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## new customs bill becomes law

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### *MSK Client Alert*

March 9, 2016

On February 24, 2016, H.R. 644 was signed into law by the President. While yet another trade-related bill was signed without any public ceremony, this new law contains a number of timely provisions. The first section deals with trade facilitation side-by-side with trade enforcement. The CBP Commissioner is directed to coordinate with the Director of U.S. Immigration and Customs Enforcement ("ICE") and develop a joint strategic plan. CBP is further directed to continue to solicit and consult with the private sector, plus coordinate with customs authorities in other countries and other U.S. federal agencies to facilitate legitimate trade and commerce, while, at the same time, enforcing U.S. trade laws.

What makes for more interesting reading is the Senate debate which led up to that body's approval. The transcript tells us what the legislators saw as the priorities. Senator Hatch highlighted the goals of the bill as to: 1) facilitate and streamline the flow of legitimate trade; 2) improve enforcement of U.S. trade laws; and 3) strengthen trade promotion authority. Senator Wyden talked in terms of the bill "coming down hard on the trade cheats..." There was also repeated reference to "merchandise laundering," meaning where goods made in one country are transshipped through a second country, relabeled as if made in that second country, and shipped into the U.S. to evade antidumping or countervailing duty. Whether it was honey, crawfish, garlic or mushrooms (the commodities cited), U.S. domestic producers are up against strong and sometimes unfair competition. For that reason, the U.S. Trade Representative is designated to lead the newly created Center on Trade Implementation, Monitoring and Enforcement. USTR is also, along with other tasks, to lead the effort to identify acts, policies and practices of foreign governments the elimination of which will lead to a significant potential increase in the growth of the U.S. economy.

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