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§ 4301. Definitions

In this chapter:

(1) Automated Commercial Environment

The term “Automated Commercial Environment” means the Automated Commercial Environment computer system authorized under section 58c(f)(4) of this title.

(2) Commercial operations of U.S. Customs and Border Protection

The term “commercial operations of U.S. Customs and Border Protection” includes—

- (A) administering any customs revenue function (as defined in section 215 of title 6);
(B) coordinating efforts of the Department of Homeland Security with respect to trade facilitation and trade enforcement;

(C) coordinating with the Director of U.S. Immigration and Customs Enforcement with respect to—

- (i) investigations relating to trade enforcement; and
(ii) the development and implementation of the joint strategic plan required by section 4314 of this title;

(D) coordinating, on behalf of the Department of Homeland Security, efforts among Federal agencies to facilitate legitimate trade and to enforce the customs and trade laws of the United States, including representing the Department of Homeland Security in interagency fora addressing such efforts;

(E) coordinating with customs authorities of foreign countries to facilitate legitimate international trade and enforce the customs and trade laws of the United States and the customs and trade laws of foreign countries;

(F) collecting, assessing, and disseminating information as appropriate and in accordance with any law regarding cargo destined for the United States—

- (i) to ensure that such cargo complies with the customs and trade laws of the United States; and
(ii) to facilitate the legitimate international trade of such cargo;

(G) soliciting and considering on a regular basis input from private sector entities, in-

cluding the Commercial Customs Operations Advisory Committee established by section 4316 of this title and the Trade Support Network, with respect to, as appropriate—

(i) the implementation of changes to the customs and trade laws of the United States; and

(ii) the development, implementation, or revision of policies or regulations administered by U.S. Customs and Border Protection; and

(H) otherwise advising the Secretary of Homeland Security with respect to the development of policies associated with facilitating legitimate trade and enforcing the customs and trade laws of the United States.

(3) Commissioner

The term “Commissioner” means the Commissioner of U.S. Customs and Border Protection, as described in section 211(b) of title 6.

(4) Customs and trade laws of the United States

The term “customs and trade laws of the United States” includes the following:

(A) The Tariff Act of 1930 (19 U.S.C. 1202 et seq.).

(B) Section 3 of this title.

(C) Section 6 of this title.

(D) The Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.).

(E) Section 58c of this title.

(F) Section 66 of this title.

(G) Section 68 of this title.

(H) The Act of June 18, 1934 (48 Stat. 998, chapter 590; 19 U.S.C. 81a et seq.; commonly known as the “Foreign Trade Zones Act”).

(I) Section 198 of this title.

(J) The Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(K) The Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.).

(L) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(M) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(N) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(O) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(P) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(Q) The Customs Enforcement Act of 1986 (Public Law 99-570; 100 Stat. 3207-79).

(R) The Customs and Trade Act of 1990 (Public Law 101-382; 104 Stat. 629).

(S) The Customs Procedural Reform and Simplification Act of 1978 (Public Law 95-410; 92 Stat. 888).

(T) The Trade Act of 2002 (Public Law 107-210; 116 Stat. 933).

(U) The Convention on Cultural Property Implementation Act (19 U.S.C. 2601 et seq.).

(V) The Act of March 28, 1928 (45 Stat. 374, chapter 266; 19 U.S.C. 2077 et seq.).

(W) The Act of August 7, 1939 (53 Stat. 1262, chapter 566).

(X) The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114-26; 19 U.S.C. 4201 et seq.).

(Y) The Trade Preferences Extension Act of 2015 (Public Law 114-27; 129 Stat. 362).

(Z) Any other provision of law implementing a trade agreement.

(AA) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(BB) Any other provision of law relating to trade facilitation or trade enforcement that is administered by U.S. Customs and Border Protection on behalf of any Federal agency that is required to participate in the International Trade Data System established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)).

(CC) Any other provision of customs or trade law administered by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

(5) Private sector entity

The term “private sector entity” means—

(A) an importer;

(B) an exporter;

(C) a forwarder;

(D) an air, sea, or land carrier or shipper;

(E) a contract logistics provider;

(F) a customs broker; or

(G) any other person (other than an employee of a government) affected by the implementation of the customs and trade laws of the United States.

(6) Trade enforcement

The term “trade enforcement” means the enforcement of the customs and trade laws of the United States.

(7) Trade facilitation

The term “trade facilitation” refers to policies and activities of U.S. Customs and Border Protection with respect to facilitating the movement of merchandise into and out of the United States in a manner that complies with the customs and trade laws of the United States.

(Pub. L. 114-125, §2, Feb. 24, 2016, 130 Stat. 124.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114-125, Feb. 24, 2016, 130 Stat. 122, known as the Trade Facilitation and Trade Enforcement Act of 2015, which, for purposes of defined terms, is classified principally to this chapter. For complete classification of Pub. L. 114-125 to the Code, see Short Title note set out below and Tables.

The Tariff Act of 1930, referred to in par. (4)(A), is act June 17, 1930, ch. 497, 46 Stat. 590, which is classified generally to chapter 4 (§1202 et seq.) of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

Act of March 3, 1927, referred to in par. (4)(D), is act Mar. 3, 1927, ch. 348, 44 Stat. 1381, which is classified principally to sections 2071 to 2073 of this title. For complete classification of this Act to the Code, see Tables.

Act of June 18, 1934, referred to in par. (4)(H), is act June 18, 1934, ch. 590, 48 Stat. 998, popularly known as the Foreign Trade Zones Act, which is classified generally to chapter 1A (§81a et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 81a of this title and Tables.

The Trade Act of 1974, referred to in par. (4)(J), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classi-

fied principally to chapter 12 (§2101 et seq.) of this title. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of this title and Tables.

The Trade Agreements Act of 1979, referred to in par. (4)(K), is Pub. L. 96-39, July 26, 1979, 93 Stat. 144. For complete classification of this Act to the Code, see References in Text note set out under section 2501 of this title and Tables.

The North American Free Trade Agreement Implementation Act, referred to in par. (4)(L), is Pub. L. 103-182, Dec. 8, 1993, 107 Stat. 2057. For complete classification of this Act to the Code, see Short Title note set out under section 3301 of this title and Tables.

The Uruguay Round Agreements Act, referred to in par. (4)(M), is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of this title and Tables.

The Caribbean Basin Economic Recovery Act, referred to in par. (4)(N), is title II of Pub. L. 98-67, Aug. 5, 1983, 97 Stat. 384, which is classified principally to chapter 15 (§2701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

The Andean Trade Preference Act, referred to in par. (4)(O), is title II of Pub. L. 102-182, Dec. 4, 1991, 105 Stat. 1236, which is classified generally to chapter 20 (§3201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3201 of this title and Tables.

The African Growth and Opportunity Act, referred to in par. (4)(P), is title I of Pub. L. 106-200, May 18, 2000, 114 Stat. 252, which is classified principally to chapter 23 (§3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

The Customs Enforcement Act of 1986, referred to in par. (4)(Q), is subtitle B of title III of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-79. For complete classification of this Act to the Code, see Short Title of 1986 Amendment note set out under section 1654 of this title and Tables.

The Customs and Trade Act of 1990, referred to in par. (4)(R), is Pub. L. 101-382, Aug. 20, 1990, 104 Stat. 629. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 2101 of this title and Tables.

The Customs Procedural Reform and Simplification Act of 1978, referred to in par. (4)(S), is Pub. L. 95-410, Oct. 3, 1978, 92 Stat. 888. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 1654 of this title and Tables.

The Trade Act of 2002, referred to in par. (4)(T), is Pub. L. 107-210, Aug. 6, 2002, 116 Stat. 933. For complete classification of this Act to the Code, see Short Title note set out under section 3801 of this title and Tables.

The Convention on Cultural Property Implementation Act, referred to in par. (4)(U), is title III of Pub. L. 97-446, Jan. 12, 1983, 96 Stat. 2350, which is classified generally to chapter 14 (§2601 et seq.) of this title. For complete classification of this title to the Code, see Short Title note set out under section 2601 of this title and Tables.

Act of March 28, 1928, referred to in par. (4)(V), is act Mar. 28, 1928, ch. 266, 45 Stat. 374, which is classified generally to sections 2077 to 2080 of this title. For complete classification of this Act to the Code, see Tables.

Act of August 7, 1939, referred to in par. (4)(W), is act Aug. 7, 1939, ch. 566, 53 Stat. 1262, which is classified generally to 2077 to 2080 of this title. For complete classification of this Act to the Code, see Tables.

The Bipartisan Congressional Trade Priorities and Accountability Act of 2015, referred to in par. (4)(X), is title I of Pub. L. 114-26, June 29, 2015, 129 Stat. 320, which is classified principally to chapter 27 (§4201 et seq.) of this title. For complete classification of title I to the Code, see Short Title note set out under section 4201 of this title and Tables.

The Trade Preferences Extension Act of 2015, referred to in par. (4)(Y), is Pub. L. 114-27, June 29, 2015, 129 Stat. 362. For complete classification of this Act to the Code, see Short Title of 2015 Amendment note set out under section 2101 of this title and Tables.

SHORT TITLE

Pub. L. 114-125, §1(a), Feb. 24, 2016, 130 Stat. 122, provided that: “This Act [see Tables for classification] may be cited as the ‘Trade Facilitation and Trade Enforcement Act of 2015’.”

Pub. L. 114-125, title IV, §401, Feb. 24, 2016, 130 Stat. 155, provided that: “This title [enacting subchapter IV of this chapter and section 1517 of this title, amending sections 1675 and 1677f of this title and section 1581 of Title 28, Judiciary And Judicial Procedure, and enacting provisions set out as notes under section 1517 of this title] may be cited as the ‘Enforce and Protect Act of 2015’.”

Pub. L. 114-125, title VIII, §801, Feb. 24, 2016, 130 Stat. 199, provided that: “This title [see Tables for classification] may be cited as the ‘U.S. Customs and Border Protection Authorization Act’.”

Pub. L. 114-125, title VIII, §811, Feb. 24, 2016, 130 Stat. 217, provided that: “This subtitle [subtitle B (§§811–819) of title VIII of Pub. L. 114-125, enacting subchapter VII of this chapter and amending section 8311 of Title 7, Agriculture, section 1356 of Title 8, Aliens and Nationality, and section 44901 of Title 49, Transportation] may be cited as the ‘Preclearance Authorization Act of 2015’.”

EX. ORD. NO. 13785. ESTABLISHING ENHANCED COLLECTION AND ENFORCEMENT OF ANTIDUMPING AND COUNTERVAILING DUTIES AND VIOLATIONS OF TRADE AND CUSTOMS LAWS

Ex. Ord. No. 13785, Mar. 31, 2017, 82 F.R. 16719, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the efficient and effective administration of United States trade laws, it is hereby ordered as follows:

SECTION 1. *Policy.* Importers that unlawfully evade antidumping and countervailing duties expose United States employers to unfair competition and deprive the Federal Government of lawful revenue. As of May 2015, \$2.3 billion in antidumping and countervailing duties owed to the Government remained uncollected, often from importers that lack assets located in the United States. It is therefore the policy of the United States to impose appropriate bonding requirements, based on risk assessments, on entries of articles subject to antidumping and countervailing duties, when necessary to protect the revenue of the United States.

SEC. 2. *Definitions.* For the purposes of this order:

(a) the term “importer” has the meaning given in section 4321 of title 19, United States Code; and

(b) the term “covered importer” means any importer of articles subject to antidumping or countervailing duties for which one of the following is true: U.S. Customs and Border Protection (CBP) has no record of previous imports by the importer; CBP has a record of the importer’s failure to fully pay antidumping or countervailing duties; or CBP has a record of the importer’s failure to pay antidumping or countervailing duties in a timely manner.

SEC. 3. *Implementation Plan Development.* Within 90 days of the date of this order, the Secretary of Homeland Security shall, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative, develop a plan that would require covered importers that, based on a risk assessment conducted by CBP, pose a risk to the revenue of the United States, to provide security for antidumping and countervailing duty liability through bonds and other legal measures, and also would identify other appropriate enforcement measures. This plan shall be consistent with the requirements of section

4321 and section 1623 of title 19, United States Code, and corresponding regulations.

SEC. 4. Trade and Suspected Customs Law Violations Enforcement. (a) Within 90 days of the date of this order, the Secretary of Homeland Security, through the Commissioner of CBP, shall develop and implement a strategy and plan for combating violations of United States trade and customs laws for goods and for enabling interdiction and disposal, including through methods other than seizure, of inadmissible merchandise entering through any mode of transportation, to the extent authorized by law.

(b) To ensure the timely and efficient enforcement of laws protecting Intellectual Property Rights (IPR) holders from the importation of counterfeit goods, the Secretary of the Treasury and the Secretary of Homeland Security shall take all appropriate steps, including rulemaking if necessary, to ensure that CBP can, consistent with law, share with rights holders:

(i) any information necessary to determine whether there has been an IPR infringement or violation; and

(ii) any information regarding merchandise voluntarily abandoned, as defined in section 127.12 of title 19, Code of Federal Regulations, before seizure, if the Commissioner of CBP reasonably believes that the successful importation of the merchandise would have violated United States trade laws.

SEC. 5. Priority Enforcement. The Attorney General, in consultation with the Secretary of Homeland Security, shall develop recommended prosecution practices and allocate appropriate resources to ensure that Federal prosecutors accord a high priority to prosecuting significant offenses related to violations of trade laws.

SEC. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

EX. ORD. No. 13796. ADDRESSING TRADE AGREEMENT VIOLATIONS AND ABUSES

Ex. Ord. No. 13796, Apr. 29, 2017, 82 F.R. 20819, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. Policy. Every trade agreement and investment agreement entered into by the United States, and all trade relations and trade preference programs of the United States, should enhance our economic growth, contribute favorably to our balance of trade, and strengthen the American manufacturing base. Many United States free trade agreements, investment agreements, and trade relations have failed, in whole or in part, to meet these criteria. The result has been large and persistent trade deficits, a lack of reciprocal treatment of American goods and investment, the offshoring of factories and jobs, the loss of American intellectual property and reduced technological innovation, downward pressure on wage and income growth, and an impaired tax base. It is the policy of the United States to negotiate new trade agreements, investment agreements, and trade relations that benefit American workers and domestic manufacturers, farmers, and ranchers; protect our intellectual property; and encourage domestic research and development. It is also the policy of the United States to renegotiate or terminate any existing trade agreement, investment agreement, or

trade relation that, on net, harms the United States economy, United States businesses, United States intellectual property rights and innovation rate, or the American people.

SEC. 2. Conduct Performance Reviews. The Secretary of Commerce and the United States Trade Representative (USTR), in consultation with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Director of the Office of Trade and Manufacturing Policy, shall conduct comprehensive performance reviews of:

(a) all bilateral, plurilateral, and multilateral trade agreements and investment agreements to which the United States is a party; and

(b) all trade relations with countries governed by the rules of the World Trade Organization (WTO) with which the United States does not have free trade agreements but with which the United States runs significant trade deficits in goods.

SEC. 3. Report of Violations and Abuses. (a) Each performance review shall be submitted to the President by the Secretary of Commerce and the USTR within 180 days of the date of this order and shall identify:

(i) those violations or abuses of any United States trade agreement, investment agreement, WTO rule governing any trade relation under the WTO, or trade preference program that are harming American workers or domestic manufacturers, farmers, or ranchers; harming our intellectual property rights; reducing our rate of innovation; or impairing domestic research and development;

(ii) unfair treatment by trade and investment partners that is harming American workers or domestic manufacturers, farmers, or ranchers; harming our intellectual property rights; reducing our rate of innovation; or impairing domestic research and development;

(iii) instances where a trade agreement, investment agreement, trade relation, or trade preference program has failed with regard to such factors as predicted new jobs created, favorable effects on the trade balance, expanded market access, lowered trade barriers, or increased United States exports; and

(iv) lawful and appropriate actions to remedy or correct deficiencies identified pursuant to subsections (a)(i) through (a)(iii) of this section.

(b) The findings of the performance reviews required by this order shall help guide United States trade policy and trade negotiations.

SEC. 4. Remedy of Trade Violations and Abuses. The Secretary of Commerce, the USTR, and other heads of executive departments and agencies, as appropriate, shall take every appropriate and lawful action to address violations of trade law, abuses of trade law, or instances of unfair treatment.

SEC. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

SUBCHAPTER I—TRADE FACILITATION AND TRADE ENFORCEMENT

§ 4311. Improving partnership programs

(a) In general

In order to advance the security, trade enforcement, and trade facilitation missions of