

112TH CONGRESS  
1ST SESSION

# H. R. 3057

To prevent the evasion of antidumping and countervailing duty orders, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2011

Mr. LONG (for himself, Mr. NUNNELEE, Mrs. EMERSON, Mr. LUETKEMEYER,  
Mr. AKIN, Ms. LINDA T. SÁNCHEZ of California, Mr. BACHUS, Mr. MAN-  
ZULLO, Mr. CHANDLER, Mr. CRITZ, Mr. CONYERS, Mr. STARK, Mr.  
CARNAHAN, and Mr. LIPINSKI) introduced the following bill; which was  
referred to the Committee on Ways and Means

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## A BILL

To prevent the evasion of antidumping and countervailing  
duty orders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Enforcing Orders and Reducing Customs Evasion Act of  
6 2011”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—PROCEDURES

Sec. 101. Procedures for investigating claims of evasion of antidumping and countervailing duty orders.

Sec. 102. Application to Canada and Mexico.

## TITLE II—OTHER MATTERS

Sec. 201. Definitions.

Sec. 202. Allocation of U.S. Customs and Border Protection personnel.

Sec. 203. Regulations.

Sec. 204. Annual report on prevention of evasion of antidumping and countervailing duty orders.

Sec. 205. Government Accountability Office report on reliquidation authority.

1                   **TITLE I—PROCEDURES**

2   **SEC. 101. PROCEDURES FOR INVESTIGATING CLAIMS OF**  
 3                   **EVASION OF ANTIDUMPING AND COUNTER-**  
 4                   **VAILING DUTY ORDERS.**

5           (a) IN GENERAL.—The Tariff Act of 1930 is amend-  
 6 ed by inserting after section 516A (19 U.S.C. 1516a) the  
 7 following:

8   **“SEC. 516B. PROCEDURES FOR INVESTIGATING CLAIMS OF**  
 9                   **EVASION OF ANTIDUMPING AND COUNTER-**  
 10                  **VAILING DUTY ORDERS.**

11           “(a) DEFINITIONS.—In this section:

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

15                   “(2) APPROPRIATE CONGRESSIONAL COMMIT-  
 16           TEES.—The term ‘appropriate congressional com-  
 17           mittees’ means—

1           “(A) the Committee on Finance and the  
2           Committee on Appropriations of the Senate;  
3           and

4           “(B) the Committee on Ways and Means  
5           and the Committee on Appropriations of the  
6           House of Representatives.

7           “(3) COMMISSIONER.—The term ‘Commis-  
8           sioner’ means the Commissioner responsible for U.S.  
9           Customs and Border Protection.

10          “(4) COVERED MERCHANDISE.—The term ‘cov-  
11          ered merchandise’ means merchandise that is subject  
12          to—

13                 “(A) an antidumping duty order issued  
14                 under section 736;

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

17                 “(C) a countervailing duty order issued  
18                 under section 706.

19          “(5) ENTER; ENTRY.—The terms ‘enter’ and  
20          ‘entry’ refer to the entry, or withdrawal from ware-  
21          house for consumption, in the customs territory of  
22          the United States.

23          “(6) EVADE; EVASION.—The terms ‘evade’ and  
24          ‘evasion’ refer to entering covered merchandise into  
25          the customs territory of the United States by means

1 of any document or electronically transmitted data  
2 or information, written or oral statement, or act that  
3 is material and false, or any omission that is mate-  
4 rial, and that results in any cash deposit or other se-  
5 curity or any amount of applicable antidumping or  
6 countervailing duties being reduced or not being ap-  
7 plied with respect to the merchandise.

8 “(7) INTERESTED PARTY.—The term ‘inter-  
9 ested party’ has the meaning given that term in sec-  
10 tion 771(9).

11 “(b) PROCEDURES FOR INVESTIGATING ALLEGA-  
12 TIONS OF EVASION.—

13 “(1) INITIATION BY PETITION OR REFERRAL.—

14 “(A) IN GENERAL.—Not later than 10  
15 days after the date on which the Commissioner  
16 receives a petition described in subparagraph  
17 (B) or a referral described in subparagraph (C),  
18 the Commissioner shall initiate an investigation  
19 pursuant to this paragraph.

20 “(B) PETITION DESCRIBED.—A petition  
21 described in this subparagraph is a petition  
22 that—

23 “(i) is filed with the Commissioner by  
24 any party who is an interested party with  
25 respect to covered merchandise;

1           “(ii) alleges that a person has entered  
2 covered merchandise into the customs ter-  
3 ritory of the United States through eva-  
4 sion; and

5           “(iii) is accompanied by information  
6 reasonably available to the petitioner sup-  
7 porting the allegation.

8           “(C) REFERRAL DESCRIBED.—A referral  
9 described in this subparagraph is information  
10 submitted to the Commissioner by any other  
11 Federal agency, including the Department of  
12 Commerce or the United States International  
13 Trade Commission, indicating that a person has  
14 entered covered merchandise into the customs  
15 territory of the United States through evasion.

16           “(2) DETERMINATIONS.—

17           “(A) PRELIMINARY DETERMINATION.—

18           “(i) IN GENERAL.—Not later than 90  
19 days after the date on which the Commis-  
20 sioner initiates an investigation under  
21 paragraph (1), the Commissioner shall  
22 issue a preliminary determination, based  
23 on information available to the Commis-  
24 sioner at the time of the determination,  
25 with respect to whether there is a reason-

1           able basis to believe or suspect that the  
2           covered merchandise was entered into the  
3           customs territory of the United States  
4           through evasion.

5           “(ii) EXTENSION.—The Commissioner  
6           may extend by not more than 45 days the  
7           time period specified in clause (i) if the  
8           Commissioner determines that sufficient  
9           information to make a preliminary deter-  
10          mination under that clause is not available  
11          within that time period or the inquiry is  
12          unusually complex.

13          “(B) FINAL DETERMINATION.—

14          “(i) IN GENERAL.—Not later than  
15          120 days after making a preliminary deter-  
16          mination under subparagraph (A), the  
17          Commissioner shall make a final deter-  
18          mination, based on substantial evidence,  
19          with respect to whether covered merchan-  
20          dise was entered into the customs territory  
21          of the United States through evasion.

22          “(ii) EXTENSION.—The Commissioner  
23          may extend by not more than 60 days the  
24          time period specified in clause (i) if the  
25          Commissioner determines that sufficient

1 information to make a final determination  
2 under that clause is not available within  
3 that time period or the inquiry is unusually  
4 complex.

5 “(iii) OPPORTUNITY FOR COMMENT;  
6 HEARING.—After making a preliminary de-  
7 termination under subparagraph (A) and  
8 before issuing a final determination under  
9 this subparagraph with respect to whether  
10 covered merchandise was entered into the  
11 customs territory of the United States  
12 through evasion, the Commissioner shall—

13 “(I) provide any person alleged  
14 to have entered the merchandise into  
15 the customs territory of the United  
16 States through evasion, and any per-  
17 son that is an interested party with  
18 respect to the merchandise, with an  
19 opportunity to be heard;

20 “(II) upon request, hold a hear-  
21 ing with respect to whether the cov-  
22 ered merchandise was entered into the  
23 customs territory of the United States  
24 through evasion; and

1                   “(III) provide an opportunity for  
2                   public comment.

3                   “(C) AUTHORITY TO COLLECT AND VERIFY  
4                   ADDITIONAL INFORMATION.—In making a pre-  
5                   liminary determination under subparagraph (A)  
6                   or a final determination under subparagraph  
7                   (B), the Commissioner—

8                   “(i) shall exercise all existing authori-  
9                   ties to collect information needed to make  
10                  the determination; and

11                  “(ii) may collect such additional infor-  
12                  mation as is necessary to make the deter-  
13                  mination through such methods as the  
14                  Commissioner considers appropriate, in-  
15                  cluding by—

16                  “(I) issuing a questionnaire with  
17                  respect to covered merchandise to—

18                         “(aa) a person that filed a  
19                         petition under paragraph (1)(B);

20                         “(bb) a person alleged to  
21                         have entered covered merchan-  
22                         dise into the customs territory of  
23                         the United States through eva-  
24                         sion; or



1                   “(cc) any other person that  
2                   is an interested party with re-  
3                   spect to the covered merchandise;  
4                   or

5                   “(II) conducting verifications, in-  
6                   cluding on-site verifications, of any  
7                   relevant information.

8                   “(D) ADVERSE INFERENCE.—

9                   “(i) IN GENERAL.—If the Commis-  
10                  sioner finds that a person that filed a peti-  
11                  tion under paragraph (1)(B), a person al-  
12                  leged to have entered covered merchandise  
13                  into the customs territory of the United  
14                  States through evasion, or a foreign pro-  
15                  ducer or exporter, has failed to cooperate  
16                  by not acting to the best of the person’s  
17                  ability to comply with a request for infor-  
18                  mation, the Commissioner may, in making  
19                  a preliminary determination under sub-  
20                  paragraph (A) or a final determination  
21                  under subparagraph (B), use an inference  
22                  that is adverse to the interests of that per-  
23                  son in selecting from among the facts oth-  
24                  erwise available to determine whether eva-  
25                  sion has occurred.

1           “(ii) ADVERSE INFERENCE DE-  
2           SCRIBED.—An adverse inference used  
3           under clause (i) may include reliance on in-  
4           formation derived from—

5                   “(I) the petition, if any, sub-  
6                   mitted under paragraph (1)(B) with  
7                   respect to the covered merchandise;

8                   “(II) a determination by the  
9                   Commissioner in another investigation  
10                  under this section;

11                  “(III) an investigation or review  
12                  by the administering authority under  
13                  title VII; or

14                  “(IV) any other information  
15                  placed on the record.

16           “(E) NOTIFICATION AND PUBLICATION.—  
17           Not later than 7 days after making a prelimi-  
18           nary determination under subparagraph (A) or  
19           a final determination under subparagraph (B),  
20           the Commissioner shall—

21                   “(i) provide notification of the deter-  
22                   mination to—

23                           “(I) the administering authority;  
24                           and

1                   “(II) the person that submitted  
2                   the petition under paragraph (1)(B)  
3                   or the Federal agency that submitted  
4                   the referral under paragraph (1)(C);  
5                   and

6                   “(ii) provide the determination for  
7                   publication in the Federal Register.

8                   “(3) BUSINESS PROPRIETARY INFORMATION.—

9                   “(A) ESTABLISHMENT OF PROCEDURES.—

10                   For each investigation initiated under para-  
11                   graph (1), the Commissioner shall establish  
12                   procedures for the submission of business pro-  
13                   prietary information under an administrative  
14                   protective order that—

15                   “(i) protects against public disclosure  
16                   of such information; and

17                   “(ii) for purposes of submitting com-  
18                   ments to the Commissioner, provides lim-  
19                   ited access to such information for—

20                   “(I) the person that submitted  
21                   the petition under paragraph (1)(B)  
22                   or the Federal agency that submitted  
23                   the referral under paragraph (1)(C);  
24                   and

1                   “(II) the person alleged to have  
2                   entered covered merchandise into the  
3                   customs territory of the United States  
4                   through evasion.

5                   “(B) ADMINISTRATION IN ACCORDANCE  
6                   WITH OTHER PROCEDURES.—The procedures  
7                   established under subparagraph (A) shall be ad-  
8                   ministered, to the maximum extent practicable,  
9                   in accordance with administrative protective  
10                  order procedures under section 777 by the ad-  
11                  ministering authority.

12                  “(C) DISCLOSURE OF BUSINESS PROPRI-  
13                  ETARY INFORMATION.—The Commissioner  
14                  shall, in accordance with the procedures estab-  
15                  lished under subparagraph (A), make all busi-  
16                  ness proprietary information presented to, or  
17                  obtained by, the Commissioner during an inves-  
18                  tigation available to the persons specified in  
19                  subparagraph (A)(ii) under an administrative  
20                  protective order, regardless of when such infor-  
21                  mation is submitted during an investigation.

22                  “(4) REFERRALS TO OTHER FEDERAL AGEN-  
23                  CIES.—

24                  “(A) AFTER PRELIMINARY DETERMINA-  
25                  TION.—Notwithstanding section 777 and sub-

1           ject to subparagraph (C), when the Commis-  
2           sioner makes an affirmative preliminary deter-  
3           mination under paragraph (2)(A), the Commis-  
4           sioner shall, at the request of the head of an-  
5           other Federal agency, transmit the administra-  
6           tive record to the head of that agency.

7           “(B) AFTER FINAL DETERMINATION.—  
8           Notwithstanding section 777 and subject to  
9           subparagraph (C), when the Commissioner  
10          makes an affirmative final determination under  
11          paragraph (2)(B), the Commissioner shall, at  
12          the request of the head of another Federal  
13          agency, transmit the complete administrative  
14          record to the head of that agency.

15          “(C) PROTECTIVE ORDERS.—Before trans-  
16          mitting an administrative record to the head of  
17          another Federal agency under subparagraph  
18          (A) or (B), the Commissioner shall verify that  
19          the other agency has in effect with respect to  
20          the administrative record a protective order  
21          that provides the same or a similar level of pro-  
22          tection for the information in the administrative  
23          record as the protective order in effect with re-  
24          spect to such information under this subsection.

25          “(c) EFFECT OF DETERMINATIONS.—

1           “(1) EFFECT OF AFFIRMATIVE PRELIMINARY  
2 DETERMINATION.—If the Commissioner makes a  
3 preliminary determination in accordance with sub-  
4 section (b)(2)(A) that there is a reasonable basis to  
5 believe or suspect that covered merchandise was en-  
6 tered into the customs territory of the United States  
7 through evasion, the Commissioner shall—

8           “(A) suspend the liquidation of each unliq-  
9 uidated entry of the covered merchandise that  
10 is subject to the preliminary determination and  
11 that entered on or after the date of the initi-  
12 ation of the investigation under paragraph (1)  
13 and, pursuant to the Commissioner’s authority  
14 under section 504(b), extend liquidation of each  
15 unliquidated entry of the covered merchandise  
16 that is subject to the preliminary determination  
17 and that entered prior to the date of the initi-  
18 ation of the investigation under paragraph (1);

19           “(B) review and reassess the amount of  
20 bond or other security the importer is required  
21 to post for each entry of merchandise described  
22 in subparagraph (A);

23           “(C) require the posting of a cash deposit  
24 with respect to each entry of merchandise de-  
25 scribed in subparagraph (A); and

1           “(D) take such other measures as the  
2           Commissioner determines appropriate to ensure  
3           the collection of any duties that may be owed  
4           with respect to merchandise described in sub-  
5           paragraph (A) as a result of a final determina-  
6           tion under subsection (b)(2)(B).

7           “(2) EFFECT OF NEGATIVE PRELIMINARY DE-  
8           TERMINATION.—If the Commissioner makes a pre-  
9           liminary determination in accordance with sub-  
10          section (b)(2)(A) that there is not a reasonable basis  
11          to believe or suspect that covered merchandise was  
12          entered into the customs territory of the United  
13          States through evasion, the Commissioner shall con-  
14          tinue the investigation and notify the administering  
15          authority pending a final determination under sub-  
16          section (b)(2)(B).

17          “(3) EFFECT OF AFFIRMATIVE FINAL DETER-  
18          MINATION.—If the Commissioner makes a final de-  
19          termination in accordance with subsection (b)(2)(B)  
20          that covered merchandise was entered into the cus-  
21          toms territory of the United States through evasion,  
22          the Commissioner shall—

23                  “(A) suspend or continue to suspend, as  
24                  the case may be, the liquidation of each entry  
25                  of the covered merchandise that is subject to

1 the determination and that enters on or after  
2 the date of the determination and, pursuant to  
3 the Commissioner’s authority under section  
4 504(b), extend or continue to extend, as the  
5 case may be, the liquidation of each entry of  
6 the covered merchandise that is subject to the  
7 determination and that entered prior to the  
8 date of the determination;

9 “(B) notify the administering authority of  
10 the determination and request that the admin-  
11 istering authority—

12 “(i) identify the applicable anti-  
13 dumping or countervailing duty assessment  
14 rate for the entries for which liquidation is  
15 suspended under paragraph (1)(A) or sub-  
16 paragraph (A) of this paragraph; or

17 “(ii) if no such assessment rates are  
18 available at the time, identify the applica-  
19 ble cash deposit rate to be applied to the  
20 entries described in subparagraph (A),  
21 with the applicable antidumping or coun-  
22 tervailing duty assessment rates to be pro-  
23 vided as soon as such rates become avail-  
24 able;



1           “(C) require the posting of cash deposits  
2           and assess duties on each entry of merchandise  
3           described in subparagraph (A) in accordance  
4           with the instructions received from the admin-  
5           istering authority under paragraph (5);

6           “(D) review and reassess the amount of  
7           bond or other security the importer is required  
8           to post for merchandise described in subpara-  
9           graph (A) to ensure the protection of revenue  
10          and compliance with the law; and

11          “(E) take such additional enforcement  
12          measures as the Commissioner determines ap-  
13          propriate, such as—

14                 “(i) initiating proceedings under sec-  
15                 tion 592 or 596;

16                 “(ii) implementing, in consultation  
17                 with the relevant Federal agencies, rule  
18                 sets or modifications to rules sets for iden-  
19                 tifying, particularly through the Auto-  
20                 mated Targeting System and the Auto-  
21                 mated Commercial Environment, import-  
22                 ers, other parties, and merchandise that  
23                 may be associated with evasion;

24                 “(iii) requiring, with respect to mer-  
25                 chandise for which the importer has re-

1 peatedly provided incomplete or erroneous  
2 entry summary information in connection  
3 with determinations of evasion, the im-  
4 porter to submit entry summary docu-  
5 mentation and to deposit estimated duties  
6 at the time of entry;

7 “(iv) referring the record in whole or  
8 in part to U.S. Immigration and Customs  
9 Enforcement for civil or criminal investiga-  
10 tion; and

11 “(v) transmitting the administrative  
12 record to the administering authority for  
13 further appropriate proceedings.

14 “(4) EFFECT OF NEGATIVE FINAL DETERMINA-  
15 TION.—If the Commissioner makes a final deter-  
16 mination in accordance with subsection (b)(2)(B)  
17 that covered merchandise was not entered into the  
18 customs territory of the United States through eva-  
19 sion, the Commissioner shall terminate the suspen-  
20 sion of liquidation pursuant to paragraph (1)(A) and  
21 refund any cash deposits collected pursuant to para-  
22 graph (1)(C) that are in excess of the cash deposit  
23 rate that would otherwise have been applicable the  
24 merchandise.

1           “(5) COOPERATION OF ADMINISTERING AU-  
2 THORITY.—

3           “(A) IN GENERAL.—Upon receiving a noti-  
4 fication from the Commissioner under para-  
5 graph (3)(B), the administering authority shall  
6 promptly provide to the Commissioner the ap-  
7 plicable cash deposit rates and antidumping or  
8 countervailing duty assessment rates and any  
9 necessary liquidation instructions.

10           “(B) SPECIAL RULE FOR CASES IN WHICH  
11 THE PRODUCER OR EXPORTER IS UNKNOWN.—  
12 If the Commissioner and administering author-  
13 ity are unable to determine the producer or ex-  
14 porter of the merchandise with respect to which  
15 a notification is made under paragraph (3)(B),  
16 the administering authority shall identify, as  
17 the applicable cash deposit rate or antidumping  
18 or countervailing duty assessment rate, the cash  
19 deposit or duty (as the case may be) in the  
20 highest amount applicable to any producer or  
21 exporter, including the ‘all-others’ rate of the  
22 merchandise subject to an antidumping order or  
23 countervailing duty order under section 736 or  
24 706, respectively, or a finding issued under the

1           Antidumping Act, 1921, or any administrative  
2           review conducted under section 751.

3           “(d) SPECIAL RULES.—

4           “(1) EFFECT ON OTHER AUTHORITIES.—Nei-  
5           ther the initiation of an investigation under sub-  
6           section (b)(1) nor a preliminary determination or a  
7           final determination under subsection (b)(2) shall af-  
8           fect the authority of the Commissioner—

9           “(A) to pursue such other enforcement  
10           measures with respect to the evasion of anti-  
11           dumping or countervailing duties as the Com-  
12           missioner determines necessary, including en-  
13           forcement measures described in clauses (i)  
14           through (iv) of subsection (c)(3)(E); or

15           “(B) to assess any penalties or collect any  
16           applicable duties, taxes, and fees, including pur-  
17           suant to section 592.

18           “(2) EFFECT OF DETERMINATIONS ON FRAUD  
19           ACTIONS.—Neither a preliminary determination nor  
20           a final determination under subsection (b)(2) shall  
21           be determinative in a proceeding under section 592.

22           “(3) NEGLIGENCE OR INTENT.—The Commis-  
23           sioner shall investigate and make a preliminary de-  
24           termination or a final determination under this sec-  
25           tion with respect to whether a person has entered

1 covered merchandise into the customs territory of  
2 the United States through evasion without regard to  
3 whether the person—

4 “(A) intended to violate an antidumping  
5 duty order or countervailing duty order under  
6 section 736 or 706, respectively, or a finding  
7 issued under the Antidumping Act, 1921; or

8 “(B) exercised reasonable care with respect  
9 to avoiding a violation of such an order or find-  
10 ing.”.

11 (b) TECHNICAL AMENDMENT.—Clause (ii) of section  
12 777(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C.  
13 1677f(b)(1)(A)) is amended to read as follows:

14 “(ii) to an officer or employee of U.S.  
15 Customs and Border Protection who is di-  
16 rectly involved in conducting an investiga-  
17 tion regarding fraud under this title or  
18 claims of evasion under section 516B.”.

19 (c) JUDICIAL REVIEW.—Section 516A(a)(2) of the  
20 Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

21 (1) in subparagraph (A)—

22 (A) in clause (i)(III), by striking “or” at  
23 the end;

24 (B) in clause (ii), by adding “or” at the  
25 end; and

1 (C) by inserting after clause (ii) the fol-  
2 lowing:

3 “(iii) the date of publication in the  
4 Federal Register of a determination de-  
5 scribed in clause (ix) of subparagraph  
6 (B),”; and

7 (2) in subparagraph (B), by adding at the end  
8 the following new clause:

9 “(ix) A determination by the Commis-  
10 sioner responsible for U.S. Customs and  
11 Border Protection under section 516B that  
12 merchandise has been entered into the cus-  
13 toms territory of the United States  
14 through evasion.”.

15 (d) FINALITY OF DETERMINATIONS.—Section 514(b)  
16 of the Tariff Act of 1930 (19 U.S.C. 1514(b)) is amended  
17 by striking “section 303” and all that follows through  
18 “which are reviewable” and inserting “section 516B or  
19 title VII that are reviewable”.

20 **SEC. 102. APPLICATION TO CANADA AND MEXICO.**

21 Pursuant to article 1902 of the North American Free  
22 Trade Agreement and section 408 of the North American  
23 Free Trade Agreement Implementation Act (19 U.S.C.  
24 3438), the amendments made by this title shall apply with  
25 respect to goods from Canada and Mexico.

1           **TITLE II—OTHER MATTERS**

2   **SEC. 201. DEFINITIONS.**

3           In this title, the terms “appropriate congressional  
4 committees”, “Commissioner”, “covered merchandise”,  
5 “enter” and “entry”, and “evade” and “evasion” have the  
6 meanings given those terms in section 516B(a) of the Tar-  
7 iff Act of 1930 (as added by section 101 of this Act).

8   **SEC. 202. ALLOCATION OF U.S. CUSTOMS AND BORDER**  
9                           **PROTECTION PERSONNEL.**

10           (a) REASSIGNMENT AND ALLOCATION.—The Com-  
11 missioner shall, to the maximum extent possible, ensure  
12 that U.S. Customs and Border Protection—

13                   (1) employs sufficient personnel who have ex-  
14 pertise in, and responsibility for, preventing the  
15 entry of covered merchandise into the customs terri-  
16 tory of the United States through evasion; and

17                   (2) on the basis of risk assessment metrics, as-  
18 signs sufficient personnel with primary responsibility  
19 for preventing the entry of covered merchandise into  
20 the customs territory of the United States through  
21 evasion to the ports of entry in the United States at  
22 which the Commissioner determines potential eva-  
23 sion presents the most substantial threats to the rev-  
24 enue of the United States.

1 (b) COMMERCIAL ENFORCEMENT OFFICERS.—Not  
2 later than 30 days after the enactment of this Act, the  
3 Secretary of Homeland Security, the Commissioner, and  
4 the Assistant Secretary for U.S. Immigration and Customs  
5 Enforcement shall assess and properly allocate the  
6 resources of U.S. Customs and Border Protection and  
7 U.S. Immigration and Customs Enforcement—

8 (1) to effectively implement the provisions of,  
9 and amendments made by, this Act; and

10 (2) to improve efforts to investigate and combat  
11 evasion.

12 **SEC. 203. REGULATIONS.**

13 (a) IN GENERAL.—Not later than 240 days after the  
14 date of the enactment of this Act, the Commissioner shall  
15 issue regulations to carry out this title and the amend-  
16 ments made by title I.

17 (b) COOPERATION BETWEEN U.S. CUSTOMS AND  
18 BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS  
19 ENFORCEMENT, AND DEPARTMENT OF COMMERCE.—Not  
20 later than 240 days after the date of the enactment of  
21 this Act, the Commissioner, the Assistant Secretary for  
22 U.S. Immigration and Customs Enforcement, and the Sec-  
23 retary of Commerce shall establish procedures to ensure  
24 maximum cooperation and communication between U.S.  
25 Customs and Border Protection, U.S. Immigration and



1 Customs Enforcement, and the Department of Commerce  
2 in order to quickly, efficiently, and accurately investigate  
3 allegations of evasion under section 516B of the Tariff  
4 Act of 1930 (as added by section 101 of this Act).

5 **SEC. 204. ANNUAL REPORT ON PREVENTION OF EVASION**  
6 **OF ANTIDUMPING AND COUNTERVAILING**  
7 **DUTY ORDERS.**

8 (a) IN GENERAL.—Not later than February 28 of  
9 each year, beginning in 2012, the Commissioner, in con-  
10 sultation with the Secretary of Commerce, shall submit to  
11 the appropriate congressional committees a report on the  
12 efforts being taken pursuant to section 516B of the Tariff  
13 Act of 1930 (as added by section 101 of this Act) to pre-  
14 vent the entry of covered merchandise into the customs  
15 territory of the United States through evasion.

16 (b) CONTENTS.—Each report required under sub-  
17 section (a) shall include—

18 (1) for the fiscal year preceding the submission  
19 of the report—

20 (A) the number and a brief description of  
21 petitions and referrals received pursuant to sec-  
22 tion 516B(b)(1) of the Tariff Act of 1930 (as  
23 added by section 101 of this Act);

24 (B) the results of the investigations initi-  
25 ated under such section, including any related

1 enforcement actions, and the amount of anti-  
2 dumping and countervailing duties collected as  
3 a result of those investigations; and

4 (C) to the extent appropriate, a summary  
5 of the efforts of U.S. Customs and Border Pro-  
6 tection, other than efforts initiated pursuant  
7 section 516B of the Tariff Act of 1930 (as  
8 added by section 101 of this Act), to prevent  
9 the entry of covered merchandise into the cus-  
10 toms territory of the United States through  
11 evasion; and

12 (2) for the 3 fiscal years preceding the submis-  
13 sion of the report, an estimate of—

14 (A) the amount of covered merchandise  
15 that entered the customs territory of the United  
16 States through evasion; and

17 (B) the amount of duties that could not be  
18 collected on such merchandise because the Com-  
19 missioner did not have the authority to reliq-  
20 uidate the entries of such merchandise.

21 **SEC. 205. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**  
22 **ON RELIQUIDATION AUTHORITY.**

23 Not later than 60 days after the date of the enact-  
24 ment of this Act, the Comptroller General of the United  
25 States shall submit to the appropriate congressional com-

1 mittees, and make available to the public, a report esti-  
2 mating the amount of duties that could not be collected  
3 on covered merchandise that entered the customs territory  
4 of the United States through evasion during fiscal years  
5 2009 and 2010 because the Commissioner did not have  
6 the authority to reliquidate the entries of such merchan-  
7 dise.

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