

(Pub. L. 107–296, title IV, §412, Nov. 25, 2002, 116 Stat. 2179; Pub. L. 114–125, title VIII, §802(g)(1)(B)(iii)(II), Feb. 24, 2016, 130 Stat. 211.)

#### Editorial Notes

##### REFERENCES IN TEXT

The effective date of this chapter, referred to in subsecs. (a)(1) and (b), is 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of this title.

This chapter, referred to in subsecs. (a)(1) and (b)(1), was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

The Tariff Act of 1930, referred to in subsec. (a)(2), is act June 17, 1930, ch. 497, 46 Stat. 590, which is classified generally to chapter 4 (§1202 et seq.) of Title 19, Customs Duties. For complete classification of this Act to the Code, see section 1654 of Title 19 and Tables.

The Foreign Trade Zones Act, referred to in subsec. (a)(2), is act June 18, 1934, ch. 590, 48 Stat. 998, which is classified generally to chapter 1A (§81a et seq.) of Title 19, Customs Duties. For complete classification of this Act to the Code, see Tables.

The Trade Act of 1974, referred to in subsec. (a)(2), is Pub. L. 93–618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to chapter 12 (§2101 et seq.) of Title 19, Customs Duties. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of Title 19 and Tables.

The Trade Agreements Act of 1979, referred to in subsec. (a)(2), is Pub. L. 96–39, July 26, 1979, 93 Stat. 144. For complete classification of this Act to the Code, see References in Text note set out under section 2501 of Title 19, Customs Duties, and Tables.

The North American Free Trade Area Implementation Act, referred to in subsec. (a)(2), probably means the North American Free Trade Agreement Implementation Act, Pub. L. 103–182, Dec. 8, 1993, 107 Stat. 2057. For complete classification of this Act to the Code, see Short Title note under section 3301 of Title 19, Customs Duties, and Tables.

The Uruguay Round Agreements Act, referred to in subsec. (a)(2), is Pub. L. 103–465, Dec. 8, 1994, 108 Stat. 4809. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of Title 19, Customs Duties, and Tables.

The Caribbean Basin Economic Recovery Act, referred to in subsec. (a)(2), is title II of Pub. L. 98–67, Aug. 5, 1983, 97 Stat. 384, which is classified principally to chapter 15 (§2701 et seq.) of Title 19, Customs Duties. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of Title 19 and Tables.

The Andean Trade Preference Act, referred to in subsec. (a)(2), is title II of Pub. L. 102–182, Dec. 4, 1991, 105 Stat. 1236, which is classified generally to chapter 20 (§3201 et seq.) of Title 19, Customs Duties. For complete classification of this Act to the Code, see Short Title note set out under section 3201 of Title 19 and Tables.

The African Growth and Opportunity Act, referred to in subsec. (a)(2), is title I of Pub. L. 106–200, May 18, 2000, 114 Stat. 252, which is classified principally to chapter 23 (§3701 et seq.) of Title 19, Customs Duties. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 19 and Tables.

##### AMENDMENTS

2016—Subsec. (b). Pub. L. 114–125 substituted “U.S. Customs and Border Protection” for “the United States Customs Service” in pars. (1) and (2).

#### § 213. Preservation of Customs funds

Notwithstanding any other provision of this chapter, no funds collected under paragraphs (1)

through (8) of section 58c(a) of title 19 may be transferred for use by any other agency or office in the Department.

(Pub. L. 107–296, title IV, §413, Nov. 25, 2002, 116 Stat. 2180; Pub. L. 114–125, title VIII, §802(g)(1)(B)(iii)(III), Feb. 24, 2016, 130 Stat. 211.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

##### AMENDMENTS

2016—Pub. L. 114–125 struck out “available to the United States Customs Service or” after “no funds”.

#### § 214. Separate budget request for Customs

The President shall include in each budget transmitted to Congress under section 1105 of title 31 a separate budget request for U.S. Customs and Border Protection.

(Pub. L. 107–296, title IV, §414, Nov. 25, 2002, 116 Stat. 2180; Pub. L. 114–125, title VIII, §802(g)(1)(B)(iii)(IV), Feb. 24, 2016, 130 Stat. 211.)

#### Editorial Notes

##### AMENDMENTS

2016—Pub. L. 114–125 substituted “U.S. Customs and Border Protection” for “the United States Customs Service”.

#### Statutory Notes and Related Subsidiaries

##### LAND BORDER PROJECTS

Pub. L. 112–74, div. D, title II, Dec. 23, 2011, 125 Stat. 949, provided in part: “That for fiscal year 2012 and thereafter, the annual budget submission of U.S. Customs and Border Protection for ‘Construction and Facilities Management’ shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 111–83, title II, Oct. 28, 2009, 123 Stat. 2148.

Pub. L. 110–329, div. D, title II, Sept. 30, 2008, 122 Stat. 3658.

#### § 215. Definition

In this part, the term “customs revenue function” means the following:

(1) Assessing and collecting customs duties (including antidumping and countervailing duties and duties imposed under safeguard provisions), excise taxes, fees, and penalties due on imported merchandise, including classifying and valuing merchandise for purposes of such assessment.

(2) Processing and denial of entry of persons, baggage, cargo, and mail, with respect to the assessment and collection of import duties.

(3) Detecting and apprehending persons engaged in fraudulent practices designed to circumvent the customs laws of the United States.

(4) Enforcing section 1337 of title 19 and provisions relating to import quotas and the marking of imported merchandise, and providing Customs Recordations for copyrights, patents, and trademarks.

(5) Collecting accurate import data for compilation of international trade statistics.

(6) Enforcing reciprocal trade agreements.

(7) Functions performed by the following personnel, and associated support staff, of the United States Customs Service on the day before the effective date of this chapter, and of U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act: Import Specialists, Entry Specialists, Drawback Specialists, National Import Specialist, Fines and Penalties Specialists, attorneys of the Office of Regulations and Rulings, Customs Auditors, International Trade Specialists, Financial Systems Specialists.

(8) Functions performed by the following offices, with respect to any function described in any of paragraphs (1) through (7), and associated support staff, of the United States Customs Service on the day before the effective date of this chapter, and of U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act: the Office of Information and Technology, the Office of Laboratory Services, the Office of the Chief Counsel, the Office of Congressional Affairs, the Office of International Affairs, and the Office of Training and Development.

(Pub. L. 107-296, title IV, §415, Nov. 25, 2002, 116 Stat. 2180; Pub. L. 114-125, title VIII, §802(g)(1)(B)(iii)(V), Feb. 24, 2016, 130 Stat. 211.)

#### Editorial Notes

##### REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§411-419) of title IV of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2178, which enacted this part, amended section 5314 of Title 5, Government Organization and Employees, section 58c of Title 19, Customs Duties, and provisions set out as a note under section 2075 of Title 19. For complete classification of subtitle B to the Code, see Tables.

The effective date of this chapter, referred to in pars. (7) and (8), is 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of this title.

The effective date of the U.S. Customs and Border Protection Authorization Act, referred to in pars. (7) and (8), is the effective date of title VIII of Pub. L. 114-125, which is Feb. 24, 2016.

##### AMENDMENTS

2016—Pars. (7), (8). Pub. L. 114-125 inserted “, and of U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act” before the colon.

### § 216. Protection against potential synthetic opioid exposure

#### (a) In general

The Commissioner of U.S. Customs and Border Protection shall issue a policy that specifies effective protocols and procedures for the safe handling of potential synthetic opioids, includ-

ing fentanyl, by U.S. Customs and Border Protection officers, agents, other personnel, and canines, and to reduce the risk of injury or death resulting from accidental exposure and enhance post-exposure management.

#### (b) Training

##### (1) In general

Together with the issuance of the policy described in subsection (a), the Commissioner of U.S. Customs and Border Protection shall require mandatory and recurrent training on the following:

(A) The potential risk of opioid exposure and safe handling procedures for potential synthetic opioids, including precautionary measures such as the use of personal protective equipment during such handling.

(B) How to access and administer opioid receptor antagonists, including naloxone, post-exposure to potential synthetic opioids.

(C) How to use containment devices to prevent potential synthetic opioid exposure.

##### (2) Integration

The training described in paragraph (1) may be integrated into existing training under section 211(f) of this title for U.S. Customs and Border Protection officers, agents, and other personnel.

#### (c) Personal protective equipment, containment devices, and opioid receptor antagonists

Together with the issuance of the policy described in subsection (a), the Commissioner of U.S. Customs and Border Protection shall ensure the availability of personal protective equipment, opioid receptor antagonists, including naloxone, and containment devices, to all U.S. Customs and Border Protection officers, agents, other personnel, and canines at risk of accidental exposure to synthetic opioids.

#### (d) Oversight

To ensure effectiveness of the policy described in subsection (a)—

(1) the Commissioner of U.S. Customs and Border Protection shall regularly monitor the efficacy of the implementation of such policy and adjust protocols and procedures, as necessary; and

(2) the Inspector General of the Department shall audit compliance with the requirements of this section not less than once during the 3-year period after December 27, 2020.

(Pub. L. 107-296, title IV, §416, as added Pub. L. 116-260, div. U, title III, §302(a), Dec. 27, 2020, 134 Stat. 2291; amended Pub. L. 117-263, div. G, title LXXI, §7135(a), (b), Dec. 23, 2022, 136 Stat. 3650.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 216 of this title, Pub. L. 107-296, title IV, §416, Nov. 25, 2002, 116 Stat. 2181, related to GAO report to Congress, prior to repeal by Pub. L. 114-125, title VIII, §802(f), Feb. 24, 2016, 130 Stat. 210.

##### AMENDMENTS

2022—Subsec. (b)(1)(C). Pub. L. 117-263, §7135(a), added subpar. (C).

Subsec. (c). Pub. L. 117-263, §7135(b), inserted “, containment devices,” after “equipment” in heading