

S 1269

Trade Facilitation and Trade Enforcement Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Foreign Trade and International Finance

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Sponsor

Name: Sen. Hatch, Orrin G. [R-UT]

Party: Republican • **State:** UT • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Reported Original Measure	May 11, 2015

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

Bill	Relationship	Last Action
114 HR 644	Related bill	Feb 24, 2016: Became Public Law No: 114-125.
114 HR 2523	Related bill	Jun 3, 2015: Referred to the Subcommittee on Trade.
114 HR 1907	Related bill	May 14, 2015: Placed on the Union Calendar, Calendar No. 80.
114 HR 2015	Related bill	May 11, 2015: Referred to the Subcommittee on Trade.
114 HR 1916	Related bill	May 6, 2015: Referred to the Subcommittee on Border and Maritime Security.
114 HR 1947	Related bill	May 4, 2015: Referred to the Subcommittee on Trade.
114 S 1015	Related bill	Apr 20, 2015: Read twice and referred to the Committee on Finance.
114 S 998	Related bill	Apr 16, 2015: Read twice and referred to the Committee on Finance.
114 S 433	Related bill	Feb 10, 2015: Read twice and referred to the Committee on Finance.

Trade Facilitation and Trade Enforcement Act of 2015

This bill directs the U.S. Customs and Border Protection (CBP) to ensure that CBP partnership programs, such as the Customs-Trade Partnership Against Terrorism, provide trade benefits to importers, exporters, and certain other private sector entities that meet program requirements.

The Government Accountability Office must report to Congress on the effectiveness of CBP enforcement of U.S. customs and trade laws (trade enforcement).

CBP shall establish priorities and performance standards to measure levels of achievement of customs modernization, the movement of merchandise into and out of the United States (trade facilitation), and trade enforcement functions and programs.

CBP and U.S. Immigration and Customs Enforcement (ICE) shall:

- establish educational seminars to improve CBP classification and appraisal of imported articles, trade enforcement, and facilitation of international trade; and
- develop biennially a joint strategic plan for improving trade enforcement and trade facilitation.

This bill amends the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) to authorize appropriations for FY2016-FY2018 to complete the development and implementation of the Automated Commercial Environment computer system.

This bill amends the Tariff Act of 1930 to require the Department of the Treasury (Treasury) to work with the head of each agency participating in the International Trade Data System (ITDS) and the Interagency Steering Committee to ensure that, among other duties, it:

- develops and maintains the necessary information technology infrastructure to support the operation of the ITDS,
- submit all data to the ITDS electronically, and
- arrange to share information between each agency and the CBP.

Treasury and the Department of Homeland Security (DHS) shall jointly establish a Commercial Customs Operations Advisory Committee.

CBP shall develop and implement CBP-wide Centers of Excellence and Expertise.

DHS shall establish within the CBP Office of International Trade a Commercial Targeting Division (including National Targeting and Analysis Groups) to conduct commercial risk assessment targeting and, when needed, issue trade alerts with respect to cargo destined for the United States.

The Treasury Inspector General shall report to Congress on oversight of revenue protection and enforcement measures.

DHS and Treasury shall report jointly to Congress on security and revenue measures with respect to merchandise transported in bond.

DHS shall establish a program to assign importer of record numbers.

CBP shall establish a new importer program that adjusts bond amounts for new importers based on the level of risk assessed for revenue protection.

An interagency Import Safety Working Group is established.

DHS shall develop a joint import safety rapid response plan that sets forth protocols for the CBP to:

- coordinate federal responses to cargo entering the United States that poses a threat to the health or safety of U.S. consumers, and
- use in recovering from or mitigating the effects of actions and responses to such an incident.

Upon suspicion that merchandise is being imported into the United States in violation of U.S. trademark or copyright infringement laws, CBP shall provide the trademark or copyright owner any information appearing on the merchandise and its packaging and labels, including any unredacted images of them, if testing by the owner would assist in determining a violation.

DHS shall establish within ICE a National Intellectual Property Rights Coordination Center to coordinate U.S. activities to prevent the import and export of goods that infringe intellectual property rights.

CBP, ICE, and DHS shall take specified actions for enforcement of intellectual property rights.

Enforcing Orders and Reducing Customs Evasion Act of 2015

This bill amends the Tariff Act of 1930 to require CBP to:

- investigate other federal agency 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; and
- take specified enforcement actions if necessary, including suspension of liquidation.

In an antidumping and countervailing duty proceeding, neither the administering authority (the Secretary of Commerce or another responsible U.S. officer) nor the U.S. International Trade Commission (USITC), as the case may be, is required to determine, or make any adjustments to, a countervailable subsidy rate or weighted average dumping margin based on any assumptions about information the interested party that has failed to cooperate with an information request would have provided if it had complied.

The USITC shall not determine that there is no material injury or threat of material injury to a domestic industry from imports merely because that industry is profitable or its performance has recently improved.

This bill amends the Trade Act of 1974 to revise requirements for the identification of U.S. trade expansion priorities.

The United States Trade Representative (USTR) shall consult with Congress to prioritize, investigate, and resolve acts, policies, or practices of foreign countries that raise concerns with respect to obligations under the World Trade Organization Agreements or any other trade agreement to which the United States is a party, or that otherwise creates barriers to U.S. goods, services, or investment.

The USTR may take actions to suspend concessions or other obligations under the Uruguay Round Agreements Act if:

- certain action has terminated that was taken by the USTR to protect U.S. rights under any trade agreement or to eliminate an act, policy, or practice of a foreign country that violates that agreement or burdens or restricts U.S.

commerce;

- the petitioner or any representative of the domestic industry that would benefit from reinstatement of such action requests the USTR for reinstatement; and
- the USTR meets certain requirements.

USITC, under the Trade Act of 1974, shall make an import monitoring tool available on a website to allow public access to data on the volume and value of imported goods to assess whether such data has changed over time.

There is established within the Office of the USTR:

- an Interagency Trade Enforcement Center, and
- the position of Chief Manufacturing Negotiator.

The USTR may take certain discretionary trade action against foreign countries that engage in unreasonable acts, policies, or practices that fail to enforce their environmental laws effectively.

A Trade Enforcement Trust Fund is established.

CBP shall ensure that appropriate resources address concerns that honey as well as illicit cultural property, archaeological or ethnological materials, and fish, wildlife, and plants are being imported into the United States in violation of U.S. customs laws.

DHS shall deposit into a special account certain interest earned on amounts realized by CBP on antidumping duties or countervailing duties assessed on or after October 1, 2014. The interest shall be included in any CBP duty distributions to affected domestic producers for qualifying expenses.

The Office of the USTR shall now include one presidentially appointed Chief Innovation and Intellectual Property Negotiator, who shall conduct trade negotiations and enforce trade agreements with respect to U.S. intellectual property as well as take appropriate actions to address foreign acts, policies, and practices with a significant adverse impact on the value of U.S. innovation.

The USTR shall develop, not later than 90 days after submission of the National Trade Estimate, an action plan of certain benchmarks for achieving adequate protection of intellectual property rights for each foreign country placed and remaining on a priority watch list for at least one year.

Currency Undervaluation Investigation Act

This bill amends the Tariff Act of 1930 to require the administering authority, upon the filing of a petition by an interested party, to initiate a countervailing duty investigation or review to determine whether currency undervaluation by the government of, or any public entity within, a foreign country is providing, directly or indirectly, a countervailable subsidy to its exporters or products.

The Treasury shall report to Congress on the macroeconomic and currency exchange rate policies of each major trading partner of the United States.

The President may take specified remedial action against any such countries that fail to adopt policies to correct the undervaluation of their currency and trade surplus with the United States.

An Advisory Committee on International Exchange Rate Policy is established.

American Manufacturing Competitiveness Act of 2015

The appropriate congressional committees shall establish, and publish on their publicly available websites, a process for the submission and consideration of legislation for proposed duty suspensions and reductions as well as a miscellaneous tariff bill including them, consistent with certain requirements.

This bill amends the Tariff Act of 1930 to increase from \$200 to \$800 the general de minimus aggregate fair retail value in the country of shipment of duty-free articles imported by one person on one day.

This bill also prescribes or revises requirements for:

- certain penalties for customs brokers convicted of an act of terrorism;
- duty-free treatment of certain federal property exported and reimported without an advance in value or improvement in condition;
- duties on warranty repairs or alterations of articles exported from and then returned to the United States;
- exemption from duty treatment of the residue of bulk cargo contained in instruments of international traffic previously exported from the United States;
- drawback (refund of paid customs duties) on eligible merchandise imported into the United States and later exported or destroyed;
- assignment of CBP employees to perform customs services for charter flight passengers and their baggage;
- country of origin marking of certain castings imported into the United States;
- elimination of the consumptive demand exception to the prohibition on the importation of goods made with convict labor, forced labor, or indentured labor; and
- revocation, denial, or limitation under the Internal Revenue Code of a passport for individuals with seriously delinquent tax debt in excess of \$50,000.

Certain trade policies regarding Israel are declared.

This bill amends COBRA to allow, between July 8 and July 28, 2025, specified customs user fees for the processing of merchandise formally entered or released into the United States.

The United States-Korea Free Trade Agreement Implementation Act is also amended to extend through June 30, 2025, the increase from 0.21% ad valorem to 0.3464% ad valorem in the customs user fees for the processing of merchandise formally entered or released into the United States which is scheduled to begin on December 1, 2015.

Actions Timeline

- **May 13, 2015:** By Senator Hatch from Committee on Finance filed written report. Report No. 114-45.
- **May 11, 2015:** Introduced in Senate
- **May 11, 2015:** Committee on Finance. Original measure reported to Senate by Senator Hatch. Without written report.
- **May 11, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 76.