

***In the Senate of the United States,***

*May 14, 2015.*

*Resolved*, That the bill from the House of Representatives (H.R. 644) entitled “An Act to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.”, do pass with the following

**AMENDMENTS:**

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“Trade Facilitation and Trade Enforcement Act of 2015”.*

4       (b) *TABLE OF CONTENTS.*—*The table of contents for*  
5 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

***TITLE I—TRADE FACILITATION AND TRADE ENFORCEMENT***

*Sec. 101. Improving partnership programs.*

*Sec. 102. Report on effectiveness of trade enforcement activities.*

*Sec. 103. Priorities and performance standards for customs modernization, trade  
facilitation, and trade enforcement functions and programs.*

- Sec. 104. Educational seminars to improve efforts to classify and appraise imported articles, to improve trade enforcement efforts, and to otherwise facilitate legitimate international trade.*
- Sec. 105. Joint strategic plan.*
- Sec. 106. Automated Commercial Environment.*
- Sec. 107. International Trade Data System.*
- Sec. 108. Consultations with respect to mutual recognition arrangements.*
- Sec. 109. Commercial Customs Operations Advisory Committee.*
- Sec. 110. Centers of Excellence and Expertise.*
- Sec. 111. Commercial Targeting Division and National Targeting and Analysis Groups.*
- Sec. 112. Report on oversight of revenue protection and enforcement measures.*
- Sec. 113. Report on security and revenue measures with respect to merchandise transported in bond.*
- Sec. 114. Importer of record program.*
- Sec. 115. Establishment of new importer program.*

#### TITLE II—IMPORT HEALTH AND SAFETY

- Sec. 201. Interagency import safety working group.*
- Sec. 202. Joint import safety rapid response plan.*
- Sec. 203. Training.*

#### TITLE III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

- Sec. 301. Definition of intellectual property rights.*
- Sec. 302. Exchange of information related to trade enforcement.*
- Sec. 303. Seizure of circumvention devices.*
- Sec. 304. Enforcement by U.S. Customs and Border Protection of works for which copyright registration is pending.*
- Sec. 305. National Intellectual Property Rights Coordination Center.*
- Sec. 306. Joint strategic plan for the enforcement of intellectual property rights.*
- Sec. 307. Personnel dedicated to the enforcement of intellectual property rights.*
- Sec. 308. Training with respect to the enforcement of intellectual property rights.*
- Sec. 309. International cooperation and information sharing.*
- Sec. 310. Report on intellectual property rights enforcement.*
- Sec. 311. Information for travelers regarding violations of intellectual property rights.*

#### TITLE IV—EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

- Sec. 401. Short title.*
- Sec. 402. Procedures for investigating claims of evasion of antidumping and countervailing duty orders.*
- Sec. 403. Annual report on prevention and investigation of evasion of antidumping and countervailing duty orders.*

#### TITLE V—AMENDMENTS TO ANTIDUMPING AND COUNTERVAILING DUTY LAWS

- Sec. 501. Consequences of failure to cooperate with a request for information in a proceeding.*
- Sec. 502. Definition of material injury.*
- Sec. 503. Particular market situation.*
- Sec. 504. Distortion of prices or costs.*

*Sec. 505. Reduction in burden on Department of Commerce by reducing the number of voluntary respondents.*

*Sec. 506. Application to Canada and Mexico.*

**TITLE VI—ADDITIONAL TRADE ENFORCEMENT AND INTELLECTUAL PROPERTY RIGHTS PROTECTION**

*Subtitle A—Trade Enforcement*

*Sec. 601. Trade enforcement priorities.*

*Sec. 602. Exercise of WTO authorization to suspend concessions or other obligations under trade agreements.*

*Sec. 603. Trade monitoring.*

*Sec. 604. Establishment of Interagency Trade Enforcement Center.*

*Sec. 605. Establishment of Chief Manufacturing Negotiator.*

*Sec. 606. Enforcement under title III of the Trade Act of 1974 with respect to certain acts, policies, and practices relating to the environment.*

*Sec. 607. Trade Enforcement Trust Fund.*

*Sec. 608. Honey transshipment.*

*Sec. 609. Inclusion of interest in certain distributions of antidumping duties and countervailing duties.*

*Sec. 610. Illicitly imported, exported, or trafficked cultural property, archaeological or ethnological materials, and fish, wildlife, and plants.*

*Subtitle B—Intellectual Property Rights Protection*

*Sec. 611. Establishment of Chief Innovation and Intellectual Property Negotiator.*

*Sec. 612. Measures relating to countries that deny adequate protection for intellectual property rights.*

**TITLE VII—CURRENCY MANIPULATION**

*Subtitle A—Investigation of Currency Undervaluation*

*Sec. 701. Short title.*

*Sec. 702. Investigation or review of currency undervaluation under countervailing duty law.*

*Sec. 703. Benefit calculation methodology with respect to currency undervaluation.*

*Sec. 704. Modification of definition of specificity with respect to export subsidy.*

*Sec. 705. Application to Canada and Mexico.*

*Sec. 706. Effective date.*

*Subtitle B—Engagement on Currency Exchange Rate and Economic Policies*

*Sec. 711. Enhancement of engagement on currency exchange rate and economic policies with certain major trading partners of the United States.*

*Sec. 712. Advisory Committee on International Exchange Rate Policy.*

**TITLE VIII—PROCESS FOR CONSIDERATION OF TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS**

*Sec. 801. Short title.*

*Sec. 802. Sense of Congress on the need for a miscellaneous tariff bill.*

*Sec. 803. Process for consideration of duty suspensions and reductions.*

*Sec. 804. Report on effects of duty suspensions and reductions on United States economy.*

*Sec. 805. Judicial review precluded.*

*Sec. 806. Definitions.*

**TITLE IX—MISCELLANEOUS PROVISIONS**

*Sec. 901. De minimis value.*

*Sec. 902. Consultation on trade and customs revenue functions.*

*Sec. 903. Penalties for customs brokers.*

*Sec. 904. Amendments to chapter 98 of the Harmonized Tariff Schedule of the United States.*

*Sec. 905. Exemption from duty of residue of bulk cargo contained in instruments of international traffic previously exported from the United States.*

*Sec. 906. Drawback and refunds.*

*Sec. 907. Inclusion of certain information in submission of nomination for appointment as Deputy United States Trade Representative.*

*Sec. 908. Biennial reports regarding competitiveness issues facing the United States economy and competitive conditions for certain key United States industries.*

*Sec. 909. Report on certain U.S. Customs and Border Protection agreements.*

*Sec. 910. Charter flights.*

*Sec. 911. Amendment to Tariff Act of 1930 to require country of origin marking of certain castings.*

*Sec. 912. Elimination of consumptive demand exception to prohibition on importation of goods made with convict labor, forced labor, or indentured labor; report.*

*Sec. 913. Improved collection and use of labor market information.*

*Sec. 914. Statements of policy with respect to Israel.*

**TITLE X—OFFSETS**

*Sec. 1001. Revocation or denial of passport in case of certain unpaid taxes.*

*Sec. 1002. Customs user fees.*

**1 SEC. 2. DEFINITIONS.**

**2 In this Act:**

**3 (1) AUTOMATED COMMERCIAL ENVIRONMENT.—**

**4 The term “Automated Commercial Environment”**

**5 means the Automated Commercial Environment com-**

**6 puter system authorized under section 13031(f)(4) of**

**7 the Consolidated Omnibus Budget Reconciliation Act**

**8 of 1985 (19 U.S.C. 58c(f)(4)).**

1           (2) *COMMISSIONER.*—*The term “Commissioner”*  
2           *means the Commissioner responsible for U.S. Customs*  
3           *and Border Protection.*

4           (3) *CUSTOMS AND TRADE LAWS OF THE UNITED*  
5           *STATES.*—*The term “customs and trade laws of the*  
6           *United States” includes the following:*

7                   (A) *The Tariff Act of 1930 (19 U.S.C. 1202*  
8                   *et seq.).*

9                   (B) *Section 249 of the Revised Statutes (19*  
10                   *U.S.C. 3).*

11                   (C) *Section 2 of the Act of March 4, 1923*  
12                   *(42 Stat. 1453, chapter 251; 19 U.S.C. 6).*

13                   (D) *The Act of March 3, 1927 (44 Stat.*  
14                   *1381, chapter 348; 19 U.S.C. 2071 et seq.).*

15                   (E) *Section 13031 of the Consolidated Om-*  
16                   *nibus Budget Reconciliation Act of 1985 (19*  
17                   *U.S.C. 58c).*

18                   (F) *Section 251 of the Revised Statutes (19*  
19                   *U.S.C. 66).*

20                   (G) *Section 1 of the Act of June 26, 1930*  
21                   *(46 Stat. 817, chapter 617; 19 U.S.C. 68).*

22                   (H) *The Foreign Trade Zones Act (19*  
23                   *U.S.C. 81a et seq.).*

24                   (I) *Section 1 of the Act of March 2, 1911*  
25                   *(36 Stat. 965, chapter 191; 19 U.S.C. 198).*

1           (J) *The Trade Act of 1974 (19 U.S.C. 2102*  
2 *et seq.)*.

3           (K) *The Trade Agreements Act of 1979 (19*  
4 *U.S.C. 2501 et seq.)*.

5           (L) *The North American Free Trade Agree-*  
6 *ment Implementation Act (19 U.S.C. 3301 et*  
7 *seq.)*.

8           (M) *The Uruguay Round Agreements Act*  
9 *(19 U.S.C. 3501 et seq.)*.

10          (N) *The Caribbean Basin Economic Recov-*  
11 *ery Act (19 U.S.C. 2701 et seq.)*.

12          (O) *The Andean Trade Preference Act (19*  
13 *U.S.C. 3201 et seq.)*.

14          (P) *The African Growth and Opportunity*  
15 *Act (19 U.S.C. 3701 et seq.)*.

16          (Q) *The Customs Enforcement Act of 1986*  
17 *(Public Law 99–570; 100 Stat. 3207–79)*.

18          (R) *The Customs and Trade Act of 1990*  
19 *(Public Law 101–382; 104 Stat. 629)*.

20          (S) *The Customs Procedural Reform and*  
21 *Simplification Act of 1978 (Public Law 95–410;*  
22 *92 Stat. 888)*.

23          (T) *The Trade Act of 2002 (Public Law*  
24 *107–210; 116 Stat. 933)*.

1           (U) *The Convention on Cultural Property*  
2           *Implementation Act (19 U.S.C. 2601 et seq.).*

3           (V) *The Act of March 28, 1928 (45 Stat.*  
4           *374, chapter 266; 19 U.S.C. 2077 et seq.).*

5           (W) *The Act of August 7, 1939 (53 Stat.*  
6           *1263, chapter 566).*

7           (X) *Any other provision of law imple-*  
8           *menting a trade agreement.*

9           (Y) *Any other provision of law vesting cus-*  
10          *toms revenue functions in the Secretary of the*  
11          *Treasury.*

12          (Z) *Any other provision of law relating to*  
13          *trade facilitation or trade enforcement that is*  
14          *administered by U.S. Customs and Border Pro-*  
15          *tection on behalf of any Federal agency that is*  
16          *required to participate in the International*  
17          *Trade Data System.*

18          (AA) *Any other provision of customs or*  
19          *trade law administered by U.S. Customs and*  
20          *Border Protection or U.S. Immigration and Cus-*  
21          *toms Enforcement.*

22          (4) *PRIVATE SECTOR ENTITY.*—*The term “pri-*  
23          *vate sector entity” means—*

24                  (A) *an importer;*

25                  (B) *an exporter;*

- 1           (C) a forwarder;
- 2           (D) an air, sea, or land carrier or shipper;
- 3           (E) a contract logistics provider;
- 4           (F) a customs broker; or
- 5           (G) any other person (other than an em-
- 6           ployee of a government) affected by the imple-
- 7           mentation of the customs and trade laws of the
- 8           United States.

9           (5) *TRADE ENFORCEMENT*.—The term “trade en-

10          forcement” means the enforcement of the customs and

11          trade laws of the United States.

12          (6) *TRADE FACILITATION*.—The term “trade fa-

13          cilitation” refers to policies and activities of U.S.

14          Customs and Border Protection with respect to facili-

15          tating the movement of merchandise into and out of

16          the United States in a manner that complies with the

17          customs and trade laws of the United States.

18        **TITLE I—TRADE FACILITATION**

19        **AND TRADE ENFORCEMENT**

20        **SEC. 101. IMPROVING PARTNERSHIP PROGRAMS.**

21          (a) *IN GENERAL*.—In order to advance the security,

22          trade enforcement, and trade facilitation missions of U.S.

23          Customs and Border Protection, the Commissioner shall en-

24          sure that partnership programs of U.S. Customs and Bor-

25          der Protection established before the date of the enactment



1 *of this Act, such as the Customs-Trade Partnership Against*  
2 *Terrorism established under subtitle B of title II of the Se-*  
3 *curity and Accountability for Every Port Act of 2006 (6*  
4 *U.S.C. 961 et seq.), and partnership programs of U.S. Cus-*  
5 *toms and Border Protection established after such date of*  
6 *enactment, provide trade benefits to private sector entities*  
7 *that meet the requirements for participation in those pro-*  
8 *grams established by the Commissioner under this section.*

9       **(b) ELEMENTS.**—*In developing and operating partner-*  
10 *ship programs under subsection (a), the Commissioner*  
11 *shall—*

12           **(1)** *consult with private sector entities, the pub-*  
13 *lic, and other Federal agencies when appropriate, to*  
14 *ensure that participants in those programs receive*  
15 *commercially significant and measurable trade bene-*  
16 *fits, including providing preclearance of merchandise*  
17 *for qualified persons that demonstrate the highest lev-*  
18 *els of compliance with the customs and trade laws of*  
19 *the United States, regulations of U.S. Customs and*  
20 *Border Protection, and other requirements the Com-*  
21 *missioner determines to be necessary;*

22           **(2)** *ensure an integrated and transparent system*  
23 *of trade benefits and compliance requirements for all*  
24 *partnership programs of U.S. Customs and Border*  
25 *Protection;*

1           (3) *consider consolidating partnership programs*  
2 *in situations in which doing so would support the ob-*  
3 *jectives of such programs, increase participation in*  
4 *such programs, enhance the trade benefits provided to*  
5 *participants in such programs, and enhance the allo-*  
6 *cation of the resources of U.S. Customs and Border*  
7 *Protection;*

8           (4) *coordinate with the Director of U.S. Immi-*  
9 *gration and Customs Enforcement, and other Federal*  
10 *agencies with authority to detain and release mer-*  
11 *chandise entering the United States—*

12                 (A) *to ensure coordination in the release of*  
13 *such merchandise through the Automated Com-*  
14 *mercial Environment, or its predecessor, and the*  
15 *International Trade Data System;*

16                 (B) *to ensure that the partnership programs*  
17 *of those agencies are compatible with the part-*  
18 *nership programs of U.S. Customs and Border*  
19 *Protection;*

20                 (C) *to develop criteria for authorizing the*  
21 *release, on an expedited basis, of merchandise for*  
22 *which documentation is required from one or*  
23 *more of those agencies to clear or license the mer-*  
24 *chandise for entry into the United States; and*

1           (D) to create pathways, within and among  
2           the appropriate Federal agencies, for qualified  
3           persons that demonstrate the highest levels of  
4           compliance to receive immediate clearance absent  
5           information that a transaction may pose a na-  
6           tional security or compliance threat; and

7           (5) ensure that trade benefits are provided to  
8           participants in partnership programs.

9           (c) *REPORT REQUIRED.*—Not later than the date that  
10          is 180 days after the date of the enactment of this Act, and  
11          December 31 of each year thereafter, the Commissioner shall  
12          submit to the Committee on Finance of the Senate and the  
13          Committee on Ways and Means of the House of Representa-  
14          tives a report that—

15               (1) identifies each partnership program referred  
16               to in subsection (a);

17               (2) for each such program, identifies—

18                       (A) the requirements for participants in the  
19                       program;

20                       (B) the commercially significant and meas-  
21                       urable trade benefits provided to participants in  
22                       the program;

23                       (C) the number of participants in the pro-  
24                       gram; and

1           (D) in the case of a program that provides  
2           for participation at multiple tiers, the number of  
3           participants at each such tier;

4           (3) identifies the number of participants enrolled  
5           in more than one such partnership program;

6           (4) assesses the effectiveness of each such partner-  
7           ship program in advancing the security, trade en-  
8           forcement, and trade facilitation missions of U.S.  
9           Customs and Border Protection, based on historical  
10          developments, the level of participation in the pro-  
11          gram, and the evolution of benefits provided to par-  
12          ticipants in the program;

13          (5) summarizes the efforts of U.S. Customs and  
14          Border Protection to work with other Federal agencies  
15          with authority to detain and release merchandise en-  
16          tering the United States to ensure that partnership  
17          programs of those agencies are compatible with part-  
18          nership programs of U.S. Customs and Border Pro-  
19          tection;

20          (6) summarizes criteria developed with those  
21          agencies for authorizing the release, on an expedited  
22          basis, of merchandise for which documentation is re-  
23          quired from one or more of those agencies to clear or  
24          license the merchandise for entry into the United  
25          States;

1           (7) summarizes the efforts of U.S. Customs and  
2     *Border Protection to work with private sector entities*  
3     *and the public to develop and improve partnership*  
4     *programs referred to in subsection (a);*

5           (8) describes measures taken by U.S. Customs  
6     *and Border Protection to make private sector entities*  
7     *aware of the trade benefits available to participants*  
8     *in such programs; and*

9           (9) summarizes the plans, targets, and goals of  
10    *U.S. Customs and Border Protection with respect to*  
11    *such programs for the 2 years following the submis-*  
12    *sion of the report.*

13 **SEC. 102. REPORT ON EFFECTIVENESS OF TRADE ENFORCE-**  
14                   **MENT ACTIVITIES.**

15       (a) *IN GENERAL.*—Not later than one year after the  
16    *date of the enactment of this Act, the Comptroller General*  
17    *of the United States shall submit to the Committee on Fi-*  
18    *nance of the Senate and the Committee on Ways and Means*  
19    *of the House of Representatives a report on the effectiveness*  
20    *of trade enforcement activities of U.S. Customs and Border*  
21    *Protection.*

22       (b) *CONTENTS.*—The report required by subsection (a)  
23    *shall include—*

24           (1) *a description of the use of resources, results*  
25    *of audits and verifications, targeting, organization,*

1 *and training of personnel of U.S. Customs and Bor-*  
2 *der Protection;*

3 (2) *a description of trade enforcement activities*  
4 *to address undervaluation, transshipment, legitimacy*  
5 *of entities making entry, protection of revenues, fraud*  
6 *prevention and detection, and penalties, including in-*  
7 *tentional misclassification, inadequate bonding, and*  
8 *other misrepresentations; and*

9 (3) *a description of trade enforcement activities*  
10 *with respect to the priority trade issues described in*  
11 *paragraph (3)(B)(ii) of section 2(d) of the Act of*  
12 *March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C.*  
13 *2072(d)), as added by section 111(a) of this Act, in-*  
14 *cluding—*

15 (A) *methodologies used in such enforcement*  
16 *activities, such as targeting;*

17 (B) *recommendations for improving such*  
18 *enforcement activities; and*

19 (C) *a description of the implementation of*  
20 *previous recommendations for improving such*  
21 *enforcement activities.*

22 (c) *FORM OF REPORT.—The report required by sub-*  
23 *section (a) shall be submitted in unclassified form, but may*  
24 *include a classified annex.*

1 **SEC. 103. PRIORITIES AND PERFORMANCE STANDARDS FOR**  
2 **CUSTOMS MODERNIZATION, TRADE FACILITA-**  
3 **TION, AND TRADE ENFORCEMENT FUNC-**  
4 **TIONS AND PROGRAMS.**

5 (a) *PRIORITIES AND PERFORMANCE STANDARDS.*—

6 (1) *IN GENERAL.*—*The Commissioner, in con-*  
7 *sultation with the Committee on Finance of the Sen-*  
8 *ate and the Committee on Ways and Means of the*  
9 *House of Representatives, shall establish priorities*  
10 *and performance standards to measure the develop-*  
11 *ment and levels of achievement of the customs mod-*  
12 *ernization, trade facilitation, and trade enforcement*  
13 *functions and programs described in subsection (b).*

14 (2) *MINIMUM PRIORITIES AND STANDARDS.*—  
15 *Such priorities and performance standards shall, at*  
16 *a minimum, include priorities and standards relating*  
17 *to efficiency, outcome, output, and other types of ap-*  
18 *plicable measures.*

19 (b) *FUNCTIONS AND PROGRAMS DESCRIBED.*—*The*  
20 *functions and programs referred to in subsection (a) are*  
21 *the following:*

22 (1) *The Automated Commercial Environment.*

23 (2) *Each of the priority trade issues described in*  
24 *paragraph (3)(B)(ii) of section 2(d) of the Act of*  
25 *March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C.*  
26 *2072(d)), as added by section 111(a) of this Act.*

1           (3) *The Centers of Excellence and Expertise de-*  
2 *scribed in section 110 of this Act.*

3           (4) *Drawback for exported merchandise under*  
4 *section 313 of the Tariff Act of 1930 (19 U.S.C.*  
5 *1313), as amended by section 906 of this Act.*

6           (5) *Transactions relating to imported merchan-*  
7 *dise in bond.*

8           (6) *Collection of countervailing duties assessed*  
9 *under subtitle A of title VII of the Tariff Act of 1930*  
10 *(19 U.S.C. 1671 et seq.) and antidumping duties as-*  
11 *essed under subtitle B of title VII of the Tariff Act*  
12 *of 1930 (19 U.S.C. 1673 et seq.).*

13           (7) *The expedited clearance of cargo.*

14           (8) *The issuance of regulations and rulings.*

15           (9) *The issuance of Regulatory Audit Reports.*

16           (c) *CONSULTATIONS AND NOTIFICATION.—*

17           (1) *CONSULTATIONS.—The consultations re-*  
18 *quired by subsection (a)(1) shall occur, at a min-*  
19 *imum, on an annual basis.*

20           (2) *NOTIFICATION.—The Commissioner shall no-*  
21 *tify the Committee on Finance of the Senate and the*  
22 *Committee on Ways and Means of the House of Rep-*  
23 *resentatives of any changes to the priorities referred*  
24 *to in subsection (a) not later than 30 days before such*  
25 *changes are to take effect.*



1 **SEC. 104. EDUCATIONAL SEMINARS TO IMPROVE EFFORTS**  
2 **TO CLASSIFY AND APPRAISE IMPORTED ARTI-**  
3 **CLES, TO IMPROVE TRADE ENFORCEMENT EF-**  
4 **FORTS, AND TO OTHERWISE FACILITATE LE-**  
5 **GITIMATE INTERNATIONAL TRADE.**

6 (a) *IN GENERAL.*—

7 (1) *ESTABLISHMENT.*—*The Commissioner and*  
8 *the Director shall establish and carry out on a fiscal*  
9 *year basis educational seminars to—*

10 (A) *improve the ability of U.S. Customs*  
11 *and Border Protection personnel to classify and*  
12 *appraise articles imported into the United States*  
13 *in accordance with the customs and trade laws*  
14 *of the United States;*

15 (B) *improve the trade enforcement efforts of*  
16 *U.S. Customs and Border Protection personnel*  
17 *and U.S. Immigration and Customs Enforce-*  
18 *ment personnel; and*

19 (C) *otherwise improve the ability and effec-*  
20 *tiveness of U.S. Customs and Border Protection*  
21 *personnel and U.S. Immigration and Customs*  
22 *Enforcement personnel to facilitate legitimate*  
23 *international trade.*

24 (b) *CONTENT.*—

25 (1) *CLASSIFYING AND APPRAISING IMPORTED AR-*  
26 *TICLES.*—*In carrying out subsection (a)(1)(A), the*

1     *Commissioner, the Director, and interested parties in*  
2     *the private sector selected under subsection (c) shall*  
3     *provide instruction and related instructional mate-*  
4     *rials at each educational seminar under this section*  
5     *to U.S. Customs and Border Protection personnel*  
6     *and, as appropriate, to U.S. Immigration and Cus-*  
7     *toms Enforcement personnel on the following:*

8             *(A) Conducting a physical inspection of an*  
9             *article imported into the United States, includ-*  
10            *ing testing of samples of the article, to determine*  
11            *if the article is mislabeled in the manifest or*  
12            *other accompanying documentation.*

13            *(B) Reviewing the manifest and other ac-*  
14            *companying documentation of an article im-*  
15            *ported into the United States to determine if the*  
16            *country of origin of the article listed in the*  
17            *manifest or other accompanying documentation*  
18            *is accurate.*

19            *(C) Customs valuation.*

20            *(D) Industry supply chains and other re-*  
21            *lated matters as determined to be appropriate by*  
22            *the Commissioner.*

23            (2) *TRADE ENFORCEMENT EFFORTS.—In car-*  
24            *rying out subsection (a)(1)(B), the Commissioner, the*  
25            *Director, and interested parties in the private sector*

1 *selected under subsection (c) shall provide instruction*  
2 *and related instructional materials at each edu-*  
3 *catinal seminar under this section to U.S. Customs*  
4 *and Border Protection personnel and, as appropriate,*  
5 *to U.S. Immigration and Customs Enforcement per-*  
6 *sonnel to identify opportunities to enhance enforce-*  
7 *ment of the following:*

8 (A) *Collection of countervailing duties as-*  
9 *essed under subtitle A of title VII of the Tariff*  
10 *Act of 1930 (19 U.S.C. 1671 et seq.) and anti-*  
11 *dumping duties assessed under subtitle B of title*  
12 *VII of the Tariff Act of 1930 (19 U.S.C. 1673 et*  
13 *seq.).*

14 (B) *Addressing evasion of duties on imports*  
15 *of textiles.*

16 (C) *Protection of intellectual property*  
17 *rights.*

18 (D) *Enforcement of child labor laws.*

19 (3) *APPROVAL OF COMMISSIONER AND DIREC-*  
20 *TOR.—The instruction and related instructional ma-*  
21 *terials at each educational seminar under this section*  
22 *shall be subject to the approval of the Commissioner*  
23 *and the Director.*

24 (c) *SELECTION PROCESS.—*

1           (1) *IN GENERAL.*—*The Commissioner shall estab-*  
2 *lish a process to solicit, evaluate, and select interested*  
3 *parties in the private sector for purposes of assisting*  
4 *in providing instruction and related instructional*  
5 *materials described in subsection (b) at each edu-*  
6 *cational seminar under this section.*

7           (2) *CRITERIA.*—*The Commissioner shall evaluate*  
8 *and select interested parties in the private sector*  
9 *under the process established under paragraph (1)*  
10 *based on—*

11                   (A) *availability and usefulness;*

12                   (B) *the volume, value, and incidence of*  
13 *mislabeling or misidentification of origin of im-*  
14 *ported articles; and*

15                   (C) *other appropriate criteria established by*  
16 *the Commissioner.*

17           (3) *PUBLIC AVAILABILITY.*—*The Commissioner*  
18 *and the Director shall publish in the Federal Register*  
19 *a detailed description of the process established under*  
20 *paragraph (1) and the criteria established under*  
21 *paragraph (2).*

22           (d) *SPECIAL RULE FOR ANTIDUMPING AND COUNTER-*  
23 *VAILING DUTY ORDERS.*—

24                   (1) *IN GENERAL.*—*The Commissioner shall give*  
25 *due consideration to carrying out an educational*

1        *seminar under this section in whole or in part to im-*  
2        *prove the ability of U.S. Customs and Border Protec-*  
3        *tion personnel to enforce a countervailing or anti-*  
4        *dumping duty order issued under section 706 or 736*  
5        *of the Tariff Act of 1930 (19 U.S.C. 1671e or 1673e)*  
6        *upon the request of a petitioner in an action under-*  
7        *lying such countervailing or antidumping duty order.*

8            (2) *INTERESTED PARTY.*—*A petitioner described*  
9        *in paragraph (1) shall be treated as an interested*  
10       *party in the private sector for purposes of the require-*  
11       *ments of this section.*

12        (e) *PERFORMANCE STANDARDS.*—*The Commissioner*  
13       *and the Director shall establish performance standards to*  
14       *measure the development and level of achievement of edu-*  
15       *cational seminars under this section.*

16        (f) *REPORTING.*—*Beginning September 30, 2016, the*  
17       *Commissioner and the Director shall submit to the Com-*  
18       *mittee of Finance of the Senate and the Committee of Ways*  
19       *and Means of the House of Representatives an annual re-*  
20       *port on the effectiveness of educational seminars under this*  
21       *section.*

22        (g) *DEFINITIONS.*—*In this section:*

23            (1) *DIRECTOR.*—*The term “Director” means the*  
24        *Director of U.S. Immigration and Customs Enforce-*  
25        *ment.*

1           (2) *UNITED STATES.*—*The term “United States”*  
2           *means the customs territory of the United States, as*  
3           *defined in General Note 2 to the Harmonized Tariff*  
4           *Schedule of the United States.*

5           (3) *U.S. CUSTOMS AND BORDER PROTECTION*  
6           *PERSONNEL.*—*The term “U.S. Customs and Border*  
7           *Protection personnel” means import specialists, audi-*  
8           *tors, and other appropriate employees of U.S. Cus-*  
9           *toms and Border Protection.*

10          (4) *U.S. IMMIGRATION AND CUSTOMS ENFORCE-*  
11          *MENT PERSONNEL.*—*The term “U.S. Immigration*  
12          *and Customs Enforcement personnel” means Home-*  
13          *land Security Investigations Directorate personnel*  
14          *and other appropriate employees of U.S. Immigration*  
15          *and Customs Enforcement.*

16 **SEC. 105. JOINT STRATEGIC PLAN.**

17          (a) *IN GENERAL.*—*Not later than one year after the*  
18          *date of the enactment of this Act, and every 2 years there-*  
19          *after, the Commissioner and the Director of U.S. Immigra-*  
20          *tion and Customs Enforcement shall jointly develop and*  
21          *submit to the Committee on Finance of the Senate and the*  
22          *Committee on Ways and Means of the House of Representa-*  
23          *tives, a joint strategic plan.*

24          (b) *CONTENTS.*—*The joint strategic plan required*  
25          *under this section shall be comprised of a comprehensive*

1 *multi-year plan for trade enforcement and trade facilita-*  
2 *tion, and shall include—*

3           (1) *a summary of actions taken during the 2-*  
4 *year period preceding the submission of the plan to*  
5 *improve trade enforcement and trade facilitation, in-*  
6 *cluding a description and analysis of specific per-*  
7 *formance measures to evaluate the progress of U.S.*  
8 *Customs and Border Protection and U.S. Immigra-*  
9 *tion and Customs Enforcement in meeting each such*  
10 *responsibility;*

11           (2) *a statement of objectives and plans for fur-*  
12 *ther improving trade enforcement and trade facilita-*  
13 *tion;*

14           (3) *a specific identification of the priority trade*  
15 *issues described in paragraph (3)(B)(ii) of section*  
16 *2(d) of the Act of March 3, 1927 (44 Stat. 1381,*  
17 *chapter 348; 19 U.S.C. 2072(d)), as added by section*  
18 *111(a) of this Act, that can be addressed in order to*  
19 *enhance trade enforcement and trade facilitation, and*  
20 *a description of strategies and plans for addressing*  
21 *each such issue, including—*

22           (A) *a description of the targeting meth-*  
23 *odologies used for enforcement activities with re-*  
24 *spect to each such issue;*

1           (B) recommendations for improving such  
2 enforcement activities; and

3           (C) a description of the implementation of  
4 previous recommendations for improving such  
5 enforcement activities;

6           (4) a description of efforts made to improve con-  
7 sultation and coordination among and within Fed-  
8 eral agencies, and in particular between U.S. Cus-  
9 toms and Border Protection and U.S. Immigration  
10 and Customs Enforcement, regarding trade enforce-  
11 ment and trade facilitation;

12           (5) a description of the training that has oc-  
13 curred to date within U.S. Customs and Border Pro-  
14 tection and U.S. Immigration and Customs Enforce-  
15 ment to improve trade enforcement and trade facilita-  
16 tion, including training under section 104 of this Act;

17           (6) a description of efforts to work with the  
18 World Customs Organization and other international  
19 organizations, in consultation with other Federal  
20 agencies as appropriate, with respect to enhancing  
21 trade enforcement and trade facilitation;

22           (7) a description of U.S. Customs and Border  
23 Protection organizational benchmarks for optimizing  
24 staffing and wait times at ports of entry;



1           (8) *a specific identification of any domestic or*  
2 *international best practices that may further improve*  
3 *trade enforcement and trade facilitation;*

4           (9) *any legislative recommendations to further*  
5 *improve trade enforcement and trade facilitation; and*

6           (10) *a description of efforts made to improve*  
7 *consultation and coordination with the private sector*  
8 *to enhance trade enforcement and trade facilitation.*

9           (c) *CONSULTATIONS.—*

10           (1) *IN GENERAL.—In developing the joint stra-*  
11 *tegic plan required under this section, the Commis-*  
12 *sioner and the Director shall consult with—*

13                   (A) *appropriate officials from the relevant*  
14 *Federal agencies, including—*

15                           (i) *the Department of the Treasury;*

16                           (ii) *the Department of Agriculture;*

17                           (iii) *the Department of Commerce;*

18                           (iv) *the Department of Justice;*

19                           (v) *the Department of the Interior;*

20                           (vi) *the Department of Health and*  
21 *Human Services;*

22                           (vii) *the Food and Drug Administra-*  
23 *tion;*

24                           (viii) *the Consumer Product Safety*  
25 *Commission; and*

1                   *(ix) the Office of the United States*  
2                   *Trade Representative; and*  
3                   *(B) the Commercial Customs Operations*  
4                   *Advisory Committee established by section 109 of*  
5                   *this Act.*

6                   (2) *OTHER CONSULTATIONS.*—*In developing the*  
7                   *joint strategic plan required under this section, the*  
8                   *Commissioner and the Director shall seek to consult*  
9                   *with—*

10                   *(A) appropriate officials from relevant for-*  
11                   *ign law enforcement agencies and international*  
12                   *organizations, including the World Customs Or-*  
13                   *ganization; and*

14                   *(B) interested parties in the private sector.*

15                   (d) *FORM OF PLAN.*—*The plan required by subsection*  
16                   *(a) shall be submitted in unclassified form, but may include*  
17                   *a classified annex.*

18 **SEC. 106. AUTOMATED COMMERCIAL ENVIRONMENT.**

19                   (a) *FUNDING.*—*Section 13031(f)(4)(B) of the Consoli-*  
20                   *dated Omnibus Budget Reconciliation Act of 1985 (19*  
21                   *U.S.C. 58c(f)(4)(B)) is amended—*

22                   (1) *by striking “2003 through 2005” and insert-*  
23                   *ing “2016 through 2018”;*

1           (2) *by striking “such amounts as are available*  
2 *in that Account” and inserting “not less than*  
3 *\$153,736,000”; and*

4           (3) *by striking “for the development” and insert-*  
5 *ing “to complete the development and implementa-*  
6 *tion”.*

7       (b) *REPORT.—Section 311(b)(3) of the Customs Border*  
8 *Security Act of 2002 (19 U.S.C. 2075 note) is amended to*  
9 *read as follows:*

10           “(3) *REPORT.—*

11                   “(A) *IN GENERAL.—Not later than Decem-*  
12 *ber 31, 2016, the Commissioner responsible for*  
13 *U.S. Customs and Border Protection shall sub-*  
14 *mit to the Committee on Appropriations and the*  
15 *Committee on Finance of the Senate and the*  
16 *Committee on Appropriations and the Com-*  
17 *mittee on Ways and Means of the House of Rep-*  
18 *resentatives a report detailing—*

19                           “(i) *U.S. Customs and Border Protec-*  
20 *tion’s incorporation of all core trade proc-*  
21 *essing capabilities, including cargo release,*  
22 *entry summary, cargo manifest, cargo fi-*  
23 *nancial data, and export data elements into*  
24 *the Automated Commercial Environment*  
25 *computer system authorized under section*

1            *13031(f)(4) of the Consolidated Omnibus*  
2            *Budget and Reconciliation Act of 1985 (19*  
3            *U.S.C. 58c(f)(4)) not later than September*  
4            *30, 2016, to conform with the admissibility*  
5            *criteria of agencies participating in the*  
6            *International Trade Data System identified*  
7            *pursuant to section 411(d)(4)(A)(iii) of the*  
8            *Tariff Act of 1930;*

9            *“(ii) U.S. Customs and Border Protec-*  
10           *tion’s remaining priorities for processing*  
11           *entry summary data elements, cargo mani-*  
12           *fest data elements, cargo financial data ele-*  
13           *ments, and export elements in the Auto-*  
14           *mated Commercial Environment computer*  
15           *system, and the objectives and plans for im-*  
16           *plementing these remaining priorities;*

17           *“(iii) the components of the National*  
18           *Customs Automation Program specified in*  
19           *subsection (a)(2) of section 411 of the Tariff*  
20           *Act of 1930 that have not been imple-*  
21           *mented; and*

22           *“(iv) any additional components of the*  
23           *National Customs Automation Program*  
24           *initiated by the Commissioner to complete*  
25           *the development, establishment, and imple-*

1           *mentation of the Automated Commercial*  
2           *Environment computer system.*

3           “(B) *UPDATE OF REPORTS.*—Not later than  
4           *September 30, 2017, the Commissioner shall sub-*  
5           *mit to the Committee on Appropriations and the*  
6           *Committee on Finance of the Senate and the*  
7           *Committee on Appropriations and the Com-*  
8           *mittee on Ways and Means of the House of Rep-*  
9           *resentatives an updated report addressing each of*  
10          *the matters referred to in subparagraph (A),*  
11          *and—*

12                   “(i) *evaluating the effectiveness of the*  
13                   *implementation of the Automated Commer-*  
14                   *cial Environment computer system; and*

15                   “(ii) *detailing the percentage of trade*  
16                   *processed in the Automated Commercial*  
17                   *Environment every month since September*  
18                   *30, 2016.”.*

19          “(c) *GOVERNMENT ACCOUNTABILITY OFFICE RE-*  
20          *PORT.*—Not later than *December 31, 2017, the Comptroller*  
21          *General of the United States shall submit to the Committee*  
22          *on Appropriations and the Committee on Finance of the*  
23          *Senate and the Committee on Appropriations and the Com-*  
24          *mittee on Ways and Means of the House of Representatives*  
25          *a report—*

1           (1) *assessing the progress of other Federal agen-*  
2 *cies in accessing and utilizing the Automated Com-*  
3 *mmercial Environment; and*

4           (2) *assessing the potential cost savings to the*  
5 *United States Government and importers and export-*  
6 *ers and the potential benefits to enforcement of the*  
7 *customs and trade laws of the United States if the ele-*  
8 *ments identified in clauses (i) through (iv) of section*  
9 *311(b)(3)(A) of the Customs Border Security Act of*  
10 *2002, as amended by subsection (b) of this section, are*  
11 *implemented.*

12 **SEC. 107. INTERNATIONAL TRADE DATA SYSTEM.**

13       (a) *INFORMATION TECHNOLOGY INFRASTRUCTURE.—*  
14 *Section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d))*  
15 *is amended—*

16           (1) *by redesignating paragraphs (4) through (7)*  
17 *as paragraphs (5) through (8), respectively;*

18           (2) *by inserting after paragraph (3) the fol-*  
19 *lowing:*

20           “(4) *INFORMATION TECHNOLOGY INFRASTRUC-*  
21 *TURE.—*

22           “(A) *IN GENERAL.—The Secretary shall*  
23 *work with the head of each agency participating*  
24 *in the ITDS and the Interagency Steering Com-*  
25 *mittee to ensure that each agency—*

1           “(i) develops and maintains the nec-  
2           essary information technology infrastruc-  
3           ture to support the operation of the ITDS  
4           and to submit all data to the ITDS elec-  
5           tronically;

6           “(ii) enters into a memorandum of un-  
7           derstanding, or takes such other action as is  
8           necessary, to provide for the information  
9           sharing between the agency and U.S. Cus-  
10          toms and Border Protection necessary for  
11          the operation and maintenance of the  
12          ITDS;

13          “(iii) not later than June 30, 2016,  
14          identifies and transmits to the Commis-  
15          sioner responsible for U.S. Customs and  
16          Border Protection the admissibility criteria  
17          and data elements required by the agency to  
18          authorize the release of cargo by U.S. Cus-  
19          toms and Border Protection for incorpora-  
20          tion into the operational functionality of  
21          the Automated Commercial Environment  
22          computer system authorized under section  
23          13031(f)(4) of the Consolidated Omnibus  
24          Budget and Reconciliation Act of 1985 (19  
25          U.S.C. 58c(f)(4)); and

1           “(iv) not later than December 31,  
2           2016, utilizes the ITDS as the primary  
3           means of receiving from users the standard  
4           set of data and other relevant documenta-  
5           tion, exclusive of applications for permits,  
6           licenses, or certifications required for the re-  
7           lease of imported cargo and clearance of  
8           cargo for export.

9           “(B) *RULE OF CONSTRUCTION.*—Nothing in  
10          this paragraph shall be construed to require any  
11          action to be taken that would compromise an on-  
12          going law enforcement investigation or national  
13          security.”; and

14          (3) in paragraph (8), as redesignated, by strik-  
15          ing “section 9503(c) of the Omnibus Budget Rec-  
16          onciliation Act of 1987 (19 U.S.C. 2071 note)” and  
17          inserting “section 109 of the Trade Facilitation and  
18          Trade Enforcement Act of 2015”.

19 **SEC. 108. CONSULTATIONS WITH RESPECT TO MUTUAL REC-**  
20 **OGNITION ARRANGEMENTS.**

21          (a) *CONSULTATIONS.*—The Secretary of Homeland Se-  
22          curity, with respect to any proposed mutual recognition ar-  
23          rangement or similar agreement between the United States  
24          and a foreign government providing for mutual recognition



1 of supply chain security programs and customs revenue  
2 functions, shall consult—

3           (1) not later than 30 days before initiating nego-  
4           tiations to enter into any such arrangement or simi-  
5           lar agreement, with the Committee on Finance of the  
6           Senate and the Committee on Ways and Means of the  
7           House of Representatives; and

8           (2) not later than 30 days before entering into  
9           any such arrangement or similar agreement, with the  
10          Committee on Finance of the Senate and the Com-  
11          mittee on Ways and Means of the House of Represent-  
12          atives.

13          (b) *NEGOTIATING OBJECTIVE.*—It shall be a negoti-  
14          ating objective of the United States in any negotiation for  
15          a mutual recognition arrangement with a foreign country  
16          on partnership programs, such as the Customs-Trade Part-  
17          nership Against Terrorism established under subtitle B of  
18          title II of the Security and Accountability for Every Port  
19          Act of 2006 (6 U.S.C. 961 et seq.), to seek to ensure the  
20          compatibility of the partnership programs of that country  
21          with the partnership programs of U.S. Customs and Border  
22          Protection to enhance trade facilitation and trade enforce-  
23          ment.

1 **SEC. 109. COMMERCIAL CUSTOMS OPERATIONS ADVISORY**  
2 **COMMITTEE.**

3 (a) *ESTABLISHMENT.*—Not later than the date that is  
4 60 days after the date of the enactment of this Act, the Sec-  
5 retary of the Treasury and the Secretary of Homeland Secu-  
6 rity shall jointly establish a Commercial Customs Oper-  
7 ations Advisory Committee (in this section referred to as  
8 the “Advisory Committee”).

9 (b) *MEMBERSHIP.*—

10 (1) *IN GENERAL.*—The Advisory Committee shall  
11 be comprised of—

12 (A) 20 individuals appointed under para-  
13 graph (2);

14 (B) the Assistant Secretary for Tax Policy  
15 of the Department of the Treasury and the Com-  
16 missioner, who shall jointly co-chair meetings of  
17 the Advisory Committee; and

18 (C) the Assistant Secretary for Policy and  
19 the Director of U.S. Immigration and Customs  
20 Enforcement of the Department of Homeland Se-  
21 curity, who shall serve as deputy co-chairs of  
22 meetings of the Advisory Committee.

23 (2) *APPOINTMENT.*—

24 (A) *IN GENERAL.*—The Secretary of the  
25 Treasury and the Secretary of Homeland Secu-

1            *rity shall jointly appoint 20 individuals from*  
2            *the private sector to the Advisory Committee.*

3            *(B) REQUIREMENTS.—In making appoint-*  
4            *ments under subparagraph (A), the Secretary of*  
5            *the Treasury and the Secretary of Homeland Se-*  
6            *curity shall appoint members—*

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

12                   *(ii) without regard to political affili-*  
13                   *ation.*

14            *(C) TERMS.—Each individual appointed to*  
15            *the Advisory Committee under this paragraph*  
16            *shall be appointed for a term of not more than*  
17            *3 years, and may be reappointed to subsequent*  
18            *terms, but may not serve more than 2 terms se-*  
19            *quentially.*

20            *(3) TRANSFER OF MEMBERSHIP.—The Secretary*  
21            *of the Treasury and the Secretary of Homeland Secu-*  
22            *rity may transfer members serving on the Advisory*  
23            *Committee on Commercial Operations of the United*  
24            *States Customs Service established under section*  
25            *9503(c) of the Omnibus Budget Reconciliation Act of*

1       1987 (19 U.S.C. 2071 note) on the day before the date  
2       of the enactment of this Act to the Advisory Com-  
3       mittee established under subsection (a).

4       (c) *DUTIES.*—*The Advisory Committee established*  
5       *under subsection (a) shall—*

6               (1) *advise the Secretary of the Treasury and the*  
7       *Secretary of Homeland Security on all matters in-*  
8       *volving the commercial operations of U.S. Customs*  
9       *and Border Protection, including advising with re-*  
10       *spect to significant changes that are proposed with re-*  
11       *spect to regulations, policies, or practices of U.S. Cus-*  
12       *toms and Border Protection;*

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

17              (3) *collaborate in developing the agenda for Ad-*  
18       *visory Committee meetings; and*

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

24       (d) *MEETINGS.*—

1           (1) *IN GENERAL.*—*The Advisory Committee shall*  
2           *meet at the call of the Secretary of the Treasury and*  
3           *the Secretary of Homeland Security, or at the call of*  
4           *not less than two-thirds of the membership of the Ad-*  
5           *visory Committee. The Advisory Committee shall meet*  
6           *at least 4 times each calendar year.*

7           (2) *OPEN MEETINGS.*—*Notwithstanding section*  
8           *10(a) of the Federal Advisory Committee Act (5*  
9           *U.S.C. App.), the Advisory Committee meetings shall*  
10          *be open to the public unless the Secretary of the*  
11          *Treasury or the Secretary of Homeland Security de-*  
12          *termines that the meeting will include matters the*  
13          *disclosure of which would compromise the develop-*  
14          *ment of policies, priorities, or negotiating objectives*  
15          *or positions that could impact the commercial oper-*  
16          *ations of U.S. Customs and Border Protection or the*  
17          *operations or investigations of U.S. Immigration and*  
18          *Customs Enforcement.*

19          (e) *ANNUAL REPORT.*—*Not later than December 31,*  
20          *2016, and annually thereafter, the Advisory Committee*  
21          *shall submit to the Committee on Finance of the Senate and*  
22          *the Committee on Ways and Means of the House of Rep-*  
23          *resentatives a report that—*

24                 (1) *describes the activities of the Advisory Com-*  
25                 *mittee during the preceding fiscal year; and*

1           (2) *sets forth any recommendations of the Advi-*  
2           *sory Committee regarding the commercial operations*  
3           *of U.S. Customs and Border Protection.*

4           (f) *TERMINATION.*—Section 14(a)(2) of the Federal  
5           *Advisory Committee Act (5 U.S.C. App.; relating to the ter-*  
6           *mination of advisory committees) shall not apply to the Ad-*  
7           *visory Committee.*

8           (g) *CONFORMING AMENDMENT.*—

9           (1) *IN GENERAL.*—Effective on the date on which  
10           *the Advisory Committee is established under sub-*  
11           *section (a), section 9503(c) of the Omnibus Budget*  
12           *Reconciliation Act of 1987 (19 U.S.C. 2071 note) is*  
13           *repealed.*

14           (2) *REFERENCE.*—Any reference in law to the  
15           *Advisory Committee on Commercial Operations of the*  
16           *United States Customs Service established under sec-*  
17           *tion 9503(c) of the Omnibus Budget Reconciliation*  
18           *Act of 1987 (19 U.S.C. 2071 note) made on or after*  
19           *the date on which the Advisory Committee is estab-*  
20           *lished under subsection (a), shall be deemed a ref-*  
21           *erence to the Commercial Customs Operations Advi-*  
22           *sory Committee established under subsection (a).*

23 **SEC. 110. CENTERS OF EXCELLENCE AND EXPERTISE.**

24           (a) *IN GENERAL.*—The Commissioner shall, in con-  
25           *sultation with the Committee on Finance of the Senate, the*

1 *Committee on Ways and Means of the House of Representa-*  
2 *tives, and the Commercial Customs Operations Advisory*  
3 *Committee established by section 109 of this Act, develop*  
4 *and implement Centers of Excellence and Expertise*  
5 *throughout U.S. Customs and Border Protection that—*

6           (1) *enhance the economic competitiveness of the*  
7 *United States by consistently enforcing the laws and*  
8 *regulations of the United States at all ports of entry*  
9 *of the United States and by facilitating the flow of le-*  
10 *gitimate trade through increasing industry-based*  
11 *knowledge;*

12           (2) *improve enforcement efforts, including en-*  
13 *forcement of priority trade issues described in sub-*  
14 *paragraph (B)(ii) of section 2(d)(3) of the Act of*  
15 *March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C.*  
16 *2072(d)), as added by section 111(a) of this Act, in*  
17 *specific industry sectors through the application of*  
18 *targeting information from the Commercial Targeting*  
19 *Division established under subparagraph (A) of such*  
20 *section 2(d)(3) and from other means of verification;*

21           (3) *build upon the expertise of U.S. Customs and*  
22 *Border Protection in particular industry operations,*  
23 *supply chains, and compliance requirements;*

1           (4) *promote the uniform implementation at each*  
2 *port of entry of the United States of policies and reg-*  
3 *ulations relating to imports;*

4           (5) *centralize the trade enforcement and trade fa-*  
5 *cilitation efforts of U.S. Customs and Border Protec-*  
6 *tion;*

7           (6) *formalize an account-based approach to*  
8 *apply, as the Commissioner determines appropriate,*  
9 *to the importation of merchandise into the United*  
10 *States;*

11           (7) *foster partnerships through the expansion of*  
12 *trade programs and other trusted partner programs;*

13           (8) *develop applicable performance measure-*  
14 *ments to meet internal efficiency and effectiveness*  
15 *goals; and*

16           (9) *whenever feasible, facilitate a more efficient*  
17 *flow of information between Federal agencies.*

18       (b) *REPORT.—Not later than December 31, 2016, the*  
19 *Commissioner shall submit to the Committee on Finance*  
20 *of the Senate and the Committee on Ways and Means of*  
21 *the House of Representatives a report describing—*

22           (1) *the scope, functions, and structure of each*  
23 *Center of Excellence and Expertise developed and im-*  
24 *plemented under subsection (a);*



1           (2) *the effectiveness of each such Center of Excel-*  
2 *lence and Expertise in improving enforcement efforts,*  
3 *including enforcement of priority trade issues, and fa-*  
4 *cilitating legitimate trade;*

5           (3) *the quantitative and qualitative benefits of*  
6 *each such Center of Excellence and Expertise to the*  
7 *trade community, including through fostering part-*  
8 *nerships through the expansion of trade programs*  
9 *such as the Importer Self Assessment program and*  
10 *other trusted partner programs;*

11          (4) *all applicable performance measurements*  
12 *with respect to each such Center of Excellence and*  
13 *Expertise, including performance measures with re-*  
14 *spect to meeting internal efficiency and effectiveness*  
15 *goals;*

16          (5) *the performance of each such Center of Excel-*  
17 *lence and Expertise in increasing the accuracy and*  
18 *completeness of data with respect to international*  
19 *trade and facilitating a more efficient flow of infor-*  
20 *mation between Federal agencies; and*

21          (6) *any planned changes in the number, scope,*  
22 *functions or any other aspect of the Centers of Excel-*  
23 *lence and Expertise developed and implemented under*  
24 *subsection (a).*

1 **SEC. 111. COMMERCIAL TARGETING DIVISION AND NA-**  
2 **TIONAL TARGETING AND ANALYSIS GROUPS.**

3 (a) *IN GENERAL.*—Section 2(d) of the Act of March  
4 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d))  
5 is amended by adding at the end the following:

6 “(3) *COMMERCIAL TARGETING DIVISION AND NA-*  
7 *TIONAL TARGETING AND ANALYSIS GROUPS.*—

8 “(A) *ESTABLISHMENT OF COMMERCIAL*  
9 *TARGETING DIVISION.*—

10 “(i) *IN GENERAL.*—The Secretary of  
11 Homeland Security shall establish and  
12 maintain within the Office of International  
13 Trade a Commercial Targeting Division.

14 “(ii) *COMPOSITION.*—The Commercial  
15 Targeting Division shall be composed of—

16 “(I) headquarters personnel led by  
17 an Executive Director, who shall report  
18 to the Assistant Commissioner for  
19 Trade; and

20 “(II) individual National Tar-  
21 geting and Analysis Groups, each led  
22 by a Director who shall report to the  
23 Executive Director of the Commercial  
24 Targeting Division.

25 “(iii) *DUTIES.*—The Commercial Tar-  
26 geting Division shall be dedicated—

1           “(I) to the development and con-  
2           duct of commercial risk assessment tar-  
3           geting with respect to cargo destined  
4           for the United States in accordance  
5           with subparagraph (C); and

6           “(II) to issuing Trade Alerts de-  
7           scribed in subparagraph (D).

8           “(B) NATIONAL TARGETING AND ANALYSIS  
9           GROUPS.—

10           “(i) IN GENERAL.—A National Tar-  
11           geting and Analysis Group referred to in  
12           subparagraph (A)(ii)(II) shall, at a min-  
13           imum, be established for each priority trade  
14           issue described in clause (ii).

15           “(ii) PRIORITY TRADE ISSUES.—

16           “(I) IN GENERAL.—The priority  
17           trade issues described in this clause are  
18           the following:

19           “(aa) Agriculture programs.

20           “(bb) Antidumping and  
21           countervailing duties.

22           “(cc) Import safety.

23           “(dd) Intellectual property  
24           rights.

25           “(ee) Revenue.

1                   “(ff) *Textiles and wearing*  
2                   *apparel.*

3                   “(gg) *Trade agreements and*  
4                   *preference programs.*

5                   “(II) *MODIFICATION.—The Com-*  
6                   *missioner is authorized to establish*  
7                   *new priority trade issues and elimi-*  
8                   *nate, consolidate, or otherwise modify*  
9                   *the priority trade issues described in*  
10                   *this paragraph if the Commissioner—*

11                   “(aa) *determines it necessary*  
12                   *and appropriate to do so;*

13                   “(bb) *submits to the Com-*  
14                   *mittee on Finance of the Senate*  
15                   *and the Committee on Ways and*  
16                   *Means of the House of Representa-*  
17                   *tives a summary of proposals to*  
18                   *consolidate, eliminate, or other-*  
19                   *wise modify existing priority*  
20                   *trade issues not later than 60*  
21                   *days before such changes are to*  
22                   *take effect; and*

23                   “(cc) *submits to the Com-*  
24                   *mittee on Finance of the Senate*  
25                   *and the Committee on Ways and*

1                   *Means of the House of Representa-*  
2                   *tives a summary of proposals to*  
3                   *establish new priority trade issues*  
4                   *not later than 30 days after such*  
5                   *changes are to take effect.*

6                   “(iii) *DUTIES.—The duties of each Na-*  
7                   *tional Targeting and Analysis Group shall*  
8                   *include—*

9                       “(I) *directing the trade enforce-*  
10                       *ment and compliance assessment ac-*  
11                       *tivities of U.S. Customs and Border*  
12                       *Protection that relate to the Group’s*  
13                       *priority trade issue;*

14                       “(II) *facilitating, promoting, and*  
15                       *coordinating cooperation and the ex-*  
16                       *change of information between U.S.*  
17                       *Customs and Border Protection, U.S.*  
18                       *Immigration and Customs Enforce-*  
19                       *ment, and other relevant Federal de-*  
20                       *partments and agencies regarding the*  
21                       *Group’s priority trade issue; and*

22                       “(III) *serving as the primary li-*  
23                       *aison between U.S. Customs and Bor-*  
24                       *der Protection and the public regard-*  
25                       *ing United States Government activi-*

1                    *ties regarding the Group’s priority*  
2                    *trade issue, including—*

3                                       *“(aa) providing for receipt*  
4                                       *and transmission to the appro-*  
5                                       *appropriate U.S. Customs and Border*  
6                                       *Protection office of allegations*  
7                                       *from interested parties in the pri-*  
8                                       *vate sector of violations of customs*  
9                                       *and trade laws of the United*  
10                                       *States of merchandise relating to*  
11                                       *the priority trade issue;*

12                                       *“(bb) obtaining information*  
13                                       *from the appropriate U.S. Cus-*  
14                                       *tom and Border Protection office*  
15                                       *on the status of any activities re-*  
16                                       *sulting from the submission of*  
17                                       *any such allegation, including*  
18                                       *any decision not to pursue the al-*  
19                                       *legation, and providing any such*  
20                                       *information to each interested*  
21                                       *party in the private sector that*  
22                                       *submitted the allegation every 90*  
23                                       *days after the allegation was re-*  
24                                       *ceived by U.S. Customs and Bor-*  
25                                       *der Protection unless providing*

1           *such information would com-*  
2           *promise an ongoing law enforce-*  
3           *ment investigation; and*

4                   *“(cc) notifying on a timely*  
5                   *basis each interested party in the*  
6                   *private sector that submitted such*  
7                   *allegation of any civil or criminal*  
8                   *actions taken by U.S. Customs*  
9                   *and Border Protection or other*  
10                  *Federal department or agency re-*  
11                  *sulting from the allegation.*

12                   *“(C) COMMERCIAL RISK ASSESSMENT TAR-*  
13                   *GETING.—In carrying out its duties with respect*  
14                   *to commercial risk assessment targeting, the*  
15                   *Commercial Targeting Division shall—*

16                           *“(i) establish targeted risk assessment*  
17                           *methodologies and standards—*

18                                   *“(I) for evaluating the risk that*  
19                                   *cargo destined for the United States*  
20                                   *may violate the customs and trade*  
21                                   *laws of the United States, particularly*  
22                                   *those laws applicable to merchandise*  
23                                   *subject to the priority trade issues de-*  
24                                   *scribed in subparagraph (B)(ii); and*

1                   “(II) for issuing, as appropriate,  
2                   *Trade Alerts* described in subpara-  
3                   graph (D); and

4                   “(ii) to the extent practicable and oth-  
5                   erwise authorized by law, use, to administer  
6                   the methodologies and standards established  
7                   under clause (i)—

8                   “(I) publicly available informa-  
9                   tion;

10                   “(II) information available from  
11                   the Automated Commercial System, the  
12                   Automated Commercial Environment  
13                   computer system, the Automated Tar-  
14                   geting System, the Automated Export  
15                   System, the International Trade Data  
16                   System, the TECS (formerly known as  
17                   the ‘Treasury Enforcement Commu-  
18                   nications System’), the case manage-  
19                   ment system of U.S. Immigration and  
20                   Customs Enforcement, and any suc-  
21                   cessor systems; and

22                   “(III) information made available  
23                   to the Commercial Targeting Division,  
24                   including information provided by pri-  
25                   vate sector entities.



1           “(D) *TRADE ALERTS.*—

2                   “(i) *ISSUANCE.*—*Based upon the ap-*  
3 *plication of the targeted risk assessment*  
4 *methodologies and standards established*  
5 *under subparagraph (C), the Executive Di-*  
6 *rector of the Commercial Targeting Division*  
7 *and the Directors of the National Targeting*  
8 *and Analysis Groups may issue Trade*  
9 *Alerts to directors of United States ports of*  
10 *entry directing further inspection, or phys-*  
11 *ical examination or testing, of specific mer-*  
12 *chandise to ensure compliance with all ap-*  
13 *plicable customs and trade laws and regula-*  
14 *tions administered by U.S. Customs and*  
15 *Border Protection.*

16                   “(ii) *DETERMINATIONS NOT TO IMPLE-*  
17 *MENT TRADE ALERTS.*—*The director of a*  
18 *United States port of entry may determine*  
19 *not to conduct further inspections, or phys-*  
20 *ical examination or testing, pursuant to a*  
21 *Trade Alert issued under clause (i) if the*  
22 *director—*

23                           “(I) *finds that such a determina-*  
24 *tion is justified by security interests;*  
25 *and*

1           “(II) notifies the Assistant Com-  
2           missioner of the Office of Field Oper-  
3           ations and the Assistant Commissioner  
4           of International Trade of U.S. Customs  
5           and Border Protection of the deter-  
6           mination and the reasons for the deter-  
7           mination not later than 48 hours after  
8           making the determination.

9           “(iii) SUMMARY OF DETERMINATIONS  
10          NOT TO IMPLEMENT.—The Assistant Com-  
11          missioner of the Office of Field Operations  
12          of U.S. Customs and Border Protection  
13          shall—

14                 “(I) compile an annual public  
15                 summary of all determinations by di-  
16                 rectors of United States ports of entry  
17                 under clause (i) and the reasons for  
18                 those determinations;

19                 “(II) conduct an evaluation of the  
20                 utilization of Trade Alerts issued  
21                 under clause (i); and

22                 “(III) submit the summary to the  
23                 Committee on Finance of the Senate  
24                 and the Committee on Ways and  
25                 Means of the House of Representatives

1                   not later than December 31 of each  
2                   year.

3                   “(iv) *INSPECTION DEFINED.*—In this  
4                   subparagraph, the term ‘inspection’ means  
5                   the comprehensive evaluation process used  
6                   by U.S. Customs and Border Protection,  
7                   other than physical examination or testing,  
8                   to permit the entry of merchandise into the  
9                   United States, or the clearance of merchan-  
10                  dise for transportation in bond through the  
11                  United States, for purposes of—

12                                   “(I) assessing duties;

13                                   “(II) identifying restricted or pro-  
14                                   hibited items; and

15                                   “(III) ensuring compliance with  
16                                   all applicable customs and trade laws  
17                                   and regulations administered by U.S.  
18                                   Customs and Border Protection.”.

19                  (b) *USE OF TRADE DATA FOR COMMERCIAL ENFORCE-*  
20                  *MENT PURPOSES.*—Section 343(a)(3)(F) of the Trade Act  
21                  of 2002 (19 U.S.C. 2071 note) is amended to read as follows:

22                                   “(F) The information collected pursuant to  
23                                   the regulations shall be used exclusively for en-  
24                                   suring cargo safety and security, preventing  
25                                   smuggling, and commercial risk assessment tar-

1            *getting, and shall not be used for any commercial*  
2            *enforcement purposes, including for determining*  
3            *merchandise entry. Notwithstanding the pre-*  
4            *ceding sentence, nothing in this section shall be*  
5            *treated as amending, repealing, or otherwise*  
6            *modifying title IV of the Tariff Act of 1930 or*  
7            *regulations prescribed thereunder.”.*

8    **SEC. 112. REPORT ON OVERSIGHT OF REVENUE PROTEC-**  
9                                    **TION AND ENFORCEMENT MEASURES.**

10            *(a) IN GENERAL.—Not later than March 31, 2016, and*  
11            *not later than March 31 of each second year thereafter, the*  
12            *Inspector General of the Department of the Treasury shall*  
13            *submit to the Committee on Finance of the Senate and the*  
14            *Committee on Ways and Means of the House of Representa-*  
15            *tives a report assessing, with respect to the period covered*  
16            *by the report, as specified in subsection (b), the following:*

17                            *(1) The effectiveness of the measures taken by*  
18            *U.S. Customs and Border Protection with respect to*  
19            *protection of revenue, including—*

20                            *(A) the collection of countervailing duties*  
21            *assessed under subtitle A of title VII of the Tariff*  
22            *Act of 1930 (19 U.S.C. 1671 et seq.) and anti-*  
23            *dumping duties assessed under subtitle B of title*  
24            *VII of the Tariff Act of 1930 (19 U.S.C. 1673 et*  
25            *seq.);*

1           (B) the assessment, collection, and mitiga-  
2           tion of commercial fines and penalties;

3           (C) the use of bonds, including continuous  
4           and single transaction bonds, to secure that rev-  
5           enue; and

6           (D) the adequacy of the policies of U.S.  
7           Customs and Border Protection with respect to  
8           the monitoring and tracking of merchandise  
9           transported in bond and collecting duties, as ap-  
10          propriate.

11          (2) The effectiveness of actions taken by U.S.  
12          Customs and Border Protection to measure account-  
13          ability and performance with respect to protection of  
14          revenue.

15          (3) The number and outcome of investigations  
16          instituted by U.S. Customs and Border Protection  
17          with respect to the underpayment of duties.

18          (4) The effectiveness of training with respect to  
19          the collection of duties provided for personnel of U.S.  
20          Customs and Border Protection.

21          (b) *PERIOD COVERED BY REPORT.*—Each report re-  
22          quired by subsection (a) shall cover the period of 2 fiscal  
23          years ending on September 30 of the calendar year pre-  
24          ceding the submission of the report.

1 **SEC. 113. REPORT ON SECURITY AND REVENUE MEASURES**  
2 **WITH RESPECT TO MERCHANDISE TRANS-**  
3 **PORTED IN BOND.**

4 (a) *IN GENERAL.*—Not later than December 31 of  
5 2016, 2017, and 2018, the Secretary of Homeland Security  
6 and the Secretary of the Treasury shall jointly submit to  
7 the Committee on Finance of the Senate and the Committee  
8 on Ways and Means of the House of Representatives a re-  
9 port on efforts undertaken by U.S. Customs and Border  
10 Protection to ensure the secure transportation of merchan-  
11 dise in bond through the United States and the collection  
12 of revenue owed upon the entry of such merchandise into  
13 the United States for consumption.

14 (b) *ELEMENTS.*—Each report required by subsection  
15 (a) shall include, for the fiscal year preceding the submis-  
16 sion of the report, information on—

17 (1) the overall number of entries of merchandise  
18 for transportation in bond through the United States;

19 (2) the ports at which merchandise arrives in the  
20 United States for transportation in bond and at  
21 which records of the arrival of such merchandise are  
22 generated;

23 (3) the average time taken to reconcile such  
24 records with the records at the final destination of the  
25 merchandise in the United States to demonstrate that

1 *the merchandise reaches its final destination or is re-*  
2 *exported;*

3 (4) *the average time taken to transport merchan-*  
4 *dise in bond from the port at which the merchandise*  
5 *arrives in the United States to its final destination*  
6 *in the United States;*

7 (5) *the total amount of duties, taxes, and fees*  
8 *owed with respect to shipments of merchandise trans-*  
9 *ported in bond and the total amount of such duties,*  
10 *taxes, and fees paid;*

11 (6) *the total number of notifications by carriers*  
12 *of merchandise being transported in bond that the*  
13 *destination of the merchandise has changed; and*

14 (7) *the number of entries that remain*  
15 *unreconciled.*

16 **SEC. 114. IMPORTER OF RECORD PROGRAM.**

17 (a) *ESTABLISHMENT.*—*Not later than the date that is*  
18 *180 days after the date of the enactment of this Act, the*  
19 *Secretary of Homeland Security shall establish an importer*  
20 *of record program to assign and maintain importer of*  
21 *record numbers.*

22 (b) *REQUIREMENTS.*—*The Secretary shall ensure that,*  
23 *as part of the importer of record program, U.S. Customs*  
24 *and Border Protection—*

1           (1) *develops criteria that importers must meet in*  
2 *order to obtain an importer of record number, includ-*  
3 *ing—*

4                   (A) *criteria to ensure sufficient information*  
5 *is collected to allow U.S. Customs and Border*  
6 *Protection to verify the existence of the importer*  
7 *requesting the importer of record number;*

8                   (B) *criteria to ensure sufficient information*  
9 *is collected to allow U.S. Customs and Border*  
10 *Protection to identify linkages or other affili-*  
11 *ations between importers that are requesting or*  
12 *have been assigned importer of record numbers;*  
13 *and*

14                   (C) *criteria to ensure sufficient information*  
15 *is collected to allow U.S. Customs and Border*  
16 *Protection to identify changes in address and*  
17 *corporate structure of importers;*

18           (2) *provides a process by which importers are as-*  
19 *signed importer of record numbers;*

20           (3) *maintains a centralized database of importer*  
21 *of record numbers, including a history of importer of*  
22 *record numbers associated with each importer, and*  
23 *the information described in subparagraphs (A), (B),*  
24 *and (C) of paragraph (1);*



1           (4) *evaluates and maintains the accuracy of the*  
2           *database if such information changes; and*

3           (5) *takes measures to ensure that duplicate im-*  
4           *porter of record numbers are not issued.*

5           (c) *REPORT.*—*Not later than one year after the date*  
6           *of the enactment of this Act, the Secretary shall submit to*  
7           *the Committee on Finance of the Senate and the Committee*  
8           *on Ways and Means of the House of Representatives a re-*  
9           *port on the importer of record program established under*  
10          *subsection (a).*

11          (d) *NUMBER DEFINED.*—*In this subsection, the term*  
12          *“number”, with respect to an importer of record, means a*  
13          *filing identification number described in section 24.5 of*  
14          *title 19, Code of Federal Regulations (or any corresponding*  
15          *similar regulation) that fully supports the requirements of*  
16          *subsection (b) with respect to the collection and mainte-*  
17          *nance of information.*

18          **SEC. 115. ESTABLISHMENT OF NEW IMPORTER PROGRAM.**

19          (a) *IN GENERAL.*—*Not later than the date that is 180*  
20          *days after the date of the enactment of this Act, the Commis-*  
21          *sioner shall establish a new importer program that directs*  
22          *U.S. Customs and Border Protection to adjust bond*  
23          *amounts for new importers based on the level of risk as-*  
24          *essed by U.S. Customs and Border Protection for protec-*  
25          *tion of revenue of the Federal Government.*

1       (b) *REQUIREMENTS.*—*The Commissioner shall ensure*  
2 *that, as part of the new importer program established under*  
3 *subsection (a), U.S. Customs and Border Protection—*

4           (1) *develops risk-based criteria for determining*  
5 *which importers are considered to be new importers*  
6 *for the purposes of this subsection;*

7           (2) *develops risk assessment guidelines for new*  
8 *importers to determine if and to what extent—*

9               (A) *to adjust bond amounts of imported*  
10 *products of new importers; and*

11               (B) *to increase screening of imported prod-*  
12 *ucts of new importers;*

13           (3) *develops procedures to ensure increased over-*  
14 *sight of imported products of new importers relating*  
15 *to the enforcement of the priority trade issues de-*  
16 *scribed in paragraph (3)(B)(ii) of section 2(d) of the*  
17 *Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19*  
18 *U.S.C. 2072(d)), as added by section 111(a) of this*  
19 *Act;*

20           (4) *develops procedures to ensure increased over-*  
21 *sight of imported products of new importers by Cen-*  
22 *ters of Excellence and Expertise established under sec-*  
23 *tion 110 of this Act; and*

24           (5) *establishes a centralized database of new im-*  
25 *porters to ensure accuracy of information that is re-*

1        *quired to be provided by new importers to U.S. Cus-*  
2        *toms and Border Protection.*

3        **TITLE II—IMPORT HEALTH AND**  
4        **SAFETY**

5        **SEC. 201. INTERAGENCY IMPORT SAFETY WORKING GROUP.**

6        (a) *ESTABLISHMENT.*—*There is established an inter-*  
7        *agency Import Safety Working Group.*

8        (b) *MEMBERSHIP.*—*The interagency Import Safety*  
9        *Working Group shall consist of the following officials or*  
10       *their designees:*

11            (1) *The Secretary of Homeland Security, who*  
12        *shall serve as the Chair.*

13            (2) *The Secretary of Health and Human Serv-*  
14        *ices, who shall serve as the Vice Chair.*

15            (3) *The Secretary of the Treasury.*

16            (4) *The Secretary of Commerce.*

17            (5) *The Secretary of Agriculture.*

18            (6) *The United States Trade Representative.*

19            (7) *The Director of the Office of Management*  
20        *and Budget.*

21            (8) *The Commissioner of Food and Drugs.*

22            (9) *The Commissioner responsible for U.S. Cus-*  
23        *toms and Border Protection.*

24            (10) *The Chairman of the Consumer Product*  
25        *Safety Commission.*

1           (11) *The Director of U.S. Immigration and Customs Enforcement.*

2  
3           (12) *The head of any other Federal agency designated by the President to participate in the inter-agency Import Safety Working Group, as appropriate.*

4  
5  
6  
7           (c) *DUTIES.—The duties of the interagency Import Safety Working Group shall include—*

8  
9           (1) *consulting on the development of the joint import safety rapid response plan required by section 202 of this Act;*

10  
11  
12           (2) *periodically evaluating the adequacy of the plans, practices, and resources of the Federal Government dedicated to ensuring the safety of merchandise imported in the United States and the expeditious entry of such merchandise, including—*

13  
14  
15  
16  
17           (A) *minimizing the duplication of efforts among agencies the heads of which are members of the interagency Import Safety Working Group and ensuring the compatibility of the policies and regulations of those agencies; and*

18  
19  
20  
21  
22           (B) *recommending additional administrative actions, as appropriate, designed to ensure the safety of merchandise imported into the United States and the expeditious entry of such*

1           *merchandise and considering the impact of those*  
2           *actions on private sector entities;*

3           (3) *reviewing the engagement and cooperation of*  
4           *foreign governments and foreign manufacturers in fa-*  
5           *cilitating the inspection and certification, as appro-*  
6           *priate, of such merchandise to be imported into the*  
7           *United States and the facilities producing such mer-*  
8           *chandise to ensure the safety of the merchandise and*  
9           *the expeditious entry of the merchandise into the*  
10          *United States;*

11          (4) *identifying best practices, in consultation*  
12          *with private sector entities as appropriate, to assist*  
13          *United States importers in taking all appropriate*  
14          *steps to ensure the safety of merchandise imported*  
15          *into the United States, including with respect to—*

16                (A) *the inspection of manufacturing facili-*  
17                *ties in foreign countries;*

18                (B) *the inspection of merchandise destined*  
19                *for the United States before exportation from a*  
20                *foreign country or before distribution in the*  
21                *United States; and*

22                (C) *the protection of the international sup-*  
23                *ply chain (as defined in section 2 of the Security*  
24                *and Accountability For Every Port Act of 2006*  
25                *(6 U.S.C. 901));*

1           (5) *identifying best practices to assist Federal,*  
2           *State, and local governments and agencies, and port*  
3           *authorities, to improve communication and coordina-*  
4           *tion among such agencies and authorities with respect*  
5           *to ensuring the safety of merchandise imported into*  
6           *the United States and the expeditious entry of such*  
7           *merchandise; and*

8           (6) *otherwise identifying appropriate steps to in-*  
9           *crease the accountability of United States importers*  
10          *and the engagement of foreign government agencies*  
11          *with respect to ensuring the safety of merchandise im-*  
12          *ported into the United States and the expeditious*  
13          *entry of such merchandise.*

14 **SEC. 202. JOINT IMPORT SAFETY RAPID RESPONSE PLAN.**

15          (a) *IN GENERAL.*—*Not later than December 31, 2016,*  
16          *the Secretary of Homeland Security, in consultation with*  
17          *the interagency Import Safety Working Group, shall de-*  
18          *velop a plan (to be known as the “joint import safety rapid*  
19          *response plan”)* that sets forth protocols and defines prac-  
20          *tices for U.S. Customs and Border Protection to use—*

21               (1) *in taking action in response to, and coordi-*  
22               *nating Federal responses to, an incident in which*  
23               *cargo destined for or merchandise entering the United*  
24               *States has been identified as posing a threat to the*

1 *health or safety of consumers in the United States;*  
2 *and*

3 *(2) in recovering from or mitigating the effects*  
4 *of actions and responses to an incident described in*  
5 *paragraph (1).*

6 *(b) CONTENTS.—The joint import safety rapid re-*  
7 *sponse plan shall address—*

8 *(1) the statutory and regulatory authorities and*  
9 *responsibilities of U.S. Customs and Border Protec-*  
10 *tion and other Federal agencies in responding to an*  
11 *incident described in subsection (a)(1);*

12 *(2) the protocols and practices to be used by U.S.*  
13 *Customs and Border Protection when taking action in*  
14 *response to, and coordinating Federal responses to,*  
15 *such an incident;*

16 *(3) the measures to be taken by U.S. Customs*  
17 *and Border Protection and other Federal agencies in*  
18 *recovering from or mitigating the effects of actions*  
19 *taken in response to such an incident after the inci-*  
20 *dent to ensure the resumption of the entry of mer-*  
21 *chandise into the United States; and*

22 *(4) exercises that U.S. Customs and Border Pro-*  
23 *tection may conduct in conjunction with Federal,*  
24 *State, and local agencies, and private sector entities,*  
25 *to simulate responses to such an incident.*

1       (c) *UPDATES OF PLAN.*—*The Secretary of Homeland*  
2 *Security shall review and update the joint import safety*  
3 *rapid response plan, as appropriate, after conducting exer-*  
4 *cises under subsection (d).*

5       (d) *IMPORT HEALTH AND SAFETY EXERCISES.*—

6           (1) *IN GENERAL.*—*The Secretary of Homeland*  
7 *Security and the Commissioner shall periodically en-*  
8 *gage in the exercises referred to in subsection (b)(4),*  
9 *in conjunction with Federal, State, and local agencies*  
10 *and private sector entities, as appropriate, to test and*  
11 *evaluate the protocols and practices identified in the*  
12 *joint import safety rapid response plan at United*  
13 *States ports of entry.*

14          (2) *REQUIREMENTS FOR EXERCISES.*—*In con-*  
15 *ducting exercises under paragraph (1), the Secretary*  
16 *and the Commissioner shall—*

17           (A) *make allowance for the resources, needs,*  
18 *and constraints of United States ports of entry*  
19 *of different sizes in representative geographic lo-*  
20 *cations across the United States;*

21           (B) *base evaluations on current risk assess-*  
22 *ments of merchandise entering the United States*  
23 *at representative United States ports of entry lo-*  
24 *cated across the United States;*



1           (C) ensure that such exercises are conducted  
2           in a manner consistent with the National Inci-  
3           dent Management System, the National Response  
4           Plan, the National Infrastructure Protection  
5           Plan, the National Preparedness Guidelines, the  
6           Maritime Transportation System Security Plan,  
7           and other such national initiatives of the De-  
8           partment of Homeland Security, as appropriate;  
9           and

10           (D) develop metrics with respect to the re-  
11           sumption of the entry of merchandise into the  
12           United States after an incident described in sub-  
13           section (a)(1).

14           (3) *REQUIREMENTS FOR TESTING AND EVALUA-*  
15           *TION.*—The Secretary and the Commissioner shall en-  
16           sure that the testing and evaluation carried out in  
17           conducting exercises under paragraph (1)—

18           (A) are performed using clear and objective  
19           performance measures; and

20           (B) result in the identification of specific  
21           recommendations or best practices for responding  
22           to an incident described in subsection (a)(1).

23           (4) *DISSEMINATION OF RECOMMENDATIONS AND*  
24           *BEST PRACTICES.*—The Secretary and the Commis-  
25           sioner shall—

1           (A) share the recommendations or best prac-  
 2           tices identified under paragraph (3)(B) among  
 3           the members of the interagency Import Safety  
 4           Working Group and with, as appropriate—

5                   (i) State, local, and tribal govern-  
 6                   ments;

7                   (ii) foreign governments; and

8                   (iii) private sector entities; and

9           (B) use such recommendations and best  
 10           practices to update the joint import safety rapid  
 11           response plan.

12 **SEC. 203. TRAINING.**

13           The Commissioner shall ensure that personnel of U.S.  
 14           Customs and Border Protection assigned to United States  
 15           ports of entry are trained to effectively administer the pro-  
 16           visions of this title and to otherwise assist in ensuring the  
 17           safety of merchandise imported into the United States and  
 18           the expeditious entry of such merchandise.

19 **TITLE III—IMPORT-RELATED**  
 20 **PROTECTION OF INTELLEC-**  
 21 **TUAL PROPERTY RIGHTS**

22 **SEC. 301. DEFINITION OF INTELLECTUAL PROPERTY**  
 23 **RIGHTS.**

24           In this title, the term “intellectual property rights” re-  
 25           fers to copyrights, trademarks, and other forms of intellec-

1 *tual property rights that are enforced by U.S. Customs and*  
2 *Border Protection or U.S. Immigration and Customs En-*  
3 *forcement.*

4 **SEC. 302. EXCHANGE OF INFORMATION RELATED TO TRADE**  
5 **ENFORCEMENT.**

6 *(a) IN GENERAL.—The Tariff Act of 1930 is amended*  
7 *by inserting after section 628 (19 U.S.C. 1628) the fol-*  
8 *lowing new section:*

9 **“SEC. 628A. EXCHANGE OF INFORMATION RELATED TO**  
10 **TRADE ENFORCEMENT.**

11 *“(a) IN GENERAL.—Subject to subsections (c) and (d),*  
12 *if the Commissioner responsible for U.S. Customs and Bor-*  
13 *der Protection suspects that merchandise is being imported*  
14 *into the United States in violation of section 526 of this*  
15 *Act or section 602, 1201(a)(2), or 1201(b)(1) of title 17,*  
16 *United States Code, and determines that the examination*  
17 *or testing of the merchandise by a person described in sub-*  
18 *section (b) would assist the Commissioner in determining*  
19 *if the merchandise is being imported in violation of that*  
20 *section, the Commissioner, to permit the person to conduct*  
21 *the examination and testing—*

22 *“(1) shall provide to the person information that*  
23 *appears on the merchandise and its packaging and*  
24 *labels, including unredacted images of the merchan-*  
25 *dise and its packaging and labels; and*

1           “(2) may, subject to any applicable bonding re-  
2           quirements, provide to the person unredacted samples  
3           of the merchandise.

4           “(b) *PERSON DESCRIBED*.—A person described in this  
5           subsection is—

6           “(1) in the case of merchandise suspected of  
7           being imported in violation of section 526, the owner  
8           of the trademark suspected of being copied or simu-  
9           lated by the merchandise;

10          “(2) in the case of merchandise suspected of  
11          being imported in violation of section 602 of title 17,  
12          United States Code, the owner of the copyright sus-  
13          pected of being infringed by the merchandise;

14          “(3) in the case of merchandise suspected of  
15          being primarily designed or produced for the purpose  
16          of circumventing a technological measure that effec-  
17          tively controls access to a work protected under that  
18          title, and being imported in violation of section  
19          1201(a)(2) of that title, the owner of a copyright in  
20          the work; and

21          “(4) in the case of merchandise suspected of  
22          being primarily designed or produced for the purpose  
23          of circumventing protection afforded by a techno-  
24          logical measure that effectively protects a right of an  
25          owner of a copyright in a work or a portion of a

1        *work, and being imported in violation of section*  
2        *1201(b)(1) of that title, the owner of the copyright.*

3        “(c) *LIMITATION.*—*Subsection (a) applies only with*  
4        *respect to merchandise suspected of infringing a trademark*  
5        *or copyright that is recorded with U.S. Customs and Border*  
6        *Protection.*

7        “(d) *EXCEPTION.*—*The Commissioner may not pro-*  
8        *vide under subsection (a) information, photographs, or sam-*  
9        *ples to a person described in subsection (b) if providing such*  
10       *information, photographs, or samples would compromise an*  
11       *ongoing law enforcement investigation or national secu-*  
12       *rity.”.*

13       (b) *TERMINATION OF PREVIOUS AUTHORITY.*—*Not-*  
14       *withstanding paragraph (2) of section 818(g) of Public Law*  
15       *112–81 (125 Stat. 1496), paragraph (1) of that section shall*  
16       *have no force or effect on or after the date of the enactment*  
17       *of this Act.*

18       **SEC. 303. SEIZURE OF CIRCUMVENTION DEVICES.**

19       (a) *IN GENERAL.*—*Section 596(c)(2) of the Tariff Act*  
20       *of 1930 (19 U.S.C. 1595a(c)(2)) is amended—*

21                (1) *in subparagraph (E), by striking “or”;*

22                (2) *in subparagraph (F), by striking the period*  
23        *and inserting “; or”; and*

24                (3) *by adding at the end the following:*

1           “(G) U.S. Customs and Border Protection  
2           determines it is a technology, product, service,  
3           device, component, or part thereof the importa-  
4           tion of which is prohibited under subsection  
5           (a)(2) or (b)(1) of section 1201 of title 17,  
6           United States Code.”.

7           (b) NOTIFICATION OF PERSONS INJURED.—

8           (1) IN GENERAL.—Not later than the date that  
9           is 30 business days after seizing merchandise pursu-  
10          ant to subparagraph (G) of section 596(c)(2) of the  
11          Tariff Act of 1930, as added by subsection (a), the  
12          Commissioner shall provide to any person identified  
13          under paragraph (2) information regarding the mer-  
14          chandise seized that is equivalent to information pro-  
15          vided to copyright owners under regulations of U.S.  
16          Customs and Border Protection for merchandise  
17          seized for violation of the copyright laws.

18          (2) PERSONS TO BE PROVIDED INFORMATION.—  
19          Any person injured by the violation of (a)(2) or  
20          (b)(1) of section 1201 of title 17, United States Code,  
21          that resulted in the seizure of the merchandise shall  
22          be provided information under paragraph (1), if that  
23          person is included on a list maintained by the Com-  
24          missioner that is revised annually through publica-  
25          tion in the Federal Register.

1           (3) *REGULATIONS.*—Not later than one year  
2     *after the date of the enactment of this Act, the Sec-*  
3     *retary of the Treasury shall prescribe regulations es-*  
4     *tablishing procedures that implement this subsection.*

5 **SEC. 304. ENFORCEMENT BY U.S. CUSTOMS AND BORDER**  
6                   **PROTECTION OF WORKS FOR WHICH COPY-**  
7                   **RIGHT REGISTRATION IS PENDING.**

8           *Not later than the date that is 180 days after the date*  
9     *of the enactment of this Act, the Secretary of Homeland Se-*  
10    *curity shall authorize a process pursuant to which the Com-*  
11    *missioner shall enforce a copyright for which the owner has*  
12    *submitted an application for registration under title 17,*  
13    *United States Code, with the United States Copyright Of-*  
14    *fice, to the same extent and in the same manner as if the*  
15    *copyright were registered with the Copyright Office, includ-*  
16    *ing by sharing information, images, and samples of mer-*  
17    *chandise suspected of infringing the copyright under section*  
18    *628A of the Tariff Act of 1930, as added by section 302.*

19 **SEC. 305. NATIONAL INTELLECTUAL PROPERTY RIGHTS CO-**  
20                   **ORDINATION CENTER.**

21           (a) *ESTABLISHMENT.*—The Secretary of Homeland  
22    *Security shall—*

23                   (1) *establish within U.S. Immigration and Cus-*  
24    *toms Enforcement a National Intellectual Property*  
25    *Rights Coordination Center; and*

1           (2) *appoint an Assistant Director to head the*  
2           *National Intellectual Property Rights Coordination*  
3           *Center.*

4           (b) *DUTIES.—The Assistant Director of the National*  
5           *Intellectual Property Rights Coordination Center shall—*

6           (1) *coordinate the investigation of sources of*  
7           *merchandise that infringe intellectual property rights*  
8           *to identify organizations and individuals that*  
9           *produce, smuggle, or distribute such merchandise;*

10          (2) *conduct and coordinate training with other*  
11          *domestic and international law enforcement agencies*  
12          *on investigative best practices—*

13                 (A) *to develop and expand the capability of*  
14                 *such agencies to enforce intellectual property*  
15                 *rights; and*

16                 (B) *to develop metrics to assess whether the*  
17                 *training improved enforcement of intellectual*  
18                 *property rights;*

19          (3) *coordinate, with U.S. Customs and Border*  
20          *Protection, activities conducted by the United States*  
21          *to prevent the importation or exportation of merchan-*  
22          *dise that infringes intellectual property rights;*

23          (4) *support the international interdiction of*  
24          *merchandise destined for the United States that in-*  
25          *fringes intellectual property rights;*



1           (5) *collect and integrate information regarding*  
2 *infringement of intellectual property rights from do-*  
3 *mestic and international law enforcement agencies*  
4 *and other non-Federal sources;*

5           (6) *develop a means to receive and organize in-*  
6 *formation regarding infringement of intellectual*  
7 *property rights from such agencies and other sources;*

8           (7) *disseminate information regarding infringe-*  
9 *ment of intellectual property rights to other Federal*  
10 *agencies, as appropriate;*

11           (8) *develop and implement risk-based alert sys-*  
12 *tems, in coordination with U.S. Customs and Border*  
13 *Protection, to improve the targeting of persons that*  
14 *repeatedly infringe intellectual property rights;*

15           (9) *coordinate with the offices of United States*  
16 *attorneys in order to develop expertise in, and assist*  
17 *with the investigation and prosecution of, crimes re-*  
18 *lating to the infringement of intellectual property*  
19 *rights; and*

20           (10) *carry out such other duties as the Secretary*  
21 *of Homeland Security may assign.*

22           (c) *COORDINATION WITH OTHER AGENCIES.—In car-*  
23 *rying out the duties described in subsection (b), the Assist-*  
24 *ant Director of the National Intellectual Property Rights*  
25 *Coordination Center shall coordinate with—*

- 1           (1) *U.S. Customs and Border Protection;*
- 2           (2) *the Food and Drug Administration;*
- 3           (3) *the Department of Justice;*
- 4           (4) *the Department of Commerce, including the*  
5 *United States Patent and Trademark Office;*
- 6           (5) *the United States Postal Inspection Service;*
- 7           (6) *the Office of the United States Trade Rep-*  
8 *resentative;*
- 9           (7) *any Federal, State, local, or international*  
10 *law enforcement agencies that the Director of U.S.*  
11 *Immigration and Customs Enforcement considers ap-*  
12 *propriate; and*
- 13          (8) *any other entities that the Director considers*  
14 *appropriate.*

15       (d) *PRIVATE SECTOR OUTREACH.—*

16           (1) *IN GENERAL.—The Assistant Director of the*  
17 *National Intellectual Property Rights Coordination*  
18 *Center shall work with U.S. Customs and Border Pro-*  
19 *tection and other Federal agencies to conduct outreach*  
20 *to private sector entities in order to determine trends*  
21 *in and methods of infringing intellectual property*  
22 *rights.*

23           (2) *INFORMATION SHARING.—The Assistant Di-*  
24 *rector shall share information and best practices with*  
25 *respect to the enforcement of intellectual property*

1 *rights with private sector entities, as appropriate, in*  
2 *order to coordinate public and private sector efforts to*  
3 *combat the infringement of intellectual property*  
4 *rights.*

5 **SEC. 306. JOINT STRATEGIC PLAN FOR THE ENFORCEMENT**  
6 **OF INTELLECTUAL PROPERTY RIGHTS.**

7 *The Commissioner and the Director of U.S. Immigra-*  
8 *tion and Customs Enforcement shall include in the joint*  
9 *strategic plan required by section 105 of this Act—*

10 *(1) a description of the efforts of the Department*  
11 *of Homeland Security to enforce intellectual property*  
12 *rights;*

13 *(2) a list of the 10 United States ports of entry*  
14 *at which U.S. Customs and Border Protection has*  
15 *seized the most merchandise, both by volume and by*  
16 *value, that infringes intellectual property rights dur-*  
17 *ing the most recent 2-year period for which data are*  
18 *available; and*

19 *(3) a recommendation for the optimal allocation*  
20 *of personnel, resources, and technology to ensure that*  
21 *U.S. Customs and Border Protection and U.S. Immi-*  
22 *gration and Customs Enforcement are adequately en-*  
23 *forcing intellectual property rights.*

1 **SEC. 307. PERSONNEL DEDICATED TO THE ENFORCEMENT**  
2 **OF INTELLECTUAL PROPERTY RIGHTS.**

3 (a) *PERSONNEL OF U.S. CUSTOMS AND BORDER PRO-*  
4 *TECTION.*—*The Commissioner and the Director of U.S. Im-*  
5 *migration and Customs Enforcement shall ensure that suffi-*  
6 *cient personnel are assigned throughout U.S. Customs and*  
7 *Border Protection and U.S. Immigration and Customs En-*  
8 *forcement, respectively, who have responsibility for pre-*  
9 *venting the importation into the United States of merchan-*  
10 *dise that infringes intellectual property rights.*

11 (b) *STAFFING OF NATIONAL INTELLECTUAL PROPERTY*  
12 *RIGHTS COORDINATION CENTER.*—*The Commissioner*  
13 *shall—*

14 (1) *assign not fewer than 3 full-time employees*  
15 *of U.S. Customs and Border Protection to the Na-*  
16 *tional Intellectual Property Rights Coordination Cen-*  
17 *ter established under section 305 of this Act; and*

18 (2) *ensure that sufficient personnel are assigned*  
19 *to United States ports of entry to carry out the direc-*  
20 *tives of the Center.*

21 **SEC. 308. TRAINING WITH RESPECT TO THE ENFORCEMENT**  
22 **OF INTELLECTUAL PROPERTY RIGHTS.**

23 (a) *TRAINING.*—*The Commissioner shall ensure that*  
24 *officers of U.S. Customs and Border Protection are trained*  
25 *to effectively detect and identify merchandise destined for*  
26 *the United States that infringes intellectual property rights,*

1 *including through the use of technologies identified under*  
2 *subsection (c).*

3 (b) *CONSULTATION WITH PRIVATE SECTOR.*—*The*  
4 *Commissioner shall consult with private sector entities to*  
5 *better identify opportunities for collaboration between U.S.*  
6 *Customs and Border Protection and such entities with re-*  
7 *spect to training for officers of U.S. Customs and Border*  
8 *Protection in enforcing intellectual property rights.*

9 (c) *IDENTIFICATION OF NEW TECHNOLOGIES.*—*In con-*  
10 *sultation with private sector entities, the Commissioner*  
11 *shall identify—*

12 (1) *technologies with the cost-effective capability*  
13 *to detect and identify merchandise at United States*  
14 *ports of entry that infringes intellectual property*  
15 *rights; and*

16 (2) *cost-effective programs for training officers of*  
17 *U.S. Customs and Border Protection to use such tech-*  
18 *nologies.*

19 (d) *DONATIONS OF TECHNOLOGY.*—*Not later than the*  
20 *date that is 180 days after the date of the enactment of*  
21 *this Act, the Commissioner shall prescribe regulations to en-*  
22 *able U.S. Customs and Border Protection to receive dona-*  
23 *tions of hardware, software, equipment, and similar tech-*  
24 *nologies, and to accept training and other support services,*

1 *from private sector entities, for the purpose of enforcing in-*  
2 *tellectual property rights.*

3 **SEC. 309. INTERNATIONAL COOPERATION AND INFORMA-**  
4 **TION SHARING.**

5 (a) *COOPERATION.*—*The Secretary of Homeland Secu-*  
6 *rity shall coordinate with the competent law enforcement*  
7 *and customs authorities of foreign countries, including by*  
8 *sharing information relevant to enforcement actions, to en-*  
9 *hance the efforts of the United States and such authorities*  
10 *to enforce intellectual property rights.*

11 (b) *TECHNICAL ASSISTANCE.*—*The Secretary of Home-*  
12 *land Security shall provide technical assistance to com-*  
13 *petent law enforcement and customs authorities of foreign*  
14 *countries to enhance the ability of such authorities to en-*  
15 *force intellectual property rights.*

16 (c) *INTERAGENCY COLLABORATION.*—*The Commis-*  
17 *sioner and the Director of U.S. Immigration and Customs*  
18 *Enforcement shall lead interagency efforts to collaborate*  
19 *with law enforcement and customs authorities of foreign*  
20 *countries to enforce intellectual property rights.*

21 **SEC. 310. REPORT ON INTELLECTUAL PROPERTY RIGHTS**  
22 **ENFORCEMENT.**

23 *Not later than June 30, 2016, and annually thereafter,*  
24 *the Commissioner and the Director of U.S. Immigration*  
25 *and Customs Enforcement shall jointly submit to the Com-*

1 *mittee on Finance of the Senate and the Committee on*  
2 *Ways and Means of the House of Representatives a report*  
3 *that contains the following:*

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

6                   (A) *The number of referrals from U.S. Cus-*  
7 *toms and Border Protection to U.S. Immigration*  
8 *and Customs Enforcement relating to infringe-*  
9 *ment of intellectual property rights during the*  
10 *preceding year.*

11                   (B) *The number of investigations relating to*  
12 *the infringement of intellectual property rights*  
13 *referred by U.S. Immigration and Customs En-*  
14 *forcement to a United States attorney for pros-*  
15 *ecution and the United States attorneys to which*  
16 *those investigations were referred.*

17                   (C) *The number of such investigations ac-*  
18 *cepted by each such United States attorney and*  
19 *the status or outcome of each such investigation.*

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

23                   (E) *A description of the efforts of U.S. Cus-*  
24 *toms and Border Protection and U.S. Immigra-*  
25 *tion and Customs Enforcement to improve the*

1           *success rates of investigations and prosecutions*  
2           *relating to the infringement of intellectual prop-*  
3           *erty rights.*

4           (2) *An estimate of the average time required by*  
5           *the Office of International Trade of U.S. Customs and*  
6           *Border Protection to respond to a request from port*  
7           *personnel for advice with respect to whether merchan-*  
8           *dise detained by U.S. Customs and Border Protection*  
9           *infringed intellectual property rights, distinguished*  
10          *by types of intellectual property rights infringed.*

11          (3) *A summary of the outreach efforts of U.S.*  
12          *Customs and Border Protection and U.S. Immigra-*  
13          *tion and Customs Enforcement with respect to—*

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

18                (B) *collaboration with private sector enti-*  
19                *ties—*

20                    (i) *to identify trends in the infringe-*  
21                    *ment of, and technologies that infringe, in-*  
22                    *tellectual property rights;*

23                    (ii) *to identify opportunities for en-*  
24                    *hanced training of officers of U.S. Customs*



1                   *and Border Protection and U.S. Immigra-*  
2                   *tion and Customs Enforcement; and*

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

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

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

16                  (5) *A summary of training relating to the en-*  
17                  *forcement of intellectual property rights conducted*  
18                  *under section 308 of this Act and expenditures for*  
19                  *such training.*

20 **SEC. 311. INFORMATION FOR TRAVELERS REGARDING VIO-**  
21                   **LATIONS OF INTELLECTUAL PROPERTY**  
22                   **RIGHTS.**

23                  (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*  
24                  *rity shall develop and carry out an educational campaign*  
25                  *to inform travelers entering or leaving the United States*

1 *about the legal, economic, and public health and safety im-*  
2 *plications of acquiring merchandise that infringes intellec-*  
3 *tual property rights outside the United States and import-*  
4 *ing such merchandise into the United States in violation*  
5 *of United States law.*

6 (b) *DECLARATION FORMS.—The Commissioner shall*  
7 *ensure that all versions of Declaration Form 6059B of U.S.*  
8 *Customs and Border Protection, or a successor form, includ-*  
9 *ing any electronic equivalent of Declaration Form 6059B*  
10 *or a successor form, printed or displayed on or after the*  
11 *date that is 30 days after the date of the enactment of this*  
12 *Act include a written warning to inform travelers arriving*  
13 *in the United States that importation of merchandise into*  
14 *the United States that infringes intellectual property rights*  
15 *may subject travelers to civil or criminal penalties and may*  
16 *pose serious risks to safety or health.*

17 **TITLE IV—EVASION OF ANTI-**  
18 **DUMPING AND COUNTER-**  
19 **VAILING DUTY ORDERS**

20 **SEC. 401. SHORT TITLE.**

21 *This title may be cited as the “Enforcing Orders and*  
22 *Reducing Customs Evasion Act of 2015”.*

1 **SEC. 402. PROCEDURES FOR INVESTIGATING CLAIMS OF**  
2 **EVASION OF ANTIDUMPING AND COUNTER-**  
3 **VAILING DUTY ORDERS.**

4 (a) *IN GENERAL.*—*The Tariff Act of 1930 is amended*  
5 *by inserting after section 516A (19 U.S.C. 1516a) the fol-*  
6 *lowing:*

7 **“SEC. 517. PROCEDURES FOR INVESTIGATING CLAIMS OF**  
8 **EVASION OF ANTIDUMPING AND COUNTER-**  
9 **VAILING DUTY ORDERS.**

10 “(a) *DEFINITIONS.*—*In this section:*

11 “(1) *ADMINISTERING AUTHORITY.*—*The term*  
12 *‘administering authority’ has the meaning given that*  
13 *term in section 771(1).*

14 “(2) *COMMISSIONER.*—*The term ‘Commissioner’*  
15 *means the Commissioner responsible for U.S. Customs*  
16 *and Border Protection, acting pursuant to the delega-*  
17 *tion by the Secretary of the Treasury of the authority*  
18 *of the Secretary with respect to customs revenue func-*  
19 *tions (as defined in section 415 of the Homeland Se-*  
20 *curity Act of 2002 (6 U.S.C. 215)).*

21 “(3) *COVERED MERCHANDISE.*—*The term ‘cov-*  
22 *ered merchandise’ means merchandise that is subject*  
23 *to—*

24 “(A) *an antidumping duty order issued*  
25 *under section 736;*

1           “(B) a finding issued under the Anti-  
2           dumping Act, 1921; or

3           “(C) a countervailing duty order issued  
4           under section 706.

5           “(4) ENTER; ENTRY.—The terms ‘enter’ and  
6           ‘entry’ refer to the entry, or withdrawal from ware-  
7           house for consumption, of merchandise in the customs  
8           territory of the United States.

9           “(5) EVASION.—

10           “(A) IN GENERAL.—Except as provided in  
11           subparagraph (B), the term ‘evasion’ refers to  
12           entering covered merchandise into the customs  
13           territory of the United States by means of any  
14           document or electronically transmitted data or  
15           information, written or oral statement, or act  
16           that is material and false, or any omission that  
17           is material, and that results in any cash deposit  
18           or other security or any amount of applicable  
19           antidumping or countervailing duties being re-  
20           duced or not being applied with respect to the  
21           merchandise.

22           “(B) EXCEPTION FOR CLERICAL ERROR.—

23           “(i) IN GENERAL.—Except as provided  
24           in clause (ii), the term ‘evasion’ does not  
25           include entering covered merchandise into

1           *the customs territory of the United States*  
2           *by means of—*

3                     “(I) *a document or electronically*  
4                     *transmitted data or information, writ-*  
5                     *ten or oral statement, or act that is*  
6                     *false as a result of a clerical error; or*

7                     “(II) *an omission that results*  
8                     *from a clerical error.*

9                     “(ii) *PATTERNS OF NEGLIGENT CON-*  
10                    *DUCT.—If the Commissioner determines*  
11                    *that a person has entered covered merchan-*  
12                    *dise into the customs territory of the United*  
13                    *States by means of a clerical error referred*  
14                    *to in subclause (I) or (II) of clause (i) and*  
15                    *that the clerical error is part of a pattern*  
16                    *of negligent conduct on the part of that per-*  
17                    *son, the Commissioner may determine, not-*  
18                    *withstanding clause (i), that the person has*  
19                    *entered such covered merchandise into the*  
20                    *customs territory of the United States*  
21                    *through evasion.*

22                    “(iii) *ELECTRONIC REPETITION OF ER-*  
23                    *RORS.—For purposes of clause (ii), the mere*  
24                    *nonintentional repetition by an electronic*

1           *system of an initial clerical error does not*  
2           *constitute a pattern of negligent conduct.*

3           “(iv) *RULE OF CONSTRUCTION.*—*A de-*  
4           *termination by the Commissioner that a*  
5           *person has entered covered merchandise into*  
6           *the customs territory of the United States*  
7           *by means of a clerical error referred to in*  
8           *subclause (I) or (II) of clause (i) rather*  
9           *than through evasion shall not be construed*  
10           *to excuse that person from the payment of*  
11           *any duties applicable to the merchandise.*

12           “(6) *INTERESTED PARTY.*—

13           “(A) *IN GENERAL.*—*The term ‘interested*  
14           *party’ means—*

15           “(i) *a manufacturer, producer, or*  
16           *wholesaler in the United States of a domes-*  
17           *tic like product;*

18           “(ii) *a certified union or recognized*  
19           *union or group of workers that is represent-*  
20           *ative of an industry engaged in the manu-*  
21           *facture, production, or wholesale in the*  
22           *United States of a domestic like product;*

23           “(iii) *a trade or business association a*  
24           *majority of whose members manufacture,*

1           *produce, or wholesale a domestic like prod-*  
2           *uct in the United States;*

3           “(iv) *an association, a majority of*  
4           *whose members is composed of interested*  
5           *parties described in clause (i), (ii), or (iii)*  
6           *with respect to a domestic like product; and*

7           “(v) *if the covered merchandise is a*  
8           *processed agricultural product, as defined*  
9           *in section 771(4)(E), a coalition or trade*  
10          *association that is representative of either—*

11                   “(I) *processors;*

12                   “(II) *processors and producers; or*

13                   “(III) *processors and growers,*

14          *but this clause shall cease to have effect if*  
15          *the United States Trade Representative no-*  
16          *tifies the administering authority and the*  
17          *Commission that the application of this*  
18          *clause is inconsistent with the international*  
19          *obligations of the United States.*

20          “(B) *DOMESTIC LIKE PRODUCT.—For pur-*  
21          *poses of subparagraph (A), the term ‘domestic*  
22          *like product’ means a product that is like, or in*  
23          *the absence of like, most similar in characteris-*  
24          *tics and uses with, covered merchandise.*

25          “(b) *INVESTIGATIONS.—*

1           “(1) *IN GENERAL.*—Not later than 10 business  
2           days after receiving an allegation described in para-  
3           graph (2) or a referral described in paragraph (3),  
4           the Commissioner shall initiate an investigation if  
5           the Commissioner determines that the information  
6           provided in the allegation or the referral, as the case  
7           may be, reasonably suggests that covered merchandise  
8           has been entered into the customs territory of the  
9           United States through evasion.

10           “(2) *ALLEGATION DESCRIBED.*—An allegation  
11           described in this paragraph is an allegation that a  
12           person has entered covered merchandise into the cus-  
13           toms territory of the United States through evasion  
14           that is—

15                   “(A) filed with the Commissioner by an in-  
16                   terested party; and

17                   “(B) accompanied by information reason-  
18                   ably available to the party that filed the allega-  
19                   tion.

20           “(3) *REFERRAL DESCRIBED.*—A referral de-  
21           scribed in this paragraph is information submitted to  
22           the Commissioner by any other Federal agency, in-  
23           cluding the Department of Commerce or the United  
24           States International Trade Commission, that reason-  
25           ably suggests that a person has entered covered mer-



1       *chandise into the customs territory of the United*  
2       *States through evasion.*

3               “(4) *CONSOLIDATION OF ALLEGATIONS AND RE-*  
4       *FERRALS.—*

5               “(A) *IN GENERAL.—The Commissioner may*  
6       *consolidate multiple allegations described in*  
7       *paragraph (2) and referrals described in para-*  
8       *graph (3) into a single investigation if the Com-*  
9       *missioner determines it is appropriate to do so.*

10              “(B) *EFFECT ON TIMING REQUIREMENTS.—*  
11       *If the Commissioner consolidates multiple allega-*  
12       *tions or referrals into a single investigation*  
13       *under subparagraph (A), the date on which the*  
14       *Commissioner receives the first such allegation or*  
15       *referral shall be used for purposes of the require-*  
16       *ment under paragraph (1) with respect to the*  
17       *timing of the initiation of the investigation.*

18              “(5) *INFORMATION-SHARING TO PROTECT*  
19       *HEALTH AND SAFETY.—If, during the course of con-*  
20       *ducting an investigation under paragraph (1) with*  
21       *respect to covered merchandise, the Commissioner has*  
22       *reason to suspect that such covered merchandise may*  
23       *pose a health or safety risk to consumers, the Commis-*  
24       *sioner shall provide, as appropriate, information to*

1       *the appropriate Federal agencies for purposes of miti-*  
2       *gating the risk.*

3               “(6) *TECHNICAL ASSISTANCE AND ADVICE.*—

4               “(A) *IN GENERAL.*—*Upon request, the Com-*  
5       *missioner shall provide technical assistance and*  
6       *advice to eligible small businesses to enable such*  
7       *businesses to prepare and submit allegations de-*  
8       *scribed in paragraph (2), except that the Com-*  
9       *missioner may deny assistance if the Commis-*  
10       *sioner concludes that the allegation, if submitted,*  
11       *would not lead to the initiation of an investiga-*  
12       *tion under this subsection or any other action to*  
13       *address the allegation.*

14               “(B) *ELIGIBLE SMALL BUSINESS DE-*  
15       *FINED.*—

16               “(i) *IN GENERAL.*—*In this paragraph,*  
17       *the term ‘eligible small business’ means any*  
18       *business concern that the Commissioner de-*  
19       *termines, due to its small size, has neither*  
20       *adequate internal resources nor the finan-*  
21       *cial ability to obtain qualified outside as-*  
22       *sistance in preparing and filing allegations*  
23       *described in paragraph (2).*

24               “(ii) *NON-REVIEWABILITY.*—*The deter-*  
25       *mination of the Commissioner regarding*

1           *whether a business concern is an eligible*  
2           *small business for purposes of this para-*  
3           *graph is not reviewable by any other agency*  
4           *or by any court.*

5           “(c) *DETERMINATIONS.*—

6           “(1) *IN GENERAL.*—*Not later than 270 calendar*  
7           *days after the date on which the Commissioner initi-*  
8           *ates an investigation under subsection (b) with re-*  
9           *spect to covered merchandise, the Commissioner shall*  
10          *make a determination, based on substantial evidence,*  
11          *with respect to whether such covered merchandise was*  
12          *entered into the customs territory of the United States*  
13          *through evasion.*

14          “(2) *AUTHORITY TO COLLECT AND VERIFY ADDI-*  
15          *TIONAL INFORMATION.*—*In making a determination*  
16          *under paragraph (1) with respect to covered merchan-*  
17          *dise, the Commissioner may collect such additional*  
18          *information as is necessary to make the determina-*  
19          *tion through such methods as the Commissioner con-*  
20          *siders appropriate, including by—*

21                  “(A) *issuing a questionnaire with respect to*  
22                  *such covered merchandise to—*

23                          “(i) *an interested party that filed an*  
24                          *allegation under paragraph (2) of sub-*  
25                          *section (b) that resulted in the initiation of*

1            *an investigation under paragraph (1) of*  
2            *that subsection with respect to such covered*  
3            *merchandise;*

4            *“(ii) a person alleged to have entered*  
5            *such covered merchandise into the customs*  
6            *territory of the United States through eva-*  
7            *sion;*

8            *“(iii) a person that is a foreign pro-*  
9            *ducer or exporter of such covered merchan-*  
10           *dise; or*

11           *“(iv) the government of a country from*  
12           *which such covered merchandise was ex-*  
13           *ported; and*

14           *“(B) conducting verifications, including on-*  
15           *site verifications, of any relevant information.*

16           *“(3) ADVERSE INFERENCE.—If the Commis-*  
17           *sioner finds that a party or person described in clause*  
18           *(i), (ii), or (iii) of paragraph (2)(A) has failed to co-*  
19           *operate by not acting to the best of the party or per-*  
20           *son’s ability to comply with a request for informa-*  
21           *tion, the Commissioner may, in making a determina-*  
22           *tion under paragraph (1), use an inference that is ad-*  
23           *verse to the interests of that party or person in select-*  
24           *ing from among the facts otherwise available to make*  
25           *the determination.*

1           “(4) *NOTIFICATION.*—Not later than 5 business  
2     *days after making a determination under paragraph*  
3     *(1) with respect to covered merchandise, the Commis-*  
4     *sioner—*

5           “(A) *shall provide to each interested party*  
6     *that filed an allegation under paragraph (2) of*  
7     *subsection (b) that resulted in the initiation of*  
8     *an investigation under paragraph (1) of that*  
9     *subsection with respect to such covered merchan-*  
10    *dise a notification of the determination and*  
11    *may, in addition, include an explanation of the*  
12    *basis for the determination; and*

13          “(B) *may provide to importers, in such*  
14    *manner as the Commissioner determines appro-*  
15    *priate, information discovered in the investiga-*  
16    *tion that the Commissioner determines will help*  
17    *educate importers with respect to importing mer-*  
18    *chandise into the customs territory of the United*  
19    *States in accordance with all applicable laws*  
20    *and regulations.*

21       “(d) *EFFECT OF DETERMINATIONS.*—

22          “(1) *IN GENERAL.*—*If the Commissioner makes a*  
23    *determination under subsection (c) that covered mer-*  
24    *chandise was entered into the customs territory of the*

1       *United States through evasion, the Commissioner*  
2       *shall—*

3               “(A)(i) *suspend the liquidation of unliqui-*  
4               *dated entries of such covered merchandise that*  
5               *are subject to the determination and that enter*  
6               *on or after the date of the initiation of the inves-*  
7               *tigation under subsection (b) with respect to such*  
8               *covered merchandise and on or before the date of*  
9               *the determination; or*

10              “(ii) *if the Commissioner has already sus-*  
11              *pending the liquidation of such entries pursuant*  
12              *to subsection (e)(1), continue to suspend the liq-*  
13              *uidation of such entries;*

14              “(B) *pursuant to the Commissioner’s au-*  
15              *thority under section 504(b)—*

16                   “(i) *extend the period for liquidating*  
17                   *unliquidated entries of such covered mer-*  
18                   *chandise that are subject to the determina-*  
19                   *tion and that entered before the date of the*  
20                   *initiation of the investigation; or*

21                   “(ii) *if the Commissioner has already*  
22                   *extended the period for liquidating such en-*  
23                   *tries pursuant to subsection (e)(1), continue*  
24                   *to extend the period for liquidating such en-*  
25                   *tries;*

1           “(C) notify the administering authority of  
2           the determination and request that the admin-  
3           istering authority—

4                   “(i) identify the applicable anti-  
5                   dumping or countervailing duty assessment  
6                   rates for entries described in subparagraphs  
7                   (A) and (B); or

8                   “(ii) if no such assessment rate for  
9                   such an entry is available at the time, iden-  
10                  tify the applicable cash deposit rate to be  
11                  applied to the entry, with the applicable  
12                  antidumping or countervailing duty assess-  
13                  ment rate to be provided as soon as that  
14                  rate becomes available;

15           “(D) require the posting of cash deposits  
16           and assess duties on entries described in sub-  
17           paragraphs (A) and (B) in accordance with the  
18           instructions received from the administering au-  
19           thority under paragraph (2); and

20           “(E) take such additional enforcement  
21           measures as the Commissioner determines appro-  
22           priate, such as—

23                   “(i) initiating proceedings under sec-  
24                   tion 592 or 596;

1           “(ii) implementing, in consultation  
2           with the relevant Federal agencies, rule sets  
3           or modifications to rules sets for identi-  
4           fying, particularly through the Automated  
5           Targeting System and the Automated Com-  
6           mercial Environment authorized under sec-  
7           tion 13031(f) of the Consolidated Omnibus  
8           Budget Reconciliation Act of 1985 (19  
9           U.S.C. 58c(f)), importers, other parties, and  
10          merchandise that may be associated with  
11          evasion;

12          “(iii) requiring, with respect to mer-  
13          chandise for which the importer has repeat-  
14          edly provided incomplete or erroneous entry  
15          summary information in connection with  
16          determinations of evasion, the importer to  
17          deposit estimated duties at the time of  
18          entry; and

19          “(iv) referring the record in whole or  
20          in part to U.S. Immigration and Customs  
21          Enforcement for civil or criminal investiga-  
22          tion.

23          “(2) COOPERATION OF ADMINISTERING AUTHOR-  
24          ITY.—



1           “(A) *IN GENERAL.*—Upon receiving a noti-  
2           fication from the Commissioner under paragraph  
3           (1)(C), the administering authority shall  
4           promptly provide to the Commissioner the appli-  
5           cable cash deposit rates and antidumping or  
6           countervailing duty assessment rates and any  
7           necessary liquidation instructions.

8           “(B) *SPECIAL RULE FOR CASES IN WHICH*  
9           *THE PRODUCER OR EXPORTER IS UNKNOWN.*—If  
10          the Commissioner and the administering author-  
11          ity are unable to determine the producer or ex-  
12          porter of the merchandise with respect to which  
13          a notification is made under paragraph (1)(C),  
14          the administering authority shall identify, as the  
15          applicable cash deposit rate or antidumping or  
16          countervailing duty assessment rate, the cash de-  
17          posit or duty (as the case may be) in the highest  
18          amount applicable to any producer or exporter,  
19          including the ‘all-others’ rate of the merchandise  
20          subject to an antidumping order or counter-  
21          vailing duty order under section 736 or 706, re-  
22          spectively, or a finding issued under the Anti-  
23          dumping Act, 1921, or any administrative re-  
24          view conducted under section 751.

1       “(e) *INTERIM MEASURES.*—Not later than 90 calendar  
2 days after initiating an investigation under subsection (b)  
3 with respect to covered merchandise, the Commissioner shall  
4 decide based on the investigation if there is a reasonable  
5 suspicion that such covered merchandise was entered into  
6 the customs territory of the United States through evasion  
7 and, if the Commissioner decides there is such a reasonable  
8 suspicion, the Commissioner shall—

9               “(1) suspend the liquidation of each unliquidated  
10 entry of such covered merchandise that entered on or  
11 after the date of the initiation of the investigation;

12               “(2) pursuant to the Commissioner’s authority  
13 under section 504(b), extend the period for liquidating  
14 each unliquidated entry of such covered merchandise  
15 that entered before the date of the initiation of the in-  
16 vestigation; and

17               “(3) pursuant to the Commissioner’s authority  
18 under section 623, take such additional measures as  
19 the Commissioner determines necessary to protect the  
20 revenue of the United States, including requiring a  
21 single transaction bond or additional security or the  
22 posting of a cash deposit with respect to such covered  
23 merchandise.

24       “(f) *ADMINISTRATIVE REVIEW.*—

1           “(1) *IN GENERAL*.—Not later than 30 business  
2           days after the Commissioner makes a determination  
3           under subsection (c) with respect to whether covered  
4           merchandise was entered into the customs territory of  
5           the United States through evasion, a person deter-  
6           mined to have entered such covered merchandise  
7           through evasion or an interested party that filed an  
8           allegation under paragraph (2) of subsection (b) that  
9           resulted in the initiation of an investigation under  
10          paragraph (1) of that subsection with respect to such  
11          covered merchandise may file an appeal with the  
12          Commissioner for *de novo* review of the determina-  
13          tion.

14          “(2) *TIMELINE FOR REVIEW*.—Not later than 60  
15          business days after an appeal of a determination is  
16          filed under paragraph (1), the Commissioner shall  
17          complete the review of the determination.

18          “(g) *JUDICIAL REVIEW*.—

19          “(1) *IN GENERAL*.—Not later than 30 business  
20          days after the Commissioner completes a review under  
21          subsection (f) of a determination under subsection (c)  
22          with respect to whether covered merchandise was en-  
23          tered into the customs territory of the United States  
24          through evasion, a person determined to have entered  
25          such covered merchandise through evasion or an in-

1 *terested party that filed an allegation under para-*  
2 *graph (2) of subsection (b) that resulted in the initi-*  
3 *ation of an investigation under paragraph (1) of that*  
4 *subsection with respect to such covered merchandise*  
5 *may commence a civil action in the United States*  
6 *Court of International Trade by filing concurrently a*  
7 *summons and complaint contesting any factual find-*  
8 *ings or legal conclusions upon which the determina-*  
9 *tion is based.*

10 *“(2) STANDARD OF REVIEW.—In a civil action*  
11 *under this subsection, the court shall hold unlawful*  
12 *any determination, finding, or conclusion found to be*  
13 *arbitrary, capricious, an abuse of discretion, or other-*  
14 *wise not in accordance with law.*

15 *“(h) RULE OF CONSTRUCTION WITH RESPECT TO*  
16 *OTHER CIVIL AND CRIMINAL PROCEEDINGS AND INVES-*  
17 *TIGATIONS.—No determination under subsection (c) or ac-*  
18 *tion taken by the Commissioner pursuant to this section*  
19 *shall be construed to limit the authority to carry out, or*  
20 *the scope of, any other proceeding or investigation pursuant*  
21 *to any other provision of Federal or State law, including*  
22 *sections 592 and 596.”.*

23 *(b) CONFORMING AMENDMENT.—Section 1581(c) of*  
24 *title 28, United States Code, is amended by inserting “or*  
25 *517” after “516A”.*

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall take effect on the date that is 180 days after*  
3 *the date of the enactment of this Act.*

4       (d) *REGULATIONS.*—*Not later than the date that is 180*  
5 *days after the date of the enactment of this Act, the Sec-*  
6 *retary of the Treasury shall prescribe such regulations as*  
7 *may be necessary to implement the amendments made by*  
8 *this section.*

9       (e) *APPLICATION TO CANADA AND MEXICO.*—*Pursuant*  
10 *to article 1902 of the North American Free Trade Agree-*  
11 *ment and section 408 of the North American Free Trade*  
12 *Agreement Implementation Act (19 U.S.C. 3438), the*  
13 *amendments made by this section shall apply with respect*  
14 *to goods from Canada and Mexico.*

15 **SEC. 403. ANNUAL REPORT ON PREVENTION AND INVES-**  
16 **TIGATION OF EVASION OF ANTIDUMPING AND**  
17 **COUNTERVAILING DUTY ORDERS.**

18       (a) *IN GENERAL.*—*Not later than January 15 of each*  
19 *calendar year that begins on or after the date that is 270*  
20 *days after the date of the enactment of this Act, the Commis-*  
21 *sioner, in consultation with the Secretary of Commerce and*  
22 *the Director of U.S. Immigration and Customs Enforce-*  
23 *ment, shall submit to the Committee on Finance of the Sen-*  
24 *ate and the Committee on Ways and Means of the House*  
25 *of Representatives a report on the efforts being taken to pre-*

1 *vent and investigate the entry of covered merchandise into*  
2 *the customs territory of the United States through evasion.*

3 (b) *CONTENTS.—Each report required under sub-*  
4 *section (a) shall include—*

5 (1) *for the calendar year preceding the submis-*  
6 *sion of the report—*

7 (A) *a summary of the efforts of U.S. Cus-*  
8 *toms and Border Protection to prevent and in-*  
9 *vestigate the entry of covered merchandise into*  
10 *the customs territory of the United States*  
11 *through evasion;*

12 (B) *the number of allegations of evasion re-*  
13 *ceived under subsection (b) of section 517 of the*  
14 *Tariff Act of 1930, as added by section 402 of*  
15 *this Act, and the number of such allegations re-*  
16 *sulting in investigations by U.S. Customs and*  
17 *Border Protection or any other agency;*

18 (C) *a summary of investigations initiated*  
19 *under subsection (b) of such section 517, includ-*  
20 *ing—*

21 (i) *the number and nature of the inves-*  
22 *tigations initiated, conducted, and com-*  
23 *pleted; and*

24 (ii) *the resolution of each completed in-*  
25 *vestigation;*

1           (D) *the number of investigations initiated*  
2 *under that subsection not completed during the*  
3 *time provided for making determinations under*  
4 *subsection (c) of such section 517 and an expla-*  
5 *nation for why the investigations could not be*  
6 *completed on time;*

7           (E) *the amount of additional duties that*  
8 *were determined to be owed as a result of such*  
9 *investigations, the amount of such duties that*  
10 *were collected, and, for any such duties not col-*  
11 *lected, a description of the reasons those duties*  
12 *were not collected;*

13           (F) *with respect to each such investigation*  
14 *that led to the imposition of a penalty, the*  
15 *amount of the penalty;*

16           (G) *an identification of the countries of ori-*  
17 *gin of covered merchandise determined under*  
18 *subsection (c) of such section 517 to be entered*  
19 *into the customs territory of the United States*  
20 *through evasion;*

21           (H) *the amount of antidumping and coun-*  
22 *tervailing duties collected as a result of any in-*  
23 *vestigations or other actions by U.S. Customs*  
24 *and Border Protection or any other agency;*

1           (I) a description of the allocation of per-  
2           sonnel and other resources of U.S. Customs and  
3           Border Protection and U.S. Immigration and  
4           Customs Enforcement to prevent and investigate  
5           evasion, including any assessments conducted re-  
6           garding the allocation of such personnel and re-  
7           sources; and

8           (J) a description of training conducted to  
9           increase expertise and effectiveness in the preven-  
10          tion and investigation of evasion; and

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

14           (A) the specific guidelines, policies, and  
15           practices used by U.S. Customs and Border Pro-  
16           tection to ensure that allegations of evasion are  
17           promptly evaluated and acted upon in a timely  
18           manner;

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

21           (C) an identification of any changes since  
22           the last report required by this section, if any,  
23           that have materially improved or reduced the ef-  
24           fectiveness of U.S. Customs and Border Protec-  
25           tion in preventing and investigating evasion;



1           (D) a description of the development and  
2           implementation of policies for the application of  
3           single entry and continuous bonds for entries of  
4           covered merchandise to sufficiently protect the  
5           collection of antidumping and countervailing du-  
6           ties commensurate with the level of risk of not  
7           collecting those duties;

8           (E) a description of the processes and proce-  
9           dures for increased cooperation and information  
10          sharing with the Department of Commerce, U.S.  
11          Immigration and Customs Enforcement, and  
12          any other relevant Federal agencies to prevent  
13          and investigate evasion; and

14          (F) an identification of any recommended  
15          policy changes for other Federal agencies or leg-  
16          islative changes to improve the effectiveness of  
17          U.S. Customs and Border Protection in pre-  
18          venting and investigating evasion.

19          (c) *PUBLIC SUMMARY.*—The Commissioner shall make  
20          available to the public a summary of the report required  
21          by subsection (a) that includes, at a minimum—

22               (1) a description of the type of merchandise with  
23               respect to which investigations were initiated under  
24               subsection (b) of section 517 of the Tariff Act of 1930,  
25               as added by section 402 of this Act;

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

4           (3) *an identification of the countries of origin of*  
 5 *covered merchandise determined under subsection (c)*  
 6 *of such section 517 to be entered into the customs ter-*  
 7 *ritory of the United States through evasion; and*

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

11       (d) *DEFINITIONS.—In this section, the terms “covered*  
 12 *merchandise” and “evasion” have the meanings given those*  
 13 *terms in section 517(a) of the Tariff Act of 1930, as added*  
 14 *by section 402 of this Act.*

15 **TITLE V—AMENDMENTS TO**  
 16 **ANTIDUMPING AND COUN-**  
 17 **TERVAILING DUTY LAWS**

18 **SEC. 501. CONSEQUENCES OF FAILURE TO COOPERATE**  
 19 **WITH A REQUEST FOR INFORMATION IN A**  
 20 **PROCEEDING.**

21 *Section 776 of the Tariff Act of 1930 (19 U.S.C. 1677e)*  
 22 *is amended—*

23           (1) *in subsection (b)—*

24                   (A) *by redesignating paragraphs (1)*  
 25 *through (4) as subparagraphs (A) through (D),*

1           *respectively, and by moving such subparagraphs,*  
 2           *as so redesignated, 2 ems to the right;*

3           *(B) by striking “ADVERSE INFERENCES.—*  
 4           *If” and inserting the following: “ADVERSE IN-*  
 5           *FERENCES.—*

6           *“(1) IN GENERAL.—If”;*

7           *(C) by striking “under this title, may use”*  
 8           *and inserting the following: “under this title—*  
 9           *“(A) may use”; and*

10           *(D) by striking “facts otherwise available.*  
 11           *Such adverse inference may include” and insert-*  
 12           *ing the following: “facts otherwise available; and*

13           *“(B) is not required to determine, or make*  
 14           *any adjustments to, a countervailable subsidy*  
 15           *rate or weighted average dumping margin based*  
 16           *on any assumptions about information the inter-*  
 17           *ested party would have provided if the interested*  
 18           *party had complied with the request for informa-*  
 19           *tion.*

20           *“(2) POTENTIAL SOURCES OF INFORMATION FOR*  
 21           *ADVERSE INFERENCES.—An adverse inference under*  
 22           *paragraph (1)(A) may include”;*

23           *(2) in subsection (c)—*

24           *(A) by striking “CORROBORATION OF SEC-*  
 25           *ONDARY INFORMATION.—When the” and insert-*

1           ing the following: “CORROBORATION OF SEC-  
2           ONDARY INFORMATION.—

3           “(1) *IN GENERAL.*—*Except as provided in para-*  
4           *graph (2), when the*”; and

5                       *(B) by adding at the end the following:*

6           “(2) *EXCEPTION.*—*The administrative authority*  
7           *and the Commission shall not be required to corrobo-*  
8           *rate any dumping margin or countervailing duty ap-*  
9           *plied in a separate segment of the same proceeding.”;*  
10          and

11                       *(3) by adding at the end the following:*

12          “(d) *SUBSIDY RATES AND DUMPING MARGINS IN AD-*  
13          *VERSE INFERENCE DETERMINATIONS.*—

14                       “(1) *IN GENERAL.*—*If the administering author-*  
15           *ity uses an inference that is adverse to the interests*  
16           *of a party under subsection (b)(1)(A) in selecting*  
17           *among the facts otherwise available, the admin-*  
18           *istering authority may—*

19                       “(A) *in the case of a countervailing duty*  
20           *proceeding—*

21                               “(i) *use a countervailable subsidy rate*  
22                               *applied for the same or similar program in*  
23                               *a countervailing duty proceeding involving*  
24                               *the same country, or*

1           “(ii) if there is no same or similar  
2           program, use a countervailable subsidy rate  
3           for a subsidy program from a proceeding  
4           that the administering authority considers  
5           reasonable to use, and

6           “(B) in the case of an antidumping duty  
7           proceeding, use any dumping margin from any  
8           segment of the proceeding under the applicable  
9           antidumping order.

10          “(2) *DISCRETION TO APPLY HIGHEST RATE.*—In  
11          carrying out paragraph (1), the administering au-  
12          thority may apply any of the countervailable subsidy  
13          rates or dumping margins specified under that para-  
14          graph, including the highest such rate or margin,  
15          based on the evaluation by the administering author-  
16          ity of the situation that resulted in the administering  
17          authority using an adverse inference in selecting  
18          among the facts otherwise available.

19          “(3) *NO OBLIGATION TO MAKE CERTAIN ESTI-*  
20          *MATES OR ADDRESS CERTAIN CLAIMS.*—If the admin-  
21          istering authority uses an adverse inference under  
22          subsection (b)(1)(A) in selecting among the facts oth-  
23          erwise available, the administering authority is not  
24          required, for purposes of subsection (c) or for any  
25          other purpose—

1           “(A) to estimate what the countervailable  
2           subsidy rate or dumping margin would have  
3           been if the interested party found to have failed  
4           to cooperate under subsection (b)(1) had cooper-  
5           ated, or

6           “(B) to demonstrate that the countervailable  
7           subsidy rate or dumping margin used by the ad-  
8           ministering authority reflects an alleged com-  
9           mercial reality of the interested party.”.

10 **SEC. 502. DEFINITION OF MATERIAL INJURY.**

11           (a) *EFFECT OF PROFITABILITY OF DOMESTIC INDUS-*  
12 *TRIES.*—Section 771(7) of the Tariff Act of 1930 (19 U.S.C.  
13 1677(7)) is amended by adding at the end the following:

14           “(J) *EFFECT OF PROFITABILITY.*—The  
15           Commission shall not determine that there is no  
16           material injury or threat of material injury to  
17           an industry in the United States merely because  
18           that industry is profitable or because the per-  
19           formance of that industry has recently im-  
20           proved.”.

21           (b) *EVALUATION OF IMPACT ON DOMESTIC INDUSTRY*  
22 *IN DETERMINATION OF MATERIAL INJURY.*—Subclause (I)  
23 of section 771(7)(C)(iii) of the Tariff Act of 1930 (19 U.S.C.  
24 1677(7)(C)(iii)) is amended to read as follows:

1                   “(I) actual and potential decline  
 2                   in output, sales, market share, gross  
 3                   profits, operating profits, net profits,  
 4                   ability to service debt, productivity, re-  
 5                   turn on investments, return on assets,  
 6                   and utilization of capacity.”

7           (c) *CAPTIVE PRODUCTION*.—Section 771(7)(C)(iv) of  
 8 the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iv)) is amend-  
 9 ed—

10                   (1) in subclause (I), by striking the comma and  
 11                   inserting “, and”;

12                   (2) in subclause (II), by striking “, and” and in-  
 13                   serting a comma; and

14                   (3) by striking subclause (III).

15 **SEC. 503. PARTICULAR MARKET SITUATION.**

16           (a) *DEFINITION OF ORDINARY COURSE OF TRADE*.—  
 17 Section 771(15) of the Tariff Act of 1930 (19 U.S.C.  
 18 1677(15)) is amended by adding at the end the following:

19                   “(C) Situations in which the administering  
 20                   authority determines that the particular market  
 21                   situation prevents a proper comparison with the  
 22                   export price or constructed export price.”

23           (b) *DEFINITION OF NORMAL VALUE*.—Section  
 24 773(a)(1)(B)(ii)(III) of the Tariff Act of 1930 (19 U.S.C.

1 1677b(a)(1)(B)(ii)(III)) is amended by striking “in such  
2 other country.”.

3 (c) *DEFINITION OF CONSTRUCTED VALUE.*—Section  
4 773(e) of the Tariff Act of 1930 (19 U.S.C. 1677b(e)) is  
5 amended—

6 (1) in paragraph (1), by striking “business” and  
7 inserting “trade”; and

8 (2) By striking the flush text at the end and in-  
9 serting the following:

10 “For purposes of paragraph (1), if a particular market sit-  
11 uation exists such that the cost of materials and fabrication  
12 or other processing of any kind does not accurately reflect  
13 the cost of production in the ordinary course of trade, the  
14 administering authority may use another calculation meth-  
15 odology under this subtitle or any other calculation method-  
16 ology. For purposes of paragraph (1), the cost of materials  
17 shall be determined without regard to any internal tax in  
18 the exporting country imposed on such materials or their  
19 disposition that is remitted or refunded upon exportation  
20 of the subject merchandise produced from such materials.”.

21 **SEC. 504. DISTORTION OF PRICES OR COSTS.**

22 (a) *INVESTIGATION OF BELOW-COST SALES.*—Section  
23 773(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1677b(b)(2))  
24 is amended by striking subparagraph (A) and inserting the  
25 following:



1           “(A) *REASONABLE GROUNDS TO BELIEVE*  
2           *OR SUSPECT.*—

3                   “(i) *REVIEW.*—*In a review conducted*  
4                   *under section 751 involving a specific ex-*  
5                   *porter, there are reasonable grounds to be-*  
6                   *lieve or suspect that sales of the foreign like*  
7                   *product have been made at prices that are*  
8                   *less than the cost of production of the prod-*  
9                   *uct if the administering authority dis-*  
10                   *regarded some or all of the exporter’s sales*  
11                   *pursuant to paragraph (1) in the investiga-*  
12                   *tion or, if a review has been completed, in*  
13                   *the most recently completed review.*

14                   “(ii) *REQUESTS FOR INFORMATION.*—  
15                   *In an investigation initiated under section*  
16                   *732 or a review conducted under section*  
17                   *751, the administering authority shall re-*  
18                   *quest information necessary to calculate the*  
19                   *constructed value and cost of production*  
20                   *under subsections (e) and (f) to determine*  
21                   *whether there are reasonable grounds to be-*  
22                   *lieve or suspect that sales of the foreign like*  
23                   *product have been made at prices that rep-*  
24                   *resent less than the cost of production of the*  
25                   *product.”.*

1       **(b) PRICES AND COSTS IN NONMARKET ECONOMIES.**—  
 2 *Section 773(c) of the Tariff Act of 1930 (19 U.S.C.*  
 3 *1677b(c)) is amended by adding at the end the following:*

4               **“(5) DISCRETION TO DISREGARD CERTAIN PRICE**  
 5 **OR COST VALUES.**—*In valuing the factors of produc-*  
 6 *tion under paragraph (1) for the subject merchandise,*  
 7 *the administering authority may disregard price or*  
 8 *cost values without further investigation if the admin-*  
 9 *istering authority has determined that broadly avail-*  
 10 *able export subsidies existed or particular instances of*  
 11 *subsidization occurred with respect to those price or*  
 12 *cost values or if those price or cost values were subject*  
 13 *to an antidumping order.”.*

14 **SEC. 505. REDUCTION IN BURDEN ON DEPARTMENT OF**  
 15 **COMMERCE BY REDUCING THE NUMBER OF**  
 16 **VOLUNTARY RESPONDENTS.**

17 *Section 782(a) of the Tariff Act of 1930 (19 U.S.C.*  
 18 *1677m(a)) is amended—*

19               **(1) in paragraph (1), by redesignating subpara-**  
 20 **graphs (A) and (B) as clauses (i) and (ii), respec-**  
 21 **tively, and by moving such clauses, as so redesign-**  
 22 **ated, 2 ems to the right;**

23               **(2) by redesignating paragraphs (1) and (2) as**  
 24 **subparagraphs (A) and (B), respectively, and by mov-**

1 *ing such subparagraphs, as so redesignated, 2 ems to*  
2 *the right;*

3 (3) *by striking “INVESTIGATIONS AND RE-*  
4 *VIEWS.—In” and inserting the following: “INVESTIGA-*  
5 *TIONS AND REVIEWS.—*

6 *“(1) IN GENERAL.—In”;*

7 (4) *in paragraph (1), as designated by para-*  
8 *graph (3), by amending subparagraph (B), as reded-*  
9 *ignated by paragraph (2), to read as follows:*

10 *“(B) the number of exporters or producers*  
11 *subject to the investigation or review is not so*  
12 *large that any additional individual examina-*  
13 *tion of such exporters or producers would be un-*  
14 *duly burdensome to the administering authority*  
15 *and inhibit the timely completion of the inves-*  
16 *tigation or review.”; and*

17 (5) *by adding at the end the following:*

18 *“(2) DETERMINATION OF UNDULY BURDEN-*  
19 *SOME.—In determining if an individual examination*  
20 *under paragraph (1)(B) would be unduly burden-*  
21 *some, the administering authority may consider the*  
22 *following:*

23 *“(A) The complexity of the issues or infor-*  
24 *mation presented in the proceeding, including*  
25 *questionnaires and any responses thereto.*

1           “(B) Any prior experience of the admin-  
2           istering authority in the same or similar pro-  
3           ceeding.

4           “(C) The total number of investigations  
5           under subtitle A or B and reviews under section  
6           751 being conducted by the administering au-  
7           thority as of the date of the determination.

8           “(D) Such other factors relating to the time-  
9           ly completion of each such investigation and re-  
10          view as the administering authority considers  
11          appropriate.”.

12 **SEC. 506. APPLICATION TO CANADA AND MEXICO.**

13         *Pursuant to article 1902 of the North American Free*  
14 *Trade Agreement and section 408 of the North American*  
15 *Free Trade Agreement Implementation Act (19 U.S.C.*  
16 *3438), the amendments made by this title shall apply with*  
17 *respect to goods from Canada and Mexico.*

18 **TITLE VI—ADDITIONAL TRADE**  
19 **ENFORCEMENT AND INTEL-**  
20 **LECTUAL PROPERTY RIGHTS**  
21 **PROTECTION**

22 **Subtitle A—Trade Enforcement**

23 **SEC. 601. TRADE ENFORCEMENT PRIORITIES.**

24         *(a) IN GENERAL.—Section 310 of the Trade Act of*  
25 *1974 (19 U.S.C. 2420) is amended to read as follows:*

1 **“SEC. 310. TRADE ENFORCEMENT PRIORITIES.**

2       “(a) *TRADE ENFORCEMENT PRIORITIES, CONSULTA-*  
3 *TIONS, AND REPORT.*—

4               “(1) *TRADE ENFORCEMENT PRIORITIES CON-*  
5 *SULTATIONS.*—*Not later than May 31 of each cal-*  
6 *endar year that begins after the date of the enactment*  
7 *of the Trade Facilitation and Trade Enforcement Act*  
8 *of 2015, the United States Trade Representative (in*  
9 *this section referred to as the ‘Trade Representative’)*  
10 *shall consult with the Committee on Finance of the*  
11 *Senate and the Committee on Ways and Means of the*  
12 *House of Representatives with respect to the*  
13 *prioritization of acts, policies, or practices of foreign*  
14 *governments that raise concerns with respect to obli-*  
15 *gations under the WTO Agreements or any other*  
16 *trade agreement to which the United States is a*  
17 *party, or otherwise create or maintain barriers to*  
18 *United States goods, services, or investment.*

19               “(2) *IDENTIFICATION OF TRADE ENFORCEMENT*  
20 *PRIORITIES.*—*In identifying acts, policies, or prac-*  
21 *tices of foreign governments as trade enforcement pri-*  
22 *orities under this subsection, the United States Trade*  
23 *Representative shall focus on those acts, policies, and*  
24 *practices the elimination of which is likely to have the*  
25 *most significant potential to increase United States*

1       *economic growth, and take into account all relevant*  
2       *factors, including—*

3               “(A) *the economic significance of any po-*  
4               *tential inconsistency between an obligation as-*  
5               *sumed by a foreign government pursuant to a*  
6               *trade agreement to which both the foreign gov-*  
7               *ernment and the United States are parties and*  
8               *the acts, policies, or practices of that government;*

9               “(B) *the impact of the acts, policies, or*  
10              *practices of a foreign government on maintain-*  
11              *ing and creating United States jobs and produc-*  
12              *tive capacity;*

13              “(C) *the major barriers and trade distorting*  
14              *practices described in the most recent National*  
15              *Trade Estimate required under section 181(b);*

16              “(D) *the major barriers and trade dis-*  
17              *torting practices described in other relevant re-*  
18              *ports addressing international trade and invest-*  
19              *ment barriers prepared by a Federal agency or*  
20              *congressional commission during the 12 months*  
21              *preceding the date of the most recent report*  
22              *under paragraph (3);*

23              “(E) *a foreign government’s compliance*  
24              *with its obligations under any trade agreements*

1           to which both the foreign government and the  
2           United States are parties;

3           “(F) the implications of a foreign govern-  
4           ment’s procurement plans and policies; and

5           “(G) the international competitive position  
6           and export potential of United States products  
7           and services.

8           “(3) *REPORT ON TRADE ENFORCEMENT PRIOR-*  
9           *ITIES AND ACTIONS TAKEN TO ADDRESS.—*

10           “(A) *IN GENERAL.—*Not later than July 31  
11           of each calendar year that begins after the date  
12           of the enactment of the Trade Facilitation and  
13           Trade Enforcement Act of 2015, the Trade Rep-  
14           resentative shall report to the Committee on Fi-  
15           nance of the Senate and the Committee on Ways  
16           and Means of the House of Representatives on  
17           acts, policies, or practices of foreign governments  
18           identified as trade enforcement priorities based  
19           on the consultations under paragraph (1) and  
20           the criteria set forth in paragraph (2).

21           “(B) *REPORT IN SUBSEQUENT YEARS.—*The  
22           Trade Representative shall include, when report-  
23           ing under subparagraph (A) in any calendar  
24           year after the calendar year that begins after the  
25           date of the enactment of the Trade Facilitation

1           *and Trade Enforcement Act of 2015, a descrip-*  
2           *tion of actions taken to address any acts, poli-*  
3           *cies, or practices of foreign governments identi-*  
4           *fied as trade enforcement priorities under this*  
5           *subsection in the calendar year preceding that*  
6           *report and, as relevant, any year before that cal-*  
7           *endar year.*

8           “(b) *SEMIANNUAL ENFORCEMENT CONSULTATIONS.*—

9           “(1) *IN GENERAL.*—*At the same time as the re-*  
10          *porting under subsection (a)(3), and not later than*  
11          *January 31 of each following year, the Trade Rep-*  
12          *resentative shall consult with the Committee on Fi-*  
13          *nance of the Senate and the Committee on Ways and*  
14          *Means of the House of Representatives with respect to*  
15          *the identification, prioritization, investigation, and*  
16          *resolution of acts, policies, or practices of foreign gov-*  
17          *ernments of concern with respect to obligations under*  
18          *the WTO Agreements or any other trade agreement to*  
19          *which the United States is a party, or that otherwise*  
20          *create or maintain trade barriers.*

21          “(2) *ACTS, POLICIES, OR PRACTICES OF CON-*  
22          *CERN.*—*The semiannual enforcement consultations re-*  
23          *quired by paragraph (1) shall address acts, policies,*  
24          *or practices of foreign governments that raise con-*  
25          *cerns with respect to obligations under the WTO*



1 *Agreements or any other trade agreement to which the*  
2 *United States is a party, or otherwise create or main-*  
3 *tain trade barriers, including—*

4           “(A) *engagement with relevant trading*  
5 *partners;*

6           “(B) *strategies for addressing such concerns;*

7           “(C) *availability and deployment of re-*  
8 *sources to be used in the investigation or resolu-*  
9 *tion of such concerns;*

10           “(D) *the merits of any potential dispute*  
11 *resolution proceeding under the WTO Agree-*  
12 *ments or any other trade agreement to which the*  
13 *United States is a party relating to such con-*  
14 *cerns; and*

15           “(E) *any other aspects of such concerns.*

16           “(3) *ACTIVE INVESTIGATIONS.—The semiannual*  
17 *enforcement consultations required by paragraph (1)*  
18 *shall address acts, policies, or practices that the Trade*  
19 *Representative is actively investigating with respect*  
20 *to obligations under the WTO Agreements or any*  
21 *other trade agreement to which the United States is*  
22 *a party, including—*

23           “(A) *strategies for addressing concerns*  
24 *raised by such acts, policies, or practices;*

1           “(B) any relevant timeline with respect to  
2           investigation of such acts, policies, or practices;

3           “(C) the merits of any potential dispute res-  
4           olution proceeding under the WTO Agreements  
5           or any other trade agreement to which the  
6           United States is a party with respect to such  
7           acts, policies, or practices;

8           “(D) barriers to the advancement of the in-  
9           vestigation of such acts, policies, or practices;  
10          and

11          “(E) any other matters relating to the in-  
12          vestigation of such acts, policies, or practices.

13          “(4) ONGOING ENFORCEMENT ACTIONS.—The  
14          semiannual enforcement consultations required by  
15          paragraph (1) shall address all ongoing enforcement  
16          actions taken by or against the United States with re-  
17          spect to obligations under the WTO Agreements or  
18          any other trade agreement to which the United States  
19          is a party, including—

20                 “(A) any relevant timeline with respect to  
21                 such actions;

22                 “(B) the merits of such actions;

23                 “(C) any prospective implementation ac-  
24                 tions;

1           “(D) potential implications for any law or  
2 regulation of the United States;

3           “(E) potential implications for United  
4 States stakeholders, domestic competitors, and  
5 exporters; and

6           “(F) other issues relating to such actions.

7           “(5) ENFORCEMENT RESOURCES.—The semi-  
8 annual enforcement consultations required by para-  
9 graph (1) shall address the availability and deploy-  
10 ment of enforcement resources, resource constraints on  
11 monitoring and enforcement activities, and strategies  
12 to address those constraints, including the use of  
13 available resources of other Federal agencies to en-  
14 hance monitoring and enforcement capabilities.

15          “(c) INVESTIGATION AND RESOLUTION.—In the case of  
16 any acts, policies, or practices of a foreign government iden-  
17 tified as a trade enforcement priority under subsection (a),  
18 the Trade Representative shall, not later than the date of  
19 the first semiannual enforcement consultations held under  
20 subsection (b) after the identification of the priority, take  
21 appropriate action to address that priority, including—

22           “(1) engagement with the foreign government to  
23 resolve concerns raised by such acts, policies, or prac-  
24 tices;

1           “(2) *initiation of an investigation under section*  
2           *302(b)(1) with respect to such acts, policies, or prac-*  
3           *tices;*

4           “(3) *initiation of negotiations for a bilateral*  
5           *agreement that provides for resolution of concerns*  
6           *raised by such acts, policies, or practices; or*

7           “(4) *initiation of dispute settlement proceedings*  
8           *under the WTO Agreements or any other trade agree-*  
9           *ment to which the United States is a party with re-*  
10           *spect to such acts, policies, or practices.*

11           “(d) *ENFORCEMENT NOTIFICATIONS AND CONSULTA-*  
12           *TION.—*

13           “(1) *INITIATION OF ENFORCEMENT ACTION.—The*  
14           *Trade Representative shall notify and consult with*  
15           *the Committee on Finance of the Senate and the Com-*  
16           *mittee on Ways and Means of the House of Represent-*  
17           *atives in advance of initiation of any formal trade*  
18           *dispute by or against the United States taken in re-*  
19           *gard to an obligation under the WTO Agreements or*  
20           *any other trade agreement to which the United States*  
21           *is a party. With respect to a formal trade dispute*  
22           *against the United States, if advance notification and*  
23           *consultation are not possible, the Trade Representa-*  
24           *tive shall notify and consult at the earliest practicable*  
25           *opportunity after initiation of the dispute.*

1           “(2) *CIRCULATION OF REPORTS.*—*The Trade*  
2           *Representative shall notify and consult with the Com-*  
3           *mittee on Finance of the Senate and the Committee*  
4           *on Ways and Means of the House of Representatives*  
5           *in advance of the announced or anticipated circula-*  
6           *tion of any report of a dispute settlement panel or the*  
7           *Appellate Body of the World Trade Organization or*  
8           *of a dispute settlement panel under any other trade*  
9           *agreement to which the United States is a party with*  
10           *respect to a formal trade dispute by or against the*  
11           *United States.*

12           “(e) *DEFINITIONS.*—*In this section:*

13           “(1) *WTO.*—*The term ‘WTO’ means the World*  
14           *Trade Organization.*

15           “(2) *WTO AGREEMENT.*—*The term ‘WTO Agree-*  
16           *ment’ has the meaning given that term in section 2(9)*  
17           *of the Uruguay Round Agreements Act (19 U.S.C.*  
18           *3501(9)).*

19           “(3) *WTO AGREEMENTS.*—*The term ‘WTO*  
20           *Agreements’ means the WTO Agreement and agree-*  
21           *ments annexed to that Agreement.”.*

22           “(b) *CLERICAL AMENDMENT.*—*The table of contents for*  
23           *the Trade Act of 1974 is amended by striking the item relat-*  
24           *ing to section 310 and inserting the following:*

          “*Sec. 310. Trade enforcement priorities.*”.

1 **SEC. 602. EXERCISE OF WTO AUTHORIZATION TO SUSPEND**  
2 **CONCESSIONS OR OTHER OBLIGATIONS**  
3 **UNDER TRADE AGREEMENTS.**

4 (a) *IN GENERAL.*—Section 306 of the Trade Act of  
5 1974 (19 U.S.C. 2416) is amended—

6 (1) *by redesignating subsection (c) as subsection*  
7 *(d); and*

8 (2) *by inserting after subsection (b) the fol-*  
9 *lowing:*

10 “(c) *EXERCISE OF WTO AUTHORIZATION TO SUS-*  
11 *PEND CONCESSIONS OR OTHER OBLIGATIONS.*—If—

12 “(1) *action has terminated pursuant to section*  
13 *307(c),*

14 “(2) *the petitioner or any representative of the*  
15 *domestic industry that would benefit from reinstatement*  
16 *of action has submitted to the Trade Represent-*  
17 *ative a written request for reinstatement of action,*  
18 *and*

19 “(3) *the Trade Representative has completed the*  
20 *requirements of subsection (d) and section 307(c)(3),*  
21 *the Trade Representative may at any time determine to*  
22 *take action under section 301(c) to exercise an authoriza-*  
23 *tion to suspend concessions or other obligations under Arti-*  
24 *cle 22 of the Understanding on Rules and Procedures Gov-*  
25 *erning the Settlement of Disputes (referred to in section*

1 101(d)(16) of the Uruguay Round Agreements Act (19  
2 U.S.C. 3511(d)(16)).”.

3 (b) *CONFORMING AMENDMENTS.*—Chapter 1 of title  
4 III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) is  
5 amended—

6 (1) in section 301(c)(1) (19 U.S.C. 2411(c)(1)),  
7 in the matter preceding subparagraph (A), by insert-  
8 ing “or section 306(c)” after “subsection (a) or (b)”;

9 (2) in section 306(b) (19 U.S.C. 2416(b)), in the  
10 subsection heading, by striking “*FURTHER ACTION*”  
11 and inserting “*ACTION ON THE BASIS OF MONI-*  
12 *TORING*”;

13 (3) in section 306(d) (19 U.S.C. 2416(d)), as re-  
14 designated by subsection (a)(1), by inserting “or (c)”  
15 after “subsection (b)”;

16 (4) in section 307(c)(3) (19 U.S.C. 2417(c)(3)),  
17 by inserting “or if a request is submitted to the Trade  
18 Representative under 306(c)(2) to reinstate action,”  
19 after “under section 301,”.

20 **SEC. 603. TRADE MONITORING.**

21 (a) *IN GENERAL.*—Chapter 1 of title II of the Trade  
22 Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding  
23 at the end the following:

24 **“SEC. 205. TRADE MONITORING.**

25 “(a) *MONITORING TOOL FOR IMPORTS.*—

1           “(1) *IN GENERAL.*—Not later than 180 days  
2 after the date of the enactment of this section, the  
3 United States International Trade Commission shall  
4 make available on a website of the Commission an  
5 import monitoring tool to allow the public access to  
6 data on the volume and value of goods imported into  
7 the United States for the purpose of assessing whether  
8 such data has changed with respect to such goods over  
9 a period of time.

10           “(2) *DATA DESCRIBED.*—For purposes of the  
11 monitoring tool under paragraph (1), the Commission  
12 shall use data compiled by the Department of Com-  
13 merce and such other government data as the Com-  
14 mission considers appropriate.

15           “(3) *PERIODS OF TIME.*—The Commission shall  
16 ensure that data accessed through the monitoring tool  
17 under paragraph (1) includes data for the most recent  
18 quarter for which such data are available and pre-  
19 vious quarters as the Commission considers prac-  
20 ticable.

21           “(b) *MONITORING REPORTS.*—

22           “(1) *IN GENERAL.*—Not later than 270 days  
23 after the date of the enactment of this section, and not  
24 less frequently than quarterly thereafter, the Secretary  
25 of Commerce shall publish on a website of the Depart-



1 *ment of Commerce, and notify the Committee on Fi-*  
2 *nance of the Senate and the Committee on Ways and*  
3 *Means of the House of Representatives of the avail-*  
4 *ability of, a monitoring report on changes in the vol-*  
5 *ume and value of trade with respect to imports and*  
6 *exports of goods categorized based on the 6-digit sub-*  
7 *heading number of the goods under the Harmonized*  
8 *Tariff Schedule of the United States during the most*  
9 *recent quarter for which such data are available and*  
10 *previous quarters as the Secretary considers prac-*  
11 *ticable.*

12           “(2) *REQUESTS FOR COMMENT.*—Not later than  
13 *one year after the date of the enactment of this sec-*  
14 *tion, the Secretary of Commerce shall solicit through*  
15 *the Federal Register public comment on the moni-*  
16 *toring reports described in paragraph (1).*

17           “(c) *SUNSET.*—The requirements under this section  
18 *terminate on the date that is 7 years after the date of the*  
19 *enactment of this section.*”.

20           “(b) *CLERICAL AMENDMENT.*—The table of contents for  
21 *the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended*  
22 *by inserting after the item relating to section 204 the fol-*  
23 *lowing:*

“Sec. 205. *Trade monitoring.*”.

1 **SEC. 604. ESTABLISHMENT OF INTERAGENCY TRADE EN-**  
2 **FORCEMENT CENTER.**

3 (a) *IN GENERAL.*—Chapter 4 of title I of the Trade  
4 Act of 1974 (19 U.S.C. 2171) is amended by adding at the  
5 end the following:

6 **“SEC. 142. INTERAGENCY TRADE ENFORCEMENT CENTER.**

7 “(a) *ESTABLISHMENT OF CENTER.*—There is estab-  
8 lished in the Office of the United States Trade Representa-  
9 tive an Interagency Trade Enforcement Center (in this sec-  
10 tion referred to as the ‘Center’).

11 “(b) *FUNCTIONS OF CENTER.*—

12 “(1) *IN GENERAL.*—The Center shall—

13 “(A) serve as the primary forum within the  
14 Federal Government for the Office of the United  
15 States Trade Representative and other agencies  
16 to coordinate the enforcement of United States  
17 trade rights under international trade agree-  
18 ments and the enforcement of United States  
19 trade remedy laws;

20 “(B) coordinate among the Office of the  
21 United States Trade Representative and other  
22 agencies with responsibilities relating to trade  
23 the exchange of information related to potential  
24 violations of international trade agreements by  
25 foreign trading partners of the United States;  
26 and

1           “(C) *conduct outreach to United States*  
2 *workers, businesses, and other interested persons*  
3 *to foster greater participation in the identifica-*  
4 *tion and reduction or elimination of foreign*  
5 *trade barriers and unfair foreign trade practices.*

6           “(2) *COORDINATION OF TRADE ENFORCEMENT.—*

7           “(A) *IN GENERAL.—The Center shall co-*  
8 *ordinate matters relating to the enforcement of*  
9 *United States trade rights under international*  
10 *trade agreements and the enforcement of United*  
11 *States trade remedy laws among the Office of the*  
12 *United States Trade Representative and the fol-*  
13 *lowing agencies:*

14                   “(i) *The Department of State.*

15                   “(ii) *The Department of the Treasury.*

16                   “(iii) *The Department of Justice.*

17                   “(iv) *The Department of Agriculture.*

18                   “(v) *The Department of Commerce.*

19                   “(vi) *The Department of Homeland Se-*  
20 *curity.*

21                   “(vii) *Such other agencies as the Presi-*  
22 *dent, or the United States Trade Represent-*  
23 *ative, may designate.*

24           “(B) *CONSULTATIONS ON INTELLECTUAL*  
25 *PROPERTY RIGHTS.—In matters relating to the*

1           *enforcement of United States trade rights involv-*  
2           *ing intellectual property rights, the Center shall*  
3           *consult with the Intellectual Property Enforce-*  
4           *ment Coordinator appointed pursuant to section*  
5           *301 of the Prioritizing Resources and Organiza-*  
6           *tion for Intellectual Property Act of 2008 (15*  
7           *U.S.C. 8111).*

8           “(c) *PERSONNEL.—*

9                 “(1) *DIRECTOR.—The head of the Center shall be*  
10            *the Director, who shall—*

11                     “(A) *be appointed by the United States*  
12                     *Trade Representative from among full-time sen-*  
13                     *ior-level officials of the Office of the United*  
14                     *States Trade Representative; and*

15                     “(B) *report to the Trade Representative.*

16                 “(2) *DEPUTY DIRECTOR.—There shall be in the*  
17            *Center a Deputy Director, who shall—*

18                     “(A) *be appointed by the Secretary of Com-*  
19                     *merce from among full-time senior-level officials*  
20                     *of the Department of Commerce and detailed to*  
21                     *the Center; and*

22                     “(B) *report directly to the Director.*

23                 “(3) *ADDITIONAL EMPLOYEES.—The agencies*  
24            *specified in subsection (b)(2)(A) may, in consultation*  
25            *with the Director, detail or assign their employees to*

1       *the Center without reimbursement to support the*  
2       *functions of the Center.*

3       “(d) *ADMINISTRATION.—Funding and administrative*  
4       *support for the Center shall be provided by the Office of*  
5       *the United States Trade Representative.*

6       “(e) *ANNUAL REPORT.—Not later than one year after*  
7       *the date of the enactment of this section, and not less fre-*  
8       *quently than annually thereafter, the Director shall submit*  
9       *to the Committee on Finance of the Senate and the Com-*  
10       *mittee on Ways and Means of the House of Representatives*  
11       *a report on the actions taken by the Center in the preceding*  
12       *year with respect to the enforcement of United States trade*  
13       *rights under international trade agreements and the en-*  
14       *forcement of United States trade remedy laws.*

15       “(f) *DEFINITIONS.—In this section:*

16               “(1) *UNITED STATES TRADE REMEDY LAWS.—*  
17       *The term ‘United States trade remedy laws’ means*  
18       *the following:*

19                       “(A) *Chapter 1 of title II of the Trade Act*  
20                       *of 1974 (19 U.S.C. 2251 et seq.).*

21                       “(B) *Chapter 1 of title III of that Act (19*  
22                       *U.S.C. 2411 et seq.).*

23                       “(C) *Sections 406 and 421 of that Act (19*  
24                       *U.S.C. 2436 and 2451).*

1           “(D) Sections 332 and 337 of the Tariff Act  
2           of 1930 (19 U.S.C. 1332 and 1337).

3           “(E) Investigations initiated by the admin-  
4           istering authority (as defined in section 771 of  
5           that Act (19 U.S.C. 1677)) under title VII of  
6           that Act (19 U.S.C. 1671 et seq.).

7           “(F) Section 281 of the Uruguay Round  
8           Agreements Act (19 U.S.C. 3571).

9           “(2) UNITED STATES TRADE RIGHTS.—The term  
10          ‘United States trade rights’ means any right, benefit,  
11          or advantage to which the United States is entitled  
12          under an international trade agreement and that  
13          could be effectuated through the use of a dispute settle-  
14          ment proceeding.”.

15          (b) CLERICAL AMENDMENT.—The table of contents for  
16          the Trade Act of 1974 is amended by inserting after the  
17          item relating to section 141 the following:

          “Sec. 142. Interagency Trade Enforcement Center.”.

18   **SEC. 605. ESTABLISHMENT OF CHIEF MANUFACTURING NE-**  
19   **GIATOR.**

20          (a) ESTABLISHMENT OF POSITION.—Section 141(b)(2)  
21          of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended  
22          to read as follows:

23               “(2) There shall be in the Office 3 Deputy United  
24          States Trade Representatives, one Chief Agricultural Nego-  
25          tiator, and one Chief Manufacturing Negotiator, who shall

1 *all be appointed by the President, by and with the advice*  
2 *and consent of the Senate. As an exercise of the rulemaking*  
3 *power of the Senate, any nomination of a Deputy United*  
4 *States Trade Representative, the Chief Agricultural Nego-*  
5 *tiator, or the Chief Manufacturing Negotiator submitted to*  
6 *the Senate for its advice and consent, and referred to a com-*  
7 *mittee, shall be referred to the Committee on Finance. Each*  
8 *Deputy United States Trade Representative, the Chief Agri-*  
9 *cultural Negotiator, and the Chief Manufacturing Nego-*  
10 *tiator shall hold office at the pleasure of the President and*  
11 *shall have the rank of Ambassador.”.*

12 (b) *FUNCTIONS OF POSITION.—Section 141(c) of the*  
13 *Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—*

14 (1) *by moving paragraph (5) 2 ems to the left;*

15 *and*

16 (2) *by adding at the end the following:*

17 “(6)(A) *The principal function of the Chief Manufac-*  
18 *turing Negotiator shall be to conduct trade negotiations and*  
19 *to enforce trade agreements relating to United States manu-*  
20 *facturing products and services. The Chief Manufacturing*  
21 *Negotiator shall be a vigorous advocate on behalf of United*  
22 *States manufacturing interests and shall perform such other*  
23 *functions as the United States Trade Representative may*  
24 *direct.*

1       “(B) Not later than one year after the date of the en-  
2 actment of the Trade Facilitation and Trade Enforcement  
3 Act of 2015, and annually thereafter, the Chief Manufac-  
4 turing Negotiator shall submit to the Committee on Finance  
5 of the Senate and the Committee on Ways and Means of  
6 the House of Representatives a report on the actions taken  
7 by the Chief Manufacturing Negotiator in the preceding  
8 year.”.

9       (c) *COMPENSATION*.—Section 5314 of title 5, United  
10 States Code, is amended by striking “Chief Agricultural Ne-  
11 gotiator.” and inserting the following:

12       “Chief Agricultural Negotiator, Office of the United  
13 States Trade Representative.

14       “Chief Manufacturing Negotiator, Office of the United  
15 States Trade Representative.”.

16       (d) *TECHNICAL AMENDMENTS*.—Section 141(e) of the  
17 Trade Act of 1974 (19 U.S.C. 2171(e)) is amended—

18             (1) in paragraph (1), by striking “5314” and in-  
19 serting “5315”; and

20             (2) in paragraph (2), by striking “the maximum  
21 rate of pay for grade GS–18, as provided in section  
22 5332” and inserting “the maximum rate of pay for  
23 level IV of the Executive Schedule in section 5315”.



1 **SEC. 606. ENFORCEMENT UNDER TITLE III OF THE TRADE**  
2 **ACT OF 1974 WITH RESPECT TO CERTAIN**  
3 **ACTS, POLICIES, AND PRACTICES RELATING**  
4 **TO THE ENVIRONMENT.**

5 *Section 301(d)(3)(B) of the Trade Act of 1974 (19*  
6 *U.S.C. 2411(d)(3)(B)) is amended—*

7 *(1) in clause (ii), by striking “or” at the end;*

8 *(2) in clause (iii)(V), by striking the period at*  
9 *the end and inserting “, or”; and*

10 *(3) by adding at the end the following:*

11 *“(iv) constitutes a persistent pattern of con-*  
12 *duct by the government of the foreign country*  
13 *under which that government—*

14 *“(I) fails to effectively enforce the envi-*  
15 *ronmental laws of the foreign country,*

16 *“(II) waives or otherwise derogates*  
17 *from the environmental laws of the foreign*  
18 *country or weakens the protections afforded*  
19 *by such laws,*

20 *“(III) fails to provide for judicial or*  
21 *administrative proceedings giving access to*  
22 *remedies for violations of the environmental*  
23 *laws of the foreign country,*

24 *“(IV) fails to provide appropriate and*  
25 *effective sanctions or remedies for violations*

1           of the environmental laws of the foreign  
2           country, or

3                   “(V) fails to effectively enforce environ-  
4           mental commitments under agreements to  
5           which the foreign country and the United  
6           States are a party.”.

7 **SEC. 607. TRADE ENFORCEMENT TRUST FUND.**

8           (a) *ESTABLISHMENT.*—There is established in the  
9 Treasury of the United States a trust fund to be known  
10 as the Trade Enforcement Trust Fund (in this section re-  
11 ferred to as the “Trust Fund”), consisting of amounts trans-  
12 ferred to the Trust Fund under subsection (b) and any  
13 amounts that may be credited to the Trust Fund under sub-  
14 section (c).

15           (b) *TRANSFER OF AMOUNTS.*—

16                   (1) *IN GENERAL.*—The Secretary of the Treasury  
17 shall transfer to the Trust Fund, from the general  
18 fund of the Treasury, for each fiscal year that begins  
19 on or after the date of the enactment of this Act, an  
20 amount equal to \$15,000,000 (or a lesser amount as  
21 required pursuant to paragraph (2)) of the anti-  
22 dumping duties and countervailing duties received in  
23 the Treasury for such fiscal year.

24                   (2) *LIMITATION.*—The total amount in the Trust  
25 Fund at any time may not exceed \$30,000,000.

1           (3) *FREQUENCY OF TRANSFERS; ADJUST-*  
2 *MENTS.—*

3           (A) *FREQUENCY OF TRANSFERS.—The Sec-*  
4 *retary shall transfer amounts required to be*  
5 *transferred to the Trust Fund under paragraph*  
6 *(1) not less frequently than quarterly from the*  
7 *general fund of the Treasury to the Trust Fund*  
8 *on the basis of estimates made by the Secretary.*

9           (B) *ADJUSTMENTS.—The Secretary shall*  
10 *make proper adjustments in amounts subse-*  
11 *quently transferred to the Trust Fund to the ex-*  
12 *tent prior estimates were in excess of or less than*  
13 *the amounts required to be transferred to the*  
14 *Trust Fund.*

15 (c) *INVESTMENT OF AMOUNTS.—*

16           (1) *INVESTMENT OF AMOUNTS.—The Secretary*  
17 *shall invest such portion of the Trust Fund as is not*  
18 *required to meet current withdrawals in interest-bear-*  
19 *ing obligations of the United States or in obligations*  
20 *guaranteed as to both principal and interest by the*  
21 *United States.*

22           (2) *INTEREST AND PROCEEDS.—The interest on,*  
23 *and the proceeds from the sale or redemption of, any*  
24 *obligations held in Trust Fund shall be credited to*  
25 *and form a part of the Trust Fund.*

1       (d) *AVAILABILITY OF AMOUNTS FROM TRUST FUND.*—

2               (1) *ENFORCEMENT.*—*The United States Trade*  
3 *Representative may use the amounts in the Trust*  
4 *fund to carry out any of the following:*

5                       (A) *To seek to enforce the provisions of and*  
6 *commitments and obligations under the WTO*  
7 *Agreements and free trade agreements to which*  
8 *the United States is a party and resolve any ac-*  
9 *tions by foreign countries that are inconsistent*  
10 *with those provisions, commitments, and obliga-*  
11 *tions.*

12                      (B) *To monitor the implementation by for-*  
13 *ign countries of the provisions of and commit-*  
14 *ments and obligations under free trade agree-*  
15 *ments to which the United States is a party for*  
16 *purposes of systematically assessing, identifying,*  
17 *investigating, or initiating steps to address in-*  
18 *consistencies with those provisions, commitments,*  
19 *and obligations.*

20                      (C) *To thoroughly investigate and respond*  
21 *to petitions under section 302 of the Trade Act*  
22 *of 1974 (19 U.S.C. 2412) requesting that action*  
23 *be taken under section 301 of such Act (19*  
24 *U.S.C. 2411).*

1           (2) *IMPLEMENTATION ASSISTANCE AND CAPACITY*  
2 *BUILDING.*—*The United States Trade Representative,*  
3 *the Secretary of State, the Administrator of the*  
4 *United States Agency for International Development,*  
5 *the Secretary of Labor, and such heads of other Fed-*  
6 *eral agencies as the President considers appropriate*  
7 *may use the amounts in the Trust Fund to carry out*  
8 *any of the following:*

9           (A) *To ensure capacity-building efforts un-*  
10 *dertaken by the United States pursuant to any*  
11 *free trade agreement to which the United States*  
12 *is a party prioritize and give special attention*  
13 *to the timely, consistent, and robust implementa-*  
14 *tion of the intellectual property, labor, and envi-*  
15 *ronmental commitments and obligations of any*  
16 *party to that free trade agreement.*

17           (B) *To ensure capacity-building efforts un-*  
18 *dertaken by the United States pursuant to any*  
19 *such free trade agreement are self-sustaining and*  
20 *promote local ownership.*

21           (C) *To ensure capacity-building efforts un-*  
22 *dertaken by the United States pursuant to any*  
23 *such free trade agreement include performance*  
24 *indicators against which the progress and obsta-*  
25 *cles for the implementation of commitments and*

1           *obligations described in subparagraph (A) can be*  
2           *identified and assessed within a meaningful time*  
3           *frame.*

4           *(D) To monitor and evaluate the capacity-*  
5           *building efforts of the United States under sub-*  
6           *paragraphs (A), (B), and (C).*

7           (3) *LIMITATION.*—*Amounts made available in*  
8           *the Trust Fund may not be used for negotiations for*  
9           *any free trade agreement to be entered into on or*  
10          *after the date of the enactment of this Act.*

11          (i) *REPORT.*—*Not later than 18 months after the entry*  
12          *into force of any free trade agreement entered into after the*  
13          *date of the enactment of this Act, the United States Trade*  
14          *Representative, the Secretary of State, the Administrator*  
15          *of the United States Agency for International Development,*  
16          *the Secretary of Labor, and any other head of a Federal*  
17          *agency who has used amounts in the Trust Fund in connec-*  
18          *tion with that agreement, shall each submit to Congress a*  
19          *report on the actions taken by that official under subsection*  
20          *(d) in connection with that agreement.*

21          (f) *COMPTROLLER GENERAL STUDY.*—

22                 (1) *IN GENERAL.*—*The Comptroller General of*  
23                 *the United States shall conduct a study that includes*  
24                 *the following:*

1           (A) *A comprehensive analysis of the trade*  
2           *enforcement expenditures of each Federal agency*  
3           *with responsibilities relating to trade that speci-*  
4           *fies, with respect to each such Federal agency—*

5                   (i) *the amounts appropriated for trade*  
6                   *enforcement; and*

7                   (ii) *the number of full-time employees*  
8                   *carrying out activities relating to trade en-*  
9                   *forcement.*

10           (B) *Recommendations on the additional*  
11           *employees and resources that each such Federal*  
12           *agency may need to effectively enforce the free*  
13           *trade agreements to which the United States is*  
14           *a party.*

15           (2) *REPORT.—Not later than one year after the*  
16           *date of the enactment of this Act, the Comptroller*  
17           *General shall submit to Congress a report on the re-*  
18           *sults of the study conducted under paragraph (1).*

19           (g) *DEFINITIONS.—In this section:*

20                   (1) *ANTIDUMPING DUTY.—The term “anti-*  
21                   *dumping duty” means an antidumping duty imposed*  
22                   *under section 731 of the Tariff Act of 1930 (19 U.S.C.*  
23                   *1673).*

24                   (2) *COUNTERVAILING DUTY.—The term “counter-*  
25                   *vailing duty” means a countervailing duty imposed*

1       *under section 701 of the Tariff Act of 1930 (19 U.S.C.*  
2       *1671).*

3             (3) *WTO.*—*The term “WTO” means the World*  
4       *Trade Organization.*

5             (4) *WTO AGREEMENT.*—*The term “WTO Agree-*  
6       *ment” has the meaning given that term in section*  
7       *2(9) of the Uruguay Round Agreements Act (19*  
8       *U.S.C. 3501(9)).*

9             (5) *WTO AGREEMENTS.*—*The term “WTO Agree-*  
10       *ments” means the WTO Agreement and agreements*  
11       *annexed to that Agreement.*

12       **SEC. 608. HONEY TRANSSHIPMENT.**

13             (a) *IN GENERAL.*—*The Commissioner shall direct ap-*  
14       *propriate personnel and resources of U.S. Customs and Bor-*  
15       *der Protection to address concerns that honey is being im-*  
16       *ported into the United States in violation of the customs*  
17       *and trade laws of the United States.*

18             (b) *COUNTRY OF ORIGIN.*—

19                 (1) *IN GENERAL.*—*The Commissioner shall com-*  
20       *pile a database of the individual characteristics of*  
21       *honey produced in foreign countries to facilitate the*  
22       *verification of country of origin markings of imported*  
23       *honey.*

24                 (2) *ENGAGEMENT WITH FOREIGN GOVERN-*  
25       *MENTS.*—*The Commissioner shall seek to engage the*



1 *customs agencies of foreign governments for assistance*  
2 *in compiling the database described in paragraph (1).*

3 (3) *CONSULTATION WITH INDUSTRY.*—*In com-*  
4 *panying the database described in paragraph (1), the*  
5 *Commissioner shall consult with entities in the honey*  
6 *industry regarding the development of industry*  
7 *standards for honey identification.*

8 (4) *CONSULTATION WITH FOOD AND DRUG AD-*  
9 *MINISTRATION.*—*In compiling the database described*  
10 *in paragraph (1), the Commissioner shall consult*  
11 *with the Commissioner of Food and Drugs.*

12 (c) *REPORT REQUIRED.*—*Not later than 180 days*  
13 *after the date of the enactment of this Act, the Commissioner*  
14 *shall submit to Congress a report that—*

15 (1) *describes and assesses the limitations in the*  
16 *existing analysis capabilities of laboratories with re-*  
17 *spect to determining the country of origin of honey*  
18 *samples or the percentage of honey contained in a*  
19 *sample; and*

20 (2) *includes any recommendations of the Com-*  
21 *missioner for improving such capabilities.*

22 (d) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
23 *that the Commissioner of Food and Drugs should promptly*  
24 *establish a national standard of identity for honey for the*

1 *Commissioner responsible for U.S. Customs and Border*  
2 *Protection to use to ensure that imports of honey are—*

3 *(1) classified accurately for purposes of assessing*  
4 *duties; and*

5 *(2) denied entry into the United States if such*  
6 *imports pose a threat to the health or safety of con-*  
7 *sumers in the United States.*

8 **SEC. 609. INCLUSION OF INTEREST IN CERTAIN DISTRIBUTIONS OF ANTIDUMPING DUTIES AND COUNTERVAILING DUTIES.**  
9  
10

11 *(a) IN GENERAL.—The Secretary of Homeland Security shall deposit all interest described in subsection (c) into*  
12 *the special account established under section 754(e) of the*  
13 *Tariff Act of 1930 (19 U.S.C. 1675c(e)) (repealed by subtitle*  
14 *F of title VII of the Deficit Reduction Act of 2005 (Public*  
15 *Law 109–171; 120 Stat. 154)) for inclusion in distributions*  
16 *described in subsection (b) made on or after the date of the*  
17 *enactment of this Act.*

19 *(b) DISTRIBUTIONS DESCRIBED.—Distributions described in this subsection are distributions of antidumping*  
20 *duties and countervailing duties assessed on or after Octo-*  
21 *ber 1, 2000, that are made under section 754 of the Tariff*  
22 *Act of 1930 (19 U.S.C. 1675c) (repealed by subtitle F of*  
23 *title VII of the Deficit Reduction Act of 2005 (Public Law*  
24

1 109–171; 120 Stat. 154)), with respect to entries of mer-  
2 chandise—

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

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

9 (c) *INTEREST DESCRIBED.*—

10 (1) *INTEREST REALIZED.*—Interest described in  
11 this subsection is interest earned on antidumping du-  
12 ties or countervailing duties distributed as described  
13 in subsection (b) that is realized through application  
14 of a payment received on or after October 1, 2014, by  
15 U.S. Customs and Border Protection under, or in  
16 connection with—

17 (A) a customs bond pursuant to a court  
18 order or judgment entered as a result of a civil  
19 action filed by the Federal Government against  
20 the surety from which the payment was obtained  
21 for the purpose of collecting duties or interest  
22 owed with respect to an entry; or

23 (B) a settlement for any such bond if the  
24 settlement was executed after the Federal Govern-

1           *ment filed a civil action described in subpara-*  
2           *graph (A).*

3           (2) *TYPES OF INTEREST.*—*Interest described in*  
4           *paragraph (1) includes the following:*

5                   (A) *Interest accrued under section 778 of*  
6                   *the Tariff Act of 1930 (19 U.S.C. 1677g).*

7                   (B) *Interest accrued under section 505(d) of*  
8                   *the Tariff Act of 1930 (19 U.S.C. 1505(d)).*

9                   (C) *Equitable interest under common law*  
10                  *or interest under section 963 of the Revised Stat-*  
11                  *utes (19 U.S.C. 580) awarded by a court against*  
12                  *a surety under its bond for late payment of anti-*  
13                  *dumping duties, countervailing duties, or inter-*  
14                  *est described in subparagraph (A) or (B).*

15          (d) *DEFINITIONS.*—*In this section:*

16                  (1) *ANTIDUMPING DUTIES.*—*The term “anti-*  
17                  *dumping duties” means antidumping duties imposed*  
18                  *under section 731 of the Tariff Act of 1930 (19 U.S.C.*  
19                  *1673) or under the Antidumping Act, 1921 (title II*  
20                  *of the Act of May 27, 1921; 42 Stat. 11, chapter 14).*

21                  (2) *COUNTERVAILING DUTIES.*—*The term “coun-*  
22                  *tervailing duties” means countervailing duties im-*  
23                  *posed under section 701 of the Tariff Act of 1930 (19*  
24                  *U.S.C. 1671).*

1 **SEC. 610. ILLICITLY IMPORTED, EXPORTED, OR TRAF-**  
2 **FICKED CULTURAL PROPERTY, ARCHAEO-**  
3 **LOGICAL OR ETHNOLOGICAL MATERIALS,**  
4 **AND FISH, WILDLIFE, AND PLANTS.**

5 (a) *IN GENERAL.*—*The Commissioner and the Director*  
6 *of U.S. Immigration and Customs Enforcement shall ensure*  
7 *that appropriate personnel of U.S. Customs and Border*  
8 *Protection and U.S. Immigration and Customs Enforce-*  
9 *ment, as the case may be, are trained in the detection, iden-*  
10 *tification, detention, seizure, and forfeiture of cultural*  
11 *property, archaeological or ethnological materials, and fish,*  
12 *wildlife, and plants, the importation, exportation, or traf-*  
13 *ficking of which violates the laws of the United States.*

14 (b) *TRAINING.*—*The Commissioner and the Director*  
15 *are authorized to accept training and other support services*  
16 *from experts outside of the Federal Government with respect*  
17 *to the detection, identification, detention, seizure, and for-*  
18 *feiture of cultural property, archaeological or ethnological*  
19 *materials, or fish, wildlife, and plants described in sub-*  
20 *section (a).*

21 ***Subtitle B—Intellectual Property***  
22 ***Rights Protection***

23 **SEC. 611. ESTABLISHMENT OF CHIEF INNOVATION AND IN-**  
24 **TELLECTUAL PROPERTY NEGOTIATOR.**

25 (a) *IN GENERAL.*—*Section 141 of the Trade Act of*  
26 *1974 (19 U.S.C. 2171) is amended—*

1           (1) *in subsection (b)(2), as amended by section*  
2       *605(a) of this Act—*

3           (A) *by striking “and one Chief Manufac-*  
4       *turing Negotiator” and inserting “one Chief*  
5       *Manufacturing Negotiator, and one Chief Inno-*  
6       *vation and Intellectual Property Negotiator”;*

7           (B) *by striking “or the Chief Manufacturing*  
8       *Negotiator” and inserting “the Chief Manufac-*  
9       *turing Negotiator, or the Chief Innovation and*  
10       *Intellectual Property Negotiator”;* and

11          (C) *by striking “and the Chief Manufac-*  
12       *turing Negotiator” and inserting “the Chief*  
13       *Manufacturing Negotiator, and the Chief Inno-*  
14       *vation and Intellectual Property Negotiator”;*  
15       *and*

16          (2) *in subsection (c), as amended by section*  
17       *605(b) of this Act, by adding at the end the following:*

18       *“(7) The principal functions of the Chief Innovation*  
19       *and Intellectual Property Negotiator shall be to conduct*  
20       *trade negotiations and to enforce trade agreements relating*  
21       *to United States intellectual property and to take appro-*  
22       *priate actions to address acts, policies, and practices of for-*  
23       *ign governments that have a significant adverse impact*  
24       *on the value of United States innovation. The Chief Innova-*  
25       *tion and Intellectual Property Negotiator shall be a vig-*

1 *orous advocate on behalf of United States innovation and*  
2 *intellectual property interests. The Chief Innovation and*  
3 *Intellectual Property Negotiator shall perform such other*  
4 *functions as the United States Trade Representative may*  
5 *direct.”.*

6 (b) *COMPENSATION.*—Section 5314 of title 5, United  
7 States Code, as amended by section 605(c) of this Act, is  
8 further amended by inserting after “Chief Manufacturing  
9 Negotiator, Office of the United States Trade Representa-  
10 tive.” the following:

11 “Chief Innovation and Intellectual Property Nego-  
12 tiator, Office of the United States Trade Representative.”.

13 (c) *REPORT REQUIRED.*—Not later than one year after  
14 the appointment of the first Chief Innovation and Intellec-  
15 tual Property Negotiator pursuant to paragraph (2) of sec-  
16 tion 141(b) of the Trade Act of 1974, as amended by sub-  
17 section (a), and annually thereafter, the United States  
18 Trade Representative shall submit to the Committee on Fi-  
19 nance of the Senate and the Committee on Ways and Means  
20 of the House of Representatives a report describing in de-  
21 tail—

22 (1) *enforcement actions taken by the Trade Rep-*  
23 *resentative during the year preceding the submission*  
24 *of the report to ensure the protection of United States*  
25 *innovation and intellectual property interests; and*

1           (2) *other actions taken by the Trade Representa-*  
 2           *tive to advance United States innovation and intellec-*  
 3           *tual property interests.*

4 **SEC. 612. MEASURES RELATING TO COUNTRIES THAT DENY**  
 5                   **ADEQUATE PROTECTION FOR INTELLECTUAL**  
 6                   **PROPERTY RIGHTS.**

7           (a) *INCLUSION OF COUNTRIES THAT DENY ADEQUATE*  
 8           *PROTECTION OF TRADE SECRETS.*—Section 182(d)(2) of  
 9           *the Trade Act of 1974 (19 U.S.C. 2242(d)(2)) is amended*  
 10           *by inserting “, trade secrets,” after “copyrights”.*

11           (b) *SPECIAL RULES FOR COUNTRIES ON THE PRI-*  
 12           *ORITY WATCH LIST OF THE UNITED STATES TRADE REP-*  
 13           *RESENTATIVE.*—

14                   (1) *IN GENERAL.*—Section 182 of the Trade Act  
 15           *of 1974 (19 U.S.C. 2242) is amended by striking sub-*  
 16           *section (g) and inserting the following:*

17           “(g) *SPECIAL RULES FOR FOREIGN COUNTRIES ON*  
 18           *THE PRIORITY WATCH LIST.*—

19                   “(1) *ACTION PLANS.*—

20                           “(A) *IN GENERAL.*—Not later than 90 days  
 21           *after the date on which the Trade Representative*  
 22           *submits the National Trade Estimate under sec-*  
 23           *tion 181(b), the Trade Representative shall de-*  
 24           *velop an action plan described in subparagraph*



1           (C) with respect to each foreign country de-  
2           scribed in subparagraph (B).

3           “(B) FOREIGN COUNTRY DESCRIBED.—The  
4           Trade Representative shall develop an action  
5           plan pursuant to subparagraph (A) with respect  
6           to each foreign country that—

7                   “(i) the Trade Representative has iden-  
8                   tified for placement on the priority watch  
9                   list; and

10                   “(ii) has remained on such list for at  
11                   least 1 year.

12           “(C) ACTION PLAN DESCRIBED.—An action  
13           plan developed pursuant to subparagraph (A)  
14           shall contain the benchmarks described in sub-  
15           paragraph (D) and be designed to assist the for-  
16           eign country—

17                   “(i) to achieve—

18                           “(I) adequate and effective protec-  
19                           tion of intellectual property rights; and

20                           “(II) fair and equitable market  
21                           access for United States persons that  
22                           rely upon intellectual property protec-  
23                           tion; or

1                   “(ii) to make significant progress to-  
2                   ward achieving the goals described in clause  
3                   (i).

4                   “(D) *BENCHMARKS DESCRIBED.*—The  
5                   *benchmarks contained in an action plan devel-*  
6                   *oped pursuant to subparagraph (A) are such leg-*  
7                   *islative, institutional, enforcement, or other ac-*  
8                   *tions as the Trade Representative determines to*  
9                   *be necessary for the foreign country to achieve*  
10                  *the goals described in clause (i) or (ii) of sub-*  
11                  *paragraph (C).*

12                  “(2) *FAILURE TO MEET ACTION PLAN BENCH-*  
13                  *MARKS.*—*If, 1 year after the date on which an action*  
14                  *plan is developed under paragraph (1)(A), the Presi-*  
15                  *dent, in consultation with the Trade Representative,*  
16                  *determines that the foreign country to which the ac-*  
17                  *tion plan applies has not substantially complied with*  
18                  *the benchmarks described in paragraph (1)(D), the*  
19                  *President may take appropriate action with respect to*  
20                  *the foreign country.*

21                  “(3) *PRIORITY WATCH LIST DEFINED.*—*In this*  
22                  *subsection, the term ‘priority watch list’ means the*  
23                  *priority watch list established by the Trade Rep-*  
24                  *resentative.*

1       “(h) *ANNUAL REPORT.*—Not later than 30 days after  
2 the date on which the Trade Representative submits the Na-  
3 tional Trade Estimate under section 181(b), the Trade Rep-  
4 resentative shall transmit to the Committee on Ways and  
5 Means of the House of Representatives and the Committee  
6 on Finance of the Senate a report on actions taken under  
7 this section during the 12 months preceding such report,  
8 and the reasons for such actions, including—

9               “(1) any foreign countries identified under sub-  
10 section (a);

11               “(2) a description of progress made in achieving  
12 improved intellectual property protection and market  
13 access for persons relying on intellectual property  
14 rights; and

15               “(3) a description of the action plans developed  
16 under subsection (g) and any actions taken by foreign  
17 countries under such plans.”.

18               (2) *AUTHORIZATION OF APPROPRIATIONS.*—

19               (A) *IN GENERAL.*—There are authorized to  
20 be appropriated to the Office of the United  
21 States Trade Representative such sums as may  
22 be necessary to provide assistance to any devel-  
23 oping country to which an action plan applies  
24 under section 182(g) of the Trade Act of 1974, as  
25 amended by paragraph (1), to facilitate the ef-

1        *forts of the developing country to comply with*  
2        *the benchmarks contained in the action plan.*  
3        *Such assistance may include capacity building,*  
4        *activities designed to increase awareness of intel-*  
5        *lectual property rights, and training for officials*  
6        *responsible for enforcing intellectual property*  
7        *rights in the developing country.*

8                *(B) DEVELOPING COUNTRY DEFINED.—In*  
9        *this paragraph, the term “developing country”*  
10        *means a country classified by the World Bank as*  
11        *having a low-income or lower-middle-income*  
12        *economy.*

13                *(3) RULE OF CONSTRUCTION.—Nothing in this*  
14        *subsection shall be construed as limiting the authority*  
15        *of the President or the United States Trade Rep-*  
16        *resentative to develop action plans other than action*  
17        *plans described in section 182(g) of the Trade Act of*  
18        *1974, as amended by paragraph (1), or to take any*  
19        *action otherwise authorized by law in response to the*  
20        *failure of a foreign country to provide adequate and*  
21        *effective protection and enforcement of intellectual*  
22        *property rights.*

1           **TITLE VII—CURRENCY**  
2                   **MANIPULATION**  
3           **Subtitle A—Investigation of**  
4           **Currency Undervaluation**

5 **SEC. 701. SHORT TITLE.**

6           *This subtitle may be cited as the “Currency Under-*  
7 *valuation Investigation Act”.*

8 **SEC. 702. INVESTIGATION OR REVIEW OF CURRENCY**  
9                   **UNDERVALUATION UNDER COUNTERVAILING**  
10                   **DUTY LAW.**

11           *Subsection (c) of section 702 of the Tariff Act of 1930*  
12 *(19 U.S.C. 1671a(c)) is amended by adding at the end the*  
13 *following:*

14                   “(6) **CURRENCY UNDERVALUATION.**—*For pur-*  
15 *poses of a countervailing duty investigation under*  
16 *this subtitle in which the determinations under*  
17 *clauses (i) and (ii) of paragraph (1)(A) are affirma-*  
18 *tive, or a review under subtitle C with respect to a*  
19 *countervailing duty order, the administering author-*  
20 *ity shall initiate an investigation to determine wheth-*  
21 *er currency undervaluation by the government of a*  
22 *country or any public entity within the territory of*  
23 *a country is providing, directly or indirectly, a*  
24 *countervailable subsidy, if—*

1           “(A) a petition filed by an interested party  
2           (described in subparagraph (C), (D), (E), (F), or  
3           (G) of section 771(9)) alleges the elements nec-  
4           essary for the imposition of the duty imposed by  
5           section 701(a); and

6           “(B) the petition is accompanied by infor-  
7           mation reasonably available to the petitioner  
8           supporting those allegations.”.

9   **SEC. 703. BENEFIT CALCULATION METHODOLOGY WITH RE-**  
10                           **SPECT TO CURRENCY UNDERVALUATION.**

11           *Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677)*  
12   *is amended by adding at the end the following:*

13           “(37) *CURRENCY UNDERVALUATION BENEFIT.*—

14           “(A) *CURRENCY UNDERVALUATION BEN-*  
15           *EFIT.*—*For purposes of a countervailing duty in-*  
16           *vestigation under subtitle A, or a review under*  
17           *subtitle C with respect to a countervailing duty*  
18           *order, the following shall apply:*

19           “(i) *IN GENERAL.*—*If the admin-*  
20           *istering authority determines to investigate*  
21           *whether currency undervaluation provides a*  
22           *countervailable subsidy, the administering*  
23           *authority shall determine whether there is a*  
24           *benefit to the recipient of that subsidy and*  
25           *measure such benefit by comparing the sim-*

1            *ple average of the real exchange rates de-*  
2            *ived from application of the macro-*  
3            *economic-balance approach and the equi-*  
4            *librium-real-exchange-rate approach to the*  
5            *official daily exchange rate identified by the*  
6            *administering authority.*

7            “(i) *RELIANCE ON DATA.*—*In making*  
8            *the determination under clause (i), the ad-*  
9            *ministering authority shall rely upon data*  
10           *that are publicly available, reliable, and*  
11           *compiled and maintained by the Inter-*  
12           *national Monetary Fund or the World*  
13           *Bank, or other international organizations*  
14           *or national governments if data from the*  
15           *International Monetary Fund or World*  
16           *Bank are not available.*

17           “(B) *DEFINITIONS.*—*In this paragraph:*

18           “(i) *MACROECONOMIC-BALANCE AP-*  
19           *PROACH.*—*The term ‘macroeconomic-bal-*  
20           *ance approach’ means a methodology under*  
21           *which the level of undervaluation of the real*  
22           *effective exchange rate of the currency of the*  
23           *exporting country is defined as the change*  
24           *in the real effective exchange rate needed to*  
25           *achieve equilibrium in the balance of pay-*

1            *ments of the exporting country, as such*  
2            *methodology is described in the guidelines of*  
3            *the International Monetary Fund’s Consult-*  
4            *ative Group on Exchange Rate Issues, if*  
5            *available.*

6            “(ii) *EQUILIBRIUM-REAL-EXCHANGE-*  
7            *RATE APPROACH.—The term ‘equilibrium-*  
8            *real-exchange-rate approach’ means a meth-*  
9            *odology under which the level of undervalu-*  
10           *ation of the real effective exchange rate of*  
11           *the currency of the exporting country is de-*  
12           *finied as the difference between the observed*  
13           *real effective exchange rate and the real ef-*  
14           *fective exchange rate, as such methodology is*  
15           *described in the guidelines of the Inter-*  
16           *national Monetary Fund’s Consultative*  
17           *Group on Exchange Rate Issues, if avail-*  
18           *able.*

19           “(iii) *REAL EXCHANGE RATES.—The*  
20           *term ‘real exchange rates’ means the bilat-*  
21           *eral exchange rates derived from converting*  
22           *the trade-weighted multilateral exchange*  
23           *rates yielded by the macroeconomic-balance*  
24           *approach and the equilibrium-real-ex-*



1            *change-rate approach into real bilateral*  
2            *terms.”.*

3    **SEC. 704. MODIFICATION OF DEFINITION OF SPECIFICITY**  
4            **WITH RESPECT TO EXPORT SUBSIDY.**

5            *Section 771(5A)(B) of the Tariff Act of 1930 (19*  
6    *U.S.C. 1677(5A)(B)) is amended by adding at the end the*  
7    *following new sentence: “The fact that a subsidy may also*  
8    *be provided in circumstances that do not involve export*  
9    *shall not, for that reason alone, mean that the subsidy can-*  
10 *not be considered contingent upon export performance.”.*

11 **SEC. 705. APPLICATION TO CANADA AND MEXICO.**

12            *Pursuant to article 1902 of the North American Free*  
13 *Trade Agreement and section 408 of the North American*  
14 *Free Trade Agreement Implementation Act (19 U.S.C.*  
15 *3438), the amendments made by this subtitle shall apply*  
16 *with respect to goods from Canada and Mexico.*

17 **SEC. 706. EFFECTIVE DATE.**

18            *The amendments made by this subtitle apply to coun-*  
19 *tervailing duty investigations initiated under subtitle A of*  
20 *title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.)*  
21 *and reviews initiated under subtitle C of title VII of such*  
22 *Act (19 U.S.C. 1675 et seq.)—*

23            *(1) before the date of the enactment of this Act,*  
24            *if the investigation or review is pending a final deter-*  
25            *mination as of such date of enactment; and*

1           (2) *on or after such date of enactment.*

2   ***Subtitle B—Engagement on Cur-***  
3   ***rency Exchange Rate and Eco-***  
4   ***nom ic Policies***

5   ***SEC. 711. ENHANCEMENT OF ENGAGEMENT ON CURRENCY***  
6           ***EXCHANGE RATE AND ECONOMIC POLICIES***  
7           ***WITH CERTAIN MAJOR TRADING PARTNERS***  
8           ***OF THE UNITED STATES.***

9   ***(a) MAJOR TRADING PARTNER REPORT.—***

10           (1) *IN GENERAL.—Not later than 180 days after*  
11   *the date of the enactment of this Act, and not less fre-*  
12   *quently than once every 180 days thereafter, the Sec-*  
13   *retary shall submit to the appropriate committees of*  
14   *Congress a report on the macroeconomic and currency*  
15   *exchange rate policies of each country that is a major*  
16   *trading partner of the United States.*

17           (2) *ELEMENTS.—*

18           (A) *IN GENERAL.—Each report submitted*  
19   *under paragraph (1) shall contain—*

20                   (i) *for each country that is a major*  
21   *trading partner of the United States—*

22                           (I) *that country's bilateral trade*  
23   *balance with the United States;*

1           (ii) that country's current ac-  
2           count balance as a percentage of its  
3           gross domestic product;

4           (iii) the change in that country's  
5           current account balance as a percent-  
6           age of its gross domestic product dur-  
7           ing the 3-year period preceding the  
8           submission of the report;

9           (iv) that country's foreign ex-  
10          change reserves as a percentage of its  
11          short-term debt; and

12          (v) that country's foreign ex-  
13          change reserves as a percentage of its  
14          gross domestic product; and

15          (ii) an enhanced analysis of macro-  
16          economic and exchange rate policies for  
17          each country—

18               (I) that is a major trading part-  
19               ner of the United States;

20               (II) the currency of which is per-  
21               sistently and substantially under-  
22               valued;

23               (III) that has—

1                   (aa) a significant bilateral  
2                   trade surplus with the United  
3                   States; and

4                   (bb) a material global cur-  
5                   rent account surplus; and

6                   (IV) that has engaged in per-  
7                   sistent one-sided intervention in the  
8                   foreign exchange market.

9                   (B) *ENHANCED ANALYSIS.*—Each enhanced  
10                  analysis under subparagraph (A)(ii) shall in-  
11                  clude, for each country with respect to which an  
12                  analysis is made under that subparagraph—

13                   (i) a description of developments in the  
14                   currency markets of that country, including,  
15                   to the greatest extent feasible, developments  
16                   with respect to currency interventions;

17                   (ii) a description of trends in the real  
18                   effective exchange rate of the currency of  
19                   that country and in the degree of under-  
20                   valuation of that currency;

21                   (iii) an analysis of changes in the cap-  
22                   ital controls and trade restrictions of that  
23                   country; and

24                   (iv) patterns in the reserve accumula-  
25                   tion of that country.

1       **(b) ENGAGEMENT ON EXCHANGE RATE AND ECONOMIC**  
2 **POLICIES.**—

3           **(1) IN GENERAL.**—*Except as provided in para-*  
4 *graph (2), the President, through the Secretary, shall*  
5 *commence enhanced bilateral engagement with each*  
6 *country for which an enhanced analysis of macro-*  
7 *economic and currency exchange rate policies is in-*  
8 *cluded in the report submitted under subsection (a),*  
9 *in order to—*

10           **(A)** *urge implementation of policies to ad-*  
11 *dress the causes of the undervaluation of its cur-*  
12 *rency, its bilateral trade surplus with the United*  
13 *States, and its material global current account*  
14 *surplus, including undervaluation and surpluses*  
15 *relating to exchange rate management;*

16           **(B)** *express the concern of the United States*  
17 *with respect to the adverse trade and economic*  
18 *effects of that undervaluation and those sur-*  
19 *pluses;*

20           **(C)** *develop measurable objectives for ad-*  
21 *ressing that undervaluation and those sur-*  
22 *pluses; and*

23           **(D)** *advise that country of the ability of the*  
24 *President to take action under subsection (c).*

1           (2) *EXCEPTION.*—*The Secretary may determine*  
2 *not to enhance bilateral engagement with a country*  
3 *under paragraph (1) for which an enhanced analysis*  
4 *of macroeconomic and exchange rate policies is in-*  
5 *cluded in the report submitted under subsection (a) if*  
6 *the Secretary submits to the appropriate committees*  
7 *of Congress a report that describes how the currency*  
8 *and other macroeconomic policies of that country are*  
9 *addressing the undervaluation and surpluses specified*  
10 *in paragraph (1)(A) with respect to that country, in-*  
11 *cluding undervaluation and surpluses relating to ex-*  
12 *change rate management.*

13           (c) *REMEDIAL ACTION.*—

14           (1) *IN GENERAL.*—*If, on the date that is one*  
15 *year after the commencement of enhanced bilateral*  
16 *engagement by the President with respect to a country*  
17 *under subsection (b)(1), the country has failed to*  
18 *adopt appropriate policies to correct the undervalu-*  
19 *ation and surpluses described in subsection (b)(1)(A)*  
20 *with respect to that country, the President may take*  
21 *one or more of the following actions:*

22           (A) *Prohibit the Overseas Private Invest-*  
23 *ment Corporation from approving any new fi-*  
24 *nancing (including any insurance, reinsurance,*

1           *or guarantee) with respect to a project located in*  
2           *that country on and after such date.*

3           *(B) Except as provided in paragraph (2),*  
4           *and pursuant to paragraph (3), prohibit the*  
5           *Federal Government from procuring, or entering*  
6           *into any contract for the procurement of, goods*  
7           *or services from that country on and after such*  
8           *date.*

9           *(C) Instruct the United States Executive*  
10          *Director of the International Monetary Fund to*  
11          *use the voice and vote of the United States to call*  
12          *for additional rigorous surveillance of the macro-*  
13          *economic and exchange rate policies of that*  
14          *country and, as appropriate, formal consulta-*  
15          *tions on findings of currency manipulation.*

16          *(D) Instruct the United States Trade Rep-*  
17          *resentative to take into account, in consultation*  
18          *with the Secretary, in assessing whether to enter*  
19          *into a bilateral or regional trade agreement with*  
20          *that country or to initiate or participate in ne-*  
21          *gotiations with respect to a bilateral or regional*  
22          *trade agreement with that country, the extent to*  
23          *which that country has failed to adopt appro-*  
24          *priate policies to correct the undervaluation and*  
25          *surpluses described in subsection (b)(1)(A).*

1           (2) *EXCEPTION.*—*The President may not apply*  
2 *a prohibition under paragraph (1)(B) with respect to*  
3 *a country that is a party to the Agreement on Gov-*  
4 *ernment Procurement or a free trade agreement to*  
5 *which the United States is a party.*

6           (3) *CONSULTATIONS.*—

7           (A) *OFFICE OF MANAGEMENT AND BUDG-*  
8 *ET.*—*Before applying a prohibition under para-*  
9 *graph (1)(B), the President shall consult with*  
10 *the Director of the Office of Management and*  
11 *Budget to determine whether such prohibition*  
12 *would subject the taxpayers of the United States*  
13 *to unreasonable cost.*

14           (B) *CONGRESS.*—*The President shall con-*  
15 *sult with the appropriate committees of Congress*  
16 *with respect to any action the President takes*  
17 *under paragraph (1)(B), including whether the*  
18 *President has consulted as required under sub-*  
19 *paragraph (A).*

20       (d) *DEFINITIONS.*—*In this section:*

21           (1) *AGREEMENT ON GOVERNMENT PROCURE-*  
22 *MENT.*—*The term “Agreement on Government Pro-*  
23 *curement” means the agreement referred to in section*  
24 *101(d)(17) of the Uruguay Round Agreements Act (19*  
25 *U.S.C. 3511(d)(17)).*



1           (2) *APPROPRIATE COMMITTEES OF CONGRESS.*—  
2     The term “appropriate committees of Congress”  
3     means—

4           (A) *the Committee on Banking, Housing,*  
5           *and Urban Affairs and the Committee on Fi-*  
6           *nance of the Senate; and*

7           (B) *the Committee on Financial Services*  
8           *and the Committee on Ways and Means of the*  
9           *House of Representatives.*

10          (3) *COUNTRY.*—*The term “country” means a for-*  
11        *ign country, dependent territory, or possession of a*  
12        *foreign country, and may include an association of 2*  
13        *or more foreign countries, dependent territories, or*  
14        *possessions of countries into a customs union outside*  
15        *the United States.*

16          (4) *REAL EFFECTIVE EXCHANGE RATE.*—*The*  
17        *term “real effective exchange rate” means a weighted*  
18        *average of bilateral exchange rates, expressed in price-*  
19        *adjusted terms.*

20          (5) *SECRETARY.*—*The term “Secretary” means*  
21        *the Secretary of the Treasury.*

22     **SEC. 712. ADVISORY COMMITTEE ON INTERNATIONAL EX-**  
23            **CHANGE RATE POLICY.**

24          (a) *ESTABLISHMENT.*—

1           (1) *IN GENERAL.*—*There is established an Advi-*  
2           *sory Committee on International Exchange Rate Pol-*  
3           *icy (in this section referred to as the “Committee”).*

4           (2) *DUTIES.*—*The Committee shall be responsible*  
5           *for advising the Secretary of the Treasury with re-*  
6           *spect to the impact of international exchange rates*  
7           *and financial policies on the economy of the United*  
8           *States.*

9           (b) *MEMBERSHIP.*—

10           (1) *IN GENERAL.*—*The Committee shall be com-*  
11           *posed of 9 members as follows, none of whom shall be*  
12           *employees of the Federal Government:*

13                   (A) *Three members shall be appointed by*  
14                   *the President pro tempore of the Senate, upon*  
15                   *the recommendation of the chairmen and rank-*  
16                   *ing members of the Committee on Banking,*  
17                   *Housing, and Urban Affairs and the Committee*  
18                   *on Finance of the Senate.*

19                   (B) *Three members shall be appointed by*  
20                   *the Speaker of the House of Representatives upon*  
21                   *the recommendation of the chairmen and rank-*  
22                   *ing members of the Committee on Financial*  
23                   *Services and the Committee on Ways and Means*  
24                   *of the House of Representatives.*

1           (C) *Three members shall be appointed by*  
2           *the President.*

3           (2) *QUALIFICATIONS.—Members shall be selected*  
4           *under paragraph (1) on the basis of their objectivity*  
5           *and demonstrated expertise in finance, economics, or*  
6           *currency exchange.*

7           (3) *TERMS.—*

8           (A) *IN GENERAL.—Members shall be ap-*  
9           *pointed for a term of 2 years or until the Com-*  
10           *mittee terminates.*

11           (B) *REAPPOINTMENT.—A member may be*  
12           *reappointed to the Committee for additional*  
13           *terms.*

14           (4) *VACANCIES.—Any vacancy in the Committee*  
15           *shall not affect its powers, but shall be filled in the*  
16           *same manner as the original appointment.*

17           (c) *DURATION OF COMMITTEE.—*

18           (1) *IN GENERAL.—The Committee shall termi-*  
19           *nate on the date that is 2 years after the date of the*  
20           *enactment of this Act unless renewed by the President*  
21           *for a subsequent 2-year period.*

22           (2) *CONTINUED RENEWAL.—The President may*  
23           *continue to renew the Committee for successive 2-year*  
24           *periods by taking appropriate action to renew the*

1        *Committee prior to the date on which the Committee*  
2        *would otherwise terminate.*

3        (d) *MEETINGS.—The Committee shall hold not less*  
4        *than 2 meetings each calendar year.*

5        (e) *CHAIRPERSON.—*

6            (1) *IN GENERAL.—The Committee shall elect*  
7        *from among its members a chairperson for a term of*  
8        *2 years or until the Committee terminates.*

9            (2) *REELECTION; SUBSEQUENT TERMS.—A*  
10        *chairperson of the Committee may be reelected chair-*  
11        *person but is ineligible to serve consecutive terms as*  
12        *chairperson.*

13        (f) *STAFF.—The Secretary of the Treasury shall make*  
14        *available to the Committee such staff, information, per-*  
15        *sonnel, administrative services, and assistance as the Com-*  
16        *mittee may reasonably require to carry out the activities*  
17        *of the Committee.*

18        (g) *APPLICATION OF THE FEDERAL ADVISORY COM-*  
19        *MITTEE ACT.—*

20            (1) *IN GENERAL.—Except as provided in para-*  
21        *graph (2), the provisions of the Federal Advisory*  
22        *Committee Act (5 U.S.C. App.) shall apply to the*  
23        *Committee.*

24            (2) *EXCEPTION.—Meetings of the Committee*  
25        *shall be exempt from the requirements of subsections*

1        *(a) and (b) of section 10 and section 11 of the Federal*  
2        *Advisory Committee Act (relating to open meetings,*  
3        *public notice, public participation, and public avail-*  
4        *ability of documents), whenever and to the extent it*  
5        *is determined by the President or the Secretary of the*  
6        *Treasury that such meetings will be concerned with*  
7        *matters the disclosure of which—*

8                *(A) would seriously compromise the develop-*  
9                *ment by the Government of the United States of*  
10               *monetary or financial policy; or*

11               *(B) is likely to—*

12                        *(i) lead to significant financial specu-*  
13                        *lation in currencies, securities, or commod-*  
14                        *ities; or*

15                        *(ii) significantly endanger the stability*  
16                        *of any financial institution.*

17        *(h) AUTHORIZATION OF APPROPRIATIONS.—There are*  
18        *authorized to be appropriated to the Secretary of the Treas-*  
19        *ury for each fiscal year in which the Committee is in effect*  
20        *\$1,000,000 to carry out this section.*

1 **TITLE VIII—PROCESS FOR CON-**  
2 **SIDERATION OF TEMPORARY**  
3 **DUTY SUSPENSIONS AND RE-**  
4 **DUCTIONS**

5 **SEC. 801. SHORT TITLE.**

6 *This title may be cited as the “American Manufac-*  
7 *turing Competitiveness Act of 2015”.*

8 **SEC. 802. SENSE OF CONGRESS ON THE NEED FOR A MIS-**  
9 **CELLANEOUS TARIFF BILL.**

10 *(a) FINDINGS.—Congress makes the following findings:*

11 *(1) As of the date of the enactment of this Act,*  
12 *the Harmonized Tariff Schedule of the United States*  
13 *imposes duties on imported goods for which there is*  
14 *no domestic availability or insufficient domestic*  
15 *availability.*

16 *(2) The imposition of duties on such goods cre-*  
17 *ates artificial distortions in the economy of the*  
18 *United States that negatively affect United States*  
19 *manufacturers and consumers.*

20 *(3) It is in the interests of the United States to*  
21 *update the Harmonized Tariff Schedule every 3 years*  
22 *to eliminate such artificial distortions by suspending*  
23 *or reducing duties on such goods.*

24 *(4) The manufacturing competitiveness of the*  
25 *United States around the world will be enhanced if*

1 Congress regularly and predictably updates the Har-  
2 monized Tariff Schedule to suspend or reduce duties  
3 on such goods.

4 (b) *SENSE OF CONGRESS.*—It is the sense of Congress  
5 that, to remove the competitive disadvantage to United  
6 States manufactures and consumers resulting from an out-  
7 dated Harmonized Tariff Schedule and to promote the com-  
8 petitiveness of United States manufacturers, Congress  
9 should consider a miscellaneous tariff bill not later than  
10 180 days after the United States International Trade Com-  
11 mission and the Department of Commerce issue reports on  
12 proposed duty suspensions and reductions under this title.

13 **SEC. 803. PROCESS FOR CONSIDERATION OF DUTY SUSPEN-**  
14 **SIONS AND REDUCTIONS.**

15 (a) *PURPOSE.*—It is the purpose of this section to es-  
16 tablish a process by the appropriate congressional commit-  
17 tees, in conjunction with the Commission pursuant to its  
18 authorities under section 332 of the Tariff Act of 1930 (19  
19 U.S.C. 1332), for the submission and consideration of pro-  
20 posed duty suspensions and reductions.

21 (b) *ESTABLISHMENT.*—Not later than October 15,  
22 2015, and October 15, 2018, the appropriate congressional  
23 committees shall establish and, on the same day, publish  
24 on their respective publicly available Internet websites a  
25 process—

1           (1) *to provide for the submission and consider-*  
2 *ation of legislation containing proposed duty suspen-*  
3 *sions and reductions in a manner that, to the max-*  
4 *imum extent practicable, is consistent with the re-*  
5 *quirements described in subsection (c); and*

6           (2) *to include in a miscellaneous tariff bill those*  
7 *duty suspensions and reductions that meet the re-*  
8 *quirements of this title.*

9       (c) *REQUIREMENTS OF COMMISSION.—*

10           (1) *INITIATION.—Not later than October 15,*  
11 *2015, and October 15, 2018, the Commission shall*  
12 *publish in the Federal Register and on a publicly*  
13 *available Internet website of the Commission a notice*  
14 *requesting members of the public to submit to the*  
15 *Commission during the 60-day period beginning on*  
16 *the date of such publication—*

17                   (A) *proposed duty suspensions and reduc-*  
18 *tions; and*

19                   (B) *Commission disclosure forms with re-*  
20 *spect to such duty suspensions and reductions.*

21       (2) *REVIEW.—*

22                   (A) *COMMISSION SUBMISSION TO CON-*  
23 *GRESS.—As soon as practicable after the expira-*  
24 *tion of the 60-day period specified in paragraph*  
25 *(1), but not later than 15 days after the expira-*



1            *tion of such 60-day period, the Commission shall*  
2            *submit to the appropriate congressional commit-*  
3            *tees the proposed duty suspensions and reduc-*  
4            *tions submitted under paragraph (1)(A) and the*  
5            *Commission disclosure forms with respect to such*  
6            *duty suspensions and reductions submitted*  
7            *under paragraph (1)(B).*

8            *(B) PUBLIC AVAILABILITY OF PROPOSED*  
9            *DUTY SUSPENSIONS AND REDUCTIONS.—Not*  
10           *later than 15 days after the expiration of the 60-*  
11           *day period specified in paragraph (1), the Com-*  
12           *mission shall publish on a publicly available*  
13           *Internet website of the Commission the proposed*  
14           *duty suspensions and reductions submitted*  
15           *under paragraph (1)(A) and the Commission*  
16           *disclosure forms with respect to such duty sus-*  
17           *pensions and reductions submitted under para-*  
18           *graph (1)(B).*

19           *(C) COMMISSION REPORTS TO CONGRESS.—*  
20           *Not later than the end of the 90-day period be-*  
21           *ginning on the date of publication of the pro-*  
22           *posed duty suspensions and reductions under*  
23           *subparagraph (B), the Commission shall submit*  
24           *to the appropriate congressional committees a re-*  
25           *port on each proposed duty suspension or reduc-*

1            *tion submitted pursuant to subsection (b)(1) or*  
2            *paragraph (1)(A) that contains the following in-*  
3            *formation:*

4                    *(i) A determination of whether or not*  
5                    *domestic production of the article that is the*  
6                    *subject of the proposed duty suspension or*  
7                    *reduction exists and, if such production ex-*  
8                    *ists, whether or not a domestic producer of*  
9                    *the article objects to the proposed duty sus-*  
10                   *pension or reduction.*

11                   *(ii) Any technical changes to the arti-*  
12                   *cle description that are necessary for pur-*  
13                   *poses of administration when articles are*  
14                   *presented for importation.*

15                   *(iii) The amount of tariff revenue that*  
16                   *would no longer be collected if the proposed*  
17                   *duty suspension or reduction takes effect.*

18                   *(iv) A determination of whether or not*  
19                   *the proposed duty suspension or reduction*  
20                   *is available to any person that imports the*  
21                   *article that is the subject of the proposed*  
22                   *duty suspension or reduction.*

23            *(3) PROCEDURES.—The Commission shall pre-*  
24            *scribe and publish on a publicly available Internet*

1 *website of the Commission procedures for complying*  
2 *with the requirements of this subsection.*

3 (4) *AUTHORITIES DESCRIBED.*—*The Commission*  
4 *shall carry out this subsection pursuant to its au-*  
5 *thorities under section 332 of the Tariff Act of 1930*  
6 *(19 U.S.C. 1332).*

7 (d) *DEPARTMENT OF COMMERCE REPORT.*—*Not later*  
8 *than the end of the 90-day period beginning on the date*  
9 *of publication of the proposed duty suspensions and reduc-*  
10 *tions under subsection (c)(2)(B), the Secretary of Com-*  
11 *merce, in consultation with U.S. Customs and Border Pro-*  
12 *tection and other relevant Federal agencies, shall submit to*  
13 *the appropriate congressional committees a report on each*  
14 *proposed duty suspension and reduction submitted pursu-*  
15 *ant to subsection (b)(1) or (c)(1)(A) that includes the fol-*  
16 *lowing information:*

17 (1) *A determination of whether or not domestic*  
18 *production of the article that is the subject of the pro-*  
19 *posed duty suspension or reduction exists and, if such*  
20 *production exists, whether or not a domestic producer*  
21 *of the article objects to the proposed duty suspension*  
22 *or reduction.*

23 (2) *Any technical changes to the article descrip-*  
24 *tion that are necessary for purposes of administration*  
25 *when articles are presented for importation.*

1       (e) *RULE OF CONSTRUCTION.*—A proposed duty sus-  
2 pension or reduction submitted under this section by a  
3 Member of Congress shall receive treatment no more favor-  
4 able than the treatment received by a proposed duty suspen-  
5 sion or reduction submitted under this section by a member  
6 of the public.

7       **SEC. 804. REPORT ON EFFECTS OF DUTY SUSPENSIONS AND**  
8                                   **REDUCTIONS ON UNITED STATES ECONOMY.**

9       (a) *IN GENERAL.*—Not later than May 1, 2018, and  
10 May 1, 2020, the Commission shall submit to the appro-  
11 priate congressional committees a report on the effects on  
12 the United States economy of temporary duty suspensions  
13 and reductions enacted pursuant to this title, including a  
14 broad assessment of the economic effects of such duty sus-  
15 pensions and reductions on producers, purchasers, and con-  
16 sumers in the United States, using case studies describing  
17 such effects on selected industries or by type of article as  
18 available data permit.

19       (b) *RECOMMENDATIONS.*—The Commission shall also  
20 solicit and append to the report required under subsection  
21 (a) recommendations with respect to those domestic indus-  
22 try sectors or specific domestic industries that might benefit  
23 from permanent duty suspensions and reductions or elimi-  
24 nation of duties, either through a unilateral action of the  
25 United States or through negotiations for reciprocal tariff

1 *agreements, with a particular focus on inequities created*  
2 *by tariff inversions.*

3 (c) *FORM OF REPORT.*—*Each report required by this*  
4 *section shall be submitted in unclassified form, but may in-*  
5 *clude a classified annex.*

6 **SEC. 805. JUDICIAL REVIEW PRECLUDED.**

7 *The exercise of functions under this title shall not be*  
8 *subject to judicial review.*

9 **SEC. 806. DEFINITIONS.**

10 *In this title:*

11 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
12 *TEES.*—*The term “appropriate congressional commit-*  
13 *tees” means the Committee on Ways and Means of the*  
14 *House of Representatives and the Committee on Fi-*  
15 *nance of the Senate.*

16 (2) *COMMISSION.*—*The term “Commission”*  
17 *means the United States International Trade Com-*  
18 *mission.*

19 (3) *COMMISSION DISCLOSURE FORM.*—*The term*  
20 *“Commission disclosure form” means, with respect to*  
21 *a proposed duty suspension or reduction, a document*  
22 *submitted by a member of the public to the Commis-*  
23 *sion that contains the following:*

1           (A) *The contact information for any known*  
2           *importers of the article to which the proposed*  
3           *duty suspension or reduction would apply.*

4           (B) *A certification by the member of the*  
5           *public that the proposed duty suspension or re-*  
6           *duction is available to any person importing the*  
7           *article to which the proposed duty suspension or*  
8           *reduction would apply.*

9           (4) *DOMESTIC PRODUCER.*—*The term “domestic*  
10          *producer” means a person that demonstrates produc-*  
11          *tion, or imminent production, in the United States of*  
12          *an article that is identical to, or like or directly com-*  
13          *petitive with, an article to which a proposed duty*  
14          *suspension or reduction would apply.*

15          (5) *DUTY SUSPENSION OR REDUCTION.*—

16               (A) *IN GENERAL.*—*The term “duty suspen-*  
17               *sion or reduction” means an amendment to sub-*  
18               *chapter II of chapter 99 of the Harmonized Tar-*  
19               *iff Schedule of the United States that—*

20                       (i) *(I) extends an existing temporary*  
21                       *duty suspension or reduction of duty on an*  
22                       *article under that subchapter; or*

23                       (ii) *provides for a new temporary duty*  
24                       *suspension or reduction of duty on an arti-*  
25                       *cle under that subchapter; and*

1                   (ii) otherwise meets the requirements  
2                   described in subparagraph (B).

3                   (B) *REQUIREMENTS.*—A duty suspension or  
4                   reduction meets the requirements described in  
5                   this subparagraph if—

6                   (i) the duty suspension or reduction  
7                   can be administered by U.S. Customs and  
8                   Border Protection;

9                   (ii) the estimated loss in revenue to the  
10                  United States from the duty suspension or  
11                  reduction does not exceed \$500,000 in a cal-  
12                  endar year during which the duty suspen-  
13                  sion or reduction would be in effect, as de-  
14                  termined by the Congressional Budget Of-  
15                  fice; and

16                  (iii) the duty suspension or reduction  
17                  is available to any person importing the ar-  
18                  ticle that is the subject of the duty suspen-  
19                  sion or reduction.

20                  (6) *MEMBER OF CONGRESS.*—The term “Member  
21                  of Congress” means a Senator or a Representative in,  
22                  or Delegate or Resident Commissioner to, Congress.

23                  (7) *MISCELLANEOUS TARIFF BILL.*—The term  
24                  “miscellaneous tariff bill” means a bill of either  
25                  House of Congress that contains only—

1           (A) *duty suspensions and reductions that—*

2                 (i) *meet the applicable requirements*

3           *for—*

4                 (I) *consideration of duty suspen-*

5                 *sions and reductions described in sec-*

6                 *tion 803; or*

7                 (II) *any other process required*

8                 *under the Rules of the House of Rep-*

9                 *resentatives or the Senate; and*

10                (ii) *are not the subject of an objection*

11                *because such duty suspensions and reduc-*

12                *tions do not comply with the requirements*

13                *of this title from—*

14                         (I) *a Member of Congress; or*

15                         (II) *a domestic producer, as con-*

16                         *tained in comments submitted to the*

17                         *appropriate congressional committees,*

18                         *the Commission, or the Department of*

19                         *Commerce under section 803; and*

20                (B) *provisions included in bills introduced*

21                *in the House of Representatives or the Senate*

22                *pursuant to a process described in subparagraph*

23                *(A)(i)(II) that correct an error in the text or ad-*

24                *ministration of a provision of the Harmonized*

25                *Tariff Schedule of the United States.*



1       **TITLE IX—MISCELLANEOUS**  
2                   **PROVISIONS**

3   **SEC. 901. DE MINIMIS VALUE.**

4       (a) *FINDINGS.*—Congress makes the following findings:

5           (1) *Modernizing international customs is critical*  
6       *for United States businesses of all sizes, consumers in*  
7       *the United States, and the economic growth of the*  
8       *United States.*

9           (2) *Higher thresholds for the value of articles*  
10       *that may be entered informally and free of duty pro-*  
11       *vide significant economic benefits to businesses and*  
12       *consumers in the United States and the economy of*  
13       *the United States through costs savings and reduc-*  
14       *tions in trade transaction costs.*

15       (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
16       *that the United States Trade Representative should encour-*  
17       *age other countries, through bilateral, regional, and multi-*  
18       *lateral fora, to establish commercially meaningful de mini-*  
19       *mis values for express and postal shipments that are exempt*  
20       *from customs duties and taxes and from certain entry docu-*  
21       *mentation requirements, as appropriate.*

22       (c) *DE MINIMIS VALUE.*—*Section 321(a)(2)(C) of the*  
23       *Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(C)) is amended*  
24       *by striking “\$200” and inserting “\$800”.*

1       (d) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 2 *section (c) shall apply with respect to articles entered, or*  
 3 *withdrawn from warehouse for consumption, on or after the*  
 4 *15th day after the date of the enactment of this Act.*

5 **SEC. 902. CONSULTATION ON TRADE AND CUSTOMS REV-**  
 6 **ENUE FUNCTIONS.**

7       Section 401(c) of the *Safety and Accountability for*  
 8 *Every Port Act (6 U.S.C. 115(c)) is amended—*

9           (1) *in paragraph (1), by striking “on Depart-*  
 10 *ment policies and actions that have” and inserting*  
 11 *“not later than 30 days after proposing, and not later*  
 12 *than 30 days before finalizing, any Department poli-*  
 13 *cies, initiatives, or actions that will have”; and*

14           (2) *in paragraph (2)(A), by striking “not later*  
 15 *than 30 days prior to the finalization of” and insert-*  
 16 *ing “not later than 60 days before proposing, and not*  
 17 *later than 60 days before finalizing.”.*

18 **SEC. 903. PENALTIES FOR CUSTOMS BROKERS.**

19       (a) *IN GENERAL.*—*Section 641(d)(1) of the Tariff Act*  
 20 *of 1930 (19 U.S.C. 1641(d)(1)) is amended—*

21           (1) *in subparagraph (E), by striking “; or” and*  
 22 *inserting a semicolon;*

23           (2) *in subparagraph (F), by striking the period*  
 24 *and inserting “; or”; and*

25           (3) *by adding at the end the following:*

1           “(G) has been convicted of committing or  
2           conspiring to commit an act of terrorism de-  
3           scribed in section 2332b of title 18, United  
4           States Code.”.

5           (b) *TECHNICAL AMENDMENTS*.—Section 641 of the  
6 *Tariff Act of 1930 (19 U.S.C. 1641)* is amended—

7           (1) by striking “the Customs Service” each place  
8           it appears and inserting “U.S. Customs and Border  
9           Protection”;

10          (2) in subsection (d)(2)(B), by striking “The  
11          Customs Service” and inserting “U.S. Customs and  
12          Border Protection”; and

13          (3) in subsection (g)(2)(B), by striking “Sec-  
14          retary’s notice” and inserting “notice under subpara-  
15          graph (A)”.

16 **SEC. 904. AMENDMENTS TO CHAPTER 98 OF THE HAR-**  
17 **MONIZED TARIFF SCHEDULE OF THE UNITED**  
18 **STATES.**

19          (a) *ARTICLES EXPORTED AND RETURNED, ADVANCED*  
20 *OR IMPROVED ABROAD*.—

21          (1) *IN GENERAL*.—U.S. Note 3 to subchapter II  
22          of chapter 98 of the Harmonized Tariff Schedule of  
23          the United States is amended by adding at the end  
24          the following:

1       “(f)(1) For purposes of subheadings 9802.00.40 and  
2 9802.00.50, fungible articles exported from the United  
3 States for the purposes described in such subheadings—

4               “(A) may be commingled; and

5               “(B) the origin, value, and classification of such  
6 articles may be accounted for using an inventory  
7 management method.

8       “(2) If a person chooses to use an inventory manage-  
9 ment method under this paragraph with respect to fungible  
10 articles, the person shall use the same inventory manage-  
11 ment method for any other articles with respect to which  
12 the person claims fungibility under this paragraph.

13       “(3) For the purposes of this paragraph—

14               “(A) the term ‘fungible articles’ means merchan-  
15 dise or articles that, for commercial purposes, are  
16 identical or interchangeable in all situations; and

17               “(B) the term ‘inventory management method’  
18 means any method for managing inventory that is  
19 based on generally accepted accounting principles.”.

20       (2) *EFFECTIVE DATE.*—The amendment made by  
21 this subsection applies to articles classifiable under  
22 subheading 9802.00.40 or 9802.00.50 of the Har-  
23 monized Tariff Schedule of the United States that are  
24 entered, or withdrawn from warehouse for consump-

1        *tion, on or after the date that is 60 days after the*  
2        *date of the enactment of this Act.*

3        *(b) MODIFICATION OF PROVISIONS RELATING TO RE-*  
4        *TURNED PROPERTY.—*

5            *(1) IN GENERAL.—The article description for*  
6        *heading 9801.00.10 of the Harmonized Tariff Sched-*  
7        *ule of the United States is amended by inserting after*  
8        *“exported” the following: “, or any other products*  
9        *when returned within 3 years after having been ex-*  
10        *ported”.*

11            *(2) EFFECTIVE DATE.—The amendment made by*  
12        *paragraph (1) applies to articles entered, or with-*  
13        *drawn from warehouse for consumption, on or after*  
14        *the date that is 60 days after the date of the enact-*  
15        *ment of this Act.*

16        *(c) DUTY-FREE TREATMENT FOR CERTAIN UNITED*  
17        *STATES GOVERNMENT PROPERTY RETURNED TO THE*  
18        *UNITED STATES.—*

19            *(1) IN GENERAL.—Subchapter I of chapter 98 of*  
20        *the Harmonized Tariff Schedule of the United States*  
21        *is amended by inserting in numerical sequence the*  
22        *following new heading:*

“ 9801.00.11	United States Government property, returned to the United States without having been advanced in value or improved in condition by any means while abroad, entered by the United States Government or a contractor to the United States Government, and certified by the importer as United States Government property .....	Free					”.
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1           (2) *EFFECTIVE DATE.*—*The amendment made by*  
2           *paragraph (1) applies to goods entered, or withdrawn*  
3           *from warehouse for consumption, on or after the date*  
4           *that is 60 days after the date of the enactment of this*  
5           *Act.*

6   **SEC. 905. EXEMPTION FROM DUTY OF RESIDUE OF BULK**  
7                           **CARGO CONTAINED IN INSTRUMENTS OF**  
8                           **INTERNATIONAL TRAFFIC PREVIOUSLY EX-**  
9                           **PORTED FROM THE UNITED STATES.**

10          (a) *IN GENERAL.*—*General Note 3(e) of the Har-*  
11          *monized Tariff Schedule of the United States is amended—*

12                 (1) *in subparagraph (v), by striking “and” at*  
13                 *the end;*

14                 (2) *in subparagraph (vi), by adding “and” at*  
15                 *the end;*

16                 (3) *by inserting after subparagraph (vi) (as so*  
17                 *amended) the following new subparagraph:*

18                         “*(vi) residue of bulk cargo contained in in-*  
19                         *struments of international traffic previously ex-*  
20                         *ported from the United States,”; and*

1           (4) by adding at the end of the flush text fol-  
2           lowing subparagraph (vii) (as so added) the fol-  
3           lowing: “For purposes of subparagraph (vii) of this  
4           paragraph: The term ‘residue’ means material of bulk  
5           cargo that remains in an instrument of international  
6           traffic after the bulk cargo is removed, with a quan-  
7           tity, by weight or volume, not exceeding 7 percent of  
8           the bulk cargo, and with no or de minimis value. The  
9           term ‘bulk cargo’ means cargo that is unpackaged and  
10          is in either solid, liquid, or gaseous form. The term  
11          ‘instruments of international traffic’ means con-  
12          tainers or holders, capable of and suitable for repeated  
13          use, such as lift vans, cargo vans, shipping tanks,  
14          skids, pallets, caul boards, and cores for textile fab-  
15          rics, arriving (whether loaded or empty) in use or to  
16          be used in the shipment of merchandise in inter-  
17          national traffic, and any additional articles or classes  
18          of articles that the Commissioner responsible for U.S.  
19          Customs and Border Protection designates as instru-  
20          ments of international traffic.”.

21          (b) *EFFECTIVE DATE*.—The amendments made by sub-  
22          section (a) take effect on the date of the enactment of this  
23          Act and apply with respect to residue of bulk cargo con-  
24          tained in instruments of international traffic that are im-  
25          ported into the customs territory of the United States on

1 *or after such date of enactment and that previously have*  
 2 *been exported from the United States.*

3 **SEC. 906. DRAWBACK AND REFUNDS.**

4 (a) *ARTICLES MADE FROM IMPORTED MERCHAN-*  
 5 *DISE.—Section 313(a) of the Tariff Act of 1930 (19 U.S.C.*  
 6 *1313(a)) is amended by striking “the full amount of the*  
 7 *duties paid upon the merchandise so used shall be refunded*  
 8 *as drawback, less 1 per centum of such duties, except that*  
 9 *such” and inserting “an amount calculated pursuant to*  
 10 *regulations prescribed by the Secretary of the Treasury*  
 11 *under subsection (l) shall be refunded as drawback, except*  
 12 *that”.*

13 (b) *SUBSTITUTION FOR DRAWBACK PURPOSES.—Sec-*  
 14 *tion 313(b) of the Tariff Act of 1930 (19 U.S.C. 1313(b))*  
 15 *is amended—*

16 (1) *by striking “If imported” and inserting the*  
 17 *following:*

18 “(1) *IN GENERAL.—If imported”;*

19 (2) *by striking “and any other merchandise*  
 20 *(whether imported or domestic) of the same kind and*  
 21 *quality are” and inserting “or merchandise classifi-*  
 22 *able under the same 8-digit HTS subheading number*  
 23 *as such imported merchandise is”;*

24 (3) *by striking “three years” and inserting “5*  
 25 *years”;*



1           (4) by striking “the receipt of such imported  
2 merchandise by the manufacturer or producer of such  
3 articles” and inserting “the date of importation of  
4 such imported merchandise”;

5           (5) by inserting “or articles classifiable under  
6 the same 8-digit HTS subheading number as such ar-  
7 ticles,” after “any such articles,”;

8           (6) by striking “an amount of drawback equal  
9 to” and all that follows through the end period and  
10 inserting “an amount calculated pursuant to regula-  
11 tions prescribed by the Secretary of the Treasury  
12 under subsection (l), but only if those articles have  
13 not been used prior to such exportation or destruc-  
14 tion.”; and

15           (7) by adding at the end the following:

16           “(2) REQUIREMENTS RELATING TO TRANSFER OF  
17 MERCHANDISE.—

18           “(A) MANUFACTURERS AND PRODUCERS.—

19           *Drawback shall be allowed under paragraph (1)*  
20 *with respect to an article manufactured or pro-*  
21 *duced using imported merchandise or other mer-*  
22 *chandise classifiable under the same 8-digit HTS*  
23 *subheading number as such imported merchan-*  
24 *dise only if the manufacturer or producer of the*  
25 *article received such imported merchandise or*

1           *such other merchandise, directly or indirectly,*  
2           *from the importer.*

3           “(B) *EXPORTERS AND DESTROYERS.*—  
4           *Drawback shall be allowed under paragraph (1)*  
5           *with respect to a manufactured or produced arti-*  
6           *cle that is exported or destroyed only if the ex-*  
7           *porter or destroyer received that article or an ar-*  
8           *ticle classifiable under the same 8-digit HTS*  
9           *subheading number as that article, directly or*  
10           *indirectly, from the manufacturer or producer.*

11           “(C) *EVIDENCE OF TRANSFER.*—*Transfers*  
12           *of merchandise under subparagraph (A) and*  
13           *transfers of articles under subparagraph (B)*  
14           *may be evidenced by business records kept in the*  
15           *normal course of business and no additional cer-*  
16           *tificates of transfer or manufacture shall be re-*  
17           *quired.*

18           “(3) *SUBMISSION OF BILL OF MATERIALS OR*  
19           *FORMULA.*—

20           “(A) *IN GENERAL.*—*Drawback shall be al-*  
21           *lowed under paragraph (1) with respect to an*  
22           *article manufactured or produced using im-*  
23           *ported merchandise or other merchandise classifi-*  
24           *able under the same 8-digit HTS subheading*  
25           *number as such imported merchandise only if*

1           *the person making the drawback claim submits*  
2           *with the claim a bill of materials or formula*  
3           *identifying the merchandise and article by the 8-*  
4           *digit HTS subheading number and the quantity*  
5           *of the merchandise.*

6           “(B) *BILL OF MATERIALS AND FORMULA*  
7           *DEFINED.—In this paragraph, the terms ‘bill of*  
8           *materials’ and ‘formula’ mean records kept in*  
9           *the normal course of business that identify each*  
10           *component incorporated into a manufactured or*  
11           *produced article or that identify the quantity of*  
12           *each element, material, chemical, mixture, or*  
13           *other substance incorporated into a manufac-*  
14           *tured article.*

15           “(4) *SPECIAL RULE FOR SOUGHT CHEMICAL*  
16           *ELEMENTS.—*

17           “(A) *IN GENERAL.—For purposes of para-*  
18           *graph (1), a sought chemical element may be—*

19           “(i) *considered imported merchandise,*  
20           *or merchandise classifiable under the same*  
21           *8-digit HTS subheading number as such*  
22           *imported merchandise, used in the manu-*  
23           *facture or production of an article as de-*  
24           *scribed in paragraph (1); and*

1           “(i) substituted for source material  
2           containing that sought chemical element,  
3           without regard to whether the sought chem-  
4           ical element and the source material are  
5           classifiable under the same 8-digit HTS  
6           subheading number, and apportioned quan-  
7           titatively, as appropriate.

8           “(B) SOUGHT CHEMICAL ELEMENT DE-  
9           FINED.—In this paragraph, the term ‘sought  
10           chemical element’ means an element listed in the  
11           Periodic Table of Elements that is imported into  
12           the United States or a chemical compound con-  
13           sisting of those elements, either separately in ele-  
14           mental form or contained in source material.”.

15           (c) MERCHANDISE NOT CONFORMING TO SAMPLE OR  
16           SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930  
17           (19 U.S.C. 1313(c)) is amended—

18           (1) in paragraph (1)—

19           (A) in subparagraph (C)(ii), by striking  
20           “under a certificate of delivery” each place it ap-  
21           pears;

22           (B) in subparagraph (D)—

23           (i) by striking “3” and inserting “5”;

24           and

1                   (ii) by striking “the Customs Service”  
2                   and inserting “U.S. Customs and Border  
3                   Protection”; and

4                   (C) in the flush text at the end, by striking  
5                   “the full amount of the duties paid upon such  
6                   merchandise, less 1 percent,” and inserting “an  
7                   amount calculated pursuant to regulations pre-  
8                   scribed by the Secretary of the Treasury under  
9                   subsection (l)”;

10                  (2) in paragraph (2), by striking “the Customs  
11                  Service” and inserting “U.S. Customs and Border  
12                  Protection”; and

13                  (3) by amending paragraph (3) to read as fol-  
14                  lows:

15                  “(3) *EVIDENCE OF TRANSFERS.*—Transfers of  
16                  merchandise under paragraph (1) may be evidenced  
17                  by business records kept in the normal course of busi-  
18                  ness and no additional certificates of transfer shall be  
19                  required.”.

20                  (d) *PROOF OF EXPORTATION.*—Section 313(i) of the  
21                  Tariff Act of 1930 (19 U.S.C. 1313(i)) is amended to read  
22                  as follows:

23                  “(i) *PROOF OF EXPORTATION.*—A person claiming  
24                  drawback under this section based on the exportation of an

1 *article shall provide proof of the exportation of the article.*

2 *Such proof of exportation—*

3 *“(1) shall establish fully the date and fact of ex-*  
4 *portation and the identity of the exporter; and*

5 *“(2) may be established through the use of*  
6 *records kept in the normal course of business or*  
7 *through an electronic export system of the United*  
8 *States Government, as determined by the Commis-*  
9 *sioner responsible for U.S. Customs and Border Pro-*  
10 *tection.”.*

11 *(e) UNUSED MERCHANDISE DRAWBACK.—Section*  
12 *313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is*  
13 *amended—*

14 *(1) in paragraph (1)—*

15 *(A) in subparagraph (A), in the matter pre-*  
16 *ceding clause (i)—*

17 *(i) by striking “3-year” and inserting*  
18 *“5-year”; and*

19 *(ii) by inserting “and before the draw-*  
20 *back claim is filed” after “the date of im-*  
21 *portation”; and*

22 *(B) in the flush text at the end, by striking*  
23 *“99 percent of the amount of each duty, tax, or*  
24 *fee so paid” and inserting “an amount cal-*

1           *culated pursuant to regulations prescribed by the*  
2           *Secretary of the Treasury under subsection (l)”;*  
3           *(2) in paragraph (2)—*

4                 *(A) in the matter preceding subparagraph*  
5                 *(A), by striking “paragraph (4)” and inserting*  
6                 *“paragraphs (4), (5), and (6)”;*

7                 *(B) in subparagraph (A), by striking “com-*  
8                 *mercially interchangeable with” and inserting*  
9                 *“classifiable under the same 8-digit HTS sub-*  
10                *heading number as”;*

11                *(C) in subparagraph (B)—*

12                    *(i) by striking “3-year” and inserting*  
13                    *“5-year”; and*

14                    *(ii) by inserting “and before the draw-*  
15                    *back claim is filed” after “the imported*  
16                    *merchandise”;*

17                 *(D) in subparagraph (C)(ii), by striking*  
18                 *subclause (II) and inserting the following:*

19                         *“(II) received the imported mer-*  
20                         *chandise, other merchandise classifiable*  
21                         *under the same 8-digit HTS sub-*  
22                         *heading number as such imported mer-*  
23                         *chandise, or any combination of such*  
24                         *imported merchandise and such other*  
25                         *merchandise, directly or indirectly*

1                   *from the person who imported and*  
2                   *paid any duties, taxes, and fees im-*  
3                   *posed under Federal law upon impor-*  
4                   *tation or entry and due on the im-*  
5                   *ported merchandise (and any such*  
6                   *transferred merchandise, regardless of*  
7                   *its origin, will be treated as the im-*  
8                   *ported merchandise and any retained*  
9                   *merchandise will be treated as domestic*  
10                   *merchandise);”;* and

11                   *(E) in the flush text at the end—*

12                   *(i) by striking “the amount of each*  
13                   *such duty, tax, and fee” and all that follows*  
14                   *through “99 percent of that duty, tax, or*  
15                   *fee” and inserting “an amount calculated*  
16                   *pursuant to regulations prescribed by the*  
17                   *Secretary of the Treasury under subsection*  
18                   *(l) shall be refunded as drawback”;* and

19                   *(ii) by striking the last sentence and*  
20                   *inserting the following: “Notwithstanding*  
21                   *subparagraph (A), drawback shall be al-*  
22                   *lowed under this paragraph with respect to*  
23                   *wine if the imported wine and the exported*  
24                   *wine are of the same color and the price*  
25                   *variation between the imported wine and*



1           *the exported wine does not exceed 50 per-*  
2           *cent. Transfers of merchandise may be evi-*  
3           *denced by business records kept in the nor-*  
4           *mal course of business and no additional*  
5           *certificates of transfer shall be required.”;*

6           (3) *in paragraph (3)(B), by striking “the com-*  
7           *mercially interchangeable merchandise” and inserting*  
8           *“merchandise classifiable under the same 8-digit HTS*  
9           *subheading number as such imported merchandise”;*  
10          *and*

11          (4) *by adding at the end the following:*

12           (5)(A) *For purposes of paragraph (2) and ex-*  
13           *cept as provided in subparagraph (B), merchandise*  
14           *may not be substituted for imported merchandise for*  
15           *drawback purposes based on the 8-digit HTS sub-*  
16           *heading number if the article description for the 8-*  
17           *digit HTS subheading number under which the im-*  
18           *ported merchandise is classified begins with the term*  
19           *‘other’.*

20           (B) *In cases described in subparagraph (A),*  
21           *merchandise may be substituted for imported mer-*  
22           *chandise for drawback purposes if—*

23           (i) *the other merchandise and such im-*  
24           *ported merchandise are classifiable under the*

1           *same 10-digit HTS statistical reporting number;*  
2           *and*

3           “(i) *the article description for that 10-digit*  
4           *HTS statistical reporting number does not begin*  
5           *with the term ‘other’.*”

6           “(6)(A) *For purposes of paragraph (2), a draw-*  
7           *back claimant may use the first 8 digits of the 10-*  
8           *digit Schedule B number for merchandise or an arti-*  
9           *cle to determine if the merchandise or article is classi-*  
10          *fiable under the same 8-digit HTS subheading num-*  
11          *ber as the imported merchandise, without regard to*  
12          *whether the Schedule B number corresponds to more*  
13          *than one 8-digit HTS subheading number.*”

14          “(B) *In this paragraph, the term ‘Schedule B’*  
15          *means the Department of Commerce Schedule B, Sta-*  
16          *tistical Classification of Domestic and Foreign Com-*  
17          *modities Exported from the United States.”.*”

18          (f) *LIABILITY FOR DRAWBACK CLAIMS.—Section*  
19          *313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)) is*  
20          *amended to read as follows:*

21          “(k) *LIABILITY FOR DRAWBACK CLAIMS.—*

22                 “(1) *IN GENERAL.—Any person making a claim*  
23                 *for drawback under this section shall be liable for the*  
24                 *full amount of the drawback claimed.*”

1           “(2) *LIABILITY OF IMPORTERS.*—An importer  
2           shall be liable for any drawback claim made by an-  
3           other person with respect to merchandise imported by  
4           the importer in an amount equal to the lesser of—

5                   “(A) the amount of duties, taxes, and fees  
6                   that the person claimed with respect to the im-  
7                   ported merchandise; or

8                   “(B) the amount of duties, taxes, and fees  
9                   that the importer authorized the other person to  
10                  claim with respect to the imported merchandise.

11           “(3) *JOINT AND SEVERAL LIABILITY.*—Persons  
12           described in paragraphs (1) and (2) shall be jointly  
13           and severally liable for the amount described in para-  
14           graph (2).”.

15           (g) *REGULATIONS.*—Section 313(l) of the Tariff Act of  
16 1930 (19 U.S.C. 1313(l)) is amended to read as follows:

17           “(l) *REGULATIONS.*—

18                   “(1) *IN GENERAL.*—Allowance of the privileges  
19                   provided for in this section shall be subject to compli-  
20                   ance with such rules and regulations as the Secretary  
21                   of the Treasury shall prescribe.

22                   “(2) *CALCULATION OF DRAWBACK.*—

23                   “(A) *IN GENERAL.*—Not later than the date  
24                   that is 2 years after the date of the enactment of  
25                   the Trade Facilitation and Trade Enforcement

1        *Act of 2015 (or, if later, the effective date pro-*  
2        *vided for in section 906(q)(2)(B) of that Act), the*  
3        *Secretary shall prescribe regulations for deter-*  
4        *mining the calculation of amounts refunded as*  
5        *drawback under this section.*

6            *“(B) REQUIREMENTS.—The regulations re-*  
7        *quired by subparagraph (A) for determining the*  
8        *calculation of amounts refunded as drawback*  
9        *under this section shall provide for a refund of*  
10       *99 percent of the duties, taxes, and fees paid*  
11       *with respect to the imported merchandise, except*  
12       *that where there is substitution of the merchan-*  
13       *dise or article, then—*

14            *“(i) in the case of an article that is ex-*  
15        *ported, the amount of the refund shall be*  
16        *equal to 99 percent of the lesser of—*

17            *“(I) the amount of duties, taxes,*  
18        *and fees paid with respect to the im-*  
19        *ported merchandise; or*

20            *“(II) the amount of duties, taxes,*  
21        *and fees that would apply to the ex-*  
22        *ported article if the exported article*  
23        *were imported; and*

1           “(ii) *in the case of an article that is*  
2           *destroyed, the amount of the refund shall be*  
3           *an amount that is—*

4                     “(I) *equal to 99 percent of the*  
5                     *lesser of—*

6                             “(aa) *the amount of duties,*  
7                             *taxes, and fees paid with respect*  
8                             *to the imported merchandise; and*

9                             “(bb) *the amount of duties,*  
10                            *taxes, and fees that would apply*  
11                            *to the destroyed article if the de-*  
12                            *stroyed article were imported; and*

13                            “(II) *reduced by the value of ma-*  
14                            *terials recovered during destruction as*  
15                            *provided in subsection (x).*

16           “(3) *STATUS REPORTS ON REGULATIONS.—Not*  
17           *later than the date that is one year after the date of*  
18           *the enactment of the Trade Facilitation and Trade*  
19           *Enforcement Act of 2015, and annually thereafter*  
20           *until the regulations required by paragraph (2) are*  
21           *final, the Secretary shall submit to Congress a report*  
22           *on the status of those regulations.”.*

23           “(h) *SUBSTITUTION OF FINISHED PETROLEUM DERIVA-*  
24           *TIVES.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C.*  
25           *1313(p)) is amended—*

1           (1) *by striking “Harmonized Tariff Schedule of*  
2 *the United States” each place it appears and insert-*  
3 *ing “HTS”; and*

4           (2) *in paragraph (3)(A)—*

5                 (A) *in clause (ii)(III), by striking “, as so*  
6 *certified in a certificate of delivery or certificate*  
7 *of manufacture and delivery”; and*

8                 (B) *in the flush text at the end—*

9                     (i) *by striking “, as so designated on*  
10 *the certificate of delivery or certificate of*  
11 *manufacture and delivery”; and*

12                     (ii) *by striking the last sentence and*  
13 *inserting the following: “The party transfer-*  
14 *ring the merchandise shall maintain records*  
15 *kept in the normal course of business to*  
16 *demonstrate the transfer.”.*

17           (i) *PACKAGING MATERIAL.—Section 313(q) of the Tar-*  
18 *iff Act of 1930 (19 U.S.C. 1313(q)) is amended—*

19                 (1) *in paragraph (1), by striking “of 99 percent*  
20 *of any duty, tax, or fee imposed under Federal law*  
21 *on such imported material” and inserting “in an*  
22 *amount calculated pursuant to regulations prescribed*  
23 *by the Secretary of the Treasury under subsection*  
24 *(l)”;*

1           (2) in paragraph (2), by striking “of 99 percent  
2 of any duty, tax, or fee imposed under Federal law  
3 on the imported or substituted merchandise used to  
4 manufacture or produce such material” and inserting  
5 “in an amount calculated pursuant to regulations  
6 prescribed by the Secretary of the Treasury under  
7 subsection (l)”; and

8           (3) in paragraph (3), by striking “they contain”  
9 and inserting “it contains”.

10       (j) *FILING OF DRAWBACK CLAIMS*.—Section 313(r) of  
11 the *Tariff Act of 1930* (19 U.S.C. 1313(r)) is amended—

12           (1) in paragraph (1)—

13               (A) by striking the first sentence and insert-  
14 ing the following: “A drawback entry shall be  
15 filed or applied for, as applicable, not later than  
16 5 years after the date on which merchandise on  
17 which drawback is claimed was imported.”;

18               (B) in the second sentence, by striking “3-  
19 year” and inserting “5-year”; and

20               (C) in the third sentence, by striking “the  
21 Customs Service” and inserting “U.S. Customs  
22 and Border Protection”;

23           (2) in paragraph (3)—

24               (A) in subparagraph (A)—

1           (i) in the matter preceding clause (i),  
2           by striking “The Customs Service” and in-  
3           serting “U.S. Customs and Border Protec-  
4           tion”;

5           (ii) in clauses (i) and (ii), by striking  
6           “the Customs Service” each place it appears  
7           and inserting “U.S. Customs and Border  
8           Protection”; and

9           (iii) in clause (ii)(I), by striking “3-  
10          year” and inserting “5-year”; and

11          (B) in subparagraph (B), by striking “the  
12          periods of time for retaining records set forth in  
13          subsection (t) of this section and” and inserting  
14          “the period of time for retaining records set forth  
15          in”; and

16          (3) by adding at the end the following:

17          “(4) All drawback claims filed on and after the  
18          date that is 2 years after the date of the enactment  
19          of the Trade Facilitation and Trade Enforcement Act  
20          of 2015 (or, if later, the effective date provided for in  
21          section 906(q)(2)(B) of that Act) shall be filed elec-  
22          tronically.”.

23          (k) DESIGNATION OF MERCHANDISE BY SUCCESSOR.—  
24          Section 313(s) of the Tariff Act of 1930 (19 U.S.C. 1313(s))  
25          is amended—



1           (1) *in paragraph (2), by striking subparagraph*  
2 *(B) and inserting the following:*

3           “*(B) subject to paragraphs (5) and (6) of*  
4 *subsection (j), imported merchandise, other mer-*  
5 *chandise classifiable under the same 8-digit HTS*  
6 *subheading number as such imported merchan-*  
7 *dise, or any combination of such imported mer-*  
8 *chandise and such other merchandise, that the*  
9 *predecessor received, before the date of succession,*  
10 *from the person who imported and paid any du-*  
11 *ties, taxes, and fees due on the imported mer-*  
12 *chandise;”*; and

13           (2) *in paragraph (4), by striking “certifies that”*  
14 *and all that follows and inserting “certifies that the*  
15 *transferred merchandise was not and will not be*  
16 *claimed by the predecessor.”*.

17           (l) *DRAWBACK CERTIFICATES.—Section 313 of the*  
18 *Tariff Act of 1930 (19 U.S.C. 1313) is amended by striking*  
19 *subsection (t).*

20           (m) *DRAWBACK FOR RECOVERED MATERIALS.—Sec-*  
21 *tion 313(x) of the Tariff Act of 1930 (19 U.S.C. 1313(x))*  
22 *is amended by striking “and (c)” and inserting “(c), and*  
23 *(j)”*.

1       (n) *DEFINITIONS.*—Section 313 of the Tariff Act of  
2 1930 (19 U.S.C. 1313) is amended by adding at the end  
3 the following:

4       “(z) *DEFINITIONS.*—In this section:

5           “(1) *DIRECTLY.*—The term ‘directly’ means a  
6 transfer of merchandise or an article from one person  
7 to another person without any intermediate transfer.

8           “(2) *HTS.*—The term ‘HTS’ means the Har-  
9 monized Tariff Schedule of the United States.

10          “(3) *INDIRECTLY.*—The term ‘indirectly’ means  
11 a transfer of merchandise or an article from one per-  
12 son to another person with one or more intermediate  
13 transfers.”.

14       (o) *RECORDKEEPING.*—Section 508(c)(3) of the Tariff  
15 Act of 1930 (19 U.S.C. 1508(c)(3)) is amended—

16           (1) by striking “3rd” and inserting “5th”; and

17           (2) by striking “payment” and inserting “liq-  
18 uidation”.

19       (p) *GOVERNMENT ACCOUNTABILITY OFFICE RE-*  
20 *PORT.*—

21           (1) *IN GENERAL.*—Not later than one year after  
22 the issuance of the regulations required by subsection  
23 (l)(2) of section 313 of the Tariff Act of 1930, as  
24 added by subsection (g), the Comptroller General of  
25 the United States shall submit to the Committee on

1 *Finance of the Senate and the Committee on Ways*  
2 *and Means of the House of Representatives a report*  
3 *on the modernization of drawback and refunds under*  
4 *section 313 of the Tariff Act of 1930, as amended by*  
5 *this section.*

6 (2) *CONTENTS.—The report required by para-*  
7 *graph (1) include the following:*

8 (A) *An assessment of the modernization of*  
9 *drawback and refunds under section 313 of the*  
10 *Tariff Act of 1930, as amended by this section.*

11 (B) *A description of drawback claims that*  
12 *were permissible before the effective date provided*  
13 *for in subsection (q) that are not permissible*  
14 *after that effective date and an identification of*  
15 *industries most affected.*

16 (C) *A description of drawback claims that*  
17 *were not permissible before the effective date pro-*  
18 *vided for in subsection (q) that are permissible*  
19 *after that effective date and an identification of*  
20 *industries most affected.*

21 (q) *EFFECTIVE DATE.—*

22 (1) *IN GENERAL.—The amendments made by*  
23 *this section shall—*

24 (A) *take effect on the date of the enactment*  
25 *of this Act; and*

1           (B) *except as provided in paragraphs*  
2           (2)(B) and (3), *apply to drawback claims filed*  
3           *on or after the date that is 2 years after such*  
4           *date of enactment.*

5           (2) *REPORTING OF OPERABILITY OF AUTOMATED*  
6           *COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—*

7           (A) *IN GENERAL.—Not later than one year*  
8           *after the date of the enactment of this Act, and*  
9           *not later than 2 years after such date of enact-*  
10           *ment, the Secretary of the Treasury shall submit*  
11           *to Congress a report on—*

12                   (i) *the date on which the Automated*  
13                   *Commercial Environment will be ready to*  
14                   *process drawback claims; and*

15                   (ii) *the date on which the Automated*  
16                   *Export System will be ready to accept proof*  
17                   *of exportation under subsection (i) of sec-*  
18                   *tion 313 of the Tariff Act of 1930, as*  
19                   *amended by subsection (d).*

20           (B) *DELAY OF EFFECTIVE DATE.—If the*  
21           *Secretary indicates in the report required by*  
22           *subparagraph (A) that the Automated Commer-*  
23           *cial Environment will not be ready to process*  
24           *drawback claims by the date that is 2 years after*  
25           *the date of the enactment of this Act, the amend-*

1           *ments made by this section shall apply to draw-*  
 2           *back claims filed on and after the date on which*  
 3           *the Secretary certifies that the Automated Com-*  
 4           *mercial Environment is ready to process draw-*  
 5           *back claims.*

6           (3) *TRANSITION RULE.*—*During the one-year pe-*  
 7           *riod beginning on the date that is 2 years after the*  
 8           *date of the enactment of this Act (or, if later, the ef-*  
 9           *fective date provided for in paragraph (2)(B)), a per-*  
 10          *son may elect to file a claim for drawback under—*

11                   (A) *section 313 of the Tariff Act of 1930, as*  
 12                   *amended by this section; or*

13                   (B) *section 313 of the Tariff Act of 1930, as*  
 14                   *in effect on the day before the date of the enact-*  
 15                   *ment of this Act.*

16 **SEC. 907. INCLUSION OF CERTAIN INFORMATION IN SUB-**  
 17                   **MISSION OF NOMINATION FOR APPOINTMENT**  
 18                   **AS DEPUTY UNITED STATES TRADE REP-**  
 19                   **RESENTATIVE.**

20           *Section 141(b) of the Trade Act of 1974 (19 U.S.C.*  
 21           *2171(b)) is amended by adding at the end the following:*

22           “(5) *When the President submits to the Senate for its*  
 23           *advice and consent a nomination of an individual for ap-*  
 24           *pointment as a Deputy United States Trade Representative*  
 25           *under paragraph (2), the President shall include in that*

1 *submission information on the country, regional offices,*  
2 *and functions of the Office of the United States Trade Rep-*  
3 *resentative with respect to which that individual will have*  
4 *responsibility.”.*

5 **SEC. 908. BIENNIAL REPORTS REGARDING COMPETITIVE-**  
6 **NESS ISSUES FACING THE UNITED STATES**  
7 **ECONOMY AND COMPETITIVE CONDITIONS**  
8 **FOR CERTAIN KEY UNITED STATES INDUS-**  
9 **TRIES.**

10 (a) *IN GENERAL.*—*The United States International*  
11 *Trade Commission shall conduct a series of investigations,*  
12 *and submit a report on each such investigation in accord-*  
13 *ance with subsection (c), regarding competitiveness issues*  
14 *facing the economy of the United States and competitive*  
15 *conditions for certain key United States industries.*

16 (b) *CONTENTS OF REPORT.*—

17 (1) *IN GENERAL.*—*Each report required by sub-*  
18 *section (a) shall include, to the extent practicable, the*  
19 *following:*

20 (A) *A detailed assessment of competitiveness*  
21 *issues facing the economy of the United States,*  
22 *over the 10-year period beginning on the date on*  
23 *which the report is submitted, that includes—*

24 (i) *projections, over that 10-year pe-*  
25 *riod, of economic measures, such as meas-*

1            *ures relating to production in the United*  
2            *States and United States trade, for the*  
3            *economy of the United States and for key*  
4            *United States industries, based on ongoing*  
5            *trends in the economy of the United States*  
6            *and global economies and incorporating es-*  
7            *timates from prominent United States, for-*  
8            *foreign, multinational, and private sector or-*  
9            *ganizations; and*

10            *(ii) a description of factors that drive*  
11            *economic growth, such as domestic produc-*  
12            *tivity, the United States workforce, foreign*  
13            *demand for United States goods and serv-*  
14            *ices, and industry-specific developments.*

15            *(B) A detailed assessment of a key United*  
16            *States industry or key United States industries*  
17            *that, to the extent practicable—*

18            *(i) identifies with respect to each such*  
19            *industry the principal factors driving com-*  
20            *petitiveness as of the date on which the re-*  
21            *port is submitted; and*

22            *(ii) describes, with respect to each such*  
23            *industry, the structure of the global indus-*  
24            *try, its market characteristics, current in-*  
25            *dustry trends, relevant policies and pro-*

1            *grams of foreign governments, and prin-*  
2            *cipal factors affecting future competitive-*  
3            *ness.*

4            (2) *SELECTION OF KEY UNITED STATES INDUS-*  
5            *TRIES.—*

6            (A) *IN GENERAL.—In conducting assess-*  
7            *ments required under paragraph (1)(B), the*  
8            *Commission shall, to the extent practicable, select*  
9            *a different key United States industry or dif-*  
10           *ferent key United States industries for purposes*  
11           *of each report required by subsection (a).*

12           (B) *CONSULTATIONS WITH CONGRESS.—The*  
13           *Commission shall consult with the Committee on*  
14           *Finance of the Senate and the Committee on*  
15           *Ways and Means of the House of Representatives*  
16           *before selecting the key United States industry or*  
17           *key United States industries for purposes of each*  
18           *report required by subsection (a).*

19           (c) *SUBMISSION OF REPORTS.—*

20           (1) *IN GENERAL.—Not later than May 15, 2017,*  
21           *and every 2 years thereafter through 2025, the Com-*  
22           *mission shall submit to the Committee on Finance of*  
23           *the Senate and the Committee on Ways and Means of*  
24           *the House of Representatives a report on the most re-*  
25           *cent investigation conducted under subsection (a).*



1           (2) *EXTENSION OF DEADLINE.*—*The Commission*  
2           *may, after consultation with the Committee on Fi-*  
3           *nance of the Senate and the Committee on Ways and*  
4           *Means of the House of Representatives, submit a re-*  
5           *port under paragraph (1) later than the date required*  
6           *by that paragraph.*

7           (3) *CONFIDENTIAL BUSINESS INFORMATION.*—*A*  
8           *report submitted under paragraph (1) shall not in-*  
9           *clude any confidential business information unless—*

10                   (A) *the party that submitted the confiden-*  
11                   *tial business information to the Commission had*  
12                   *notice, at the time of submission, that the infor-*  
13                   *mation would be released by the Commission; or*

14                   (B) *that party consents to the release of the*  
15                   *information.*

16           (d) *KEY UNITED STATES INDUSTRY DEFINED.*—*In*  
17           *this section, the term “key United States industry” means*  
18           *a goods or services industry that—*

19                   (1) *contributes significantly to United States*  
20                   *economic activity and trade; or*

21                   (2) *is a potential growth area for the United*  
22                   *States and global markets.*

1 **SEC. 909. REPORT ON CERTAIN U.S. CUSTOMS AND BORDER**  
2 **PROTECTION AGREEMENTS.**

3 (a) *IN GENERAL.*—Not later than one year after enter-  
4 ing into an agreement under a program specified in sub-  
5 section (b), and annually thereafter until the termination  
6 of the program, the Commissioner shall submit to the Com-  
7 mittee on Finance of the Senate and the Committee on  
8 Ways and Means of the House of Representatives a report  
9 that includes the following:

10 (1) *A description of the development of the pro-*  
11 *gram.*

12 (2) *A description of the type of entity with which*  
13 *U.S. Customs and Border Protection entered into the*  
14 *agreement and the amount that entity reimbursed*  
15 *U.S. Customs and Border Protection under the agree-*  
16 *ment.*

17 (3) *An identification of the type of port of entry*  
18 *to which the agreement relates and an assessment of*  
19 *how the agreement provides economic benefits at the*  
20 *port of entry.*

21 (4) *A description of the services provided by U.S.*  
22 *Customs and Border Protection under the agreement*  
23 *during the year preceding the submission of the re-*  
24 *port.*

25 (5) *The amount of fees collected under the agree-*  
26 *ment during that year.*

1           (6) *A detailed accounting of how the fees col-*  
2 *lected under the agreement have been spent during*  
3 *that year.*

4           (7) *A summary of any complaints or criticism*  
5 *received by U.S. Customs and Border Protection dur-*  
6 *ing that year regarding the agreement.*

7           (8) *An assessment of the compliance of the entity*  
8 *described in paragraph (2) with the terms of the*  
9 *agreement.*

10          (9) *Recommendations with respect to how activi-*  
11 *ties conducted pursuant to the agreement could func-*  
12 *tion more effectively or better produce economic bene-*  
13 *fits.*

14          (10) *A summary of the benefits to and challenges*  
15 *faced by U.S. Customs and Border Protection and the*  
16 *entity described in paragraph (2) under the agree-*  
17 *ment.*

18          (b) *PROGRAM SPECIFIED.*—*A program specified in*  
19 *this subsection is—*

20           (1) *the program for entering into reimbursable*  
21 *fee agreements for the provision of U.S. Customs and*  
22 *Border Protection services established by section 560*  
23 *of the Department of Homeland Security Appropria-*  
24 *tions Act, 2013 (division D of Public Law 113–6; 127*  
25 *Stat. 378); or*

1           (2) *the pilot program authorizing U.S. Customs*  
2           *and Border Protection to enter into partnerships with*  
3           *private sector and government entities at ports of*  
4           *entry established by section 559 of the Department of*  
5           *Homeland Security Appropriations Act, 2014 (divi-*  
6           *sion F of Public Law 113–76; 6 U.S.C. 211 note).*

7 **SEC. 910. CHARTER FLIGHTS.**

8           *Section 13031(e)(1) of the Consolidated Omnibus*  
9           *Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1)) is*  
10          *amended—*

11           (1) *by striking “(1) Notwithstanding section 451*  
12           *of the Tariff Act of 1930 (19 U.S.C. 1451) or any*  
13           *other provision of law (other than paragraph (2))”*  
14           *and inserting the following:*

15           “(1)(A) *Notwithstanding section 451 of the Tariff Act*  
16           *of 1930 (19 U.S.C. 1451) or any other provision of law*  
17           *(other than subparagraph (B) and paragraph (2))”;* and

18           (2) *by adding at the end the following:*

19           “(B)(i) *An appropriate officer of U.S. Customs and*  
20           *Border Protection may assign a sufficient number of em-*  
21           *ployees of U.S. Customs and Border Protection (if avail-*  
22           *able) to perform services described in clause (ii) for a char-*  
23           *ter air carrier (as defined in section 40102 of title 49,*  
24           *United States Code) for a charter flight arriving after nor-*  
25           *mal operating hours at an airport that is an established*

1 *port of entry serviced by U.S. Customs and Border Protec-*  
 2 *tion, notwithstanding that overtime funds for those services*  
 3 *are not available, if the charter air carrier—*

4           “(I) *not later than 4 hours before the flight ar-*  
 5 *ries, specifically requests that such services be pro-*  
 6 *vided; and*

7           “(II) *pays any overtime fees incurred in connec-*  
 8 *tion with such services.*

9           “(ii) *Services described in this clause are customs serv-*  
 10 *ices for passengers and their baggage or any other such serv-*  
 11 *ice that could lawfully be performed during regular hours*  
 12 *of operation.”.*

13 **SEC. 911. AMENDMENT TO TARIFF ACT OF 1930 TO REQUIRE**  
 14 **COUNTRY OF ORIGIN MARKING OF CERTAIN**  
 15 **CASTINGS.**

16           (a) *IN GENERAL.—Section 304(e) of the Tariff Act of*  
 17 *1930 (19 U.S.C. 1304(e)) is amended—*

18           (1) *in the subsection heading, by striking “MAN-*  
 19 *HOLE RINGS OR FRAMES, COVERS, AND ASSEMBLIES*  
 20 *THEREOF” and inserting “CASTINGS”;*

21           (2) *by inserting “inlet frames, tree and trench*  
 22 *grates, lampposts, lamppost bases, cast utility poles,*  
 23 *bollards, hydrants, utility boxes,” before “manhole*  
 24 *rings,”; and*

1           (3) *by adding at the end before the period the fol-*  
2 *lowing: “in a location such that it will remain visible*  
3 *after installation”.*

4           **(b) EFFECTIVE DATE.**—*The amendments made by sub-*  
5 *section (a) take effect on the date of the enactment of this*  
6 *Act and apply with respect to the importation of castings*  
7 *described in such amendments on or after the date that is*  
8 *180 days after such date of enactment.*

9 **SEC. 912. ELIMINATION OF CONSUMPTIVE DEMAND EXCEP-**  
10 **TION TO PROHIBITION ON IMPORTATION OF**  
11 **GOODS MADE WITH CONVICT LABOR, FORCED**  
12 **LABOR, OR INDENTURED LABOR; REPORT.**

13           **(a) ELIMINATION OF CONSUMPTIVE DEMAND EXCEP-**  
14 **TION.**—

15           **(1) IN GENERAL.**—*Section 307 of the Tariff Act*  
16 *of 1930 (19 U.S.C. 1307) is amended by striking*  
17 *“The provisions of this section” and all that follows*  
18 *through “of the United States.”.*

19           **(2) EFFECTIVE DATE.**—*The amendment made by*  
20 *paragraph (1) shall take effect on the date that is 15*  
21 *days after the date of the enactment of this Act.*

22           **(b) REPORT REQUIRED.**—*Not later than 180 days*  
23 *after the date of the enactment of this Act, and annually*  
24 *thereafter, the Commissioner shall submit to the Committee*  
25 *on Finance of the Senate and the Committee on Ways and*

1 *Means of the House of Representatives a report on compli-*  
2 *ance with section 307 of the Tariff Act of 1930 (19 U.S.C.*  
3 *1307) that includes the following:*

4           (1) *The number of instances in which merchan-*  
5 *dise was denied entry pursuant to that section during*  
6 *the 1-year period preceding the submission of the re-*  
7 *port.*

8           (2) *A description of the merchandise denied*  
9 *entry pursuant to that section.*

10           (3) *Such other information as the Commissioner*  
11 *considers appropriate with respect to monitoring and*  
12 *enforcing compliance with that section.*

13 **SEC. 913. IMPROVED COLLECTION AND USE OF LABOR MAR-**  
14 **KET INFORMATION.**

15 *Section 1137 of the Social Security Act (42 U.S.C.*  
16 *1320b-7) is amended—*

17           (1) *in subsection (a)—*

18                   (A) *in paragraph (2), by inserting “(in-*  
19 *cluding the occupational information under sub-*  
20 *section (g))” after “paragraph (3) of this sub-*  
21 *section”; and*

22                   (B) *in paragraph (3), by striking “employ-*  
23 *ers (as defined” and inserting “subject to sub-*  
24 *section (g), employers (as defined”; and*

1           (2) *by adding at the end the following new sub-*  
2           *section:*

3           “(g)(1) *Beginning January 1, 2017, each quarterly*  
4           *wage report required to be submitted by an employer under*  
5           *subsection (a)(3) shall include such occupational informa-*  
6           *tion with respect to each employee of the employer that per-*  
7           *mits the classification of such employees into occupational*  
8           *categories as found in the Standard Occupational Classi-*  
9           *fication (SOC) system.*

10          “(2) *The State agency receiving the occupational infor-*  
11          *mation described in paragraph (1) shall make such infor-*  
12          *mation available to the Secretary of Labor pursuant to pro-*  
13          *cedures established by the Secretary of Labor.*

14          “(3)(A) *The Secretary of Labor shall make occupa-*  
15          *tional information submitted under paragraph (2) avail-*  
16          *able to other State and Federal agencies, including the*  
17          *United States Census Bureau, the Bureau of Labor Statis-*  
18          *tics, and other State and Federal research agencies.*

19          “(B) *Disclosure of occupational information under*  
20          *subparagraph (A) shall be subject to the agency having safe-*  
21          *guards in place that meet the requirements under para-*  
22          *graph (4).*

23          “(4) *The Secretary of Labor shall establish and imple-*  
24          *ment safeguards for the dissemination and, subject to para-*



1 *graph (5), the use of occupational information received*  
2 *under this subsection.*

3 “(5) *Occupational information received under this*  
4 *subsection shall only be used to classify employees into occu-*  
5 *pational categories as found in the Standard Occupational*  
6 *Classification (SOC) system and to analyze and evaluate*  
7 *occupations in order to improve the labor market for work-*  
8 *ers and industries.*

9 “(6) *The Secretary of Labor shall establish procedures*  
10 *to verify the accuracy of information received under para-*  
11 *graph (2).”*

12 **SEC. 914. STATEMENTS OF POLICY WITH RESPECT TO**  
13 **ISRAEL.**

14 *Congress—*

15 (1) *supports the strengthening of United States-*  
16 *Israel economic cooperation and recognizes the tre-*  
17 *mendous strategic, economic, and technological value*  
18 *of cooperation with Israel;*

19 (2) *recognizes the benefit of cooperation with*  
20 *Israel to United States companies, including by im-*  
21 *proving United States competitiveness in global mar-*  
22 *kets;*

23 (3) *recognizes the importance of trade and com-*  
24 *mmercial relations to the pursuit and sustainability of*  
25 *peace, and supports efforts to bring together the*

1 *United States, Israel, the Palestinian territories, and*  
2 *others in enhanced commerce;*

3 *(4) opposes politically motivated actions that pe-*  
4 *nalize or otherwise limit commercial relations specifi-*  
5 *cally with Israel such as boycotts, divestment or sanc-*  
6 *tions;*

7 *(5) notes that the boycott, divestment, and sanc-*  
8 *tioning of Israel by governments, governmental bodies,*  
9 *quasi-governmental bodies, international organiza-*  
10 *tions, and other such entities is contrary to the Gen-*  
11 *eral Agreement on Tariffs and Trade (GATT) prin-*  
12 *ciple of nondiscrimination;*

13 *(6) encourages the inclusion of politically moti-*  
14 *vated actions that penalize or otherwise limit com-*  
15 *mmercial relations specifically with Israel such as boy-*  
16 *cotts, divestment from, or sanctions against Israel as*  
17 *a topic of discussion at the U.S.-Israel Joint Eco-*  
18 *nomie Development Group (JEDG) and other areas*  
19 *to support the strengthening of the United States-*  
20 *Israel commercial relationship and combat any com-*  
21 *mmercial discrimination against Israel;*

22 *(7) supports efforts to prevent investigations or*  
23 *prosecutions by governments or international organi-*  
24 *zations of United States persons on the sole basis of*

1        *such persons doing business with Israel, with Israeli*  
2        *entities, or in territories controlled by Israel; and*

3                *(8) supports States of the United States exam-*  
4        *ining a company's promotion or compliance with*  
5        *unsanctioned boycotts, divestment from, or sanctions*  
6        *against Israel as part of its consideration in award-*  
7        *ing grants and contracts and supports the divestment*  
8        *of State assets from companies that support or pro-*  
9        *mote actions to boycott, divest from, or sanction*  
10       *Israel.*

11                                **TITLE X—OFFSETS**

12        **SEC. 1001. REVOCATION OR DENIAL OF PASSPORT IN CASE**  
13                                **OF CERTAIN UNPAID TAXES.**

14                *(a) IN GENERAL.—Subchapter D of chapter 75 of the*  
15        *Internal Revenue Code of 1986 is amended by adding at*  
16        *the end the following new section:*

17        **“SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE**  
18                                **OF CERTAIN TAX DELINQUENCIES.**

19                *“(a) IN GENERAL.—If the Secretary receives certifi-*  
20        *cation by the Commissioner of Internal Revenue that any*  
21        *individual has a seriously delinquent tax debt in an*  
22        *amount in excess of \$50,000, the Secretary shall transmit*  
23        *such certification to the Secretary of State for action with*  
24        *respect to denial, revocation, or limitation of a passport*

1 *pursuant to section 1001(d) of the Trade Facilitation and*  
2 *Trade Enforcement Act of 2015.*

3 “(b) *SERIOUSLY DELINQUENT TAX DEBT.*—*For pur-*  
4 *poses of this section, the term ‘seriously delinquent tax debt’*  
5 *means an outstanding debt under this title for which a no-*  
6 *tice of lien has been filed in public records pursuant to sec-*  
7 *tion 6323 or a notice of levy has been filed pursuant to*  
8 *section 6331, except that such term does not include—*

9 “(1) *a debt that is being paid in a timely man-*  
10 *ner pursuant to an agreement under section 6159 or*  
11 *7122, and*

12 “(2) *a debt with respect to which collection is*  
13 *suspended because a collection due process hearing*  
14 *under section 6330, or relief under subsection (b), (c),*  
15 *or (f) of section 6015, is requested or pending.*

16 “(c) *ADJUSTMENT FOR INFLATION.*—*In the case of a*  
17 *calendar year beginning after 2016, the dollar amount in*  
18 *subsection (a) shall be increased by an amount equal to—*

19 “(1) *such dollar amount, multiplied by*

20 “(2) *the cost-of-living adjustment determined*  
21 *under section 1(f)(3) for the calendar year, deter-*  
22 *mined by substituting ‘calendar year 2015’ for ‘cal-*  
23 *endar year 1992’ in subparagraph (B) thereof.*

1 *If any amount as adjusted under the preceding sentence is*  
2 *not a multiple of \$1,000, such amount shall be rounded to*  
3 *the next highest multiple of \$1,000.”.*

4       **(b) CLERICAL AMENDMENT.**—*The table of sections for*  
5 *subchapter D of chapter 75 of the Internal Revenue Code*  
6 *of 1986 is amended by adding at the end the following new*  
7 *item:*

      “*Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.*”.

8       **(c) AUTHORITY FOR INFORMATION SHARING.**—

9               **(1) IN GENERAL.**—*Subsection (l) of section 6103*  
10 *of the Internal Revenue Code of 1986 is amended by*  
11 *adding at the end the following new paragraph:*

12               “**(23) DISCLOSURE OF RETURN INFORMATION TO**  
13 **DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT**  
14 **REVOCAION UNDER SECTION 7345.**—

15               “**(A) IN GENERAL.**—*The Secretary shall,*  
16 *upon receiving a certification described in sec-*  
17 *tion 7345, disclose to the Secretary of State re-*  
18 *turn information with respect to a taxpayer who*  
19 *has a seriously delinquent tax debt described in*  
20 *such section. Such return information shall be*  
21 *limited to—*

22               “*(i) the taxpayer identity information*  
23 *with respect to such taxpayer, and*

1                   “(ii) the amount of such seriously de-  
2                   linquent tax debt.

3                   “(B) *RESTRICTION ON DISCLOSURE.*—Re-  
4                   turn information disclosed under subparagraph  
5                   (A) may be used by officers and employees of the  
6                   Department of State for the purposes of, and to  
7                   the extent necessary in, carrying out the require-  
8                   ments of section 1001(d) of the Trade Facilita-  
9                   tion and Trade Enforcement Act of 2015.”.

10                  (2) *CONFORMING AMENDMENT.*—Paragraph (4)  
11                  of section 6103(p) of such Code is amended by strik-  
12                  ing “or (22)” each place it appears in subparagraph  
13                  (F)(ii) and in the matter preceding subparagraph (A)  
14                  and inserting “(22), or (23)”.

15                  (d) *AUTHORITY TO DENY OR REVOKE PASSPORT.*—

16                   (1) *DENIAL.*—

17                   (A) *IN GENERAL.*—Except as provided  
18                   under subparagraph (B), upon receiving a cer-  
19                   tification described in section 7345 of the Inter-  
20                   nal Revenue Code of 1986 from the Secretary of  
21                   the Treasury, the Secretary of State shall not  
22                   issue a passport to any individual who has a se-  
23                   riously delinquent tax debt described in such sec-  
24                   tion.

1           (B) *EMERGENCY AND HUMANITARIAN SITU-*  
2           *ATIONS.—Notwithstanding subparagraph (A),*  
3           *the Secretary of State may issue a passport, in*  
4           *emergency circumstances or for humanitarian*  
5           *reasons, to an individual described in such sub-*  
6           *paragraph.*

7           (2) *REVOCATION.—*

8           (A) *IN GENERAL.—The Secretary of State*  
9           *may revoke a passport previously issued to any*  
10           *individual described in paragraph (1)(A).*

11           (B) *LIMITATION FOR RETURN TO UNITED*  
12           *STATES.—If the Secretary of State decides to re-*  
13           *voke a passport under subparagraph (A), the*  
14           *Secretary of State, before revocation, may—*

15                   (i) *limit a previously issued passport*  
16                   *only for return travel to the United States;*  
17                   *or*

18                   (ii) *issue a limited passport that only*  
19                   *permits return travel to the United States.*

20           (3) *HOLD HARMLESS.—The Secretary of the*  
21           *Treasury and the Secretary of State shall not be lia-*  
22           *ble to an individual for any action with respect to a*  
23           *certification by the Commissioner of Internal Revenue*  
24           *under section 7345 of the Internal Revenue Code of*  
25           *1986.*

1       (e) *REVOCATION OR DENIAL OF PASSPORT IN CASE OF*  
2 *INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUM-*  
3 *BER.—*

4           (1) *DENIAL.—*

5               (A) *IN GENERAL.—Except as provided*  
6 *under subparagraph (B), upon receiving an ap-*  
7 *plication for a passport from an individual that*  
8 *either—*

9                   (i) *does not include the social security*  
10 *account number issued to that individual,*  
11 *or*

12                   (ii) *includes an incorrect or invalid so-*  
13 *cial security number willfully, inten-*  
14 *tionally, negligently, or recklessly provided*  
15 *by such individual,*

16 *the Secretary of State is authorized to deny such*  
17 *application and is authorized to not issue a*  
18 *passport to the individual.*

19               (B) *EMERGENCY AND HUMANITARIAN SITU-*  
20 *ATIONS.—Notwithstanding subparagraph (A),*  
21 *the Secretary of State may issue a passport, in*  
22 *emergency circumstances or for humanitarian*  
23 *reasons, to an individual described in subpara-*  
24 *graph (A).*

25           (2) *REVOCATION.—*



1           (A) *IN GENERAL.*—*The Secretary of State*  
2           *may revoke a passport previously issued to any*  
3           *individual described in paragraph (1)(A).*

4           (B) *LIMITATION FOR RETURN TO UNITED*  
5           *STATES.*—*If the Secretary of State decides to re-*  
6           *voke a passport under subparagraph (A), the*  
7           *Secretary of State, before revocation, may—*

8                   (i) *limit a previously issued passport*  
9                   *only for return travel to the United States;*  
10                  *or*

11                   (ii) *issue a limited passport that only*  
12                  *permits return travel to the United States.*

13           (f) *EFFECTIVE DATE.*—*The provisions of, and amend-*  
14           *ments made by, this section shall take effect on January*  
15           *1, 2016.*

16   **SEC. 1002. CUSTOMS USER FEES.**

17           (a) *IN GENERAL.*—*Section 13031(j)(3) of the Consoli-*  
18           *dated Omnibus Budget Reconciliation Act of 1985 (19*  
19           *U.S.C. 58c(j)(3)) is amended by adding at the end the fol-*  
20           *lowing:*

21                   “(C) *Fees may be charged under paragraphs (9) and*  
22           *(10) of subsection (a) during the period beginning on July*  
23           *8, 2025, and ending on July 28, 2025.*”

24           (b) *RATE FOR MERCHANDISE PROCESSING FEES.*—  
25           *Section 503 of the United States–Korea Free Trade Agree-*

1 *ment Implementation Act (Public Law 112–41; 125 Stat.*  
2 *460) is amended—*

3 *(1) by striking “For the period” and inserting*

4 *“(a) IN GENERAL.—For the period”; and*

5 *(2) by adding at the end the following:*

6 *“(b) ADDITIONAL PERIOD.—For the period beginning*  
7 *on July 1, 2025, and ending on July 14, 2025, section*  
8 *13031(a)(9) of the Consolidated Omnibus Budget Reconcili-*  
9 *ation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied*  
10 *and administered—*

11 *“(1) in subparagraph (A), by substituting*  
12 *‘0.3464’ for ‘0.21’; and*

13 *“(2) in subparagraph (B)(i), by substituting*  
14 *‘0.3464’ for ‘0.21’.”.*

Amend the title so as to read: “An Act to reauthor-  
ize trade facilitation and trade enforcement functions and  
activities, and for other purposes.”.

Attest:

*Secretary.*



14<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 644**

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**AMENDMENTS**