

TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015

CONFERENCE REPORT

The Trade Facilitation and Trade Enforcement Act of 2015 contains the strongest trade enforcement package in decades to make sure U.S. law is complied with at the border and to enforce obligations in U.S. trade agreements.

UPGRADES TRADE ENFORCEMENT	
The Enforce and Protect Act	The Report establishes a new process to require quick action on allegations of evasion of duties on unfairly traded goods, including the ENFORCE Act from the Senate as well as provisions from the House PROTECT Act. It enables interested parties to submit evasion allegations, provides expedited timelines for investigations, and authorizes enforcement actions. It also gives CBP and the private sector tools to combat the evasion of antidumping and countervailing duties.
Border Enforcement	Provides new tools for CBP to enhance enforcement of all U.S. trade laws at the border, including trade enforcement training, the requirement to develop a joint strategic plan on trade enforcement and facilitation, the requirement to establish risk assessment methodologies and trade alerts for enforcement, and the establishment of importer risk assessment.
Trade Enforcement Priorities	Establishes new directives to require the Administration to focus on fighting foreign trade barriers that have the most impact on U.S. jobs and growth, with specific timetables and Congressional consultations to ensure that it follows through on enforcement priorities.
Early Warning System for Unfair Trade	Introduces a new tool to help companies identify trade surges so that they can act faster when jobs are threatened by unfair trade.
Currency Manipulation	Strengthens tools in the Senate-passed bill for Treasury to engage with other countries on currency practices, and requires new specific remedial actions with respect to currency manipulation.
Interagency Center on Trade Implementation, Monitoring and Enforcement	Permanently establishes the Interagency Trade Enforcement Center (renamed the Interagency Center on Trade Implementation, Monitoring and Enforcement) in USTR to centralize and enhance trade enforcement efforts.
Trade Enforcement Trust Fund	Creates a Trade Enforcement Trust Fund to help ensure sufficient resources are dedicated to trade enforcement and capacity building.
Expansion of Investigation of Foreign Trade Barriers	Expands the specific types of investigations of foreign trade barriers the Administration may pursue to include effective enforcement of environmental rules, as well as other trade priorities.
Child and Forced Labor	Ends the importation of goods made with child and forced labor.
Illicit Importation, Exportation and Trafficking	Ensures that CBP personnel are trained in the detection, identification, seizure, and forfeiture of cultural property, archaeological or ethnological materials, and fish, wildlife and plants that are taken illegally.

Information Sharing to Protect Copyrights and Trademarks	Enables CBP to share information about suspected infringing imports with owners of copyrights and trademarks, which will help prevent counterfeit pharmaceuticals, computer chips, electrical parts, and shoes from entering the United States.
Honey Transshipment	Ensures that honey is not imported in the United States in violation of U.S. customs and trade laws.

ADDRESSES IMPORT HEALTH AND SAFETY

Interagency Import Safety Working Group and Import Safety Rapid Response Plan	Responds to demonstrated risks, such as through contaminated foods, to import health and safety establishes an interagency Import Safety Working Group to ensure the safety of U.S. imports. The Working Group will assist the Secretary of Homeland Security to develop a Joint Import Safety Rapid Response Plan describing CBP's interagency coordination to respond to imports that threaten the health or safety of U.S. consumers.
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FACILITATES LEGITIMATE TRADE

Reauthorizes and Modernizes CBP's Operations	Statororily authorizes CBP and its organizational structure. Updates duty drawback rules, funds the completion of CBP's Automated Commercial Environment, and directs all agencies to complete integration into the International Trade Data System.
Private Sectory Input	Reauthorizes the Commercial Customs Operations Advisory Committee to ensure continued input of the private sector in CBP's operations. Requires Commissioner to consult with private sectory entities and the public to identify commercially significant and measurable trade benefits.
Cutting Red Tape	Raises <i>de minimis</i> threshold for the admission of articles into the United States duty free from \$200 to \$800. Exempts from formal entry requirments residue of bulk cargo. Makes other technical amendments to improve customs administration.

PROMOTES TRADE BY SMALL BUSINESSES

STEP Program	Reauthorizes the successful State Trade and Export Promotion grant program at the Small Business Administration through 2020 and increases funding for the program by \$5 million per year to help small businesses reach new markets and opportunities created by new trade agreements.
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<p>Making Trade Work for Small Business</p>	<p>Requires an assessment of the impact of potential trade agreements on small businesses. The amendment directs the SBA’s Office of Advocacy to work with federal agencies and small businesses to develop a report highlighting the possible opportunities and challenges from potential trade agreements for small businesses.</p>
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Amendments to Bipartisan Congressional Trade Priorities and Accountability Act (TPA)

<p>Fish Subsidies and Illegal Fishing</p>	<p>New trade negotiating objective directs USTR to include commitments to eliminate trade-distorting fish subsidies, including subsidies that contribute to overfishing and overcapacity as stated by the WTO, to improve transparency of subsidies programs, and to address illegal fishing.</p>
<p>Immigration and Visas</p>	<p>New directive bars USTR from including provisions in trade agreements that require changes to U.S. immigration laws or grant or expand access to visas. (This reflects bipartisan consensus since 2003, following objections from AFL-CIO as well as committees with jurisdiction over immigration over business visa commitments that had been included in NAFTA and later agreements.)</p>
<p>Human Trafficking</p>	<p>Addresses concerns regarding the recent upgrade of Malaysia by requiring the President to submit to Congress the credible evidence that is the basis for his determination whenever a Tier 3 trafficking country is upgraded to the Tier 2 watch list. Prohibits expedited consideration of trade agreements with Tier 3 countries and directs the President to submit a letter to the appropriate congressional committees for Tier 3 countries if they have taken “concrete actions to implement the principal recommendations in the most recent TIP report,” with documentation of the credible evidence that is the basis for the President’s determination. To ensure transparency, this narrow exception must also be made public.</p>
<p>Greenhouse Gas Emissions</p>	<p>Revamps House negotiating objective to remove all references to climate change and global warming and instead provides limited direction to USTR not to include provisions in trade agreements that establish obligations for the United States with respect to greenhouse gas emissions measures, including requirements for the United States to change its laws or that would affect their implementation. Further limitation explicitly does not prevent USTR from seeking such provisions if doing so to fulfill another negotiating objective (such as the environment negotiating objectives).</p>

Additional Provisions

Permanent Internet Tax Freedom Act	Makes permanent the Internet Tax Freedom Act (ITFA), with an extension for “grandfather” states through June, 2020. ITFA prohibits state and local governments from taxing Internet access, and bans multiple and discriminatory taxation against digital goods and services delivered over the Internet.
Trade Preferences for Nepal	Allows the President to authorize preferential treatment for non-sensitive imports from Nepal, in response to the earthquakes of April 2015 where more than 9,000 people were killed and 23,000 injured.