

(Pub. L. 114–125, title III, §309, Feb. 24, 2016, 130 Stat. 153.)

**§ 4349. Report on intellectual property rights enforcement**

Not later than September 30, 2016, and annually thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly submit to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report that contains the following:

(1) With respect to the enforcement of intellectual property rights, the following:

(A) The number of referrals, during the preceding year, from U.S. Customs and Border Protection to U.S. Immigration and Customs Enforcement relating to infringement of intellectual property rights.

(B) The number of investigations relating to the infringement of intellectual property rights referred by U.S. Immigration and Customs Enforcement to a United States attorney for prosecution and the United States attorneys to which those investigations were referred.

(C) The number of such investigations accepted by each such United States attorney and the status or outcome of each such investigation.

(D) The number of such investigations that resulted in the imposition of civil or criminal penalties.

(E) A description of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve the success rates of investigations and prosecutions relating to the infringement of intellectual property rights.

(2) An estimate of the average time required by the Office of Trade established under section 2084 of this title to respond to a request from port personnel for advice with respect to whether merchandise detained by U.S. Customs and Border Protection infringed intellectual property rights, distinguished by types of intellectual property rights infringed.

(3) A summary of the outreach efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement with respect to—

(A) the interdiction and investigation of, and the sharing of information between those agencies and other Federal agencies to prevent, the infringement of intellectual property rights;

(B) collaboration with private sector entities—

(i) to identify trends in the infringement of, and technologies that infringe, intellectual property rights;

(ii) to identify opportunities for enhanced training of officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

(iii) to develop best practices to enforce intellectual property rights; and

(C) coordination with foreign governments and international organizations with respect to the enforcement of intellectual property rights.

(4) A summary of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to address the challenges with respect to the enforcement of intellectual property rights presented by Internet commerce and the transit of small packages and an identification of the volume, value, and type of merchandise seized for infringing intellectual property rights as a result of such efforts.

(5) A summary of training relating to the enforcement of intellectual property rights conducted under section 4347 of this title and expenditures for such training.

(Pub. L. 114–125, title III, §310, Feb. 24, 2016, 130 Stat. 153.)

**§ 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 10.10 of the USMCA (as defined in section 4502 of this title) and section 4588 of this title, this subchapter and the amend-

ments made by this title<sup>1</sup> shall apply with respect to goods from Canada and Mexico.

(Pub. L. 114-125, title IV, § 403, Feb. 24, 2016, 130 Stat. 156; Pub. L. 116-260, div. O, title VI, § 602(c), Dec. 27, 2020, 134 Stat. 2153.)

#### 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 amendments made by this title, referred to in text, mean the amendments made by title IV of Pub. L. 114-125, Feb. 24, 2016, 130 Stat. 155. 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.

#### AMENDMENTS

2020—Pub. L. 116-260 substituted “article 10.10 of the USMCA (as defined in section 4502 of this title) and section 4588 of this title” for “article 1902 of the North American Free Trade Agreement and section 3438 of this title”.

#### EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-260 effective July 1, 2020, see section 602(g) of div. O of Pub. L. 116-260, set out as a note under section 2578b of this title.

### 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 Trade established under section 2084 of this title a Trade Remedy Law Enforcement Division.

##### (2) Composition

The Trade Remedy Law Enforcement Division shall be composed of—

(A) headquarters personnel led by a Director, who shall report to the Executive Assistant Commissioner of the Office of Trade; and

(B) a National Targeting and Analysis Group dedicated to preventing and countering evasion.

##### (3) Duties

The Trade Remedy Law Enforcement Division shall be dedicated—

(A) to the development and administration of policies to prevent and counter evasion, including policies relating to the implementation of section 1517 of this title;

(B) to direct enforcement and compliance assessment activities concerning evasion;

(C) to the development and conduct of commercial risk assessment targeting with respect to cargo destined for the United States in accordance with subsection (c);

(D) to issuing Trade Alerts described in subsection (d); and

<sup>1</sup> See References in Text note below.