

(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 title¹ 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

¹ See References in Text note below.