

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 114–125, Feb. 24, 2016, 130 Stat. 127, which is classified principally to this subchapter. For complete classification of title I to the Code, see Tables.

SUBCHAPTER II—IMPORT HEALTH AND
SAFETY

§ 4331. Interagency Import Safety Working Group**(a) Establishment**

There is established an interagency Import Safety Working Group.

(b) Membership

The interagency Import Safety Working Group shall consist of the following officials or their designees:

- (1) The Secretary of Homeland Security, who shall serve as the Chair.
- (2) The Secretary of Health and Human Services, who shall serve as the Vice Chair.
- (3) The Secretary of the Treasury.
- (4) The Secretary of Commerce.
- (5) The Secretary of Agriculture.
- (6) The United States Trade Representative.
- (7) The Director of the Office of Management and Budget.
- (8) The Commissioner of Food and Drugs.
- (9) The Commissioner of U.S. Customs and Border Protection.
- (10) The Chairman of the Consumer Product Safety Commission.
- (11) The Director of U.S. Immigration and Customs Enforcement.
- (12) The head of any other Federal agency designated by the President to participate in the interagency Import Safety Working Group, as appropriate.

(c) Duties

The duties of the interagency Import Safety Working Group shall include—

- (1) consulting on the development of the joint import safety rapid response plan required by section 4332 of this title;
- (2) periodically evaluating the adequacy of the plans, practices, and resources of the Federal Government dedicated to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise, including—
 - (A) minimizing the duplication of efforts among Federal agencies the heads of which are members of the interagency Import Safety Working Group and ensuring the compatibility of the policies and regulations of those agencies; and
 - (B) recommending additional administrative actions, as appropriate, designed to ensure the safety of merchandise imported into the United States and the expeditious entry of such merchandise and considering the impact of those actions on private sector entities;
- (3) reviewing the engagement and cooperation of foreign governments and foreign manufacturers in facilitating the inspection and

certification, as appropriate, of such merchandise to be imported into the United States and the facilities producing such merchandise to ensure the safety of the merchandise and the expeditious entry of the merchandise into the United States;

(4) identifying best practices, in consultation with private sector entities as appropriate, to assist United States importers in taking all appropriate steps to ensure the safety of merchandise imported into the United States, including with respect to—

(A) the inspection of manufacturing facilities in foreign countries;

(B) the inspection of merchandise destined for the United States before exportation from a foreign country or before distribution in the United States; and

(C) the protection of the international supply chain (as defined in section 901 of title 6);

(5) identifying best practices to assist Federal, State, and local governments and agencies, and port authorities, to improve communication and coordination among such agencies and authorities with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise; and

(6) otherwise identifying appropriate steps to increase the accountability of United States importers and the engagement of foreign government agencies with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

(Pub. L. 114–125, title II, §201, Feb. 24, 2016, 130 Stat. 146.)

§ 4332. Joint import safety rapid response plan**(a) In general**

Not later than December 31, 2016, the Secretary of Homeland Security, in consultation with the interagency Import Safety Working Group established under section 4331 of this title, shall develop a plan (to be known as the “joint import safety rapid response plan”) that sets forth protocols and defines practices for U.S. Customs and Border Protection to use—

(1) in taking action in response to, and coordinating Federal responses to, an incident in which cargo destined for or merchandise entering the United States has been identified as posing a threat to the health or safety of consumers in the United States; and

(2) in recovering from or mitigating the effects of actions and responses to an incident described in paragraph (1).

(b) Contents

The joint import safety rapid response plan shall address—

(1) the statutory and regulatory authorities and responsibilities of U.S. Customs and Border Protection and other Federal agencies in responding to an incident described in subsection (a)(1);

(2) the protocols and practices to be used by U.S. Customs and Border Protection when taking action in response to, and coordinating Federal responses to, such an incident;

(3) the measures to be taken by U.S. Customs and Border Protection and other Federal agencies in recovering from or mitigating the effects of actions taken in response to such an incident after the incident to ensure the resumption of the entry of merchandise into the United States; and

(4) exercises that U.S. Customs and Border Protection may conduct in conjunction with Federal, State, and local agencies, and private sector entities, to simulate responses to such an incident.

(c) Updates of plan

The Secretary of Homeland Security shall review and update the joint import safety rapid response plan, as appropriate, after conducting exercises under subsection (d).

(d) Import health and safety exercises

(1) In general

The Secretary of Homeland Security and the Commissioner shall periodically engage in the exercises referred to in subsection (b)(4), in conjunction with Federal, State, and local agencies and private sector entities, as appropriate, to test and evaluate the protocols and practices identified in the joint import safety rapid response plan at United States ports of entry.

(2) Requirements for exercises

In conducting exercises under paragraph (1), the Secretary and the Commissioner shall—

(A) make allowance for the resources, needs, and constraints of United States ports of entry of different sizes in representative geographic locations across the United States;

(B) base evaluations on current risk assessments of merchandise entering the United States at representative United States ports of entry located across the United States;

(C) ensure that such exercises are conducted in a manner consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidelines, the Maritime Transportation System Security Plan, and other such national initiatives of the Department of Homeland Security, as appropriate; and

(D) develop metrics with respect to the resumption of the entry of merchandise into the United States after an incident described in subsection (a)(1).

(3) Requirements for testing and evaluation

The Secretary and the Commissioner shall ensure that the testing and evaluation carried out in conducting exercises under paragraph (1)—

(A) are performed using clear and objective performance measures; and

(B) result in the identification of specific recommendations or best practices for responding to an incident described in subsection (a)(1).

(4) Dissemination of recommendations and best practices

The Secretary and the Commissioner shall—

(A) share the recommendations or best practices identified under paragraph (3)(B) among the members of the interagency Import Safety Working Group established under section 4331 of this title and with, as appropriate—

- (i) State, local, and tribal governments;
- (ii) foreign governments; and
- (iii) private sector entities; and

(B) use such recommendations and best practices to update the joint import safety rapid response plan.

(Pub. L. 114–125, title II, §202, Feb. 24, 2016, 130 Stat. 147.)

§ 4333. Training

The Commissioner shall ensure that personnel of U.S. Customs and Border Protection assigned to United States ports of entry are trained to effectively administer the provisions of this subchapter and to otherwise assist in ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

(Pub. L. 114–125, title II, §203, Feb. 24, 2016, 130 Stat. 148.)

SUBCHAPTER III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

§ 4341. Definition of intellectual property rights

In this subchapter, the term “intellectual property rights” refers to copyrights, trademarks, and other forms of intellectual property rights that are enforced by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

(Pub. L. 114–125, title III, §301, Feb. 24, 2016, 130 Stat. 149.)

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REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 114–125, Feb. 24, 2016, 130 Stat. 149, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

§ 4342. Notification of persons injured by circumvention devices

(1) In general

Not later than the date that is 30 business days after seizing merchandise pursuant to subparagraph (G) of section 1595a(c)(2) of this title, the Commissioner shall provide to any person identified under paragraph (2) information regarding the merchandise seized that is equivalent to information provided to copyright owners under regulations of U.S. Customs and Border Protection for merchandise seized for violation of the copyright laws.

(2) Persons to be provided information

Any person injured by the violation of subsection (a)(2) or (b)(1) of section 1201 of title 17 that resulted in the seizure of the merchandise shall be provided information under paragraph