

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 L. 114–125 repealed section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (Pub.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

(6) any planned changes in the number, scope, functions, or any other aspect of the Centers of Excellence and Expertise developed and implemented under subsection (a).

(Pub. L. 114–125, title I, § 110, Feb. 24, 2016, 130 Stat. 138.)

**§ 4318. Commercial risk assessment targeting and trade alerts**

**(a) Commercial risk assessment targeting**

In carrying out its duties under section 211(g)(4) of title 6, the National Targeting Center, in coordination with the Office of Trade established under section 2084 of this title, as appropriate, shall—

(1) establish targeted risk assessment methodologies and standards—

(A) for evaluating the risk that cargo destined for the United States may violate the customs and trade laws of the United States, particularly those laws applicable to merchandise subject to the priority trade issues described in section 4322 of this title; and

(B) for issuing, as appropriate, Trade Alerts described in subsection (b);

(2) to the extent practicable and otherwise authorized by law, use, to administer the methodologies and standards established under paragraph (1)—

(A) publicly available information;

(B) information available from the Automated Commercial System, the Automated Commercial Environment, the Automated Targeting System, the Automated Export System, the International Trade Data System established under section 1411(d) of this title, the TECS (formerly known as the “Treasury Enforcement Communications System”), the case management system of U.S. Immigration and Customs Enforcement, and any successor systems; and

(C) information made available to the National Targeting Center, including information provided by private sector entities;

(3) provide for the receipt and transmission to the appropriate U.S. Customs and Border Protection offices of allegations from interested parties in the private sector of violations of customs and trade laws of the United States with respect to merchandise relating to the priority trade issues described in section 4322 of this title; and

(4) notify, on a timely basis, each interested party in the private sector that has submitted an allegation of any violation of the customs and trade laws of the United States of any civil or criminal actions taken by U.S. Customs and Border Protection or any other Federal agency resulting from the allegation.

**(b) Trade Alerts**

**(1) Issuance**

In carrying out its duties under section 211(g)(4) of title 6 and based upon the application of the targeted risk assessment methodologies and standards established under subsection (a), the Executive Director of the National Targeting Center may issue Trade Alerts to directors of United States ports of

entry directing further inspection, or physical examination or testing, of specific merchandise to ensure compliance with all applicable customs and trade laws of the United States and regulations administered by U.S. Customs and Border Protection.

**(2) Determinations not to implement Trade Alerts**

The director of a United States port of entry may determine not to conduct further inspections, or physical examination or testing, pursuant to a Trade Alert issued under paragraph (1) if the director—

(A) finds that such a determination is justified by port security interests; and

(B) not later than 48 hours after making the determination, notifies the Assistant Commissioner of the Office of Field Operations of U.S. Customs and Border Protection of the determination and the reasons for the determination.

**(3) Summary of determinations not to implement**

The Assistant Commissioner of the Office of Field Operations of U.S. Customs and Border Protection shall—

(A) compile an annual summary of all determinations by directors of United States ports of entry under paragraph (2) and the reasons for those determinations;

(B) conduct an evaluation of the utilization of Trade Alerts issued under paragraph (1); and

(C) not later than December 31 of each calendar year, submit the summary to the appropriate congressional committees.

**(4) Inspection defined**

In this subsection, the term “inspection” means the comprehensive evaluation process used by U.S. Customs and Border Protection, other than physical examination or testing, to permit the entry of merchandise into the United States, or the clearance of merchandise for transportation in bond through the United States, for purposes of—

(A) assessing duties;

(B) identifying restricted or prohibited items; and

(C) ensuring compliance with all applicable customs and trade laws of the United States and regulations administered by U.S. Customs and Border Protection.

(Pub. L. 114–125, title I, § 111, Feb. 24, 2016, 130 Stat. 139.)

**Editorial Notes**

**CODIFICATION**

Section is comprised of section 111 of Pub. L. 114–125. Subsec. (c) of section 111 of Pub. L. 114–125 amended section 1415 of this title.

**§ 4319. Report on oversight of revenue protection and enforcement measures**

**(a) In general**

Not later than June 30, 2016, and not later than March 31 of each second year thereafter, the Inspector General of the Department of the Treas-