

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 1918¹ (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.)

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

The Marine Mammal Protection Act of 1972, referred to in subsec. (a), is Pub. L. 92-522, Oct. 21, 1972, 86 Stat. 1027, which is classified generally to chapter 31 (§1361 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1361 of Title 16 and Tables.

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (b)(1), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 16 and Tables.

The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, referred to in subsec. (b)(2), is Pub. L. 109-479, Jan. 12, 2007, 120 Stat. 3575. For complete classification of this Act to the Code, see Short Title of 2007 Amendment note set out under section 1801 of Title 16, Conservation, and Tables.

The High Seas Driftnet Fishing Moratorium Protection Act, referred to in subsec. (b)(3), is Pub. L. 104-43, title VI, Nov. 3, 1995, 109 Stat. 391, which enacted sections 1826d to 1826g of Title 16, Conservation, and provisions set out as a note under section 1826d of Title 16. For complete classification of this Act to the Code, see Short Title of 1995 Amendment note set out under section 1801 of Title 16 and Tables.

The Shark Conservation Act of 2010, referred to in subsec. (b)(4), is Pub. L. 111-348, title I, Jan. 4, 2011, 124 Stat. 3668, which amended sections 1826i to 1826k, 1857, and 4107 of Title 16, Conservation, and enacted provisions set out as notes under sections 1826k and 1857 of Title 16. For complete classification of this Act to the Code, see Short Title of 2011 Amendment note set out under section 1801 of Title 16 and Tables.

The Shark Finning Prohibition Act, referred to in subsec. (b)(5), is Pub. L. 106-557, Dec. 21, 2000, 114 Stat. 2772, which is set out as a note under section 1822 of Title 16, Conservation. For complete classification of this Act to the Code, see Tables.

The Port State Measures Agreement Act of 2015, referred to in subsec. (d), is Pub. L. 114-81, title III, Nov. 5, 2015, 129 Stat. 664, which is classified generally to chapter 93 (§7401 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 16 and Tables.

The Endangered Species Act of 1973, referred to in subsec. (e), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

The Lacey Act Amendments of 1981, referred to in subsec. (f), is Pub. L. 97-79, Nov. 16, 1981, 95 Stat. 1073, which is classified principally to chapter 53 (§3371 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 3371 of Title 16 and Tables.

The Migratory Bird Treaty Act of 1918, referred to in subsec. (g), probably should be the Migratory Bird Treaty Act, which is act July 3, 1918, ch. 128, 40 Stat. 755, and is classified generally to subchapter II (§703 et seq.) of chapter 7 of Title 16, Conservation. For complete classification of this Act to the Code, see section 710 of Title 16 and Tables.

The Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016, referred to in subsec. (h), is Pub. L. 114-231, Oct. 7, 2016, 130 Stat. 949, which is classified principally to chapter 95 (§7601 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 7601 of Title 16 and Tables.

The Wild Bird Conservation Act of 1992, referred to in subsec. (i), is Pub. L. 102-440, title I, Oct. 23, 1992, 106 Stat. 2224, which is classified generally to chapter 69 (§4901 et seq.) of Title 16, Conservation. For complete

classification of this Act to the Code, see Short Title note set out under section 4901 of Title 16 and Tables.

§ 4716. Report to Congress**(a) In general**

The Trade Representative, in consultation with the head of any Federal agency described in this part, shall submit to the appropriate congressional committees a report on the implementation of this part, including—

- (1) a description of efforts of the USMCA countries to implement their environmental obligations; and
- (2) a description of additional efforts to be taken with respect to USMCA countries that are failing to implement their environmental obligations.

(b) Timing of report

The report required by subsection (a) shall be submitted—

- (1) not later than 1 year after the date on which the USMCA enters into force;
- (2) annually for each of the next 4 years; and
- (3) biennially thereafter.

(c) Additional matters to be included in the fifth annual report

The report required by subsection (a) that is submitted in the fifth year after the USMCA enters into force shall also include the following:

- (1) The updated assessment required by section 4712(d) of this title.
- (2) A comprehensive determination regarding USMCA countries' implementation of their environmental obligations.
- (3) An explanation of how compliance with environmental obligations will be taken into consideration during the "joint review" conducted pursuant to article 34.7.2 of the USMCA on the sixth anniversary of the entry into force of the USMCA.

(Pub. L. 116-113, title VIII, §816, Jan. 29, 2020, 134 Stat. 95.)

§ 4717. Regulations

The head of any Federal agency described in this part, in consultation with the Interagency Environment Committee, may prescribe such regulations as are necessary to carry out the authorities of the Federal agency as provided for under this part.

(Pub. L. 116-113, title VIII, §817, Jan. 29, 2020, 134 Stat. 95.)

PART B—OTHER MATTERS

§ 4731. Border water infrastructure improvement authority**(a) In general**

The Administrator of the Environmental Protection Agency shall, in coordination with eligible public entities, carry out the planning, design, construction, and operation and maintenance of high priority treatment works in the covered area to treat wastewater (including stormwater), nonpoint sources of pollution, and related matters resulting from international transboundary water flows originating in Mexico.