

Pub. L. 109-432, §401(e)(1), inserted “or smokeless tobacco products” after “cigarettes” in two places.

Subsec. (a)(4). Pub. L. 109-432, §401(e)(1), inserted “or smokeless tobacco products” after “cigarettes” wherever appearing.

Subsec. (b). Pub. L. 109-432, §401(e)(1), which directed insertion of “or smokeless tobacco products” after “cigarettes” wherever appearing, was executed by making the insertion after “Cigarettes” in introductory provisions, to reflect the probable intent of Congress.

Subsec. (b)(1). Pub. L. 109-432, §401(e)(2)(B)(i), inserted “or smokeless tobacco products” after “cigarettes” in heading.

Pub. L. 109-432, §401(e)(1), which directed insertion of “or smokeless tobacco products” after “cigarettes” wherever appearing, was executed by making the insertion after “Cigarettes” in subsec. (b)(1), to reflect the probable intent of Congress.

Pub. L. 109-432, §401(b), inserted at end “The preceding sentence shall not apply to any cigarettes or smokeless tobacco products sold in connection with a delivery sale.”

Subsec. (b)(2), (3). Pub. L. 109-432, §401(e)(2)(B)(ii), inserted “or smokeless tobacco products” after “Cigarettes” in heading.

Pub. L. 109-432, §401(e)(1), which directed insertion of “or smokeless tobacco products” after “cigarettes” wherever appearing, was executed by making the insertion after “Cigarettes” and “cigarettes” wherever appearing, to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 109-432, §401(e)(2)(C)(i), inserted “or smokeless tobacco product” after “cigarette” in heading.

Pub. L. 109-432, §401(e)(1), inserted “or smokeless tobacco products” after “cigarettes” in introductory and concluding provisions.

Subsec. (c)(1). Pub. L. 109-432, §401(e)(2)(C)(ii), inserted “or section 4403 of title 15, as the case may be” after “section 1335a of title 15”.

Pub. L. 109-432, §401(e)(1), inserted “or smokeless tobacco products” after “cigarettes” in two places.

Subsec. (c)(2)(A). Pub. L. 109-432, §401(e)(2)(C)(iii), inserted “or section 4402 of title 15, as the case may be,” after “section 1333 of title 15” in introductory provisions.

Pub. L. 109-432, §401(e)(1), inserted “or smokeless tobacco products” after “cigarettes” in cls. (i) and (ii).

Subsec. (c)(2)(B). Pub. L. 109-432, §401(e)(2)(C)(iv), inserted “or section 4402(d) of title 15, as the case may be” after “section 1333(c) of title 15”.

Pub. L. 109-432, §401(e)(1), inserted “or smokeless tobacco products” after “cigarettes”.

Subsec. (c)(3)(A). Pub. L. 109-432, §401(e)(1), inserted “or smokeless tobacco products” after “cigarettes” wherever appearing.

Subsec. (d). Pub. L. 109-432, §401(c), added subsec. (d).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-432 applicable with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after Dec. 20, 2006, see section 401(g) of Pub. L. 109-432, set out as a note under section 1681 of this title.

§ 1681b. Enforcement

(a) Civil penalty

Any person who violates a provision of section 1681a of this title shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of \$1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes or smokeless tobacco products that are the subject of such violation.

(b) Forfeitures

Any tobacco product, cigarette papers, or tube, or any smokeless tobacco product, that

was imported into the United States or is sought to be imported into the United States in violation of, or without meeting the requirements of, section 1681a of this title shall be forfeited to the United States, or to any State in which such tobacco product, cigarette papers, or tube is found. Notwithstanding any other provision of law, any product forfeited to the United States, or to any State, pursuant to this subtitle shall be destroyed.

(June 17, 1930, ch. 497, title VIII, §803, as added Pub. L. 106-476, title IV, §4004(a), Nov. 9, 2000, 114 Stat. 2180; amended Pub. L. 109-432, div. C, title IV, §401(d), (e)(1), (3), Dec. 20, 2006, 120 Stat. 3048, 3049.)

REFERENCES IN TEXT

Chapter 52 of the Internal Revenue Code of 1986, referred to in subsec. (a), is classified to section 5701 et seq. of Title 26, Internal Revenue Code.

CODIFICATION

Another section 803 of act June 17, 1930, is classified to section 1683a of this title.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-432, §401(e)(1), inserted “or smokeless tobacco products” after “cigarettes”.

Subsec. (b). Pub. L. 109-432, §401(d), (e)(3), in first sentence, inserted “, or any smokeless tobacco product,” before “that was imported” and “, or to any State in which such tobacco product, cigarette papers, or tube is found” before period at end and, in second sentence, inserted “, or to any State,” after “United States”.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-432 applicable with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after Dec. 20, 2006, see section 401(g) of Pub. L. 109-432, set out as a note under section 1681 of this title.

SUBTITLE VI—SOFTWOOD LUMBER

CODIFICATION

Subtitle is comprised of title VIII of act June 17, 1930, as added by Pub. L. 110-246, title III, §3301(a), June 18, 2008, 122 Stat. 1844. Another title VIII of act June 17, 1930, was added by Pub. L. 106-476, title IV, §4004(a), Nov. 9, 2000, 114 Stat. 2178, and is classified to subtitle V (§1681 et seq.) of this chapter.

§ 1683. Definitions

In this subtitle:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(2) Country of export

The term “country of export” means the country (including any political subdivision of the country) from which softwood lumber or a softwood lumber product is exported before entering the United States.

(3) Customs laws of the United States

The term “customs laws of the United States” means any law or regulation enforced or administered by U.S. Customs and Border Protection.

(4) Export charges

The term “export charges” means any tax, charge, or other fee collected by the country

from which softwood lumber or a softwood lumber product, described in section 1683b(a) of this title, is exported pursuant to an international agreement entered into by that country and the United States.

(5) Export price

(A) In general

The term “export price” means one of the following:

(i) In the case of softwood lumber or a softwood lumber product that has undergone only primary processing, the value that would be determined F.O.B. at the facility where the product underwent the last primary processing before export.

(ii)(I) In the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined F.O.B. at the facility where the lumber or product underwent the last primary processing.

(II) Softwood lumber or a softwood lumber product described in this subclause is lumber or a product that underwent the last remanufacturing before export by a manufacturer who—

(aa) does not hold tenure rights provided by the country of export;

(bb) did not acquire standing timber directly from the country of export; and

(cc) is not related to the person who holds tenure rights or acquired standing timber directly from the country of export.

(iii)(I) In the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined F.O.B. at the facility where the product underwent the last processing before export.

(II) Softwood lumber or a softwood lumber product described in this subclause is lumber or a product that undergoes the last remanufacturing before export by a manufacturer who—

(aa) holds tenure rights provided by the country of export;

(bb) acquired standing timber directly from the country of export; or

(cc) is related to a person who holds tenure rights or acquired standing timber directly from the country of export.

(B) Related persons

For purposes of this paragraph, a person is related to another person if—

(i) the person bears a relationship to such other person described in section 152(a) of title 26;

(ii) the person bears a relationship to such other person described in section 267(b) of such title, except that “5 percent” shall be substituted for “50 percent” each place it appears;

(iii) the person and such other person are part of a controlled group of corporations, as that term is defined in section 1563(a) of such title, except that “5 percent” shall be substituted for “80 percent” each place it appears;

(iv) the person is an officer or director of such other person; or

(v) the person is the employer of such other person.

(C) Tenure rights

For purposes of this paragraph, the term “tenure rights” means rights to harvest timber from public land granted by the country of export.

(D) Export price where F.O.B. value cannot be determined

(i) In general

In the case of softwood lumber or a softwood lumber product described in clause (i), (ii), or (iii) of subparagraph (A) for which an F.O.B. value cannot be determined, the export price shall be the market price for the identical lumber or product sold in an arm’s-length transaction in the country of export at approximately the same time as the exported lumber or product. The market price shall be determined in the following order of preference:

(I) The market price for the lumber or a product sold at substantially the same level of trade as the exported lumber or product but in different quantities.

(II) The market price for the lumber or a product sold at a different level of trade than the exported lumber or product but in similar quantities.

(III) The market price for the lumber or a product sold at a different level of trade than the exported lumber or product and in different quantities.

(ii) Level of trade

For purposes of clause (i), “level of trade” shall be determined in the same manner as provided under section 351.412(c) of title 19, Code of Federal Regulations (as in effect on January 1, 2008).

(6) F.O.B.

The term “F.O.B.” means a value consisting of all charges payable by a purchaser, including those charges incurred in the placement of merchandise on board of a conveyance for shipment, but does not include the actual shipping charges or any applicable export charges.

(7) HTS

The term “HTS” means the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) (as in effect on January 1, 2008).

(8) Person

The term “person” includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

(9) United States

The term “United States” means the customs territory of the United States, as defined in General Note 2 of the HTS.

(June 17, 1930, ch. 497, title VIII, §802, as added Pub. L. 110-246, title III, §3301(a), June 18, 2008, 122 Stat. 1844.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in par. (7), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

CODIFICATION

Another section 802 of act June 17, 1930, is classified to section 1681a of this title.

EFFECTIVE DATE

Pub. L. 110-246, title III, §3301(b), June 18, 2008, 122 Stat. 1853, provided that: “The amendments made by this section [enacting this subtitle] shall take effect on the date that is 60 days after the date of the enactment of this Act [June 18, 2008].”

§ 1683a. Establishment of softwood lumber importer declaration program

(a) Establishment of program

(1) In general

The President shall establish and maintain an importer declaration program with respect to the importation of softwood lumber and softwood lumber products described in section 1683b(a) of this title. The importer declaration program shall require importers of softwood lumber and softwood lumber products described in section 1683b(a) of this title to provide the information required under subsection (b) and declare the information required by subsection (c), and require that such information accompany the entry summary documentation.

(2) Electronic record

The President shall establish an electronic record that includes the importer information required under subsection (b) and the declarations required under subsection (c).

(b) Required information

The President shall require the following information to be submitted by any person seeking to import softwood lumber or softwood lumber products described in section 1683b(a) of this title:

(1) The export price for each shipment of softwood lumber or softwood lumber products.

(2) The estimated export charge, if any, applicable to each shipment of softwood lumber or softwood lumber products as calculated by applying the percentage determined and published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 1683c of this title to the export price provided in subsection (b)(1).

(c) Importer declarations

Pursuant to procedures prescribed by the President, any person seeking to import softwood lumber or softwood lumber products described in section 1683b(a) of this title shall declare that—

(1) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter and consulting the determinations published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 1683c(b) of this title; and

(2) to the best of the person’s knowledge and belief—

(A) the export price provided pursuant to subsection (b)(1) is determined in accordance with the definition provided in section 1683(5) of this title;

(B) the export price provided pursuant to subsection (b)(1) is consistent with the export price provided on the export permit, if any, granted by the country of export; and

(C) the exporter has paid, or committed to pay, all export charges due—

(i) in accordance with the volume, export price, and export charge rate or rates, if any, as calculated under an international agreement entered into by the country of export and the United States; and

(ii) consistent with the export charge determinations published by the Under Secretary for International Trade pursuant to section 1683c(b) of this title.

(June 17, 1930, ch. 497, title VIII, §803, as added Pub. L. 110-246, title III, §3301(a), June 18, 2008, 122 Stat. 1847.)

REFERENCES IN TEXT

Section 1683 of this title, referred to in subsec. (c)(2)(A), was in the original section “802”, and was translated as meaning the section 802 of act June 17, 1930, as added by section 3301(a) of Pub. L. 110-246, to reflect the probable intent of Congress.

CODIFICATION

Another section 803 of act June 17, 1930, is classified to section 1681b of this title.

§ 1683b. Scope of softwood lumber importer declaration program

(a) Products included in program

The following products shall be subject to the importer declaration program established under section 1683a of this title:

(1) In general

All softwood lumber and softwood lumber products classified under subheading 4407.10.00, 4409.10.10, 4409.10.20, or 4409.10.90 of the HTS, including the following softwood lumber, flooring, and siding:

(A) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded, or finger-jointed, of a thickness exceeding 6 millimeters.

(B) Coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

(C) Other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces (other than wood moldings and wood dowel rods) whether or not planed, sanded, or finger-jointed.

(D) Coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along

any of its edges or faces, whether or not planed, sanded, or finger-jointed.

(E) Coniferous drilled and notched lumber and angle cut lumber.

(2) Products continually shaped

Any product classified under subheading 4409.10.05 of the HTS that is continually shaped along its end or side edges.

(3) Other lumber products

Except as otherwise provided in subsection (b) or (c), softwood lumber products that are stringers, radius-cut box-spring frame components, fence pickets, truss components, pallet components, and door and window frame parts classified under subheading 4418.90.46.95, 4421.90.70.40, or 4421.90.97.40 of the HTS.

(b) Products excluded from program

The following products shall be excluded from the importer declaration program established under section 1683a of this title:

(1) Trusses and truss kits, properly classified under subheading 4418.90 of the HTS.

(2) I-joist beams.

(3) Assembled box-spring frames.

(4) Pallets and pallet kits, properly classified under subheading 4415.20 of HTS.

(5) Garage doors.

(6) Edge-glued wood, properly classified under subheading 4421.90.97.40 of the HTS.

(7) Complete door frames.

(8) Complete window frames.

(9) Furniture.

(10) Articles brought into the United States temporarily and for which an exemption from duty is claimed under subchapter XIII of chapter 98 of the HTS.

(11) Household and personal effects.

(c) Exceptions for certain products

The following softwood lumber products shall not be subject to the importer declaration program established under section 1683a of this title:

(1) Stringers

Stringers (pallet components used for runners), if the stringers—

(A) have at least 2 notches on the side, positioned at equal distance from the center, to properly accommodate forklift blades; and

(B) are properly classified under subheading 4421.90.97.40 of the HTS.

(2) Box-spring frame kits

(A) In general

Box-spring frame kits, if—

(i) the kits contain—

(I) 2 wooden side rails;

(II) 2 wooden end (or top) rails; and

(III) varying numbers of wooden slats;

and

(ii) the side rails and the end rails are radius-cut at both ends.

(B) Packaging

Any kit described in subparagraph (A) shall be individually packaged, and contain the exact number of wooden components needed to make the box-spring frame de-

scribed on the entry documents, with no further processing required. None of the components contained in the package may exceed 1 inch in actual thickness or 83 inches in length.

(3) Radius-cut box-spring frame components

Radius-cut box-spring frame components, not exceeding 1 inch in actual thickness or 83 inches in length, ready for assembly without further processing, if radius cuts are present on both ends of the boards and are substantial cuts so as to completely round 1 corner.

(4) Fence pickets

Fence pickets requiring no further processing and properly classified under subheading 4421.90.70 of the HTS, 1 inch or less in actual thickness, up to 8 inches wide, and 6 feet or less in length, and having finials or decorative cuttings that clearly identify them as fence pickets. In the case of dog-eared fence pickets, the corners of the boards shall be cut off so as to remove pieces of wood in the shape of isosceles right angle triangles with sides measuring $\frac{3}{4}$ of an inch or more.

(5) United States-origin lumber

Lumber originating in the United States that is exported to another country for minor processing and imported into the United States if—

(A) the processing occurring in another country is limited to kiln drying, planing to create smooth-to-size board, and sanding; and

(B) the importer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the lumber originated in the United States.

(6) Softwood lumber

Any softwood lumber or softwood lumber product that originated in the United States, if the importer, exporter, foreign processor, or original United States producer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the softwood lumber entered and documented as originating in the United States was first produced in the United States.

(7) Home packages or kits

(A) In general

Softwood lumber or softwood lumber products contained in a single family home package or kit, regardless of the classification under the HTS, if the importer declares that the following requirements have been met:

(i) The package or kit constitutes a full package of the number of wooden pieces specified in the plan, design, or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design, or blueprint.

(ii) The package or kit contains—

(I) all necessary internal and external doors and windows, nails, screws, glue, subfloor, sheathing, beams, posts, and connectors; and

(II) if included in the purchase contract, the decking, trim, drywall, and

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 subsection¹ 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.

as an Effective Date note under section 1683 of this title.

CHAPTER 5—SMUGGLING

Sec.	
1701.	Customs-enforcement area.
1702.	Repealed.
1703.	Seizure and forfeiture of vessels.
1704.	Refusal or revocation of registry, enrollment, license or number on evidence that vessel engaging in smuggling; appeal; immunity from liability.
1705.	Destruction of forfeited vessel or vehicle.
1706.	Importation in vessels under thirty tons and aircraft; licenses; labels as prima facie evidence of foreign origin of merchandise.
1706a.	Civil penalties for trading without required certificate of documentation.
1707, 1708.	Repealed.
1709.	Definitions.
1710.	Separability.
1711.	Citation of chapter.

§ 1701. Customs-enforcement area

(a) Establishment; extent and duration; enforcement of laws applicable to waters adjacent to customs waters

Whenever the President finds and declares that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being or may be occasioned, promoted, or threatened, the place or area so found and declared shall constitute a customs-enforcement area for the purposes of this Act. Only such waters on the high seas shall be within a customs-enforcement area as the President finds and declares are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels. No customs-enforcement area shall include any waters more than one hundred nautical miles from the place or immediate area where the President declares such vessel or vessels are hovering or are being kept and, notwithstanding the foregoing provision, shall not include any waters more than fifty nautical miles outwards from the outer limit of customs waters. Whenever the President finds that, within any customs-enforcement area, the circumstances no longer exist which gave rise to the declaration of such area as a customs-enforcement area, he shall so declare, and thereafter, and until a further finding and declaration is made under this subsection with respect to waters within such area, no waters within such area shall constitute a part of such customs-enforcement area. The provisions of law applying to the high seas adjacent to customs waters of the United States shall be enforced in a customs-enforcement area upon any vessel, merchandise, or person found therein.

(b) Boarding vessels; arrest and seizure; compliance with treaty provisions; authority of Secretary of Commerce unaffected

At any place within a customs-enforcement area the several officers of the customs may go

on board of any vessel and examine the vessel and any merchandise or person on board, and bring the same into port, and, subject to regulations of the Secretary of the Treasury, it shall be their duty to pursue and seize or arrest and otherwise enforce upon such vessel, merchandise, or person, the provisions of law which are made effective thereto in pursuance of subsection (a) of this section in the same manner as such officers are or may be authorized or required to do in like case at any place in the United States by virtue of any law respecting the revenue: *Provided*, That nothing contained in this section or in any other provision of law respecting the revenue shall be construed to authorize or to require any officer of the United States to enforce any law thereof upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government: *Provided further*, That none of the provisions of this Act shall be construed to relieve the Secretary of Commerce of any authority, responsibility, or jurisdiction now vested in or imposed on that officer.

(Aug. 5, 1935, ch. 438, title I, § 1, 49 Stat. 517.)

REFERENCES IN TEXT

This Act, referred to in text, means act Aug. 5, 1935, which enacted this chapter and sections 1432a and 1601a of this title and amended sections 70, 483, 1401, 1434, 1436, 1441, 1581, 1584, 1585, 1586, 1587, 1591, 1592, 1615, 1619, 1621 of this title, sections 60, 106, and 288 of former Title 46, Shipping, and sections 91, 277, 319, 325 of former Title 46, Appendix. For complete classification of this Act to the Code, see Tables.

DELEGATION OF FUNCTIONS

For delegation to Secretary of the Treasury of authority vested in President by this section, see Ex. Ord. No. 10289, §1(b), Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

§ 1702. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, act Aug. 5, 1935, ch. 438, title I, § 2, 49 Stat. 518, related to smuggling into territory of a foreign government. See section 546 of Title 18, Crimes and Criminal Procedure.

§ 1703. Seizure and forfeiture of vessels

(a) Vessels subject to seizure and forfeiture

Whenever any vessel which shall have been built, purchased, fitted out in whole or in part, or held, in the United States or elsewhere, for the purpose of being employed to defraud the revenue or to smuggle any merchandise into the United States, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever any vessel which shall be found, or discovered to have been employed, or attempted to be employed, within the United