 shipments of Mexico under the Environment
20 Cooperation and Customs Verification Agree-
21 ment between the United States and Mexico,
22 done at Mexico City on December 10, 2019, in
23 response to—

1 (i) comments submitted by the public
2 to request verification of particular ship-
3 ments of Mexico under such Agreement; or

4 (ii) on its own motion; and

5 (B) upon receipt of comments described in
6 subparagraph (A)(i)—

7 (i) shall review the comments not
8 later than 30 days after the date on which
9 the comments are submitted to the Trade
10 Representative; and

11 (ii) may request the Trade Represent-
12 ative to, within a reasonable period of
13 time, request Mexico to provide relevant in-
14 formation for purposes of verification of
15 particular shipments of Mexico described
16 in subparagraph (A).

17 (2) REVIEW OF RELEVANT INFORMATION AND
18 REQUEST FOR ADDITIONAL STEPS.—The Inter-
19 agency Environment Committee—

20 (A) shall review relevant information pro-
21 vided by Mexico as described in paragraph
22 (1)(B)(ii) to determine if the Trade Representa-
23 tive should request additional steps to verify in-
24 formation provided or related to a particular
25 shipment of Mexico; and

1 (B) may request the Trade Representative
2 to, within a reasonable period of time, request
3 Mexico to take such additional steps with re-
4 spect to the particular shipment.

5 (3) CONSULTATION.—The Trade Representa-
6 tive, on behalf of the Interagency Environment Com-
7 mittee, shall, on a quarterly basis, consult with the
8 appropriate congressional committees and the Trade
9 and Environment Policy Advisory Committee (or
10 successor advisory committee) established under sec-
11 tion 135(c)(1) of the Trade Act of 1974 (19 U.S.C.
12 2155(c)(1)) regarding the public comments and rel-
13 evant information described in paragraph (1) and
14 the actions taken under paragraph (2).

15 (e) APPLICATION.—Subsections (c) and (d) shall
16 apply with respect to Mexico for such time as the USMCA
17 is in force with respect to, and the United States applies
18 the USMCA to, Mexico.

19 **SEC. 814. ENFORCEMENT ACTIONS.**

20 The Interagency Environment Committee—

21 (1) may request the Trade Representative to,
22 within a reasonable period of time, request consulta-
23 tions under—

1 (A) article 24.29 of the USMCA (relating
2 to environment consultations) with respect to
3 the USMCA country; or

4 (B) articles 31.4 and 31.6 of the USMCA
5 (relating to dispute settlement consultations)
6 with respect to the USMCA country; or

7 (2) may request the heads of other Federal
8 agencies described in section 815 to initiate moni-
9 toring or enforcement actions with respect to the
10 USMCA country under the provisions of law de-
11 scribed in section 815.

12 **SEC. 815. OTHER MONITORING AND ENFORCEMENT AC-**
13 **TIONS.**

14 (a) MARINE MAMMAL PROTECTION ACT.—The Sec-
15 retary of Commerce has authority to take appropriate
16 monitoring or enforcement actions under the Marine
17 Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

18 (b) MAGNUSON-STEVENSON FISHERY CONSERVATION
19 AND MANAGEMENT ACT.—The Secretary of Commerce
20 has authority to take appropriate monitoring or enforce-
21 ment actions under the following provisions of law:

22 (1) The Magnuson-Stevens Fishery Conserva-
23 tion and Management Act (16 U.S.C. 1801 et seq.).

1 (2) The Magnuson-Stevens Fishery Conserva-
2 tion and Management Reauthorization Act of 2006
3 (16 U.S.C. 1891 et seq.).

4 (3) The High Seas Driftnet Fishing Morato-
5 rium Protection Act (16 U.S.C. 1826d et seq.).

6 (4) The Shark Conservation Act of 2010 (16
7 U.S.C. 1826k note; 1857 note).

8 (5) The Shark Finning Prohibition Act (16
9 U.S.C. 1822 note).

10 (c) FISHERMEN’S PROTECTIVE ACT OF 1967.—The
11 Secretary of Commerce and Secretary of the Interior have
12 authority to take appropriate monitoring or enforcement
13 actions under section 8 of the Fishermen’s Protective Act
14 of 1967 (22 U.S.C. 1978).

15 (d) AGREEMENT ON PORT STATE MEASURES TO
16 PREVENT, DETER AND ELIMINATE ILLEGAL, UNRE-
17 PORTED AND UNREGULATED FISHING.—The Secretary of
18 Commerce has authority to take appropriate monitoring
19 or enforcement actions under the Port State Measures
20 Agreement Act of 2015 (16 U.S.C. 7401 et seq.).

21 (e) ENDANGERED SPECIES ACT.—The Secretary of
22 Agriculture, the Secretary of the Interior, the Secretary
23 of Homeland Security, the Secretary of Commerce, and
24 the Secretary of the Treasury have authority to take ap-

1 appropriate monitoring or enforcement actions under the
2 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

3 (f) LACEY ACT.—The Secretary of Agriculture, the
4 Secretary of Commerce, the Secretary of the Interior, the
5 Secretary of Homeland Security, and the Secretary of the
6 Treasury have authority to take appropriate monitoring
7 or enforcement actions under the Lacey Act Amendments
8 of 1981 (16 U.S.C. 3371 et seq.).

9 (g) MIGRATORY BIRD TREATY ACT.—The Secretary
10 of the Interior has authority to take appropriate moni-
11 toring or enforcement actions under the Migratory Bird
12 Treaty Act of 1918 (16 U.S.C. 703 et seq.).

13 (h) ELIMINATE, NEUTRALIZE, AND DISRUPT WILD-
14 LIFE TRAFFICKING ACT.—The Secretary of State, the
15 Secretary of the Interior, the Attorney General, and Ad-
16 ministrator of the United States Agency for International
17 Development have authority to take appropriate moni-
18 toring or enforcement actions under the Eliminate, Neu-
19 tralize, and Disrupt Wildlife Trafficking Act of 2016 (16
20 U.S.C. 7601 et seq.).

21 (i) WILD BIRD CONSERVATION ACT.—The Secretary
22 of the Interior has authority to take appropriate moni-
23 toring or enforcement actions under the Wild Bird Con-
24 servation Act of 1992 (16 U.S.C. 4901 et seq.).

1 (j) CUSTOMS SEIZURE AND OTHER AUTHORITIES.—
2 The Secretary of Homeland Security has authority to take
3 appropriate monitoring or enforcement actions under sec-
4 tion 499 of the Tariff Act of 1930 (19 U.S.C. 1499) or
5 section 596 of such Act (19 U.S.C. 1595a).

6 (k) OTHER RELEVANT PROVISIONS OF LAW.—The
7 Interagency Environment Committee may request the
8 heads of other Federal agencies to take appropriate moni-
9 toring or enforcement actions under other relevant provi-
10 sions of law.

11 (l) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed to supersede or otherwise limit in
13 any manner the functions or authority of the head of any
14 Federal agency described in this section under any other
15 provision of law.

16 **SEC. 816. REPORT TO CONGRESS.**

17 (a) IN GENERAL.—The Trade Representative, in con-
18 sultation with the head of any Federal agency described
19 in this subtitle, shall submit to the appropriate congres-
20 sional committees a report on the implementation of this
21 subtitle, including—

22 (1) a description of efforts of the USMCA
23 countries to implement their environmental obliga-
24 tions; and

1 (2) a description of additional efforts to be
2 taken with respect to USMCA countries that are
3 failing to implement their environmental obligations.

4 (b) TIMING OF REPORT.—The report required by
5 subsection (a) shall be submitted—

6 (1) not later than 1 year after the date on
7 which the USMCA enters into force;

8 (2) annually for each of the next 4 years; and

9 (3) biennially thereafter.

10 (c) ADDITIONAL MATTERS TO BE INCLUDED IN THE
11 FIFTH ANNUAL REPORT.—The report required by sub-
12 section (a) that is submitted in the fifth year after the
13 USMCA enters into force shall also include the following:

14 (1) The updated assessment required by section
15 812(d).

16 (2) A comprehensive determination regarding
17 USMCA countries' implementation of their environ-
18 mental obligations.

19 (3) An explanation of how compliance with en-
20 vironmental obligations will be taken into consider-
21 ation during the “joint review” conducted pursuant
22 to article 34.7.2 of the USMCA on the sixth anni-
23 versary of the entry into force of the USMCA.

1 **SEC. 817. REGULATIONS.**

2 The head of any Federal agency described in this sub-
3 title, in consultation with the Interagency Environment
4 Committee, may prescribe such regulations as are nec-
5 essary to carry out the authorities of the Federal agency
6 as provided for under this subtitle.

7 **Subtitle B—Other Matters**

8 **SEC. 821. BORDER WATER INFRASTRUCTURE IMPROVE-**
9 **MENT AUTHORITY.**

10 (a) **IN GENERAL.**—The Administrator of the Envi-
11 ronmental Protection Agency shall, in coordination with
12 eligible public entities, carry out the planning, design, con-
13 struction, and operation and maintenance of high priority
14 treatment works in the covered area to treat wastewater
15 (including stormwater), nonpoint sources of pollution, and
16 related matters resulting from international transbound-
17 ary water flows originating in Mexico.

18 (b) **REPORT TO CONGRESS.**—Not later than 1 year
19 after the date of enactment of this Act, and annually
20 thereafter, the Administrator shall submit to Congress a
21 report on activities carried out pursuant to this section.

22 (c) **DEFINITIONS.**—In this section:

23 (1) **COVERED AREA.**—The term “covered area”
24 means the portion of the Tijuana River watershed
25 that is in the United States.

1 (2) ELIGIBLE PUBLIC ENTITIES.—The term
2 “eligible public entities” means—

3 (A) the United States Section of the Inter-
4 national Boundary and Water Commission;

5 (B) the Corps of Engineers;

6 (C) the North American Development
7 Bank;

8 (D) the Department of State;

9 (E) any other appropriate Federal agency;

10 (F) the State of California; and

11 (G) any of the following entities with juris-
12 diction over any part of the covered area:

13 (i) A local government.

14 (ii) An Indian Tribe.

15 (iii) A regional water board.

16 (iv) A public wastewater utility.

17 (3) TREATMENT WORKS.—The term “treatment
18 works” has the meaning given that term in section
19 212 of the Federal Water Pollution Control Act.

20 **SEC. 822. DETAIL OF PERSONNEL TO OFFICE OF THE**
21 **UNITED STATES TRADE REPRESENTATIVE.**

22 (a) IN GENERAL.—Upon the request of the Trade
23 Representative, the Administrator of the Environmental
24 Protection Agency, the Director of the U.S. Fish and
25 Wildlife Service, and the Administrator of the National

1 Oceanic Atmospheric Administration may detail, on a re-
2 imbursable basis, one employee of each such respective
3 agency to the Office of the United States Trade Rep-
4 resentative to be assigned to the United States Embassy
5 in Mexico to carry out the duties described in subsection
6 (b).

7 (b) DUTIES.—The duties described in this subsection
8 are the following:

9 (1) Assist the Interagency Environment Com-
10 mittee to carry out monitoring and enforcement ac-
11 tions with respect to the environmental obligations
12 of Mexico.

13 (2) Prepare and submit to the Interagency En-
14 vironment Committee on a quarterly basis a report
15 on efforts of Mexico to comply with its environ-
16 mental obligations.

17 **Subtitle C—North American**
18 **Development Bank**

19 **SEC. 831. GENERAL CAPITAL INCREASE.**

20 Part 2 of subtitle D of title V of Public Law 103–
21 182 (22 U.S.C. 290m et seq.) is amended by adding at
22 the end the following:

23 **“SEC. 547. FIRST CAPITAL INCREASE.**

24 “(a) SUBSCRIPTION AUTHORIZED.—

1 “(1) IN GENERAL.—The Secretary of the
2 Treasury is authorized to subscribe on behalf of the
3 United States to, and make payment for, 150,000
4 additional shares of the capital stock of the Bank.

5 “(2) LIMITATION.—Any subscription by the
6 United States to the capital stock of the Bank shall
7 be effective only to such extent and in such amounts
8 as are provided in advance in appropriations Acts.

9 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
10 PRIATIONS.—

11 “(1) IN GENERAL.—In order to pay for the in-
12 crease in the United States subscription to the Bank
13 under subsection (a), there are authorized to be ap-
14 propriated, without fiscal year limitation,
15 \$1,500,000,000 for payment by the Secretary of the
16 Treasury.

17 “(2) ALLOCATION OF FUNDS.—Of the amount
18 authorized to be appropriated under paragraph
19 (1)—

20 “(A) \$225,000,000 shall be for paid in
21 shares of the Bank; and

22 “(B) \$1,275,000,000 shall be for callable
23 shares of the Bank.”.

1 **SEC. 832. POLICY GOALS.**

2 (a) IN GENERAL.—To the extent consistent with the
3 mission and scope of the North American Development
4 Bank on the day before the date of the enactment of this
5 Act and pursuant to section 2 of article II of the Charter,
6 the Secretary of the Treasury should direct the represent-
7 atives of the United States to the Board of Directors of
8 the Bank to use the voice and vote of the United States
9 to give preference to the financing of projects related to
10 environmental infrastructure relating to water pollution,
11 wastewater treatment, water conservation, municipal solid
12 waste, stormwater drainage, non-point pollution, and re-
13 lated matters.

14 (b) CHARTER DEFINED.—In this section, the term
15 “Charter” means the Agreement Concerning the Estab-
16 lishment of a Border Environment Cooperation Commis-
17 sion and a North American Development Bank, signed at
18 Washington and Mexico November 16 and 18, 1993, and
19 entered into force January 1, 1994 (TIAS 12516), be-
20 tween the United States and Mexico.

21 **SEC. 833. EFFICIENCIES AND STREAMLINING.**

22 The Secretary of the Treasury should direct the rep-
23 resentatives of the United States to the Board of Directors
24 of the North American Development Bank to use the voice
25 and vote of the United States to seek to require the Bank
26 to develop and implement efficiency improvements to

1 streamline and accelerate the project certification and fi-
2 nancing process, including through initiatives such as sin-
3 gle certifications for revolving facilities, programmatic cer-
4 tification of similar groups of small projects, expansion of
5 internal authority to approve qualified projects below cer-
6 tain monetary thresholds, and expedited certification for
7 public sector projects subject to lender bidding processes.

8 **SEC. 834. PERFORMANCE MEASURES.**

9 (a) IN GENERAL.—The Secretary of the Treasury
10 should direct the representatives of the United States to
11 the Board of Directors of the North American Develop-
12 ment Bank to use the voice and vote of the United States
13 to seek to require the Bank to develop performance meas-
14 ures that—

15 (1) demonstrate how projects and financing ap-
16 proved by the Bank are meeting the Bank’s mission
17 and providing added value to the region near the
18 international land border between the United States
19 and Mexico; and

20 (2) are reviewed and updated not less fre-
21 quently than annually.

22 (b) REPORT TO CONGRESS.—The Secretary of the
23 Treasury shall submit to Congress, with the submission
24 to Congress of the budget of the President for a fiscal
25 year under section 1105(a) of title 31, United States

1 Code, a report on progress in imposing the performance
2 measures described in subsection (a) of this section.

3 TITLE IX—USMCA SUPPLEMENTAL
4 APPROPRIATIONS ACT, 2019

5 The following sums are hereby appropriated, out of
6 any money in the Treasury not otherwise appropriated,
7 for fiscal year 2020 and for other purposes, namely:

8 DEPARTMENT OF AGRICULTURE
9 AGRICULTURAL PROGRAMS

10 ANIMAL AND PLANT HEALTH INSPECTION SERVICE
11 SALARIES AND EXPENSES

12 For an additional amount for “Salaries and Ex-
13 penses”, for enforcement of the Lacey Act Amendments
14 of 1981 (16 U.S.C. 3371 et seq.) during fiscal years 2020
15 through 2023 related to trade activities between the
16 United States and Mexico, \$4,000,000, to remain avail-
17 able until September 30, 2023: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

1 DEPARTMENT OF COMMERCE
2 NATIONAL OCEANIC AND ATMOSPHERIC
3 ADMINISTRATION
4 OPERATIONS, RESEARCH, AND FACILITIES

5 For an additional amount for “Operations, Research,
6 and Facilities”, \$16,000,000, to remain available until
7 September 30, 2023: *Provided*, That \$8,000,000 shall be
8 available to engage in cooperation with the Government
9 of Mexico to combat illegal, unreported, and unregulated
10 fishing and enhance the implementation of the Seafood
11 Import Monitoring Program pursuant to 16 U.S.C. 1826
12 and 1829, during fiscal years 2020 through 2023: *Pro-*
13 *vided further*, That \$8,000,000 shall be available to carry
14 out section 3 of the Marine Debris Act (33 U.S.C. 1952)
15 during fiscal years 2020 through 2023 in the North Amer-
16 ican region: *Provided further*, That such amount is des-
17 igned by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 OFFICE OF THE UNITED STATES TRADE
21 REPRESENTATIVE
22 SALARIES AND EXPENSES

23 For an additional amount for “Salaries and Ex-
24 penses”, \$50,000,000, to remain available until September
25 30, 2023: *Provided*, That \$30,000,000 shall be available

1 solely to provide for additional capacity of the Office dur-
2 ing fiscal years 2020 through 2023 to monitor compliance
3 with labor obligations (as such term is defined in section
4 701 of this Act), including the necessary expenses of addi-
5 tional full-time employees to participate in the Interagency
6 Labor Committee for Monitoring and Enforcement estab-
7 lished pursuant to section 711 of this Act: *Provided fur-*
8 *ther*, That \$20,000,000 shall be available to reimburse the
9 necessary expenses of personnel participating in the Inter-
10 agency Environment Committee for Monitoring and En-
11 forcement established pursuant to section 811 of this Act
12 during fiscal years 2020 through 2023 to monitor compli-
13 ance with environmental obligations (as such term is de-
14 fined in section 801 of this Act), including up to one addi-
15 tional full-time employee detailed to the United States
16 Embassy in Mexico from each of the United States Fish
17 and Wildlife Service, the Environmental Protection Agen-
18 cy, and the National Oceanic and Atmospheric Adminis-
19 tration: *Provided further*, That, if the United States Trade
20 Representative determines that the additional amount ap-
21 propriated under this heading in this Act exceeds the
22 amount sufficient to provide for the reimbursement of per-
23 sonnel specified in the previous proviso, such excess
24 amounts may be used to reimburse the necessary expenses
25 of additional personnel participating in the Interagency

1 Environment Committee for Monitoring and Enforcement
2 during fiscal years 2020 through 2023 to monitor compli-
3 ance with environmental obligations (as such term is de-
4 fined in section 801 of this Act): *Provided further*, That
5 such amount is designated by the Congress as being for
6 an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 TRADE ENFORCEMENT TRUST FUND

10 For an additional amount for the “Trade Enforce-
11 ment Trust Fund”, \$40,000,000, to remain available until
12 September 30, 2023, to carry out the enforcement of envi-
13 ronmental obligations under the USMCA, including for
14 state-to-state dispute settlement actions, during fiscal
15 years 2020 through 2023: *Provided*, That, amounts appro-
16 priated in this paragraph shall not count toward the limi-
17 tation specified in section 611(b)(2) of the Trade Facilita-
18 tion and Trade Enforcement Act of 2015 (19 U.S.C.
19 4405): *Provided further*, That such amount is designated
20 by the Congress as being for an emergency requirement
21 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
22 et and Emergency Deficit Control Act of 1985.

1 DEPARTMENT OF THE INTERIOR
2 UNITED STATES FISH AND WILDLIFE SERVICE
3 RESOURCE MANAGEMENT

4 For an additional amount for “Resource Manage-
5 ment”, to enforce the Lacey Act Amendments of 1981 (16
6 U.S.C. 3371 et seq.) and sections 42 and 43 of title 18,
7 United States Code, with respect to goods imported or ex-
8 ported between the United States and Mexico, during fis-
9 cal years 2020 through 2023, \$4,000,000, to remain avail-
10 able until September 30, 2023: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 ENVIRONMENTAL PROTECTION AGENCY
16 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

17 For an additional amount for “Environmental Pro-
18 grams and Management” for necessary expenses for car-
19 rying out the Environmental Protection Agency’s efforts
20 through the Commission for Environmental Cooperation
21 during fiscal years 2020 through 2023, to reduce pollu-
22 tion, strengthen environmental governance, conserve bio-
23 logical diversity, and sustainably manage natural re-
24 sources, \$4,000,000, to remain available until expended:
25 *Provided*, That such amount is designated by the Congress

1 as being for an emergency requirement pursuant to sec-
2 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

4 STATE AND TRIBAL ASSISTANCE GRANTS

5 For an additional amount for “State and Tribal As-
6 sistance Grants” for architectural, engineering, planning,
7 design, construction and related activities in connection
8 with the construction of high priority wastewater facilities
9 in the area of the United States-Mexico Border, after con-
10 sultation with the appropriate border commission,
11 \$300,000,000, to remain available until expended: *Pro-*
12 *vided*, That such amount is designated by the Congress
13 as being for an emergency requirement pursuant to sec-
14 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
15 gency Deficit Control Act of 1985.

16 DEPARTMENT OF LABOR

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 For an additional amount for “Salaries and Ex-
20 penses”, \$210,000,000, for the Bureau of International
21 Labor Affairs to administer or operate international labor
22 activities, bilateral and multilateral technical assistance,
23 and microfinance programs, by or through contracts,
24 grants, subgrants and other arrangements; of which
25 \$180,000,000, to remain available until December 31,

1 2023, shall be used to support reforms of the labor justice
2 system in Mexico, including grants to support worker-fo-
3 cused capacity building, efforts to reduce workplace dis-
4 crimination in Mexico, efforts to reduce child labor and
5 forced labor in Mexico, efforts to reduce human traf-
6 ficking, efforts to reduce child exploitation, and other ef-
7 forts related to implementation of the USMCA; and of
8 which \$30,000,000, to remain available until September
9 30, 2027, shall be available to provide for additional ca-
10 pacity of the Bureau of International Labor Affairs during
11 fiscal years 2020 through 2027 to monitor compliance
12 with labor obligations (as such term is defined in section
13 701 of this Act), including the necessary expenses of addi-
14 tional full-time employees of the Bureau to participate in
15 the Interagency Labor Committee for Monitoring and En-
16 forcement established pursuant to section 711 of this Act:
17 *Provided*, That the Secretary of Labor may detail or as-
18 sign up to 5 additional full-time employees of the Bureau
19 to the United States Embassy or consulates in Mexico to
20 (1) assist in monitoring and enforcement actions with re-
21 spect to the labor obligations of Mexico, and (2) prepare
22 a report, to be submitted on a quarterly basis to the Inter-
23 agency Labor Committee for Monitoring and Enforcement
24 through September 30, 2027, on the efforts of Mexico to
25 comply with labor obligations (as such term is defined in

1 section 701 of this Act): *Provided further*, That such em-
2 ployees, while detailed or assigned, shall continue to re-
3 ceive compensation, allowances, and benefits from funds
4 made available to the Bureau for purposes related to the
5 activities of the detail or assignment, in accordance with
6 authorities related to their employment status and agency
7 policies: *Provided further*, That such amount is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 MULTILATERAL ASSISTANCE

12 INTERNATIONAL FINANCIAL INSTITUTIONS

13 CONTRIBUTION TO THE NORTH AMERICAN DEVELOPMENT

14 BANK

15 For payment to the North American Development
16 Bank by the Secretary of the Treasury for the United
17 States share of the paid-in portion of the increase in cap-
18 ital stock, \$215,000,000, to remain available until ex-
19 pended: *Provided*, That the authorities and conditions ap-
20 plicable to accounts in title V of the Department of State,
21 Foreign Operations, and Related Programs Appropria-
22 tions Act, 2019 (division F of Public Law 116–6) shall
23 apply to the amounts provided under this heading: *Pro-*
24 *vided further*, That such amount is designated by the Con-
25 gress as being for an emergency requirement pursuant to

1 section 251(b)(2)(A)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 901. Each amount appropriated or made avail-
5 able by this title is in addition to any amounts otherwise
6 appropriated for any of the fiscal years involved.

7 SEC. 902. No part of any appropriation contained in
8 this title shall remain available for obligation beyond the
9 current fiscal year unless expressly so provided herein.

10 SEC. 903. Unless otherwise provided for by this title,
11 the additional amounts appropriated by this title to appro-
12 priations accounts shall be available under the authorities
13 and conditions applicable to such appropriations accounts
14 for fiscal year 2020.

15 SEC. 904. Each amount designated in this title by
16 the Congress as being for an emergency requirement pur-
17 suant to section 251(b)(2)(A)(i) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985 shall be avail-
19 able (or rescinded or transferred, if applicable) only if the
20 President subsequently so designates all such amounts
21 and transmits such designations to the Congress.

22 BUDGETARY EFFECTS

23 SEC. 905. (a) STATUTORY PAYGO SCORECARDS.—
24 The budgetary effects of this title shall not be entered on
25 either PAYGO scorecard maintained pursuant to section
26 4(d) of the Statutory Pay As-You-Go Act of 2010.

1 (b) SENATE PAYGO SCORECARDS.—The budgetary
2 effects of this title shall not be entered on any PAYGO
3 scorecard maintained for purposes of section 4106 of H.
4 Con. Res. 71 (115th Congress).

5 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
6 Notwithstanding Rule 3 of the Budget Scorekeeping
7 Guidelines set forth in the joint explanatory statement of
8 the committee of conference accompanying Conference Re-
9 port 105–217 and section 250(c)(7) and (c)(8) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985,
11 the budgetary effects of this title shall be estimated for
12 purposes of section 251 of such Act.

13 This title may be cited as the “USMCA Supplemental
14 Appropriations Act, 2019”.

Calendar No. 406

116TH CONGRESS
2^D SESSION

H. R. 5430

AN ACT

To implement the Agreement between the United States of America, the United Mexican States, and Canada attached as an Annex to the Protocol Replacing the North American Free Trade Agreement.

JANUARY 15, 2020

Reported without amendment