

(b) Contents

The joint strategic plan required under this section shall be comprised of a comprehensive multiyear plan for trade enforcement and trade facilitation, and shall include—

- (1) a summary of actions taken during the 2-year period preceding the submission of the plan to improve trade enforcement and trade facilitation, including a description and analysis of specific performance measures to evaluate the progress of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in meeting each such responsibility;
- (2) a statement of objectives and plans for further improving trade enforcement and trade facilitation;
- (3) a specific identification of the priority trade issues described in section 4322 of this title that can be addressed in order to enhance trade enforcement and trade facilitation, and a description of strategies and plans for addressing each such issue, including—
 - (A) a description of the targeting methodologies used for enforcement activities with respect to each such issue;
 - (B) recommendations for improving such enforcement activities; and
 - (C) a description of the implementation of previous recommendations for improving such enforcement activities;
- (4) a description of efforts made to improve consultation and coordination among and within Federal agencies, and in particular between U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, regarding trade enforcement and trade facilitation;
- (5) a description of the training that has occurred to date within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve trade enforcement and trade facilitation, including training at educational seminars carried out under section 4313 of this title;
- (6) a description of efforts to work with the World Customs Organization and other international organizations, in consultation with other Federal agencies as appropriate, with respect to enhancing trade enforcement and trade facilitation;
- (7) a description of U.S. Custom¹ and Border Protection organizational benchmarks for optimizing staffing and wait times at ports of entry;
- (8) a specific identification of any domestic or international best practices that may further improve trade enforcement and trade facilitation;
- (9) any legislative recommendations to further improve trade enforcement and trade facilitation; and
- (10) a description of efforts made to improve consultation and coordination with the private sector to enhance trade enforcement and trade facilitation.

¹ So in original. Probably should be “Customs”.

(c) Consultations**(1) In general**

In developing the joint strategic plan required under this section, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall consult with—

- (A) appropriate officials from relevant Federal agencies, including—
 - (i) the Department of the Treasury;
 - (ii) the Department of Agriculture;
 - (iii) the Department of Commerce;
 - (iv) the Department of Justice;
 - (v) the Department of the Interior;
 - (vi) the Department of Health and Human Services;
 - (vii) the Food and Drug Administration;
 - (viii) the Consumer Product Safety Commission; and
 - (ix) the Office of the United States Trade Representative; and
- (B) the Commercial Customs Operations Advisory Committee established by section 4316 of this title.

(2) Other consultations

In developing the joint strategic plan required under this section, the Commissioner and the Director shall seek to consult with—

- (A) appropriate officials from relevant foreign law enforcement agencies and international organizations, including the World Customs Organization; and
- (B) interested parties in the private sector.

(d) Form of plan

The joint strategic plan required under this section shall be submitted in unclassified form, but may include a classified annex.

(Pub. L. 114–125, title I, §105, Feb. 24, 2016, 130 Stat. 132.)

§ 4315. Consultations with respect to mutual recognition arrangements**(a) Consultations**

The Secretary of Homeland Security, with respect to any proposed mutual recognition arrangement or similar agreement between the United States and a foreign government providing for mutual recognition of supply chain security programs and customs revenue functions, shall consult with the appropriate congressional committees—

- (1) not later than 30 days before initiating negotiations to enter into any such arrangement or similar agreement; and
- (2) not later than 30 days before entering into any such arrangement or similar agreement.

(b) Negotiating objective

It shall be a negotiating objective of the United States in any negotiation for a mutual recognition arrangement or similar agreement with a foreign country on partnership programs, such as the Customs–Trade Partnership Against Terrorism 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.), to seek to ensure the compatibility of the partnership programs of that country with the partnership pro-

grams of U.S. Customs and Border Protection to enhance security, trade facilitation, and trade enforcement.

(Pub. L. 114–125, title I, § 108, Feb. 24, 2016, 130 Stat. 135.)

Editorial Notes

REFERENCES IN TEXT

The Security and Accountability for Every Port Act of 2006, referred to in subsec. (b), 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.

§ 4316. Commercial Customs Operations Advisory Committee

(a) Establishment

Not later than the date that is 60 days after February 24, 2016, the Secretary of the Treasury and the Secretary of Homeland Security shall jointly establish a Commercial Customs Operations Advisory Committee (in this section referred to as the “Advisory Committee”).

(b) Membership

(1) In general

The Advisory Committee shall be comprised of—

(A) 20 individuals appointed under paragraph (2);

(B) the Assistant Secretary for Tax Policy of the Department of the Treasury and the Commissioner, who shall jointly co-chair meetings of the Advisory Committee; and

(C) the Assistant Secretary for Policy and the Director of U.S. Immigration and Customs Enforcement, who shall serve as deputy co-chairs of meetings of the Advisory Committee.

(2) Appointment

(A) In general

The Secretary of the Treasury and the Secretary of Homeland Security shall jointly appoint 20 individuals from the private sector to the Advisory Committee.

(B) Requirements

In making appointments under subparagraph (A), the Secretary of the Treasury and the Secretary of Homeland Security shall appoint members—

(i) to ensure that the membership of the Advisory Committee is representative of the individuals and firms affected by the commercial operations of U.S. Customs and Border Protection; and

(ii) without regard to political affiliation.

(C) Terms

Each individual appointed to the Advisory Committee under this paragraph shall be appointed for a term of not more than 3 years, and may be reappointed to subsequent terms, but may not serve more than 2 terms sequentially.

(3) Transfer of membership

The Secretary of the Treasury and the Secretary of Homeland Security may transfer members serving on the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note)¹ on the day before February 24, 2016, to the Advisory Committee established under subsection (a).

(c) Duties

The Advisory Committee established under subsection (a) shall—

(1) advise the Secretary of the Treasury and the Secretary of Homeland Security on all matters involving the commercial operations of U.S. Customs and Border Protection, including advising with respect to significant changes that are proposed with respect to regulations, policies, or practices of U.S. Customs and Border Protection;

(2) provide recommendations to the Secretary of the Treasury and the Secretary of Homeland Security on improvements to the commercial operations of U.S. Customs and Border Protection;

(3) collaborate in developing the agenda for Advisory Committee meetings; and

(4) perform such other functions relating to the commercial operations of U.S. Customs and Border Protection as prescribed by law or as the Secretary of the Treasury and the Secretary of Homeland Security jointly direct.

(d) Meetings

Notwithstanding section 1009(f) of title 5, the Advisory Committee shall meet at the call of the Secretary of the Treasury and the Secretary of Homeland Security, or at the call of not less than ⅔ of the membership of the Advisory Committee. The Advisory Committee shall meet at least 4 times each calendar year.

(e) Annual report

Not later than December 31, 2016, and annually thereafter, the Advisory Committee shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

(1) describes the activities of the Advisory Committee during the preceding fiscal year; and

(2) sets forth any recommendations of the Advisory Committee regarding the commercial operations of U.S. Customs and Border Protection.

(f) Termination

Section 1013(a) of title 5 shall not apply to the Advisory Committee.

(g) Conforming amendment

(1) Omitted

(2) Reference

Any reference in law to the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget

¹ See References in Text note below.