

112TH CONGRESS
1ST SESSION

H. R. 3057

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

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

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.

○