

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