

(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; Pub. L. 116–113, title IV, §401, Jan. 29, 2020, 134 Stat. 61.)

AMENDMENTS

2020—Subsec. (b). Pub. L. 116–113 inserted “or a party to the USMCA (as defined in section 4502 of this title)” after “subsection (a)” and “or the USMCA, as the case may be,” after “the bilateral agreement”.

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116–113 effective on the date on which the USMCA enters into force (July 1, 2020), but not applicable to certain determinations under section 1516a of this title or binational panel reviews under NAFTA, see section 432 of Pub. L. 116–113, set out as a note under section 1516a of this title.

EFFECT OF TERMINATION OF USMCA COUNTRY STATUS

For provisions relating to effect of termination of USMCA country status on sections 401 to 432 of Pub. L. 116–113, see section 4601 of this title.

§ 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 en-

tries of covered merchandise into the customs territory of the United States through evasion.

(Pub. L. 114–125, title IV, §431, Feb. 24, 2016, 130 Stat. 169.)

§ 4392. Annual report on prevention and investigation of evasion of antidumping and countervailing duty orders**(a) In general**

Not later than January 15 of each calendar year that begins on or after the date that is 270 days after February 24, 2016, the Commissioner, in consultation with the Secretary of Commerce and the Director of U.S. Immigration and Customs Enforcement, shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the efforts being taken to prevent and investigate the entry of covered merchandise into the customs territory of the United States through evasion.

(b) Contents

Each report required under subsection (a) shall include—

- (1) for the calendar year preceding the submission of the report—

(A) a summary of the efforts of U.S. Customs and Border Protection to prevent and investigate the entry of covered merchandise into the customs territory of the United States through evasion;

(B) the number of allegations of evasion received, including allegations received under subsection (b) of section 1517 of this title, and the number of such allegations resulting in investigations by U.S. Customs and Border Protection or any other Federal agency;

(C) a summary of investigations initiated, including investigations initiated under subsection (b) of such section 1517 of this title, including—

- (i) the number and nature of the investigations initiated, conducted, or completed; and
- (ii) the resolution of each completed investigation;

(D) the amount of additional duties that were determined to be owed as a result of such investigations, the amount of such duties that were collected, and, for any such duties not collected, a description of the reasons those duties were not collected;

(E) with respect to each such investigation that led to the imposition of a penalty, the amount of the penalty;

(F) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 1517 of this title to be entered into the customs territory of the United States through evasion;

(G) the amount of antidumping and countervailing duties collected as a result of any investigations or other actions by U.S. Customs and Border Protection or any other Federal agency;

(H) a description of the allocation of personnel and other resources of U.S. Customs

and Border Protection and U.S. Immigration and Customs Enforcement to prevent and investigate evasion, including any assessments conducted regarding the allocation of such personnel and resources; and

(I) a description of training conducted to increase expertise and effectiveness in the prevention and investigation of evasion; and

(2) a description of processes and procedures of U.S. Customs and Border Protection to prevent and investigate evasion, including—

(A) the specific guidelines, policies, and practices used by U.S. Customs and Border Protection to ensure that allegations of evasion are promptly evaluated and acted upon in a timely manner;

(B) an evaluation of the efficacy of those guidelines, policies, and practices;

(C) an identification of any changes since the last report required by this section, if any, that have materially improved or reduced the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion;

(D) a description of the development and implementation of policies for the application of single entry and continuous bonds for entries of covered merchandise to sufficiently protect the collection of antidumping and countervailing duties commensurate with the level of risk of not collecting those duties;

(E) a description of the processes and procedures for increased cooperation and information sharing with the Department of Commerce, U.S. Immigration and Customs Enforcement, and any other relevant Federal agencies to prevent and investigate evasion; and

(F) an identification of any recommended policy changes for other Federal agencies or legislative changes to improve the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion.

(c) Public summary

The Commissioner shall make available to the public a summary of the report required by subsection (a) that includes, at a minimum—

(1) a description of the type of merchandise with respect to which investigations were initiated under subsection (b) of section 1517 of this title;

(2) the amount of additional duties determined to be owed as a result of such investigations and the amount of such duties that were collected;

(3) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 1517 of this title to be entered into the customs territory of the United States through evasion; and

(4) a description of the types of measures used by U.S. Customs and Border Protection to prevent and investigate evasion.

(Pub. L. 114–125, title IV, § 432, Feb. 24, 2016, 130 Stat. 169.)

SUBCHAPTER V—ADDITIONAL ENFORCEMENT PROVISIONS

§ 4401. Inclusion of interest in certain distributions of antidumping duties and countervailing duties

(a) In general

The Secretary of Homeland Security shall deposit all interest described in subsection (c) into the special account established under section 1675c(e) of this title (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)) for inclusion in distributions described in subsection (b) made on or after February 24, 2016.

(b) Distributions described

Distributions described in this subsection are distributions of antidumping duties and countervailing duties assessed on or after October 1, 2000, that are made under section 1675c of this title (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)), with respect to entries of merchandise that—

(1) were made on or before September 30, 2007; and

(2) were, in accordance with section 822 of the Claims Resolution Act of 2010 (19 U.S.C. 1675c note), unliquidated, not in litigation, and not under an order of liquidation from the Department of Commerce on December 8, 2010.

(c) Interest described

(1) Interest realized

Interest described in this subsection is interest earned on antidumping duties or countervailing duties described in subsection (b) that is realized through application of a payment received on or after October 1, 2014, by U.S. Customs and Border Protection under, or in connection with—

(A) a customs bond pursuant to a court order or judgment; or

(B) a settlement with respect to a customs bond, including any payment made to U.S. Customs and Border Protection with respect to that bond by a surety.

(2) Types of interest

Interest described in paragraph (1) includes the following:

(A) Interest accrued under section 1677g of this title.

(B) Interest accrued under section 1505(d) of this title.

(C) Equitable interest under common law and interest under section 580 of this title awarded by a court against a surety under its bond for late payment of antidumping duties, countervailing duties, or interest described in subparagraph (A) or (B).

(d) Definitions

In this section:

(1) Antidumping duties

The term “antidumping duties” means antidumping duties imposed under section 1673 of this title or under the Antidumping Act, 1921 (title II of the Act of May 27, 1921; 42 Stat. 11, chapter 14).