

**(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,

on a quarterly basis, consult with the appropriate congressional committees and the Trade and Environment Policy Advisory Committee (or successor advisory committee) established under section 2155(c)(1) of this title regarding the public comments and relevant information described in paragraph (1) and the actions taken under paragraph (2).

**(e) Application**

Subsections (c) and (d) shall apply with respect to Mexico for such time as the USMCA is in force with respect to, and the United States applies the USMCA to, Mexico.

(Pub. L. 116–113, title VIII, § 813, Jan. 29, 2020, 134 Stat. 92.)

**§ 4714. Enforcement actions**

The Interagency Environment Committee—

(1) may request the Trade Representative to, within a reasonable period of time, request consultations under—

(A) article 24.29 of the USMCA (relating to environment consultations) with respect to the USMCA country; or

(B) articles 31.4 and 31.6 of the USMCA (relating to dispute settlement consultations) with respect to the USMCA country; or

(2) may request the heads of other Federal agencies described in section 4715 of this title to initiate monitoring or enforcement actions with respect to the USMCA country under the provisions of law described in section 4715 of this title.

(Pub. L. 116–113, title VIII, § 814, Jan. 29, 2020, 134 Stat. 93.)

**§ 4715. Other monitoring and enforcement actions**

**(a) Marine Mammal Protection Act**

The Secretary of Commerce has authority to take appropriate monitoring or enforcement actions under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

**(b) Magnuson-Stevens Fishery Conservation and Management Act**

The Secretary of Commerce has authority to take appropriate monitoring or enforcement actions under the following provisions of law:

(1) The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(2) The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891 et seq.).

(3) The High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.).

(4) The Shark Conservation Act of 2010 (16 U.S.C. 1826k note; 1857 note).

(5) The Shark Finning Prohibition Act (16 U.S.C. 1822 note).

**(c) Fishermen’s Protective Act of 1967**

The Secretary of Commerce and Secretary of the Interior have authority to take appropriate monitoring or enforcement actions under section 8 of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1978).

**(d) Agreement on Port State Measures To Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing**

The Secretary of Commerce has authority to take appropriate monitoring or enforcement actions under the Port State Measures Agreement Act of 2015 (16 U.S.C. 7401 et seq.).

**(e) Endangered Species Act**

The Secretary of Agriculture, the Secretary of the Interior, the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of the Treasury have authority to take appropriate monitoring or enforcement actions under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

**(f) Lacey Act**

The Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Homeland Security, and the Secretary of the Treasury have authority to take appropriate monitoring or enforcement actions under the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

**(g) Migratory Bird Treaty Act**

The Secretary of the Interior has authority to take appropriate monitoring or enforcement actions under the Migratory Bird Treaty Act of 1918<sup>1</sup> (16 U.S.C. 703 et seq.).

**(h) Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act**

The Secretary of State, the Secretary of the Interior, the Attorney General, and Administrator of the United States Agency for International Development have authority to take appropriate monitoring or enforcement actions under the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601 et seq.).

**(i) Wild Bird Conservation Act**

The Secretary of the Interior has authority to take appropriate monitoring or enforcement actions under the Wild Bird Conservation Act of 1992 (16 U.S.C. 4901 et seq.).

**(j) Customs seizure and other authorities**

The Secretary of Homeland Security has authority to take appropriate monitoring or enforcement actions under section 1499 of this title or section 1595a of this title.

**(k) Other relevant provisions of law**

The Interagency Environment Committee may request the heads of other Federal agencies to take appropriate monitoring or enforcement actions under other relevant provisions of law.

**(l) Rule of construction**

Nothing in this section may be construed to supersede or otherwise limit in any manner the functions or authority of the head of any Federal agency described in this section under any other provision of law.

(Pub. L. 116–113, title VIII, § 815, Jan. 29, 2020, 134 Stat. 93.)

<sup>1</sup> See References in Text note below.