

116TH CONGRESS  
1ST SESSION

# H. R. 5430

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## 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 regu-  
 lations; tariff proclamation authority.  
 Sec. 104. Consultation and layover provisions for, and effective date of, pro-  
 claimed 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 ag-  
 riculture 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; de-  
 nial 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;

(iii) binational panels and extraordinary challenge committees established under section D of chapter 10 of the USMCA; and

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

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

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

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

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

(A) panels established under chapter 31 of 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               curring 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-

gional value content of the good on the basis of  
the following transaction value method:

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

(B) DEFINITIONS.—In this paragraph:

(i) RVC.—The term “RVC” means the regional value content of the good, expressed as a percentage.

(ii) TV.—The term “TV” means the transaction value of the good, adjusted to exclude any costs incurred in the international shipment of the good.

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

(3) NET COST METHOD.—

(A) IN GENERAL.—An importer, exporter, or producer of a good may calculate the regional value content of the good on the basis of the following net cost method:

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

(B) DEFINITIONS.—In this paragraph:

(i) NC.—The term “NC” means the 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.—Orig-  
3           inating 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-

paragraph (C), a textile or apparel good provided for in any of chapters 50 through 60 or heading 9619 that is not an originating good because certain nonoriginating materials used in the production of the good do not undergo an applicable change in tariff classification set forth in Annex 4–B of the USMCA, shall be considered to be an originating good if the total weight of all such materials, including elastomeric yarns, is not more than 10 percent of the total weight of the good and the good meets all other applicable requirements of this section.

(B) GOODS CLASSIFIED UNDER CHAPTERS 61 THROUGH 63.—Except as provided in subparagraph (C), a textile or apparel good provided for in chapter 61, 62, or 63 that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set forth in Annex 4–B of the USMCA shall be considered to be an originating good if the total weight of all such fibers or yarns in the component, including elastomeric yarns, is not more than 10 per-

cent of the total weight of the component and the good meets all other applicable requirements of this section.

(C) GOODS CONTAINING NONORIGINATING ELASTOMERIC YARNS.—

(i) GOODS CLASSIFIED UNDER CHAPTERS 50 THROUGH 60 OR HEADING 9619 .—

A textile or apparel good described in subparagraph (A) containing nonoriginating elastomeric yarns shall be considered to be an originating good only if the nonoriginating elastomeric yarns contained in the good do not exceed 7 percent of the total weight of the good.

(ii) GOODS CLASSIFIED UNDER CHAPTERS 61 THROUGH 63.—A textile or apparel good described in subparagraph (B) containing nonoriginating elastomeric yarns shall be considered to be an originating good only if the nonoriginating elastomeric yarns contained in the component of the good that determines the tariff classification of the good do not exceed 7 percent of the total weight of the good.

(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 TRANSHIPMENT.—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-



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

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

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

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

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

(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-

quirements set forth in article 7 of the automotive appendix or, if the producer is subject to the alternative staging regime under subsection (d), articles 7 and 8 of that appendix.

(2) ROLE OF SECRETARY OF LABOR.—In cooperation with the Secretary of the Treasury, the Secretary of Labor shall participate in any verification conducted under paragraph (1) by verifying whether the production of covered vehicles by a producer meets the high-wage components of the labor value content requirements, including the wage component of the high-wage material and manufacturing expenditures, the high-wage technology expenditures, and the high-wage assembly expenditures, within the meaning given those terms in article 7 of that appendix.

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

(A) the components of the labor value content requirements not covered by paragraph (2), including the annual purchase value and cost components of the high-wage material and 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(c) 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 ceding 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 serting “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 serting “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 paragraphs (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;” and

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 (c) 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

(as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)”; and

(ii) by striking the third and fourth sentences and inserting the following: “For purposes of this paragraph, the term ‘citizen of Mexico’ means ‘citizen’ as defined in article 16.1 of the USMCA.”; and

(2) in subsection (j)(1)—

(A) in the first sentence, by striking “Annex 1603 of the North American Free Trade Agreement” and inserting “Annex 16–A of the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)”; and

(B) in the second sentence, by striking “article 1603 of such Agreement” and inserting “article 16.4 of the USMCA”; and

(C) in the third sentence, by striking “Annex 1608 of such Agreement” and inserting “article 16.1 of the USMCA”.

(d) CONFORMING AMENDMENTS.—

(1) INTEGRATED ENTRY AND EXIT DATA SYSTEM.—Section 110(c)(1)(B) of the Illegal Immigration 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      serting “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 serting “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 serting “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—



(A) to any final determination described in paragraph (1)(B) or clause (i), (ii), or (iii) of paragraph (2)(B) of section 516A(a) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)) notice of which is published in the Federal Register before such date, or to a determination described in paragraph (2)(B)(vi) of that section notice of which is received by the Government of Canada or Mexico before the date on which the USMCA enters into force; and

(B) to any binational panel review under NAFTA, or any extraordinary challenge arising out of any such review, that was commenced before the date on which the USMCA enters into force.

**SEC. 505. GOVERNMENT PROCUREMENT.**

(a) GENERAL AUTHORITY TO MODIFY DISCRIMINATORY PURCHASING REQUIREMENTS.—Section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511) is amended—

(1) in subsection (b)(1), by striking “the North American Free Trade Agreement” and inserting “the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation 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)”.

**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.**

(a) IN GENERAL.—Pursuant to the requirements of this section, the President shall consult with the appropriate congressional committees and stakeholders before each joint review, including consultation with respect to—

(1) any recommendation for action to be proposed at the review; and

(2) the decision whether or not to confirm that the United States wishes to extend the USMCA.

(b) CONSULTATIONS WITH CONGRESS AND STAKEHOLDERS.—

(1) PUBLICATION AND PUBLIC HEARING.—At least 270 days before a joint review commences, the Trade Representative shall publish in the Federal Register a notice regarding the joint review and shall, as soon as possible following such publication, provide opportunity for the presentation of views relating to the operation of the USMCA, including a 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      resentative 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           (2) a strategic plan and recommendations for  
2           actions to address areas of concern relating to the  
3           implementation of Mexico’s labor reform, for pur-  
4           poses of the joint review conducted pursuant to arti-  
5           cle 34.7 of the USMCA on the sixth anniversary of  
6           the entry into force of the USMCA.

7   **SEC. 719. CONSULTATIONS ON APPOINTMENT AND FUND-**  
8                   **ING OF RAPID RESPONSE LABOR PANELISTS.**

9           (a) IN GENERAL.—The Interagency Labor Com-  
10          mittee shall consult with the Labor Advisory Committee  
11          established under section 135(c)(1) of the Trade Act of  
12          1974 (19 U.S.C. 2155(c)(1)) and the Advisory Committee  
13          for Trade Policy and Negotiations established under sec-  
14          tion 135(b) of such Act (or successor advisory committees)  
15          and the appropriate congressional committees with respect  
16          to the selection and appointment of candidates for the  
17          rapid response labor panelists described in Annex 31–A  
18          of the USMCA.

19          (b) FUNDING.—The United States, in consultation  
20          with Mexico, shall provide adequate funding for rapid re-  
21          sponse labor panelists to carry out the responsibilities  
22          under the USMCA promptly and fully.

23   **Subtitle B—Mexico Labor Attachés**

24   **SEC. 721. ESTABLISHMENT.**

25          The Secretary of Labor shall—



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(c)(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-STEVEN'S 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”.

Passed the House of Representatives December 19,  
2019.

Attest:

*Clerk.*

116TH CONGRESS  
1ST SESSION

**H. R. 5430**

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**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.