

## EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-39 effective Jan. 1, 1980, see section 107 of Pub. L. 96-39, set out as an Effective Date note under section 1671 of this title.

### CHAPTER 9—VISUAL AND AUDITORY MATERIALS OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL CHARACTER

Sec.	
2051.	Implementation of the Agreement; executive designation and duty of Federal agencies.
2052.	Assistance from other Federal agencies; facilities and personnel.

#### § 2051. Implementation of the Agreement; executive designation and duty of Federal agencies

The President of the United States is authorized to designate a Federal agency or agencies which shall be responsible for carrying out the provisions of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character and a related protocol of signature, opened for signature at Lake Success on July 15, 1949 (hereinafter in this chapter referred to as the "Agreement"). It shall be the duty of the Federal agency or agencies so designated to take appropriate measures for the carrying out of the provisions of the Agreement including the issuance of regulations. In carrying out this section, such Federal agency or agencies may not consider visual or auditory material to fail to qualify as being of international educational character—

(1) because it advocates a particular position or viewpoint, whether or not it presents or acknowledges opposing viewpoints;

(2) because it might lend itself to misinterpretation, or to misrepresentation of the United States or other countries, or their people or institutions;

(3) because it is not representative, authentic, or accurate or does not represent the current state of factual knowledge of a subject or aspect of a subject unless the material contains widespread and gross misstatements of fact;

(4) because it does not augment international understanding and goodwill, unless its primary purpose or effect is not to instruct or inform through the development of a subject or an aspect of a subject and its content is not such as to maintain, increase, or diffuse knowledge; or

(5) because in the opinion of the agency the material is propaganda.

Such Federal agency or agencies may not label as propaganda any material that receives a certificate of international educational character under this section and the Agreement.

(Pub. L. 89-634, § 1, Oct. 8, 1966, 80 Stat. 879; Pub. L. 102-138, title II, § 207, Oct. 28, 1991, 105 Stat. 693.)

## AMENDMENTS

1991—Pub. L. 102-138 inserted provisions at end limiting the authority of a Federal agency or agencies to fail to qualify visual or auditory material as being of international educational character and providing that

any material that receives a certificate of international educational character not be labeled as propaganda.

#### EX. ORD. NO. 11311. IMPLEMENTATION OF BEIRUT AGREEMENT RELATING TO AUDIO-VISUAL MATERIALS

Ex. Ord. No. 11311, Oct. 14, 1966, 31 F.R. 13413, provided:

By virtue of the authority vested in me as President of the United States, including the provisions of the Joint Resolution of October 8, 1966, Public Law 89-634 [this chapter and amendment to section 1202 of this title], and section 301 of Title 3 of the United States Code, I hereby order and proclaim that—

1. Pursuant to section 3(b) of the Joint Resolution, the amendments to the Tariff Schedules of the United States made by section 3(a) of the Joint Resolution shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on and after January 1, 1967.

2. Pursuant to the "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character", made at Beirut in 1948, the Joint Resolution, and headnote 1 to schedule 8, part 6 of the Tariff Schedules of the United States, the United States Information Agency is hereby designated as the agency to carry out the provisions of the Agreement and related protocol, and to make any determinations and to prescribe any regulations required by headnote 1.

LYNDON B. JOHNSON.

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of Title 22, Foreign Relations and Inter-course.]

#### § 2052. Assistance from other Federal agencies; facilities and personnel

Agencies of the Federal Government are authorized to furnish facilities and personnel for the purpose of assisting the agency or agencies designated by the President in carrying out the provisions of the Agreement.

(Pub. L. 89-634, § 2, Oct. 8, 1966, 80 Stat. 879.)

### CHAPTER 10—CUSTOMS SERVICE

Sec.	
2071.	Establishment of Service; Commissioner; appointment.
2072.	Officers and employees.
2073.	Transfer of personnel, etc., to Service.
2074.	Establishment of revolving fund.
2075.	Appropriations authorization.
2076.	Advances in foreign countries.
2077.	Advances for enforcement of customs provisions.
2078.	Certification of reason for advance.
2079.	Payments in foreign countries; claims for reimbursement.
2080.	Advances from available appropriations; rules and regulations.
2081.	Undercover investigative operations of Customs Service.
2082.	Customs Service administration.
2083.	Annual national trade and customs law violation estimates and enforcement strategy.
2084.	Office of Trade.

#### § 2071. Establishment of Service; Commissioner; appointment

There shall be in the Department of the Treasury a service to be known as the United States Customs Service, and a Commissioner of Cus-

toms.<sup>1</sup> The Commissioner of Customs,<sup>1</sup> who shall be appointed by the President by and with the advice and consent of the Senate, shall—

(1) be at the head of the United States Customs Service;

(2) carry out the duties and powers prescribed by the Secretary of the Treasury; and

(3) report to the Secretary of the Treasury through such other officials as may be designated by the Secretary.

(Mar. 3, 1927, ch. 348, § 1, 44 Stat. 1381; May 27, 1930, ch. 342, § 8, 46 Stat. 430; Ex. Ord. No. 6639, § 1a, Mar. 10, 1934; Pub. L. 101–207, § 3(b)(1), Dec. 7, 1989, 103 Stat. 1833; Pub. L. 114–125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

#### CODIFICATION

Provisions that fixed the compensation of the Commissioner have been omitted as the position is under the Executive Schedule, see section 5316 of Title 5, Government Organization and Employees.

Provisions that authorized appointment of the Commissioner “without regard to the civil service laws” were omitted as the appointment is subject to the civil service laws unless specifically excepted by such laws or by laws enacted subsequent to Executive Order No. 8743, Apr. 23, 1941, issued by the President pursuant to the act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5. The position is currently excepted from the civil service rules and regulations by Schedule C, see Part 213 of Title 5 of the Code of Federal Regulations.

Section was formerly classified to section 281 of Title 5 prior to the general revision and codification of Title 5 by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

References to the Bureau of Prohibition and to the Commissioner of Prohibition were omitted in view of the change of name of the Bureau of Prohibition to the Bureau of Industrial Alcohol by act May 27, 1930, and the abolition of the Bureau of Industrial Alcohol by Ex. Ord. No. 6639.

#### AMENDMENTS

1989—Pub. L. 101–207 amended second sentence generally. Prior to amendment, second sentence read as follows: “The Commissioner of Customs shall be at the head of the United States Customs Service, and the Commissioner of Customs shall be appointed by the Secretary of the Treasury.”

#### CHANGE OF NAME

Reference to Commissioner of Customs deemed to be reference to Commissioner of U.S. Customs and Border Protection pursuant to section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

“United States Customs Service” substituted in text for “Bureau of Customs” pursuant to Treasury Department Order 165–23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037. See, also, section 308 of Title 31, Money and Finance.

#### EFFECTIVE DATE

Act Mar. 3, 1927, ch. 348, § 7, 44 Stat. 1383, provided that: “This Act shall take effect April 1, 1927.”

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of re-

lated references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

Functions vested by law in Attorney General, Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States, were to have been transferred to Secretary of the Treasury by 1973 Reorg. Plan No. 2, § 2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5. The transfer was negated by section 1(a)(1), (b) of Pub. L. 93–253, Mar. 16, 1974, 88 Stat. 50, which repealed section 2 of 1973 Reorg. Plan No. 2, eff. July 1, 1973.

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

#### MANDATORY ADVANCE ELECTRONIC INFORMATION FOR CARGO AND OTHER IMPROVED CUSTOMS REPORTING PROCEDURES

Pub. L. 107–210, div. A, title III, § 343(a), (c), Aug. 6, 2002, 116 Stat. 981, 985, as amended by Pub. L. 107–295, title I, § 108(b), Nov. 25, 2002, 116 Stat. 2089; Pub. L. 109–59, title XI, § 11165(a), Aug. 10, 2005, 119 Stat. 1976; Pub. L. 114–125, title I, § 111(c), Feb. 24, 2016, 130 Stat. 140; Pub. L. 115–271, title VIII, § 8003(a)(1), (b)(1), (e), Oct. 24, 2018, 132 Stat. 4074, which authorized the Secretary of the Treasury to promulgate regulations providing for the transmission to the Customs Service of electronic information pertaining to cargo entering or leaving the United States and was formerly set out as a note under this section, was transferred to section 1415 of this title.

#### SECURE SYSTEMS OF TRANSPORTATION

Pub. L. 107–210, div. A, title III, § 343A, Aug. 6, 2002, 116 Stat. 985, required the Secretary of the Treasury to establish a joint task force to evaluate, prototype, and certify secure systems of transportation, required the joint task force to establish a program to evaluate and certify secure systems of international intermodal transport, provided minimum standards for the program, and mandated that the Secretary recognize certified systems of intermodal transport and report to Congress within one year of the program’s implementation, prior to repeal by Pub. L. 107–295, title I, § 108(c), Nov. 25, 2002, 116 Stat. 2090.

#### EXTENSION OF PRE-CLEARANCE PROGRAM IN ARUBA

Pub. L. 102–393, title VI, § 637, Oct. 6, 1992, 106 Stat. 1779, provided that: “Notwithstanding any other provision of law, the United States Customs Service pilot pre-clearance program authorized to be established in Aruba shall be extended through 1994.”

#### REPORTS REGARDING EXPANSION OF CUSTOMS PRECLEARANCE OPERATIONS AND RECOVERY FOR DAMAGE RESULTING FROM CUSTOMS EXAMINATIONS

Pub. L. 101–382, title I, § 124, Aug. 20, 1990, 104 Stat. 643, as amended by Pub. L. 114–125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210, provided that the Secretary of the Treasury would assess the advisability of expanding the use of preclearance operations by the

<sup>1</sup> See Change of Name note below.

United States Customs Service at foreign airports and report to Congress no later than Feb. 1, 1991, and also provided that the Secretary would evaluate various means by which persons whose merchandise is damaged during customs examinations could seek compensation from, or take other recourse against, the United States Customs Service, and report this evaluation to Congress by Feb. 1, 1991.

#### PILOT PRECLEARANCE PROGRAM

Pub. L. 101-382, title II, §233, Aug. 20, 1990, 104 Stat. 663, required the Commissioner of Customs to carry out, during fiscal years 1991 and 1992, preclearance operations at a facility of the United States Customs Service in a country within the Caribbean Basin which the Commissioner considered appropriate for testing the extent to which the availability of preclearance operations could assist in the development of tourism and to submit to Congress, as soon as practicable after Sept. 30, 1992, a report regarding those preclearance operations.

#### INCUMBENT COMMISSIONER ON DECEMBER 6, 1989

Pub. L. 101-207, §3(b)(2), Dec. 7, 1989, 103 Stat. 1834, provided that: "The individual who is serving as the Commissioner of Customs on the day before the date of the enactment of this Act [Dec. 7, 1989] may continue to serve in such capacity until a Commissioner of Customs, appointed as provided in the amendment made by paragraph (1) [amending this section], takes office."

#### ADVISORY COMMITTEE ON COMMERCIAL OPERATIONS OF UNITED STATES CUSTOMS SERVICE

Pub. L. 100-203, title IX, §9503(c), Dec. 22, 1987, 101 Stat. 1330-381, which directed the Secretary of the Treasury to establish an Advisory Committee on Commercial Operations of the United States Customs Service to advise the Secretary and prepare annual reports relating to commercial operations of the United States Customs Service, was repealed, effective on the date on which the Advisory Committee was established under section 4316(a) of this title [Mar. 29, 2016, see 81 F.R. 18865], by Pub. L. 114-125, title I, §109(g)(1), Feb. 24, 2016, 130 Stat. 137.

Pub. L. 99-272, title XIII, §13033, Apr. 7, 1986, 100 Stat. 311, which provided for the establishment of an advisory committee, whose members were to consist of representatives from the airline, shipping, and other transportation industries, the general public, and others, to advise the Secretary of the Treasury on issues related to the performance of the customs services, was repealed by Pub. L. 100-203, title IX, §9503(d), Dec. 22, 1987, 101 Stat. 1330-382.

## § 2072. Officers and employees

### (a) Appointment by Secretary of the Treasury

The Secretary of the Treasury is authorized to appoint, in the service established by section 2071 of this title, one assistant commissioner, three deputy commissioners, one chief clerk, and such attorneys and other officers and employees as he may deem necessary. One of the deputy commissioners of the United States Customs Service shall have charge of investigations. Appointments under this subsection shall be subject to the provisions of the civil service laws, and the salaries shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5.

### (b) Absence or disability of Commissioner

The Secretary of the Treasury is authorized to designate an officer of the United States Customs Service to act as Commissioner of Customs,<sup>1</sup> during the absence or disability of the

Commissioner of Customs,<sup>1</sup> or in the event that there is no Commissioner of Customs.<sup>1</sup>

### (c) Duties of personnel

The personnel of the United States Customs Service shall perform such duties as the Secretary of the Treasury may prescribe.

### (d) International Trade Committee

#### (1) Establishment

The Commissioner shall establish an International Trade Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Field Operations, the Assistant Commissioner in the Office of Finance, the Assistant Commissioner in the Office of International Affairs, the Assistant Commissioner in the Office of International Trade, the Director of the Office of Trade Relations, and any other official determined by the Commissioner to be important to the work of the Committee.

#### (2) Responsibilities

The International Trade Committee shall—

(A) be responsible for advising the Commissioner with respect to the commercial customs and trade facilitation functions of the United States Customs and Border Protection;

(B) assist the Commissioner in coordinating with the Secretary regarding commercial customs and trade facilitation functions; and

(C) oversee the operation of all programs and systems that are involved in the assessment and collection of duties, bonds, and other charges or penalties associated with the entry of cargo into the United States, or the export of cargo from the United States, including the administration of duty drawback and the collection of antidumping and countervailing duties.

#### (3) Annual report

Not later than 30 days after the end of each fiscal year, the International Trade Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

(A) detail the activities of the International Trade Committee during the preceding fiscal year; and

(B) identify the priorities of the International Trade Committee for the fiscal year in which the report is filed.

### (e) Definition

In this section:

#### (1) Commissioner

The term "Commissioner" means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.

#### (2) Commercial Operations Advisory Committee

The term "Commercial Operations Advisory Committee" means the Advisory Committee established pursuant to section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note)<sup>2</sup> or any successor committee.

<sup>1</sup> See Change of Name note below.

<sup>2</sup> See References in Text note below.