

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.

(b) Report to Congress

Not later than 1 year after January 29, 2020, and annually thereafter, the Administrator shall submit to Congress a report on activities carried out pursuant to this section.

(c) Definitions

In this section:

(1) Covered area

The term “covered area” means the portion of the Tijuana River watershed that is in the United States.

(2) Eligible public entities

The term “eligible public entities” means—

- (A) the United States Section of the International Boundary and Water Commission;
- (B) the Corps of Engineers;
- (C) the North American Development Bank;
- (D) the Department of State;
- (E) any other appropriate Federal agency;
- (F) the State of California; and
- (G) any of the following entities with jurisdiction over any part of the covered area:
 - (i) A local government.
 - (ii) An Indian Tribe.
 - (iii) A regional water board.
 - (iv) A public wastewater utility.

(3) Treatment works

The term “treatment works” has the meaning given that term in section 1292 of title 33. (Pub. L. 116–113, title VIII, §821, Jan. 29, 2020, 134 Stat. 95.)

§ 4732. Detail of personnel to Office of the United States Trade Representative**(a) In general**

Upon the request of the Trade Representative, the Administrator of the Environmental Protection Agency, the Director of the U.S. Fish and Wildlife Service, and the Administrator of the National Oceanic Atmospheric¹ Administration may detail, on a reimbursable basis, one employee of each such respective agency to the Office of the United States Trade Representative to be assigned to the United States Embassy in Mexico to carry out the duties described in subsection (b).

(b) Duties

The duties described in this subsection are the following:

- (1) Assist the Interagency Environment Committee to carry out monitoring and enforcement actions with respect to the environmental obligations of Mexico.
- (2) Prepare and submit to the Interagency Environment Committee on a quarterly basis a report on efforts of Mexico to comply with its environmental obligations.

(Pub. L. 116–113, title VIII, §822, Jan. 29, 2020, 134 Stat. 96.)

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