

inches in length, ready for assembly without further processing, if radius cuts are present on both ends of the boards and are substantial cuts so as to completely round 1 corner.

(4) Fence pickets

Fence pickets requiring no further processing and properly classified under subheading 4421.90.70 of the HTS, 1 inch or less in actual thickness, up to 8 inches wide, and 6 feet or less in length, and having finials or decorative cuttings that clearly identify them as fence pickets. In the case of dog-eared fence pickets, the corners of the boards shall be cut off so as to remove pieces of wood in the shape of isosceles right angle triangles with sides measuring $\frac{3}{4}$ of an inch or more.

(5) United States-origin lumber

Lumber originating in the United States that is exported to another country for minor processing and imported into the United States if—

(A) the processing occurring in another country is limited to kiln drying, planing to create smooth-to-size board, and sanding; and

(B) the importer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the lumber originated in the United States.

(6) Softwood lumber

Any softwood lumber or softwood lumber product that originated in the United States, if the importer, exporter, foreign processor, or original United States producer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the softwood lumber entered and documented as originating in the United States was first produced in the United States.

(7) Home packages or kits

(A) In general

Softwood lumber or softwood lumber products contained in a single family home package or kit, regardless of the classification under the HTS, if the importer declares that the following requirements have been met:

(i) The package or kit constitutes a full package of the number of wooden pieces specified in the plan, design, or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design, or blueprint.

(ii) The package or kit contains—

(I) all necessary internal and external doors and windows, nails, screws, glue, subfloor, sheathing, beams, posts, and connectors; and

(II) if included in the purchase contract, the decking, trim, drywall, and roof shingles specified in the plan, design, or blueprint.

(iii) Prior to importation, the package or kit is sold to a United States retailer that sells complete home packages or kits pursuant to a valid purchase contract referencing the particular home design, plan, or blueprint, and the contract is signed by a customer not affiliated with the importer.

(iv) Softwood lumber products entered as part of the package or kit, whether in a single entry or multiple entries on multiple days, are to be used solely for the construction of the single family home specified by the home design, plan, or blueprint matching the U.S. Customs and Border Protection import entry.

(B) Additional documentation required for home packages and kits

In the case of each entry of products described in clauses (i) through (iv) of subparagraph (A) the following documentation shall be retained by the importer and made available to U.S. Customs and Border Protection upon request:

(i) A copy of the appropriate home design, plan, or blueprint matching the customs entry in the United States.

(ii) A purchase contract from a retailer of home kits or packages signed by a customer not affiliated with the importer.

(iii) A listing of all parts in the package or kit being entered into the United States that conforms to the home design, plan, or blueprint for which such parts are being imported.

(iv) If a single contract involves multiple entries, an identification of all the items required to be listed under clause (iii) that are included in each individual shipment.

(d) Products covered

For purposes of determining if a product is covered by the importer declaration program, the President shall be guided by the article descriptions provided in this section.

(June 17, 1930, ch. 497, title VIII, §804, as added Pub. L. 110-246, title III, §3301(a), June 18, 2008, 122 Stat. 1848.)

REFERENCES IN TEXT

Section 1683a of this title, referred to in subsecs. (a) to (c), was in the original section “803”, and was translated as meaning the section 803 of act June 17, 1930, as added by section 3301(a) of Pub. L. 110-246, to reflect the probable intent of Congress.

§ 1683c. Export charge determination and publication

(a) Determination

The Under Secretary for International Trade of the Department of Commerce shall determine, on a monthly basis, any export charges (expressed as a percentage of export price) to be collected by a country of export from exporters of softwood lumber or softwood lumber products described in section 1683b(a) of this title in order to ensure compliance with any international agreement entered into by that country and the United States.

(b) Publication

The Under Secretary for International Trade shall immediately publish any determination made under subsection (a) on the website of the International Trade Administration of the Department of Commerce, and in any other manner the Under Secretary considers appropriate.

(June 17, 1930, ch. 497, title VIII, §805, as added Pub. L. 110-246, title III, §3301(a), June 18, 2008, 122 Stat. 1851.)

§ 1683d. Reconciliation

The Secretary of the Treasury shall conduct reconciliations to ensure the proper implementation and operation of international agreements entered into between a country of export of softwood lumber or softwood lumber products described in section 1683b(a) of this title and the United States. The Secretary of Treasury shall reconcile the following:

(1) The export price declared by a United States importer pursuant to section 1683a(b)(1) of this title with the export price reported to the United States by the country of export, if any.

(2) The export price declared by a United States importer pursuant to section 1683a(b)(1) of this title with the revised export price reported to the United States by the country of export, if any.

(June 17, 1930, ch. 497, title VIII, §806, as added Pub. L. 110-246, title III, §3301(a), June 18, 2008, 122 Stat. 1851.)

REFERENCES IN TEXT

Section 1683a of this title, referred to in pars. (1) and (2), was in the original section “803”, and was translated as meaning the section 803 of act June 17, 1930, as added by section 3301(a) of Pub. L. 110-246, to reflect the probable intent of Congress.

§ 1683e. Verification**(a) In general**

The Secretary of Treasury shall periodically verify the declarations made by a United States importer pursuant to section 1683a(c) of this title, including by determining whether—

(1) the export price declared by a United States importer pursuant to section 1683a(b)(1) of this title is the same as the export price provided on the export permit, if any, issued by the country of export; and

(2) the estimated export charge declared by a United States importer pursuant to section 1683a(b)(2) of this title is consistent with the determination published by the Under Secretary for International Trade pursuant to section 1683c(b) of this title.

(b) Examination of books and records**(1) In general**

Any record relating to the importer declaration program required under section 1683a of this title shall be treated as a record required to be maintained and produced under title V of this Act.¹

(2) Examination of records

The Secretary of the Treasury is authorized to take such action, and examine such records, under section 1509 of this title, as the Secretary determines necessary to verify the declarations made pursuant to section 1683a(c) of this title are true and accurate.

(June 17, 1930, ch. 497, title VIII, §807, as added Pub. L. 110-246, title III, §3301(a), June 18, 2008, 122 Stat. 1851.)

REFERENCES IN TEXT

Section 1683a, referred to in text, was in the original section “803”, and was translated as meaning the sec-

¹ See References in Text note below.

tion 803 of act June 17, 1930, as added by section 3301(a) of Pub. L. 110-246, to reflect the probable intent of Congress.

This Act, referred to in subsec. (b)(1), is act June 17, 1930, ch. 497, 46 Stat. 590, known as the Tariff Act of 1930, which is classified generally to this chapter. The Act does not contain a title V. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

§ 1683f. Penalties**(a) In general**

It shall be unlawful for any person to import into the United States softwood lumber or softwood lumber products in knowing violation of this subtitle.

(b) Civil penalties

Any person who commits an unlawful act as set forth in subsection (a) shall be liable for a civil penalty not to exceed \$10,000 for each knowing violation.

(c) Other penalties

In addition to the penalties provided for in subsection (b), any violation of this subtitle that violates any other customs law of the United States shall be subject to any applicable civil and criminal penalty, including seizure and forfeiture, that may be imposed under such custom law or title 18, with respect to the importation of softwood lumber and softwood lumber products described in section 1683b(a) of this title.

(d) Factors to consider in assessing penalties

In determining the amount of civil penalties to be assessed under this section, consideration shall be given to any history of prior violations of this subtitle by the person, the ability of the person to pay the penalty, the seriousness of the violation, and such other matters as fairness may require.

(e) Notice

No penalty may be assessed under this section against a person for violating a provision of this subtitle unless the person is given notice and opportunity to make statements, both oral and written, with respect to such violation.

(f) Exception

Notwithstanding any other provision of this subtitle, and without limitation, an importer shall not be found to have violated subsection¹ 1683a(c) of this title if—

(1) the importer made an appropriate inquiry in accordance with section 1683a(c)(1) of this title with respect to the declaration;

(2) the importer produces records maintained pursuant to section 1683e(b) of this title that substantiate the declaration; and

(3) there is not substantial evidence indicating that the importer knew that the fact to which the importer made the declaration was false.

(June 17, 1930, ch. 497, title VIII, §808, as added Pub. L. 110-246, title III, §3301(a), June 18, 2008, 122 Stat. 1852.)

REFERENCES IN TEXT

Section 1683a of this title, referred to in subsec. (f), was in the original section “803”, and was translated as

¹ So in original. Probably should be “section”.