

(Pub. L. 114–125, title I, § 105, Feb. 24, 2016, 130 Stat. 132.)

§ 4315. Consultations with respect to mutual recognition arrangements

(a) Consultations

The Secretary of Homeland Security, with respect to any proposed mutual recognition arrangement or similar agreement between the United States and a foreign government providing for mutual recognition of supply chain security programs and customs revenue functions, shall consult with the appropriate congressional committees—

(1) not later than 30 days before initiating negotiations to enter into any such arrangement or similar agreement; and

(2) not later than 30 days before entering into any such arrangement or similar agreement.

(b) Negotiating objective

It shall be a negotiating objective of the United States in any negotiation for a mutual recognition arrangement or similar agreement with a foreign country on partnership programs, such as the Customs–Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), to seek to ensure the compatibility of the partnership programs of that country with the partnership programs of U.S. Customs and Border Protection to enhance security, trade facilitation, and trade enforcement.

(Pub. L. 114–125, title I, § 108, Feb. 24, 2016, 130 Stat. 135.)

Editorial Notes

REFERENCES IN TEXT

The Security and Accountability for Every Port Act of 2006, referred to in subsec. (b), 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.

§ 4316. Commercial Customs Operations Advisory Committee

(a) Establishment

Not later than the date that is 60 days after February 24, 2016, the Secretary of the Treasury and the Secretary of Homeland Security shall jointly establish a Commercial Customs Operations Advisory Committee (in this section referred to as the “Advisory Committee”).

(b) Membership

(1) In general

The Advisory Committee shall be comprised of—

(A) 20 individuals appointed under paragraph (2);

(B) the Assistant Secretary for Tax Policy of the Department of the Treasury and the Commissioner, who shall jointly co-chair meetings of the Advisory Committee; and

(C) the Assistant Secretary for Policy and the Director of U.S. Immigration and Customs Enforcement, who shall serve as deputy co-chairs of meetings of the Advisory Committee.

(2) Appointment

(A) In general

The Secretary of the Treasury and the Secretary of Homeland Security shall jointly appoint 20 individuals from the private sector to the Advisory Committee.

(B) Requirements

In making appointments under subparagraph (A), the Secretary of the Treasury and the Secretary of Homeland Security shall appoint members—

(i) to ensure that the membership of the Advisory Committee is representative of the individuals and firms affected by the commercial operations of U.S. Customs and Border Protection; and

(ii) without regard to political affiliation.

(C) Terms

Each individual appointed to the Advisory Committee under this paragraph shall be appointed for a term of not more than 3 years, and may be reappointed to subsequent terms, but may not serve more than 2 terms sequentially.

(3) Transfer of membership

The Secretary of the Treasury and the Secretary of Homeland Security may transfer members serving on the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note)¹ on the day before February 24, 2016, to the Advisory Committee established under subsection (a).

(c) Duties

The Advisory Committee established under subsection (a) shall—

(1) advise the Secretary of the Treasury and the Secretary of Homeland Security on all matters involving the commercial operations of U.S. Customs and Border Protection, including advising with respect to significant changes that are proposed with respect to regulations, policies, or practices of U.S. Customs and Border Protection;

(2) provide recommendations to the Secretary of the Treasury and the Secretary of Homeland Security on improvements to the commercial operations of U.S. Customs and Border Protection;

(3) collaborate in developing the agenda for Advisory Committee meetings; and

(4) perform such other functions relating to the commercial operations of U.S. Customs and Border Protection as prescribed by law or as the Secretary of the Treasury and the Secretary of Homeland Security jointly direct.

(d) Meetings

Notwithstanding section 1009(f) of title 5, the Advisory Committee shall meet at the call of

¹ See References in Text note below.

the Secretary of the Treasury and the Secretary of Homeland Security, or at the call of not less than $\frac{2}{3}$ of the membership of the Advisory Committee. The Advisory Committee shall meet at least 4 times each calendar year.

(e) Annual report

Not later than December 31, 2016, and annually thereafter, the Advisory Committee shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

- (1) describes the activities of the Advisory Committee during the preceding fiscal year; and
- (2) sets forth any recommendations of the Advisory Committee regarding the commercial operations of U.S. Customs and Border Protection.

(f) Termination

Section 1013(a) of title 5 shall not apply to the Advisory Committee.

(g) Conforming amendment

(1) Omitted

(2) Reference

Any reference in law to the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) made on or after the date on which the Advisory Committee is established under subsection (a), shall be deemed a reference to the Commercial Customs Operations Advisory Committee established under subsection (a).

(Pub. L. 114–125, title I, § 109, Feb. 24, 2016, 130 Stat. 136; Pub. L. 117–286, § 4(a)(143), Dec. 27, 2022, 136 Stat. 4321.)

Editorial Notes

REFERENCES IN TEXT

Section 9503(c) of the Omnibus Budget Reconciliation Act of 1987, referred to in subsecs. (b)(3) and (g)(2), is section 9503(c) of title IX of Pub. L. 100–203, which was set out as a note under section 2071 of this title, prior to repeal by Pub. L. 114–125, title I, § 109(g)(1), Feb. 24, 2016, 130 Stat. 137. See Codification note below.

CODIFICATION

Section is comprised of section 109 of Pub. L. 114–125. Subsec. (g)(1) of section 109 of Pub. L. 114–125 repealed section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100–203), formerly set out as a note under section 2071 of this title, effective on the date on which the Advisory Committee was established under subsection (a) of this section. Notice of the establishment of the Advisory Committee on Mar. 29, 2016, was published at 81 F.R. 18865.

AMENDMENTS

2022—Subsec. (d). Pub. L. 117–286, § 4(a)(143)(A), substituted “section 1009(f) of title 5,” for “section 10(f) of the Federal Advisory Committee Act (5 U.S.C. App.).”

Subsec. (f). Pub. L. 117–286, § 4(a)(143)(B), substituted “Section 1013(a) of title 5” for “Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees)”.

§ 4317. Centers of Excellence and Expertise

(a) In general

The Commissioner shall, in consultation with the appropriate congressional committees and

the Commercial Customs Operations Advisory Committee established under section 4316 of this title, develop and implement Centers of Excellence and Expertise throughout U.S. Customs and Border Protection that—

(1) enhance the economic competitiveness of the United States by consistently enforcing the laws and regulations of the United States at all ports of entry of the United States and by facilitating the flow of legitimate trade through increasing industry-based knowledge;

(2) improve enforcement efforts, including enforcement of priority trade issues described in section 4322 of this title, in specific industry sectors through the application of targeting information from the National Targeting Center under section 4318 of this title and from other means of verification;

(3) build upon the expertise of U.S. Customs and Border Protection in particular industry operations, supply chains, and compliance requirements;

(4) promote the uniform implementation at each port of entry of the United States of policies and regulations relating to imports;

(5) centralize the trade enforcement and trade facilitation efforts of U.S. Customs and Border Protection;

(6) formalize an account-based approach to apply, as the Commissioner determines appropriate, to the importation of merchandise into the United States;

(7) foster partnerships through the expansion of trade programs and other trusted partner programs;

(8) develop applicable performance measurements to meet internal efficiency and effectiveness goals; and

(9) whenever feasible, facilitate a more efficient flow of information between Federal agencies.

(b) Report

Not later than December 31, 2016, the Commissioner shall submit to the appropriate congressional committees a report describing—

(1) the scope, functions, and structure of each Center of Excellence and Expertise developed and implemented under subsection (a);

(2) the effectiveness of each such Center of Excellence and Expertise in improving enforcement efforts, including enforcement of priority trade issues described in section 4322 of this title, and facilitating legitimate trade;

(3) the quantitative and qualitative benefits of each such Center of Excellence and Expertise to the trade community, including through fostering partnerships through the expansion of trade programs such as the Importer Self Assessment program and other trusted partner programs;

(4) all applicable performance measurements with respect to each such Center of Excellence and Expertise, including performance measures with respect to meeting internal efficiency and effectiveness goals;

(5) the performance of each such Center of Excellence and Expertise in increasing the accuracy and completeness of data with respect to international trade and facilitating a more efficient flow of information between Federal agencies; and