

(4) assesses the effectiveness of each such partnership program in advancing the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, based on historical developments, the level of participation in the program, and the evolution of benefits provided to participants in the program;

(5) summarizes the efforts of U.S. Customs and Border Protection to work with other Federal agencies with authority to detain and release merchandise entering the United States to ensure that partnership programs of those agencies are compatible with partnership programs of U.S. Customs and Border Protection;

(6) summarizes criteria developed with those agencies for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States;

(7) summarizes the efforts of U.S. Customs and Border Protection to work with private sector entities and the public to develop and improve such partnership programs;

(8) describes measures taken by U.S. Customs and Border Protection to make private sector entities aware of the trade benefits available to participants in such partnership programs; and

(9) summarizes the plans, targets, and goals of U.S. Customs and Border Protection with respect to such partnership programs for the 2 years following the submission of the report.

(Pub. L. 114–125, title I, §101, Feb. 24, 2016, 130 Stat. 127.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Security and Accountability for Every Port Act of 2006, referred to in subsec. (a), is Pub. L. 109–347, Oct. 13, 2006, 120 Stat. 1884, also known as the SAFE Port Act. Subtitle B of title II of the Act is classified generally to part B (§961 et seq.) of subchapter II of chapter 3 of Title 6, Domestic Security. For complete classification of this Act to the Code, see Short Title note set out under section 901 of Title 6 and Tables.

#### § 4312. Priorities and performance standards for customs modernization, trade facilitation, and trade enforcement functions and programs

##### (a) Priorities and performance standards

###### (1) In general

The Commissioner, in consultation with the appropriate congressional committees, shall establish priorities and performance standards to measure the development and levels of achievement of the customs modernization, trade facilitation, and trade enforcement functions and programs described in subsection (b).

###### (2) Minimum priorities and standards

Such priorities and performance standards shall, at a minimum, include priorities and standards relating to efficiency, outcome, output, and other types of applicable measures.

##### (b) Functions and programs described

The functions and programs referred to in subsection (a) are the following:

(1) The Automated Commercial Environment.

(2) Each of the priority trade issues described in section 4322 of this title.

(3) The Centers of Excellence and Expertise described in section 4317 of this title.

(4) Drawback for exported merchandise under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313), as amended by section 906 of this Act.

(5) Transactions relating to imported merchandise in bond.

(6) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and anti-dumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(7) The expedited clearance of cargo.

(8) The issuance of regulations and rulings.

(9) The issuance of Regulatory Audit Reports.

##### (c) Consultations and notification

###### (1) Consultations

The consultations required by subsection (a)(1) shall occur, at a minimum, on an annual basis.

###### (2) Notification

The Commissioner shall notify the appropriate congressional committees of any changes to the priorities or performance standards referred to in subsection (a) not later than 30 days before such changes are to take effect.

(Pub. L. 114–125, title I, §103, Feb. 24, 2016, 130 Stat. 129.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Tariff Act of 1930, referred to in subsec. (b)(4), (6), is act June 17, 1930, ch. 497, 46 Stat. 590. Section 313 of the Tariff Act of 1930, as amended by section 906 of this Act, is section 1313 of this title, as amended by section 906 of Pub. L. 114–125. Subtitles A and B of title VII of the Act are classified generally to parts I (§1671 et seq.) and II (§1673 et seq.), respectively, of subtitle IV of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

#### § 4313. Educational seminars to improve efforts to classify and appraise imported articles, to improve trade enforcement efforts, and to otherwise facilitate legitimate international trade

##### (a) Establishment

The Commissioner and the Director shall establish and carry out on a fiscal year basis educational seminars to—

(1) improve the ability of personnel of U.S. Customs and Border Protection to classify and appraise articles imported into the United States in accordance with the customs and trade laws of the United States;

(2) improve the trade enforcement efforts of personnel of U.S. Customs and Border Protection and personnel of U.S. Immigration and Customs Enforcement; and

(3) otherwise improve the ability and effectiveness of personnel of U.S. Customs and Border Protection and personnel of U.S. Immigration and Customs Enforcement to facilitate legitimate international trade.

**(b) Content**

**(1) Classifying and appraising imported articles**

In carrying out subsection (a)(1), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar carried out under this section to personnel of U.S. Customs and Border Protection and, as appropriate, to personnel of U.S. Immigration and Customs Enforcement on the following:

(A) Conducting a physical inspection of an article imported into the United States, including testing of samples of the article, to determine if the article is mislabeled in the manifest or other accompanying documentation.

(B) Reviewing the manifest and other accompanying documentation of an article imported into the United States to determine if the country of origin of the article listed in the manifest or other accompanying documentation is accurate.

(C) Customs valuation.

(D) Industry supply chains and other related matters as determined to be appropriate by the Commissioner.

**(2) Trade enforcement efforts**

In carrying out subsection (a)(2), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar carried out under this section to personnel of U.S. Customs and Border Protection and, as appropriate, to personnel of U.S. Immigration and Customs Enforcement to identify opportunities to enhance enforcement of the following:

(A) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(B) Addressing evasion of duties on imports of textiles.

(C) Protection of intellectual property rights.

(D) Enforcement of child labor laws.

**(3) Approval of Commissioner and Director**

The instruction and related instructional materials at each educational seminar carried out under this section shall be subject to the approval of the Commissioner and the Director.

**(c) Selection process**

**(1) In general**

The Commissioner shall establish a process to solicit, evaluate, and select interested parties in the private sector for purposes of as-

sisting in providing instruction and related instructional materials described in subsection (b) at each educational seminar carried out under this section.

**(2) Criteria**

The Commissioner shall evaluate and select interested parties in the private sector under the process established under paragraph (1) based on—

(A) availability and usefulness;

(B) the volume, value, and incidence of mislabeling or misidentification of origin of imported articles; and

(C) other appropriate criteria established by the Commissioner.

**(3) Public availability**

The Commissioner and the Director shall publish in the Federal Register a detailed description of the process established under paragraph (1) and the criteria established under paragraph (2).

**(d) Special rule for antidumping and countervailing duty orders**

**(1) In general**

The Commissioner shall give due consideration to carrying out an educational seminar under this section in whole or in part to improve the ability of personnel of U.S. Customs and Border Protection to enforce a countervailing or antidumping duty order issued under section 706 or 736 of the Tariff Act of 1930 (19 U.S.C. 1671e or 1673e) upon the request of a petitioner in an action underlying such countervailing or antidumping duty order.

**(2) Interested party**

A petitioner described in paragraph (1) shall be treated as an interested party in the private sector for purposes of the requirements of this section.

**(e) Performance standards**

The Commissioner and the Director shall establish performance standards to measure the development and level of achievement of educational seminars carried out under this section.

**(f) Reporting**

Not later than September 30, 2016, and annually thereafter, the Commissioner and the Director shall submit to the appropriate congressional committees a report on the effectiveness of educational seminars carried out under this section.

**(g) Definitions**

In this section:

**(1) Director**

The term “Director” means the Director of U.S. Immigration and Customs Enforcement.

**(2) United States**

The term “United States” means the customs territory of the United States, as defined in General Note 2 to the Harmonized Tariff Schedule of the United States.

**(3) U.S. Customs and Border Protection personnel**

The term “U.S. Customs and Border Protection personnel” means import specialists,

auditors, and other appropriate employees of the U.S. Customs and Border Protection.

**(4) U.S. Immigration and Customs Enforcement personnel**

The term “U.S. Immigration and Customs Enforcement personnel” means Homeland Security Investigations Directorate personnel and other appropriate employees of U.S. Immigration and Customs Enforcement.

(Pub. L. 114–125, title I, § 104, Feb. 24, 2016, 130 Stat. 130.)

**Editorial Notes**

REFERENCES IN TEXT

The Tariff Act of 1930, referred to in subsec. (b)(2)(A), is act June 17, 1930, ch. 497, 46 Stat. 590. Subtitles A and B of title VII of the Act are classified generally to parts I (§671 et seq.) and II (§1673 et seq.), respectively, of subtitle IV of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

The Harmonized Tariff Schedule of the United States, referred to in subsec. (g)(2), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

**§ 4314. Joint strategic plan**

**(a) In general**

Not later than one year after February 24, 2016, and every 2 years thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly develop and submit to the appropriate congressional committees a joint strategic plan.

**(b) Contents**

The joint strategic plan required under this section shall be comprised of a comprehensive multiyear plan for trade enforcement and trade facilitation, and shall include—

(1) a summary of actions taken during the 2-year period preceding the submission of the plan to improve trade enforcement and trade facilitation, including a description and analysis of specific performance measures to evaluate the progress of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in meeting each such responsibility;

(2) a statement of objectives and plans for further improving trade enforcement and trade facilitation;

(3) a specific identification of the priority trade issues described in section 4322 of this title that can be addressed in order to enhance trade enforcement and trade facilitation, and a description of strategies and plans for addressing each such issue, including—

(A) a description of the targeting methodologies used for enforcement activities with respect to each such issue;

(B) recommendations for improving such enforcement activities; and

(C) a description of the implementation of previous recommendations for improving such enforcement activities;

(4) a description of efforts made to improve consultation and coordination among and within Federal agencies, and in particular be-

tween U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, regarding trade enforcement and trade facilitation;

(5) a description of the training that has occurred to date within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve trade enforcement and trade facilitation, including training at educational seminars carried out under section 4313 of this title;

(6) a description of efforts to work with the World Customs Organization and other international organizations, in consultation with other Federal agencies as appropriate, with respect to enhancing trade enforcement and trade facilitation;

(7) a description of U.S. Custom<sup>1</sup> and Border Protection organizational benchmarks for optimizing staffing and wait times at ports of entry;

(8) a specific identification of any domestic or international best practices that may further improve trade enforcement and trade facilitation;

(9) any legislative recommendations to further improve trade enforcement and trade facilitation; and

(10) a description of efforts made to improve consultation and coordination with the private sector to enhance trade enforcement and trade facilitation.

**(c) Consultations**

**(1) In general**

In developing the joint strategic plan required under this section, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall consult with—

(A) appropriate officials from relevant Federal agencies, including—

(i) the Department of the Treasury;

(ii) the Department of Agriculture;

(iii) the Department of Commerce;

(iv) the Department of Justice;

(v) the Department of the Interior;

(vi) the Department of Health and Human Services;

(vii) the Food and Drug Administration;

(viii) the Consumer Product Safety Commission; and

(ix) the Office of the United States Trade Representative; and

(B) the Commercial Customs Operations Advisory Committee established by section 4316 of this title.

**(2) Other consultations**

In developing the joint strategic plan required under this section, the Commissioner and the Director shall seek to consult with—

(A) appropriate officials from relevant foreign law enforcement agencies and international organizations, including the World Customs Organization; and

(B) interested parties in the private sector.

**(d) Form of plan**

The joint strategic plan required under this section shall be submitted in unclassified form, but may include a classified annex.

<sup>1</sup> So in original. Probably should be “Customs”.