

this title is not reviewable by any other agency or by any court.

(4) Enter; entry

The terms “enter” and “entry” refer to the entry, or withdrawal from warehouse for consumption, of merchandise in the customs territory of the United States.

(5) Evade; evasion

The terms “evade” and “evasion” refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

(6) Secretary

The term “Secretary” means the Secretary of the Treasury.

(7) Trade remedy laws

The term “trade remedy laws” means title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

(Pub. L. 114–125, title IV, §402, Feb. 24, 2016, 130 Stat. 155.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IV of Pub. L. 114–125, Feb. 24, 2016, 130 Stat. 155, which is classified principally to this subchapter. For complete classification of title IV to the Code, see section 401 of Pub. L. 114–125, set out as a Short Title note under section 4301 of this title and Tables.

The Tariff Act of 1930, referred to in par. (7), is act June 17, 1930, ch. 497, 46 Stat. 590. Title VII of the Act is classified generally to subtitle IV (§1671 et seq.) of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

§ 4362. Application to Canada and Mexico

Pursuant to article 10.10 of the USMCA (as defined in section 4502 of this title) and section 4588 of this title, this subchapter and the amendments made by this title¹ shall apply with respect to goods from Canada and Mexico.

(Pub. L. 114–125, title IV, §403, Feb. 24, 2016, 130 Stat. 156; Pub. L. 116–260, div. O, title VI, §602(c), Dec. 27, 2020, 134 Stat. 2153.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IV of Pub. L. 114–125, Feb. 24, 2016, 130 Stat. 155, which is classified principally to this subchapter. For complete classification of title IV to the Code, see section 401 of Pub. L. 114–125, set out as a Short Title note under section 4301 of this title and Tables.

The amendments made by this title, referred to in text, mean the amendments made by title IV of Pub. L.

¹ See References in Text note below.

114–125, Feb. 24, 2016, 130 Stat. 155. For complete classification of title IV to the Code, see section 401 of Pub. L. 114–125, set out as a Short Title note under section 4301 of this title and Tables.

AMENDMENTS

2020—Pub. L. 116–260 substituted “article 10.10 of the USMCA (as defined in section 4502 of this title) and section 4588 of this title” for “article 1902 of the North American Free Trade Agreement and section 3438 of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116–260 effective July 1, 2020, see section 602(g) of div. O of Pub. L. 116–260, set out as a note under section 2578b of this title.

PART I—ACTIONS RELATING TO ENFORCEMENT OF TRADE REMEDY LAWS

§ 4371. Trade Remedy Law Enforcement Division

(a) Establishment

(1) In general

The Secretary of Homeland Security shall establish and maintain within the Office of Trade established under section 2084 of this title a Trade Remedy Law Enforcement Division.

(2) Composition

The Trade Remedy Law Enforcement Division shall be composed of—

(A) headquarters personnel led by a Director, who shall report to the Executive Assistant Commissioner of the Office of Trade; and

(B) a National Targeting and Analysis Group dedicated to preventing and countering evasion.

(3) Duties

The Trade Remedy Law Enforcement Division shall be dedicated—

(A) to the development and administration of policies to prevent and counter evasion, including policies relating to the implementation of section 1517 of this title;

(B) to direct enforcement and compliance assessment activities concerning evasion;

(C) to the development and conduct of commercial risk assessment targeting with respect to cargo destined for the United States in accordance with subsection (c);

(D) to issuing Trade Alerts described in subsection (d); and

(E) to the development of policies for the application of single entry and continuous bonds for entries of covered merchandise to sufficiently protect the collection of antidumping and countervailing duties commensurate with the level of risk of noncollection.

(b) Duties of Director

The duties of the Director of the Trade Remedy Law Enforcement Division shall include—

(1) directing the trade enforcement and compliance assessment activities of U.S. Customs and Border Protection that concern evasion;

(2) facilitating, promoting, and coordinating cooperation and the exchange of information

between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and other relevant Federal agencies regarding evasion;

(3) notifying on a timely basis the administering authority (as defined in section 1677(1) of this title) and the Commission (as defined in section 1677(2) of this title) of any finding, determination, civil action, or criminal action taken by U.S. Customs and Border Protection or other Federal agency regarding evasion;

(4) serving as the primary liaison between U.S. Customs and Border Protection and the public regarding activities concerning evasion, including activities relating to investigations conducted under section 1517 of this title, which include—

(A) receiving allegations of evasion from parties, including allegations described in section 1517(b)(2) of this title;

(B) upon request by the party or parties that submitted such an allegation of evasion, providing information to such party or parties on the status of U.S. Customs and Border Protection's consideration of the allegation and decision to pursue or not pursue any administrative inquiries or other actions, such as changes in policies, procedures, or resource allocation as a result of the allegation;

(C) as needed, requesting from the party or parties that submitted such an allegation of evasion any additional information that may be relevant for U.S. Customs and Border Protection determining whether to initiate an administrative inquiry or take any other action regarding the allegation;

(D) notifying on a timely basis the party or parties that submitted such an allegation of the results of any administrative, civil, or criminal actions taken by U.S. Customs and Border Protection or other Federal agency regarding evasion as a direct or indirect result of the allegation;

(E) upon request, providing technical assistance and advice to eligible small businesses to enable such businesses to prepare and submit such an allegation of evasion, except that the Director may deny technical assistance if the Director concludes that the allegation, if submitted, would not lead to the initiation of an administrative inquiry or any other action to address the allegation;

(F) in cooperation with the public, the Commercial Customs Operations Advisory Committee established under section 4316 of this title, the Trade Support Network, and any other relevant parties and organizations, developing guidelines on the types and nature of information that may be provided in such an allegation of evasion; and

(G) consulting regularly with the public, the Commercial Customs Operations Advisory Committee, the Trade Support Network, and any other relevant parties and organizations regarding the development and implementation of regulations, interpretations, and policies related to countering evasion.

(c) Preventing and countering evasion of the trade remedy laws

In carrying out its duties with respect to preventing and countering evasion, the National Targeting and Analysis Group dedicated to preventing and countering evasion shall—

(1) establish targeted risk assessment methodologies and standards—

(A) for evaluating the risk that cargo destined for the United States may constitute evading covered merchandise; and

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

(2) to the extent practicable and otherwise authorized by law, use 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, and the TECS (formerly known as the "Treasury Enforcement Communications System"), and any similar and successor systems, to administer the methodologies and standards established under paragraph (1).

(d) Trade Alerts

Based upon the application of the targeted risk assessment methodologies and standards established under subsection (c), the Director of the Trade Remedy Law Enforcement Division shall issue Trade Alerts or other such means of notification to directors of United States ports of entry directing further inspection, physical examination, or testing of merchandise to ensure compliance with the trade remedy laws and to require additional bonds, cash deposits, or other security to ensure collection of any duties, taxes, and fees owed.

(Pub. L. 114-125, title IV, §411, Feb. 24, 2016, 130 Stat. 156.)

§ 4372. Collection of information on evasion of trade remedy laws

(a) Authority to collect information

To determine whether covered merchandise is being entered into the customs territory of the United States through evasion, the Secretary, acting through the Commissioner—

(1) shall exercise all existing authorities to collect information needed to make the determination; and

(2) may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by issuing questionnaires with respect to the entry or entries at issue to—

(A) a person who filed an allegation with respect to the covered merchandise;

(B) a person who is alleged to have entered the covered merchandise into the customs territory of the United States through evasion; or

(C) any other person who is determined to have information relevant to the allegation of entry of covered merchandise into the customs territory of the United States through evasion.