

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS

Pub. L. 107-210, div. A, title III, § 334, Aug. 6, 2002, 116 Stat. 977, required the Commissioner of Customs, not later than Sept. 30, 2003, to establish and implement a cost accounting system with specified requirements for expenses incurred in both commercial and noncommercial operations of the Customs Service and report to Congress on a quarterly basis between Aug. 6, 2002, and the date on which the cost accounting system was fully implemented.

§ 2083. Annual national trade and customs law violation estimates and enforcement strategy

(a) Violation estimates

Not later than 30 days before the beginning of each fiscal year after fiscal year 1991, the Commissioner of Customs¹ shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the “Committees”) a report that contains estimates of—

- (1) the number and extent of violations of the trade, customs, and illegal drug control laws listed under subsection (b) that will likely occur during the fiscal year; and
- (2) the relative incidence of the violations estimated under paragraph (1) among the various ports of entry and customs regions within the customs territory.

(b) Applicable statutory provisions

The Commissioner of Customs,¹ after consultation with the Committees—

- (1) shall, within 60 days after August 20, 1990, prepare a list of those provisions of the trade, customs, and illegal drug control laws of the United States for which the United States Customs Service has enforcement responsibility and to which the reports required under subsection (a) will apply; and
- (2) may from time-to-time amend the listing developed under paragraph (1).

(c) Enforcement strategy

Within 90 days after submitting a report under subsection (a) for any fiscal year, the Commissioner of Customs¹ shall—

- (1) develop a nationally uniform enforcement strategy for dealing during that year with the violations estimated in the report; and
- (2) submit to the Committees a report setting forth the details of the strategy.

¹ See Change of Name note below.

(d) Compliance program

The Commissioner of Customs¹ shall—

- (1) devise and implement a methodology for estimating the level of compliance with the laws administered by the Customs Service; and
- (2) include as an additional part of the report required to be submitted under subsection (a) for each of fiscal years 1994, 1995, and 1996, an evaluation of the extent to which such compliance was obtained during the 12-month period preceding the 60th day before each such fiscal year.

(e) Confidentiality

The contents of any report submitted to the Committees under subsection (a) or (c)(2) are confidential and disclosure of all or part of the contents is restricted to—

- (1) officers and employees of the United States designated by the Commissioner of Customs;¹
- (2) the chairman of each of the Committees; and
- (3) those members of each of the Committees and staff persons of each of the Committees who are authorized by the chairman thereof to have access to the contents.

(Pub. L. 101-382, title I, § 123, Aug. 20, 1990, 104 Stat. 642; Pub. L. 103-182, title VI, § 691(c), Dec. 8, 1993, 107 Stat. 2224; Pub. L. 114-125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

Editorial Notes

AMENDMENTS

1993—Subsecs. (d), (e). Pub. L. 103-182 added subsec. (d) and redesignated former subsec. (d) as (e).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to Commissioner of Customs deemed to be reference to Commissioner of U.S. Customs and Border Protection pursuant to section 802(d)(2) of Pub. L. 114-125, set out as a note under section 211 of Title 6, Domestic Security.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

§ 2084. Office of Trade

(a) In general

There is established in U.S. Customs and Border Protection an Office of Trade.

(b) Executive Assistant Commissioner

There shall be at the head of the Office of Trade an Executive Assistant Commissioner,

who shall report to the Commissioner of U.S. Customs and Border Protection.

(c) Duties

The Office of Trade shall—

(1) direct the development and implementation, pursuant to the customs and trade laws of the United States, of policies and regulations administered by U.S. Customs and Border Protection;

(2) advise the Commissioner of U.S. Customs and Border Protection with respect to the impact on trade facilitation and trade enforcement of any policy or regulation otherwise proposed or administered by U.S. Customs and Border Protection;

(3) coordinate with the Executive Assistant Commissioner for the Office of Field Operations with respect to the trade facilitation and trade enforcement activities of U.S. Customs and Border Protection;

(4) direct the development and implementation of matters relating to the priority trade issues identified by the Commissioner of U.S. Customs and Border Protection in the joint strategic plan for trade facilitation and trade enforcement required under section 4314 of this title;

(5) otherwise advise the Commissioner of U.S. Customs and Border Protection with respect to the development and implementation of the joint strategic plan;

(6) direct the trade enforcement activities of U.S. Customs and Border Protection;

(7) oversee the trade modernization activities of U.S. Customs and Border Protection, including the development and implementation of the Automated Commercial Environment computer system authorized under section 58c(f)(4) of this title and support for the establishment of the International Trade Data System under the oversight of the Department of the Treasury pursuant to section 1411(d) of this title;

(8) direct the administration of customs revenue functions as otherwise provided by law or delegated by the Commissioner of U.S. Customs and Border Protection; and

(9) prepare an annual report to be submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than June 1, 2016, and March 1 of each calendar year thereafter that includes—

(A) a summary of the changes to customs policies and regulations adopted by U.S. Customs and Border Protection during the preceding calendar year; and

(B) a description of the public vetting and interagency consultation that occurred with respect to each such change.

(d) Transfer of assets, functions, personnel, or liabilities; elimination of offices

(1) Office of International Trade

(A) Transfer

Not later than 30 days after February 24, 2016, the Commissioner of U.S. Customs and Border Protection shall transfer the assets, functions, personnel, and liabilities of the

Office of International Trade to the Office of Trade established under subsection (b).¹

(B) Elimination

Not later than 30 days after February 24, 2016, the Office of International Trade shall be abolished.

(C) Limitation on funds

No funds appropriated to U.S. Customs and Border Protection or the Department of Homeland Security may be used to transfer the assets, functions, personnel, or liabilities of the Office of International Trade to an office other than the Office of Trade established under subsection (a), unless the Commissioner of U.S. Customs and Border Protection notifies the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the specific assets, functions, personnel, or liabilities to be transferred, and the reason for the transfer, not less than 90 days prior to the transfer of such assets, functions, personnel, or liabilities.

(D) Office of International Trade defined

In this paragraph, the term “Office of International Trade” means the Office of International Trade established by section 2072 of this title and as in effect on the day before February 24, 2016.

(2) Other transfers

(A) In general

The Commissioner of U.S. Customs and Border Protection is authorized to transfer any other assets, functions, or personnel within U.S. Customs and Border Protection to the Office of Trade established under subsection (a).

(B) Congressional notification

Not less than 90 days prior to the transfer of assets, functions, personnel, or liabilities under subparagraph (A), the Commissioner of U.S. Customs and Border Protection shall notify the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the specific assets, functions, personnel, or liabilities to be transferred, and the reason for such transfer.

(e) Definitions

In this section, the terms “customs and trade laws of the United States”, “trade enforcement”, and “trade facilitation” have the meanings given such terms in section 4301 of this title.

(Mar. 3, 1927, ch. 348, § 4, as added Pub. L. 114-125, title VIII, §802(h)(1), Feb. 24, 2016, 130 Stat. 213.)

Editorial Notes

PRIOR PROVISIONS

A prior section 4 of act March 3, 1927, was classified to section 281c of Title 5 prior to the general revision

¹ So in original. Probably should be “subsection (a).”

and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378. Subsection (a) of section 4 was transferred to section 163 of Title 21, Food and Drugs, prior to the omission of section 163 from the Code on the authority of Reorg. Plan No. 1 of 1968, eff. Apr. 8, 1968, 33 F.R. 5611, 82 Stat. 1367, set out in the Appendix to Title 5.

Statutory Notes and Related Subsidiaries

CONTINUATION IN OFFICE

Pub. L. 114-125, title VIII, §802(h)(2), Feb. 24, 2016, 130 Stat. 215, provided that: “The individual serving as the Assistant Commissioner of the Office of International Trade on the day before the date of the enactment of this Act [Feb. 24, 2016] may serve as the Executive Assistant Commissioner of Trade on and after such date of enactment, at the discretion of the Commissioner of U.S. Customs and Border Protection.”

CHAPTER 11—IMPORTATION OF PRE-COLUMBIAN MONUMENTAL OR ARCHITECTURAL SCULPTURE OR MURALS

Sec.	
2091.	List of stone carvings and wall art; promulgation and revision; criteria for classification.
2092.	Export certification requirement.
2093.	Forfeiture of unlawful imports.
2094.	Rules and regulations.
2095.	Definitions.

§ 2091. List of stone carvings and wall art; promulgation and revision; criteria for classification

The Secretary, after consultation with the Secretary of State, by regulation shall promulgate, and thereafter when appropriate shall revise, a list of stone carvings and wall art which are pre-Columbian monumental or architectural sculpture or murals within the meaning of paragraph (3) of section 2095 of this title. Such stone carvings and wall art may be listed by type or other classification deemed appropriate by the Secretary.

(Pub. L. 92-587, title II, §201, Oct. 27, 1972, 86 Stat. 1297.)

§ 2092. Export certification requirement

(a) Issuance by country of export

No pre-Columbian monumental or architectural sculpture or mural which is exported (whether or not such exportation is to the United States) from the country of origin after the effective date of the regulation listing such sculpture or mural pursuant to section 2091 of this title may be imported into the United States unless the government of the country of origin of such sculpture or mural issues a certificate, in a form acceptable to the Secretary, which certifies that such exportation was not in violation of the laws of that country.

(b) Procedure when certificate lacking

If the consignee of any pre-Columbian monumental or architectural sculpture or mural is unable to present to the customs officer concerned at the time of making entry of such sculpture or mural—

(1) the certificate of the government of the country of origin required under subsection (a) of this section;

(2) satisfactory evidence that such sculpture or mural was exported from the country of ori-

gin on or before the effective date of the regulation listing such sculpture or mural pursuant to section 2091 of this title; or

(3) satisfactory evidence that such sculpture or mural is not covered by the list promulgated under section 2091 of this title;

the customs officer concerned shall take the sculpture or mural into customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until such certificate or evidence is filed with such officer. If such certificate or evidence is not presented within the 90-day period after the date on which such sculpture or mural is taken into customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the importation of such sculpture or mural into the United States is in violation of this chapter.

(Pub. L. 92-587, title II, §202, Oct. 27, 1972, 86 Stat. 1297.)

Editorial Notes

CODIFICATION

References to section 202 of Pub. L. 92-587 in the original were translated as section 2091 of this title in the classification of Pub. L. 92-587 as the probable intent of Congress.

§ 2093. Forfeiture of unlawful imports

(a) Seizure

Any pre-Columbian monumental or architectural sculpture or mural imported into the United States in violation of this chapter shall be seized and subject to forfeiture under the customs laws.

(b) Disposition of articles

Any pre-Columbian monumental or architectural sculpture or mural which is forfeited to the United States shall—

(1) first be offered for return to the country of origin and shall be returned if that country bears all expenses incurred incident to such return and complies with such other requirements relating to the return as the Secretary shall prescribe; or

(2) if not returned to the country of origin, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

(Pub. L. 92-587, title II, §203, Oct. 27, 1972, 86 Stat. 1297.)

§ 2094. Rules and regulations

The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter.

(Pub. L. 92-587, title II, §204, Oct. 27, 1972, 86 Stat. 1297.)

§ 2095. Definitions

For the purposes of this chapter—

(1) The term “Secretary” means the Secretary of the Treasury.

(2) The term “United States” includes the several States, the District of Columbia, and the Commonwealth of Puerto Rico.