

**(2) Adverse inference described**

An adverse inference used under paragraph (1)(A) may include reliance on information derived from—

- (A) the allegation of evasion of the trade remedy laws, if any, submitted to U.S. Customs and Border Protection;
- (B) a determination by the Commissioner in another investigation, proceeding, or other action regarding evasion of the unfair trade laws; or
- (C) any other available information.

(Pub. L. 114–125, title IV, §412, Feb. 24, 2016, 130 Stat. 158.)

**§ 4373. Additional information**

Notwithstanding any other provision of law, the Secretary is authorized to provide to the Secretary of Commerce or the United States International Trade Commission any information that is necessary to enable the Secretary of Commerce or the United States International Trade Commission to assist the Secretary to identify, through risk assessment targeting or otherwise, covered merchandise that is entered into the customs territory of the United States through evasion.

(Pub. L. 114–125, title IV, §413(b), Feb. 24, 2016, 130 Stat. 160.)

**§ 4374. Cooperation with foreign countries on preventing evasion of trade remedy laws****(a) Bilateral agreements****(1) In general**

The Secretary shall seek to negotiate and enter into bilateral agreements with the customs authorities or other appropriate authorities of foreign countries for purposes of cooperation on preventing evasion of the trade remedy laws of the United States and the trade remedy laws of the other country.

**(2) Provisions and authorities**

The Secretary shall seek to include in each such bilateral agreement the following provisions and authorities:

- (A) On the request of the importing country, the exporting country shall provide, consistent with its laws, regulations, and procedures, production, trade, and transit documents and other information necessary to determine whether an entry or entries exported from the exporting country are subject to the importing country's trade remedy laws.
- (B) On the written request of the importing country, the exporting country shall conduct a verification for purposes of enabling the importing country to make a determination described in subparagraph (A).
- (C) The exporting country may allow the importing country to participate in a verification described in subparagraph (B), including through a site visit.
- (D) If the exporting country does not allow participation of the importing country in a verification described in subparagraph (B), the importing country may take this fact into consideration in its trade enforcement

and compliance assessment activities regarding the compliance of the exporting country's exports with the importing country's trade remedy laws.

**(b) Consideration**

The Commissioner is authorized to take into consideration whether a country is a signatory to a bilateral agreement described in subsection (a) and the extent to which the country is cooperating under the bilateral agreement for purposes of trade enforcement and compliance assessment activities of U.S. Customs and Border Protection that concern evasion by such country's exports.

**(c) Report**

Not later than December 31 of each calendar year beginning after February 24, 2016, the Secretary shall submit to the appropriate congressional committees a report summarizing—

- (1) the status of any ongoing negotiations of bilateral agreements described in subsection (a), including the identities of the countries involved in such negotiations;
- (2) the terms of any completed bilateral agreements described in subsection (a); and
- (3) bilateral cooperation and other activities conducted pursuant to or enabled by any completed bilateral agreements described in subsection (a).

(Pub. L. 114–125, title IV, §414, Feb. 24, 2016, 130 Stat. 160.)

**§ 4375. Trade negotiating objectives**

The principal negotiating objectives of the United States shall include obtaining the objectives of the bilateral agreements described under section 4374(a) of this title for any trade agreements under negotiation as of February 24, 2016, or future trade agreement negotiations.

(Pub. L. 114–125, title IV, §415, Feb. 24, 2016, 130 Stat. 161.)

## PART II—OTHER MATTERS

**§ 4391. Allocation and training of personnel**

The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

- (1) employs sufficient personnel who have expertise in, and responsibility for, preventing and investigating the entry of covered merchandise into the customs territory of the United States through evasion;
- (2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States; and
- (3) provides adequate training to relevant personnel to increase expertise and effectiveness in the prevention and identification of entries of covered merchandise into the customs territory of the United States through evasion.