

nance of their environmental obligations; and

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

(b) Membership

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

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

(2) Representatives from each of the following:

(A) The National Oceanic Atmospheric¹ Administration.

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

(C) The U.S. Forest Service.

(D) The Environmental Protection Agency.

(E) The Animal and Plant Health Inspection Service.

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

(G) The Department of State.

(H) The Department of Justice.

(I) The Department of the Treasury.

(J) The United States Agency for International Development.

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

(c) Information sharing

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

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

Editorial Notes

REFERENCES IN TEXT

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

Executive Documents

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

Ex. Ord. No. 13907, Feb. 28, 2020, 85 F.R. 12977, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and section 811 of the United States-Mexico-Canada Agreement Implementation Act (Act) (Public Law 116-113), it is hereby ordered as follows:

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

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

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

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

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

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

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

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

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 4712. Assessment

(a) In general

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

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

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

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

(b) Matters to be included

The assessment required by subsection (a) shall identify the environmental laws and policies of the USMCA countries with respect to which enhanced cooperation, including the provision of technical assistance and capacity building assistance, monitoring actions, and enforcement actions, if appropriate, should be carried out on an enhanced and continuing basis.

(c) Report

Not later than 90 days after the date on which the Interagency Environment Committee is established, or the date on which the USMCA enters into force, whichever occurs earlier, the Interagency Environment Committee shall submit a report that contains the assessment required by subsection (a) to—

- (1) the appropriate congressional committees; and
- (2) the Trade and Environment Policy Advisory Committee (or successor advisory committee) established under section 2155(c)(1) of this title.

(d) Update

The Interagency Environment Committee shall—

- (1) update the assessment required by subsection (a) at the appropriate time prior to submission of the report required by section 4716(a) of this title that is to be submitted in the fifth year after the USMCA enters into force; and
- (2) submit the updated assessment to the Trade Representative for inclusion in such fifth annual report.

(e) Consultation

The Interagency Environment Committee shall consult on a regular basis with the USMCA countries—

- (1) in carrying out the assessment required by subsection (a) and the update to the assessment required by subsection (d); and
- (2) in preparing the report required by subsection (c).

(Pub. L. 116-113, title VIII, §812, Jan. 29, 2020, 134 Stat. 91.)

§ 4713. Monitoring actions**(a) In general**

The Interagency Environment Committee shall carry out monitoring actions, which shall include the monitoring actions described in subsections (b), (c), and (d), with respect to the implementation and maintenance of the environmental obligations of the USMCA countries.

(b) Review of CEC Secretariat submissions**(1) In general**

Not later than 30 days after the date on which the Secretariat of the Commission for Environmental Cooperation prepares a factual record under article 24.28 of the USMCA relating to a submission filed under article 24.27 of the USMCA with respect to a USMCA country, the Interagency Environment Committee—

- (A) shall review the factual record; and
- (B) may, based on findings of the review under subparagraph (A) that the USMCA

country is not in compliance with its environmental obligations, request enforcement actions under section 4714 of this title with respect to the USMCA country.

(2) Written justification

If the Interagency Environment Committee finds that a USMCA country is not in compliance with its environmental obligations under paragraph (1)(B) and determines not to request enforcement actions under section 4714 of this title with respect to the USMCA country, the Committee shall, not later than 30 days after the date on which it makes the determination, provide to the appropriate congressional committees a written explanation and justification of the determination.

(c) Review of reports of United States environment attachés to Mexico

The Interagency Environment Committee shall—

- (1) review each report submitted to the Committee under section 4732(b)(2) of this title; and
- (2) based on the findings of each such report, assess the efforts of Mexico to comply with its environmental obligations.

(d) United States implementation of Environment Cooperation and Customs Verification Agreement**(1) Verification of shipments**

The Interagency Environment Committee—

(A) may request verification of particular shipments of Mexico under the Environment Cooperation and Customs Verification Agreement between the United States and Mexico, done at Mexico City on December 10, 2019, in response to—

- (i) comments submitted by the public to request verification of particular shipments of Mexico under such Agreement; or
- (ii) on its own motion; and

(B) upon receipt of comments described in subparagraph (A)(i)—

- (i) shall review the comments not later than 30 days after the date on which the comments are submitted to the Trade Representative; and
- (ii) may request the Trade Representative to, within a reasonable period of time, request Mexico to provide relevant information for purposes of verification of particular shipments of Mexico described in subparagraph (A).

(i) shall review the comments not later than 30 days after the date on which the comments are submitted to the Trade Representative; and

(ii) may request the Trade Representative to, within a reasonable period of time, request Mexico to provide relevant information for purposes of verification of particular shipments of Mexico described in subparagraph (A).

(2) Review of relevant information and request for additional steps

The Interagency Environment Committee—

(A) shall review relevant information provided by Mexico as described in paragraph (1)(B)(ii) to determine if the Trade Representative should request additional steps to verify information provided or related to a particular shipment of Mexico; and

(B) may request the Trade Representative to, within a reasonable period of time, request Mexico to take such additional steps with respect to the particular shipment.

(3) Consultation

The Trade Representative, on behalf of the Interagency Environment Committee, shall,