

B of title VII of the Act are classified generally to parts I (§1671 et seq.) and II (§1673 et seq.), respectively, of subtitle IV of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

§ 4320. Importer of record program

(a) Establishment

Not later than the date that is 180 days after February 24, 2016, the Secretary of Homeland Security shall establish an importer of record program to assign and maintain importer of record numbers.

(b) Requirements

The Secretary shall ensure that, as part of the importer of record program, U.S. Customs and Border Protection—

(1) develops criteria that importers must meet in order to obtain an importer of record number, including—

(A) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to verify the existence of the importer requesting the importer of record number;

(B) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify linkages or other affiliations between importers that are requesting or have been assigned importer of record numbers; and

(C) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify changes in address and corporate structure of importers;

(2) provides a process by which importers are assigned importer of record numbers;

(3) maintains a centralized database of importer of record numbers, including a history of importer of record numbers associated with each importer, and the information described in subparagraphs (A), (B), and (C) of paragraph (1);

(4) evaluates and maintains the accuracy of the database if such information changes; and

(5) takes measures to ensure that duplicate importer of record numbers are not issued.

(c) Report

Not later than one year after February 24, 2016, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the importer of record program established under subsection (a).

(d) Number defined

In this section, the term “number”, with respect to an importer of record, means a filing identification number described in section 24.5 of title 19, Code of Federal Regulations (or any corresponding similar regulation) that fully supports the requirements of subsection (b) with respect to the collection and maintenance of information.

(Pub. L. 114–125, title I, §114, Feb. 24, 2016, 130 Stat. 142.)

§ 4321. Establishment of importer risk assessment program

(a) In general

Not later than the date that is 180 days after February 24, 2016, the Commissioner shall establish a program that directs U.S. Customs and Border Protection to adjust bond amounts for importers, including new importers and non-resident importers, based on risk assessments of such importers conducted by U.S. Customs and Border Protection, in order to protect the revenue of the Federal Government.

(b) Requirements

The Commissioner shall ensure that, as part of the program established under subsection (a), U.S. Customs and Border Protection—

(1) develops risk assessment guidelines for importers, including new importers and non-resident importers, to determine if and to what extent—

(A) to adjust bond amounts of imported products of such importers; and

(B) to increase screening of imported products of such importers;

(2) develops procedures to ensure increased oversight of imported products of new importers, including nonresident importers, relating to the enforcement of the priority trade issues described in section 4322 of this title;

(3) develops procedures to ensure increased oversight of imported products of new importers, including new nonresident importers, by Centers of Excellence and Expertise established under section 4317 of this title; and

(4) establishes a centralized database of new importers, including new nonresident importers, to ensure accuracy of information that is required to be provided by such importers to U.S. Customs and Border Protection.

(c) Exclusion of certain importers

This section shall not apply to an importer that is a validated Tier 2 or Tier 3 participant in the Customs–Trade Partnership Against Terrorism program established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.).

(d) Report

Not later than the date that is 2 years after February 24, 2016, 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 detailing—

(1) the risk assessment guidelines developed under subsection (b)(1);

(2) the procedures developed under subsection (b)(2) to ensure increased oversight of imported products of new importers, including new nonresident importers, relating to the enforcement of priority trade issues described in section 4322 of this title;

(3) the procedures developed under subsection (b)(3) to ensure increased oversight of imported products of new importers, including new nonresident importers, by Centers of Excellence and Expertise established under section 4317 of this title; and

(4) the number of bonds adjusted based on the risk assessment guidelines developed under subsection (b)(1).

(e) Definitions

In this section:

(1) Importer

The term “importer” means one of the parties qualifying as an importer of record under section 1484(a)(2)(B) of this title.

(2) Nonresident importer

The term “nonresident importer” means an importer who is—

(A) an individual who is not a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; or

(B) a partnership, corporation, or other commercial entity that is not organized under the laws of a jurisdiction within the customs territory of the United States (as such term is defined in General Note 2 of the Harmonized Tariff Schedule of the United States) or in the Virgin Islands of the United States.

(Pub. L. 114-125, title I, §115, Feb. 24, 2016, 130 Stat. 143.)

REFERENCES IN TEXT

The Security and Accountability for Every Port Act of 2006, referred to in subsec. (c), is Pub. L. 109-347, Oct. 13, 2006, 120 Stat. 1884, also known as the SAFE Port Act. Subtitle B of title II of the Act is classified generally to part B (§961 et seq.) of subchapter II of chapter 3 of Title 6, Domestic Security. For complete classification of this Act to the Code, see Short Title note set out under section 901 of Title 6 and Tables.

The Harmonized Tariff Schedule of the United States, referred to in subsec. (e)(2)(B), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

§ 4322. Priority trade issues**(a) In general**

The Commissioner shall establish the following as priority trade issues:

- (1) Agriculture programs.
- (2) Antidumping and countervailing duties.
- (3) Import safety.
- (4) Intellectual property rights.
- (5) Revenue.
- (6) Textiles and wearing apparel.
- (7) Trade agreements and preference programs.

(b) Modification

The Commissioner is authorized to establish new priority trade issues and eliminate, consolidate, or otherwise modify the priority trade issues described in subsection (a) if the Commissioner—

- (1) determines it necessary and appropriate to do so; and
- (2)(A) in the case of new priority trade issues, submits to the appropriate congressional committees a summary of proposals to establish such new priority trade issues not later than 30 days after such new priority trade issues are to take effect; and
- (B) in the case of existing priority trade issues, submits to the appropriate congressional committees a summary of proposals to eliminate, consolidate, or otherwise modify such existing priority trade issues not later than 60 days before such changes are to take effect.

(Pub. L. 114-125, title I, §117, Feb. 24, 2016, 130 Stat. 145.)

§ 4323. Appropriate congressional committees defined

In this subchapter, the term “appropriate congressional committees” means—

- (1) the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (2) the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives.

(Pub. L. 114-125, title I, §118, Feb. 24, 2016, 130 Stat. 145.)

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