roof shingles specified in the plan, design, or blueprint.

(iii) Prior to importation, the package or kit is sold to a United States retailer that sells complete home packages or kits pursuant to a valid purchase contract referencing the particular home design, plan, or blueprint, and the contract is signed by a customer not affiliated with the importer.

(iv) Softwood lumber products entered as part of the package or kit, whether in a single entry or multiple entries on multiple days, are to be used solely for the construction of the single family home specified by the home design, plan, or blueprint matching the U.S. Customs and Border Protection import entry.

(B) Additional documentation required for home packages and kits

In the case of each entry of products described in clauses (i) through (iv) of subparagraph (A) the following documentation shall be retained by the importer and made available to U.S. Customs and Border Protection upon request:

(i) A copy of the appropriate home design, plan, or blueprint matching the customs entry in the United States.

(ii) A purchase contract from a retailer of home kits or packages signed by a customer not affiliated with the importer.

(iii) A listing of all parts in the package or kit being entered into the United States that conforms to the home design, plan, or blueprint for which such parts are being imported.

(iv) If a single contract involves multiple entries, an identification of all the items required to be listed under clause (iii) that are included in each individual shipment.

(d) Products covered

For purposes of determining if a product is covered by the importer declaration program, the President shall be guided by the article descriptions provided in this section.

(June 17, 1930, ch. 497, title VIII, § 804, as added Pub. L. 110–246, title III, § 3301(a), June 18, 2008, 122 Stat. 1848.)

REFERENCES IN TEXT

Section 1683a of this title, referred to in subsecs. (a) to (c), was in the original section ''803'', and was translated as meaning the section 803 of act June 17, 1930, as added by section 3301(a) of Pub. L. 110–246, to reflect the probable intent of Congress.

§ 1683c. Export charge determination and publication

(a) Determination

The Under Secretary for International Trade of the Department of Commerce shall determine, on a monthly basis, any export charges (expressed as a percentage of export price) to be collected by a country of export from exporters of softwood lumber or softwood lumber products described in section 1683b(a) of this title in order to ensure compliance with any international agreement entered into by that country and the United States.

(b) Publication

The Under Secretary for International Trade shall immediately publish any determination made under subsection (a) on the website of the International Trade Administration of the Department of Commerce, and in any other manner the Under Secretary considers appropriate.

(June 17, 1930, ch. 497, title VIII, § 805, as added Pub. L. 110–246, title III, § 3301(a), June 18, 2008, 122 Stat. 1851.)

§ 1683d. Reconciliation

The Secretary of the Treasury shall conduct reconciliations to ensure the proper implementation and operation of international agreements entered into between a country of export of softwood lumber or softwood lumber products described in section 1683b(a) of this title and the United States. The Secretary of Treasury shall reconcile the following:

(1) The export price declared by a United States importer pursuant to section 1683a(b)(1) of this title with the export price reported to the United States by the country of export, if any.

(2) The export price declared by a United States importer pursuant to section 1683a(b)(1) of this title with the revised export price reported to the United States by the country of export, if any.

(June 17, 1930, ch. 497, title VIII, § 806, as added Pub. L. 110–246, title III, § 3301(a), June 18, 2008, 122 Stat. 1851.)

REFERENCES IN TEXT

Section 1683a of this title, referred to in pars. (1) and (2), was in the original section ''803'', and was translated as meaning the section 803 of act June 17, 1930, as added by section 3301(a) of Pub. L. 110–246, to reflect the probable intent of Congress.

§ 1683e. Verification

(a) In general

The Secretary of Treasury shall periodically verify the declarations made by a United States importer pursuant to section 1683a(c) of this title, including by determining whether—

(1) the export price declared by a United States importer pursuant to section 1683a(b)(1) of this title is the same as the export price provided on the export permit, if any, issued by the country of export; and

(2) the estimated export charge declared by a United States importer pursuant to section 1683a(b)(2) of this title is consistent with the determination published by the Under Secretary for International Trade pursuant to section 1683c(b) of this title.

(b) Examination of books and records

(1) In general

Any record relating to the importer declaration program required under section 1683a of this title shall be treated as a record required to be maintained and produced under title V of this Act.[1]

(2) Examination of records

The Secretary of the Treasury is authorized to take such action, and examine such records,

[1] See References in Text note below.

under section 1509 of this title, as the Secretary determines necessary to verify the declarations made pursuant to section 1683a(c) of this title are true and accurate.

(June 17, 1930, ch. 497, title VIII, § 807, as added Pub. L. 110–246, title III, § 3301(a), June 18, 2008, 122 Stat. 1851.)

REFERENCES IN TEXT

Section 1683a, referred to in text, was in the original section ''803'', and was translated as meaning the section 803 of act June 17, 1930, as added by section 3301(a) of Pub. L. 110–246, to reflect the probable intent of Congress.

This Act, referred to in subsec. (b)(1), is act June 17, 1930, ch. 497, 46 Stat. 590, known as the Tariff Act of 1930, which is classified generally to this chapter. The Act does not contain a title V. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

§ 1683f. Penalties

(a) In general

It shall be unlawful for any person to import into the United States softwood lumber or softwood lumber products in knowing violation of this subtitle.

(b) Civil penalties

Any person who commits an unlawful act as set forth in subsection (a) shall be liable for a civil penalty not to exceed $10,000 for each knowing violation.

(c) Other penalties

In addition to the penalties provided for in subsection (b), any violation of this subtitle that violates any other customs law of the United States shall be subject to any applicable civil and criminal penalty, including seizure and forfeiture, that may be imposed under such custom law or title 18, with respect to the importation of softwood lumber and softwood lumber products described in section 1683b(a) of this title.

(d) Factors to consider in assessing penalties

In determining the amount of civil penalties to be assessed under this section, consideration shall be given to any history of prior violations of this subtitle by the person, the ability of the person to pay the penalty, the seriousness of the violation, and such other matters as fairness may require.

(e) Notice

No penalty may be assessed under this section against a person for violating a provision of this subtitle unless the person is given notice and opportunity to make statements, both oral and written, with respect to such violation.

(f) Exception

Notwithstanding any other provision of this subtitle, and without limitation, an importer shall not be found to have violated subsection[1] 1683a(c) of this title if—

(1) the importer made an appropriate inquiry in accordance with section 1683a(c)(1) of this title with respect to the declaration;

(2) the importer produces records maintained pursuant to section 1683e(b) of this title that substantiate the declaration; and

(3) there is not substantial evidence indicating that the importer knew that the fact to which the importer made the declaration was false.

(June 17, 1930, ch. 497, title VIII, § 808, as added Pub. L. 110–246, title III, § 3301(a), June 18, 2008, 122 Stat. 1852.)

REFERENCES IN TEXT

Section 1683a of this title, referred to in subsec. (f), was in the original section ''803'', and was translated as meaning the section 803 of act June 17, 1930, as added by section 3301(a) of Pub. L. 110–246, to reflect the probable intent of Congress.

§ 1683g. Reports

(a) Semiannual reports

Not later than 180 days after the effective date of this subtitle, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report—

(1) describing the reconciliations conducted under section 1683d of this title,[1] and the verifications conducted under section 1683e of this title;

(2) identifying the manner in which the United States importers subject to reconciliations conducted under section 1683d of this title and verifications conducted under section 1683e of this title were chosen;

(3) identifying any penalties imposed under section 1683f of this title;

(4) identifying any patterns of noncompliance with this subtitle; and

(5) identifying any problems or obstacles encountered in the implementation and enforcement of this subtitle.

(b) Subsidies reports

Not later than 180 days after June 18, 2008, and every 180 days thereafter, the Secretary of Commerce shall provide to the appropriate congressional committees a report on any subsidies on softwood lumber or softwood lumber products, including stumpage subsidies, provided by countries of export.

(c) GAO reports

The Comptroller General of the United States shall submit the following reports to the appropriate congressional committees:

(1) Not later than 18 months after June 18, 2008, a report on the effectiveness of the reconciliations conducted under section 1683d of this title,[1] and verifications conducted under section 1683e of this title.

(2) Not later than 12 months after June 18, 2008, a report on whether countries that export softwood lumber or softwood lumber products to the United States are complying with any international agreements entered into by those countries and the United States.

(June 17, 1930, ch. 497, title VIII, § 809, as added Pub. L. 110–246, title III, § 3301(a), June 18, 2008, 122 Stat. 1852.)

REFERENCES IN TEXT

For the effective date of this subtitle, referred to in subsec. (a), see section 3301(b) of Pub. L. 110–246, set out

[1] So in original. Probably should be ''section''.

[1] So in original. Comma probably should not appear.