

Appendix 2 to Annex 2-B of the USMCA; and

(v) any additional subordinate category that is necessary to carry out section 4531 of this title and section 4532 of this title consistent with the USMCA.

(B) Modifications

(i) In general

Subject to the consultation and layover provisions of section 4514 of this title, the President may proclaim modifications to the provisions proclaimed under the authority of subparagraph (A), other than the provisions of chapters 50 through 63 of the USMCA.

(ii) Special rule for textiles

Notwithstanding clause (i), and subject to the consultation and layover provisions of section 4514 of this title, the President may proclaim—

(I) such modifications to the provisions proclaimed under the authority of subparagraph (A) as are necessary to implement an agreement with one or more USMCA countries pursuant to article 6.4 of the USMCA; and

(II) before the end of the 1-year period beginning on the date on which the USMCA enters into force, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the USMCA.

(Pub. L. 116–113, title I, §103, Jan. 29, 2020, 134 Stat. 15.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1), (2) and (b)(1), is Pub. L. 116–113, Jan. 29, 2020, 134 Stat. 11, known as the United States-Mexico-Canada Agreement Implementation Act. For complete classification of this Act to the Code, see Short Title note set out under section 4501 of this title and Tables.

EFFECTIVE DATE OF SUBSECTION (C)

Subsec. (c) of this section effective on the date the USMCA entered into force (July 1, 2020), see section 107(b) of Pub. L. 116–113, set out as a note under section 4501 of this title.

DELEGATION OF FUNCTIONS

Proc. No. 10053, pars. (5), (6), June 29, 2020, 85 F.R. 39826, authorized the United States Trade Representative to exercise the authority of the President under subsec. (c)(4) of this section and the Committee for Implementation of Textile Agreements to exercise the authority of the President under subsec. (c)(1) of this section with respect to a good provided for under article 6.2 of the USMCA.

§ 4514. Consultation and layover provisions for, and effective date of, proclaimed actions

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, that action may be proclaimed only if—

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

(A) the appropriate advisory committees established under section 2155 of this title; and

(B) the International Trade Commission, which shall hold a public hearing on the proposed action before providing advice regarding the proposed action;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

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

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

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

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

(Pub. L. 116–113, title I, §104, Jan. 29, 2020, 134 Stat. 17.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 116–113, Jan. 29, 2020, 134 Stat. 11, known as the United States-Mexico-Canada Agreement Implementation Act. For complete classification of this Act to the Code, see Short Title note set out under section 4501 of this title and Tables.

DELEGATION OF FUNCTIONS

Proc. No. 10053, par. (7), June 29, 2020, 85 F.R. 39826, authorized the United States Trade Representative to fulfill the obligations of the President to obtain advice from the appropriate advisory committees and the International Trade Commission on the proposed implementation of an action by Presidential proclamation; to submit a report on such proposed action to the appropriate congressional committees; and to consult with those congressional committees regarding the proposed action.

§ 4515. Administration of dispute settlement proceedings

(a) United States Section of Secretariat

(1) Establishment or designation of office

The President is authorized to establish or designate within the Department of Commerce an office to serve as the United States Section of the Secretariat established under article 30.6 of the USMCA.

(2) Functions and administrative assistance

The office established or designated under paragraph (1), subject to the oversight of the interagency group established under section 411(c)(2),¹ shall—

(A) carry out its functions within the Secretariat to facilitate the operation of the USMCA, including the operation of section D of chapter 10 and chapter 31 of the USMCA; and

(B) provide administrative assistance to—

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

(ii) technical advisers and experts provided for under chapter 31 of the USMCA;

¹ See References in Text note below.

(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.

(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 (relating to the Facility-Specific Rapid Response Labor Mechanism);

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

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

(c) Reimbursement of certain expenses

If the Canadian Section or the Mexican Section of the Secretariat provides funds to the United States Section during any fiscal year as reimbursement for expenses in connection with dispute settlement proceedings under section D of chapter 10 or chapter 31 of the USMCA, or under chapter 19 of NAFTA, the United States Section may, notwithstanding section 3302 of title 31, retain and use such funds to carry out the functions described in subsection (a)(2).

(Pub. L. 116–113, title I, § 105, Jan. 29, 2020, 134 Stat. 18.)

REFERENCES IN TEXT

Section 411(c)(2), referred to in subsec. (a)(2), means section 411(c)(2) of Pub. L. 116–113, but probably should be a reference to section 412(c)(2) of that Act, which establishes an interagency group and is classified to section 4582(c)(2) of this title.

The Freedom of Information Act, referred to in subsec. (a)(3), is section 552 of Title 5, Government Organization and Employees.

DELEGATION OF FUNCTIONS

Proc. No. 10053, par. (8), June 29, 2020, 85 F.R. 39826, authorized The Secretary of Commerce to exercise the authority of the President under subsec. (a) of this section to establish or designate an office within the Department of Commerce to carry out the functions set forth in that subsection.

§ 4516. Trade Representative authority

If a country (other than the United States) that has signed the USMCA does not enact implementing legislation, the Trade Representative is authorized to enter into negotiations

with the other country that has signed the USMCA to consider how the applicable provisions of the USMCA can come into force with respect to the United States and that other country as promptly as possible.

(Pub. L. 116–113, title I, § 106, Jan. 29, 2020, 134 Stat. 19.)

SUBCHAPTER II—CUSTOMS PROVISIONS

§ 4531. Rules of origin

(a) Definitions

In this section:

(1) Aquaculture

The term “aquaculture” means the farming of aquatic organisms, including fish, molluscs, crustaceans, other aquatic invertebrates, and aquatic plants from seed stock such as eggs, fry, fingerlings, or larvae, by intervention in the rearing or growth processes to enhance production such as regular stocking, feeding, or protection from predators.

(2) Customs Valuation Agreement

The term “Customs Valuation Agreement” means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 3511(d)(8) of this title.

(3) Fungible good or fungible material

The term “fungible good” or “fungible material” means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) Good wholly obtained or produced entirely in the territory of one or more USMCA countries

The term “good wholly obtained or produced entirely in the territory of one or more USMCA countries” means any of the following:

(A) A mineral good or other naturally occurring substance extracted or taken from the territory of one or more USMCA countries.

(B) A plant, plant good, vegetable, or fungus grown, cultivated, harvested, picked, or gathered in the territory of one or more USMCA countries.

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

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

(E) An animal obtained by hunting, trapping, fishing, gathering, or capturing in the territory of one or more USMCA countries.

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

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

(i) a vessel that is registered or recorded with a USMCA country and flying the flag of that country; or