

§ 4350. Information for travelers regarding violations of intellectual property rights

(a) In general

The Secretary of Homeland Security shall develop and carry out an educational campaign to inform travelers entering or leaving the United States about the legal, economic, and public health and safety implications of acquiring merchandise that infringes intellectual property rights outside the United States and importing such merchandise into the United States in violation of United States law.

(b) Declaration forms

The Commissioner shall ensure that all versions of Declaration Form 6059B of U.S. Customs and Border Protection, or a successor form, including any electronic equivalent of Declaration Form 6059B or a successor form, printed or displayed on or after the date that is 30 days after February 24, 2016, include a written warning to inform travelers arriving in the United States that importation of merchandise into the United States that infringes intellectual property rights may subject travelers to civil or criminal penalties and may pose serious risks to safety or health.

(Pub. L. 114-125, title III, §311, Feb. 24, 2016, 130 Stat. 155.)

SUBCHAPTER IV—PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

§ 4361. Definitions

In this subchapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Finance and the Committee on Appropriations of the Senate; and

(B) the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives.

(2) Covered merchandise

The term “covered merchandise” means merchandise that is subject to—

(A) a countervailing duty order issued under section 706 of the Tariff Act of 1930 (19 U.S.C. 1671e); or

(B) an antidumping duty order issued under section 736 of the Tariff Act of 1930 (19 U.S.C. 1673e).

(3) Eligible small business

(A) In general

The term “eligible small business” means any business concern that, in the judgment of the Commissioner, due to its small size, has neither adequate internal resources nor financial ability to obtain qualified outside assistance in preparing and submitting for consideration allegations of evasion.

(B) Nonreviewability

Any agency decision regarding whether a business concern is an eligible small business for purposes of section 4371(b)(4)(E) of

this title is not reviewable by any other agency or by any court.

(4) Enter; entry

The terms “enter” and “entry” refer to the entry, or withdrawal from warehouse for consumption, of merchandise in the customs territory of the United States.

(5) Evade; evasion

The terms “evade” and “evasion” refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

(6) Secretary

The term “Secretary” means the Secretary of the Treasury.

(7) Trade remedy laws

The term “trade remedy laws” means title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

(Pub. L. 114-125, title IV, §402, Feb. 24, 2016, 130 Stat. 155.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IV of Pub. L. 114-125, Feb. 24, 2016, 130 Stat. 155, which is classified principally to this subchapter. For complete classification of title IV to the Code, see section 401 of Pub. L. 114-125, set out as a Short Title note under section 4301 of this title and Tables.

The Tariff Act of 1930, referred to in par. (7), is act June 17, 1930, ch. 497, 46 Stat. 590. Title VII of the Act is classified generally to subtitle IV (§1671 et seq.) of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

§ 4362. Application to Canada and Mexico

Pursuant to article 1902 of the North American Free Trade Agreement and section 3438 of this title, this subchapter and the amendments made by this subchapter shall apply with respect to goods from Canada and Mexico.

(Pub. L. 114-125, title IV, §403, Feb. 24, 2016, 130 Stat. 156.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IV of Pub. L. 114-125, Feb. 24, 2016, 130 Stat. 155, which is classified principally to this subchapter. For complete classification of title IV to the Code, see section 401 of Pub. L. 114-125, set out as a Short Title note under section 4301 of this title and Tables.

PART I—ACTIONS RELATING TO ENFORCEMENT OF TRADE REMEDY LAWS

§ 4371. Trade Remedy Law Enforcement Division

(a) Establishment

(1) In general

The Secretary of Homeland Security shall establish and maintain within the Office of