

(2) a description of processes and procedures of U.S. Customs and Border Protection to prevent and investigate evasion, including—

(A) the specific guidelines, policies, and practices used by U.S. Customs and Border Protection to ensure that allegations of evasion are promptly evaluated and acted upon in a timely manner;

(B) an evaluation of the efficacy of those guidelines, policies, and practices;

(C) an identification of any changes since the last report required by this section, if any, that have materially improved or reduced the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion;

(D) a description of the development and implementation 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 not collecting those duties;

(E) a description of the processes and procedures for increased cooperation and information sharing with the Department of Commerce, U.S. Immigration and Customs Enforcement, and any other relevant Federal agencies to prevent and investigate evasion; and

(F) an identification of any recommended policy changes for other Federal agencies or legislative changes to improve the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion.

(c) Public summary

The Commissioner shall make available to the public a summary of the report required by subsection (a) that includes, at a minimum—

(1) a description of the type of merchandise with respect to which investigations were initiated under subsection (b) of section 1517 of this title;

(2) the amount of additional duties determined to be owed as a result of such investigations and the amount of such duties that were collected;

(3) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 1517 of this title to be entered into the customs territory of the United States through evasion; and

(4) a description of the types of measures used by U.S. Customs and Border Protection to prevent and investigate evasion.

(Pub. L. 114–125, title IV, § 432, Feb. 24, 2016, 130 Stat. 169.)

SUBCHAPTER V—ADDITIONAL
ENFORCEMENT PROVISIONS

§ 4401. Inclusion of interest in certain distributions of antidumping duties and countervailing duties

(a) In general

The Secretary of Homeland Security shall deposit all interest described in subsection (c) into the special account established under section

1675c(e) of this title (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)) for inclusion in distributions described in subsection (b) made on or after February 24, 2016.

(b) Distributions described

Distributions described in this subsection are distributions of antidumping duties and countervailing duties assessed on or after October 1, 2000, that are made under section 1675c of this title (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)), with respect to entries of merchandise that—

(1) were made on or before September 30, 2007; and

(2) were, in accordance with section 822 of the Claims Resolution Act of 2010 (19 U.S.C. 1675c note), unliquidated, not in litigation, and not under an order of liquidation from the Department of Commerce on December 8, 2010.

(c) Interest described

(1) Interest realized

Interest described in this subsection is interest earned on antidumping duties or countervailing duties described in subsection (b) that is realized through application of a payment received on or after October 1, 2014, by U.S. Customs and Border Protection under, or in connection with—

(A) a customs bond pursuant to a court order or judgment; or

(B) a settlement with respect to a customs bond, including any payment made to U.S. Customs and Border Protection with respect to that bond by a surety.

(2) Types of interest

Interest described in paragraph (1) includes the following:

(A) Interest accrued under section 1677g of this title.

(B) Interest accrued under section 1505(d) of this title.

(C) Equitable interest under common law and interest under section 580 of this title awarded by a court against a surety under its bond for late payment of antidumping duties, countervailing duties, or interest described in subparagraph (A) or (B).

(d) Definitions

In this section:

(1) Antidumping duties

The term “antidumping duties” means antidumping duties imposed under section 1673 of this title or under the Antidumping Act, 1921 (title II of the Act of May 27, 1921; 42 Stat. 11, chapter 14).

(2) Countervailing duties

The term “countervailing duties” means countervailing duties imposed under section 1671 of this title.

(Pub. L. 114–125, title VI, § 605, Feb. 24, 2016, 130 Stat. 187.)

Editorial Notes

REFERENCES IN TEXT

Section 1675c of this title (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005), referred

to in subsecs. (a) and (b), means section 1675c of this title, which was repealed by Pub. L. 109-171, title VII, §7601(a), Feb. 8, 2006, 120 Stat. 154, and which related to an annual distribution to certain domestic producers known as the “continued dumping and subsidy offset”. Subsec. (e) of section 1675c related to special accounts established in the Treasury of the United States for certain antidumping and countervailing duty orders and findings.

Section 822 of the Claims Resolution Act of 2010, referred to in subsec. (b)(2), is section 822 of Pub. L. 111-291, which is set out as a note under section 1675c of this title.

The Antidumping Act, 1921, referred to in subsec. (d)(1), is act May 27, 1921, ch. 14, title II, 42 Stat. 11, which was classified generally to sections 160 to 171 of this title, and was repealed by Pub. L. 96-39, title I, §106(a), July 26, 1979, 93 Stat. 193.

§ 4402. Illicitly imported, exported, or trafficked cultural property, archaeological or ethnological materials, and fish, wildlife, and plants

(a) In general

The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that appropriate personnel of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, as the case may be, are trained in the detection, identification, detention, seizure, and forfeiture of cultural property, archaeological or ethnological materials, and fish, wildlife, and plants, the importation, exportation, or trafficking of which violates the laws of the United States.

(b) Training

The Commissioner and the Director are authorized to accept training and other support services from experts outside of the Federal Government with respect to the detection, identification, detention, seizure, and forfeiture of cultural property, archaeological or ethnological materials, or fish, wildlife, and plants described in subsection (a).

(Pub. L. 114-125, title VI, §606, Feb. 24, 2016, 130 Stat. 188.)

§ 4403. Honey transshipment

(a) In general

The Commissioner shall direct appropriate personnel and the use of resources of U.S. Customs and Border Protection to address concerns that honey is being imported into the United States in violation of the customs and trade laws of the United States.

(b) Country of origin

(1) In general

The Commissioner shall compile a database of the individual characteristics of honey produced in foreign countries to facilitate the verification of country of origin markings of imported honey.

(2) Engagement with foreign governments

The Commissioner shall seek to engage the customs agencies of foreign governments for assistance in compiling the database described in paragraph (1).

(3) Consultation with industry

In compiling the database described in paragraph (1), the Commissioner shall consult with

entities in the honey industry regarding the development of industry standards for honey identification.

(4) Consultation with Food and Drug Administration

In compiling the database described in paragraph (1), the Commissioner shall consult with the Commissioner of Food and Drugs.

(c) Report required

Not later than 180 days after February 24, 2016, the Commissioner shall submit to Congress a report that—

(1) describes and assesses the limitations in the existing analysis capabilities of laboratories with respect to determining the country of origin of honey samples or the percentage of honey contained in a sample; and

(2) includes any recommendations of the Commissioner for improving such capabilities.

(d) Sense of Congress

It is the sense of Congress that the Commissioner of Food and Drugs should promptly establish a national standard of identity for honey for the Commissioner of U.S. Customs and Border Protection to use to ensure that imports of honey are—

(1) classified accurately for purposes of assessing duties; and

(2) denied entry into the United States if such imports pose a threat to the health or safety of consumers in the United States.

(Pub. L. 114-125, title VI, §608, Feb. 24, 2016, 130 Stat. 189.)

§ 4404. Report on actions taken by United States Trade Representative

Not later than one year after the appointment of the first Chief Innovation and Intellectual Property Negotiator pursuant to paragraph (2) of section 2171(b) of this title, as amended by subsection (a),¹ and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing in detail—

(1) enforcement actions taken by the Trade Representative during the one-year period preceding the submission of the report to ensure the protection of United States innovation and intellectual property interests; and

(2) other actions taken by the Trade Representative to advance United States innovation and intellectual property interests.

(Pub. L. 114-125, title VI, §609(c), Feb. 24, 2016, 130 Stat. 190.)

Editorial Notes

REFERENCES IN TEXT

Subsection (a), referred to in text, means section 609(a) of Pub. L. 114-125, par. (1) of which amended section 2171(b)(2) of this title.

§ 4405. Trade Enforcement Trust Fund

(a) Establishment

There is established in the Treasury of the United States a trust fund to be known as the

¹ See References in Text note below.