

## S 1133

### Enforcing Orders and Reducing Customs Evasion Act of 2011

**Congress:** 112 (2011–2013, Ended)

**Chamber:** Senate

**Policy Area:** Foreign Trade and International Finance

**Introduced:** May 26, 2011

**Current Status:** Read twice and referred to the Committee on Finance. (text of measure as introduced: CR S3445-3448)

**Latest Action:** Read twice and referred to the Committee on Finance. (text of measure as introduced: CR S3445-3448)  
(May 26, 2011)

**Official Text:** <https://www.congress.gov/bill/112th-congress/senate-bill/1133>

### Sponsor

**Name:** Sen. Wyden, Ron [D-OR]

**Party:** Democratic • **State:** OR • **Chamber:** Senate

### Cosponsors (13 total)

| Cosponsor                            | Party / State | Role | Date Joined  |
|--------------------------------------|---------------|------|--------------|
| Sen. Blunt, Roy [R-MO]               | R · MO        |      | May 26, 2011 |
| Sen. Brown, Sherrod [D-OH]           | D · OH        |      | May 26, 2011 |
| Sen. McCaskill, Claire [D-MO]        | D · MO        |      | May 26, 2011 |
| Sen. Portman, Rob [R-OH]             | R · OH        |      | May 26, 2011 |
| Sen. Schumer, Charles E. [D-NY]      | D · NY        |      | May 26, 2011 |
| Sen. Snowe, Olympia J. [R-ME]        | R · ME        |      | May 26, 2011 |
| Sen. Burr, Richard [R-NC]            | R · NC        |      | Sep 23, 2011 |
| Sen. Sessions, Jeff [R-AL]           | R · AL        |      | Oct 18, 2011 |
| Sen. Cardin, Benjamin L. [D-MD]      | D · MD        |      | Oct 19, 2011 |
| Sen. Boozman, John [R-AR]            | R · AR        |      | Nov 1, 2011  |
| Sen. Klobuchar, Amy [D-MN]           | D · MN        |      | Nov 1, 2011  |
| Sen. Coburn, Tom [R-OK]              | R · OK        |      | Apr 26, 2012 |
| Sen. Rockefeller, John D., IV [D-WV] | D · WV        |      | Jul 16, 2012 |

### Committee Activity

| Committee         | Chamber | Activity    | Date         |
|-------------------|---------|-------------|--------------|
| Finance Committee | Senate  | Referred To | May 26, 2011 |

### Subjects & Policy Tags

#### Policy Area:

Foreign Trade and International Finance

## Related Bills

| Bill        | Relationship | Last Action  |
|-------------|--------------|--|
| 112 HR 6656 | Related bill | <b>Dec 26, 2012:</b> Referred to the Subcommittee on Border and Maritime Security.   |
| 112 S 3524  | Related bill | <b>Sep 10, 2012:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 500.   |
| 112 S 3479  | Related bill | <b>Aug 1, 2012:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions.  |
| 112 HR 3057 | Related bill | <b>Oct 5, 2011:</b> Referred for a period ending not later than October 5 2011, (or for a later time if the Chairman so designates) to the Subcommittee on Trade, in each case for consideration of such provisions as fall within the jurisdiction of the subcommittee concerned. |

## Summary (as of May 26, 2011)

Enforcing Orders and Reducing Customs Evasion Act of 2011 - Amends the Tariff Act of 1930 to require the Commissioner responsible for U.S. Customs and Border Protection (CBP) to initiate, upon petition or a referral from another federal agency, an investigation into claims of evasion of antidumping or countervailing duties (including any cash deposits or other security) with respect to covered merchandise entered into the United States.

Requires the Commissioner, in the case of an affirmative preliminary determination, to: (1) suspend liquidation of each unliquidated entry of the covered merchandise, (2) review and reassess the amount of bond or other security required to be posted for each entry of covered merchandise, (3) require the posting of a cash deposit for each entry, and (4) take other appropriate measures to ensure the collection of any duties that may be owed on covered merchandise.

Requires the Commissioner, in the case of an affirmative final determination, to: (1) suspend or continue to suspend liquidation of each entry of covered merchandise, (2) notify the administering authority (Secretary of Commerce or other responsible U.S. officer) of the determination and request identification of the applicable antidumping or countervailing duties or cash deposit rate for such entries, (3) require the posting of cash deposits and assess duties, (4) review and reassess the amount of bond or other security required to be posted for covered merchandise entered on or after the date of such determination, and (5) take appropriate additional enforcement measures.

Requires the administering authority to apply the highest applicable cash deposit or antidumping or countervailing duty in cases where the producer or exporter of covered merchandise is unknown.

Applies the amendments made by this Act to goods from Canada and Mexico.

Requires the Commissioner, to the maximum extent practicable, to ensure that CBP employs and assigns sufficient personnel to prevent the entry of covered merchandise in a manner that evades antidumping and countervailing duty orders or findings.

Requires the Secretary of Homeland Security (DHS), the Commissioner, and the Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE) to assess and properly allocate the resources of CBP and ICE to improve efforts to investigate and combat evasion.

Directs the Comptroller General to report on: (1) efforts to prevent the entry of covered merchandise into the U.S. customs territory through evasion, and (2) the estimated amount of duties that could not be collected on covered merchandise that entered U.S. customs territory through evasion during FY2009-FY2010 because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

## Actions Timeline

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- **May 26, 2011:** Introduced in Senate
- **May 26, 2011:** Sponsor introductory remarks on measure. (CR S3444-3445)
- **May 26, 2011:** Read twice and referred to the Committee on Finance. (text of measure as introduced: CR S3445-3448)