

## 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 is set out as a note under section 2071 of this title.

Sections 10(f) and 14(a)(2) of the Federal Advisory Committee Act, referred to in subsecs. (d) and (f), are sections 10(f) and 14(a)(2), respectively, of Pub. L. 92-463, which are set out in the Appendix to Title 5, Government Organization and Employees.

## 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 L. 114-125 repealed section 9503(c) of the Omnibus Budget Reconciliation Act of 1987, which is set out as a note under section 2071 of this title, effective on the date on which the Advisory Committee is established under subsection (a) of this section.

**§ 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.)

CODIFICATION

Section is comprised of section 111 of Pub. L. 114-125. Subsec. (c) of section 111 of Pub. L. 114-125 amended section 343(a) of Pub. L. 107-210, which is set out as a Mandatory Advanced Electronic Information for Cargo and Other Improved Customs Reporting Procedures note under section 2071 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 Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report assessing, with respect to the period covered by the report, as specified in subsection (b), the following:

(1) The effectiveness of the measures taken by U.S. Customs and Border Protection with respect to protection of revenue, including—

(A) the collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.);

(B) the assessment, collection, and mitigation of commercial fines and penalties;

(C) the use of bonds, including continuous and single transaction bonds, to secure that revenue; and

(D) the adequacy of the policies of U.S. Customs and Border Protection with respect to the monitoring and tracking of merchandise transported in bond and collecting duties, as appropriate.

(2) The effectiveness of actions taken by U.S. Customs and Border Protection to measure accountability and performance with respect to protection of revenue.

(3) The number and outcome of investigations instituted by U.S. Customs and Border Protection with respect to the underpayment of duties.

(4) The effectiveness of training with respect to the collection of duties provided for personnel of U.S. Customs and Border Protection.

**(b) Period covered by report**

Each report required by subsection (a) shall cover the period of 2 fiscal years ending on September 30 of the calendar year preceding the submission of the report.

(Pub. L. 114-125, title I, §112, Feb. 24, 2016, 130 Stat. 140.)

REFERENCES IN TEXT

The Tariff Act of 1930, referred to in subsec. (a)(1)(A), is act June 17, 1930, ch. 497, 46 Stat. 590. Subtitles A and