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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Tariff Act of 1930 relating to de minimis treatment under
that Act.

IN THE HOUSE OF REPRESENTATIVES

Mr. BLUMENAUER introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Tariff Act of 1930 relating to de minimis
treatment under that Act.

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.**

4 This Act may be cited as the “Import Security and
5 Fairness Act”.

1 **SEC. 2. ADDITIONAL EXCEPTIONS TO EXEMPTIONS FOR DE**
2 **MINIMIS TREATMENT UNDER THE TARIFF**
3 **ACT OF 1930.**

4 Section 321 of the Tariff Act of 1930 (19 U.S.C.
5 1321) is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
8 by striking “(a) The Secretary” and inserting
9 “(a) IN GENERAL.—The Secretary”;

10 (B) in paragraph (2)(C), by striking
11 “\$800” and inserting “except as provided in
12 subsection (b)(1), \$800”; and

13 (C) in the matter following such paragraph
14 (2)(C), as so amended, by striking “subdivision
15 (2)” each place it appears and inserting “para-
16 graph”; and

17 (2) by striking “(b) The Secretary” and insert-
18 ing the following:

19 “(b) EXCEPTIONS.—

20 “(1) IN GENERAL.—An article may not be ad-
21 mitted free of duty or tax under the authority pro-
22 vided by subsection (a)(2)(C) if the country of origin
23 of such article, or the country from which such arti-
24 cle is shipped, is—

25 “(A) a nonmarket economy country (as
26 such term is defined in section 771(18)); and

1 “(B) a country included in the priority
2 watch list (as such term is defined in section
3 182(g)(3) of the Trade Act of 1974 (19 U.S.C.
4 2242(g)(3))).

5 “(2) OTHER EXCEPTIONS.—The Secretary”.

6 **SEC. 3. ADDITIONAL ADMINISTRATIVE PROVISIONS RELAT-**
7 **ING TO DE MINIMIS TREATMENT UNDER THE**
8 **TARIFF ACT OF 1930.**

9 (a) ADMINISTRATIVE EXEMPTIONS.—Section 321 of
10 the Tariff Act of 1930 (19 U.S.C. 1321), as amended by
11 section 2, is further amended by adding at the end the
12 following:

13 “(c) SUBMISSION OF DOCUMENTATION AND INFOR-

14 MATION.—

15 “(1) IN GENERAL.—For any articles that may
16 qualify for an administrative exemption pursuant to
17 subsection (a)(2), the Secretary of the Treasury
18 shall, not later than 180 days after the date of the
19 enactment of the Import Security and Fairness Act,
20 prescribe regulations to require the submission,
21 transmission, or otherwise making available of such
22 documentation or information to U.S. Customs and
23 Border Protection as the Secretary determines is
24 reasonably necessary for U.S. Customs and Border

1 Protection to determine the eligibility of such arti-
2 cles to qualify for such exemption.

3 “(2) MATTERS TO BE INCLUDED.—The regula-
4 tions prescribed under paragraph (1)—

5 “(A) shall require that documentation or
6 information with respect to an article described
7 in that paragraph include, at a minimum—

8 “(i) a description of the article;

9 “(ii) the appropriate classification of
10 the article under the Harmonized Tariff
11 Schedule of the United States;

12 “(iii) the country of origin of the arti-
13 cle;

14 “(iv) the country from which the arti-
15 cle is shipped;

16 “(v) the identity of the shipper;

17 “(vi) the identity of the importer; and

18 “(vii) the transaction value of the ar-
19 ticle in the United States; and

20 “(B) may provide that such documentation
21 or information include other documentation or
22 information regarding the offer for sale or pur-
23 chase, or the subsequent sale, purchase, trans-
24 portation, importation or warehousing of an ar-
25 ticle described in paragraph (1), including such

1 documentation or information relating to the of-
2 fering of the article for sale or purchase in the
3 United States through a commercial or mar-
4 keting platform, including an electronic com-
5 mercial or marketing platform.

6 “(3) VERACITY OF DOCUMENTATION AND IN-
7 FORMATION.—

8 “(A) IN GENERAL.—The regulations pre-
9 scribed pursuant to paragraph (1) shall provide
10 that—

11 “(i) the documentation or information
12 described in that paragraph is true and
13 correct to the best of the knowledge and
14 belief of the party submitting, transmit-
15 ting, or otherwise making available such
16 documentation or information, subject to
17 any penalties authorized by law; or

18 “(ii) if such party is not able to rea-
19 sonably verify whether such documentation
20 or information is true and correct to the
21 best of the knowledge and belief of the
22 party, such documentation or information
23 may be submitted, transmitted, or other-
24 wise made available on the basis of what

1 the party reasonably believes to be true
2 and correct.

3 “(B) USE FOR ANY LAWFUL PURPOSE.—

4 Such documentation or information may be
5 used by U.S. Customs and Border Protection
6 for any lawful purpose.

7 “(4) CIVIL PENALTIES.—Any person who vio-
8 lates the regulations prescribed pursuant to para-
9 graph (1) is liable for a civil penalty of \$5,000 for
10 the first violation, and \$10,000 for each subsequent
11 violation. A penalty imposed under this paragraph is
12 in addition to any other penalty provided by law.

13 “(d) IMPORTATIONS INVOLVING SUSPENDED OR
14 DEBARRED PERSONS.—The Secretary of the Treasury is
15 authorized to prescribe regulations to authorize exceptions
16 to any administrative exemption pursuant to subsection
17 (a) for any articles the importation of which is caused or
18 otherwise facilitated by any person suspended or debarred
19 from doing business with the Federal Government at the
20 time of the importation.”.

21 (b) EXAMINATION OF MERCHANDISE.—Section
22 499(c) of the Tariff Act of 1930 (19 U.S.C. 1499(c)) is
23 amended—

1 (1) by striking “the Customs Service” each
2 place it appears and inserting “U.S. Customs and
3 Border Protection”; and

4 (2) in paragraph (2)—

5 (A) in the first sentence, by striking “The
6 Customs Service” and inserting the following:

7 “(A) IN GENERAL.—U.S. Customs and
8 Border Protection”;

9 (B) in the second sentence—

10 (i) by striking “The” and inserting
11 the following:

12 “(B) INFORMATION TO BE INCLUDED.—
13 The”; and

14 (ii) by redesignating the subsequent
15 subparagraphs (A), (B), (C), (D), and (E)
16 as clauses (i), (ii), (iii), (iv), and (v), re-
17 spectively, and moving such clauses, as re-
18 designated, 2 ems to the right; and

19 (C) by adding at the end the following:

20 “(C) ADDITIONAL REQUIREMENTS RELAT-
21 ING TO MERCHANDISE THAT MAY QUALIFY FOR
22 CERTAIN ADMINISTRATIVE EXEMPTIONS.—

23 “(i) IN GENERAL.—In a case in which
24 U.S. Customs and Border Protection has
25 made a decision to detain merchandise that

1 may qualify for an administrative exemp-
2 tion pursuant to section 321(a)(2)(C), U.S.
3 Customs and Border Protection shall issue
4 such notice to each party that U.S. Cus-
5 toms and Border Protections determines
6 may have an interest in the detained mer-
7 chandise, based on information reasonably
8 available to U.S. Customs and Border Pro-
9 tection, in such form and manner as the
10 Secretary of the Treasury shall by regula-
11 tion prescribe.

12 “(ii) VOLUNTARY ABANDONMENT OF
13 MERCHANDISE.—In the case of merchan-
14 dise described in clause (i), such notice
15 shall also advise each such interested party
16 that, in lieu of supplying information to
17 U.S. Customs and Border Protection in ac-
18 cordance with subparagraph (B)(v), the in-
19 terested parties may voluntarily abandon
20 the merchandise.

21 “(iii) ABANDONMENT OR EXPORT DUE
22 TO LACK OF RESPONSE.—If U.S. Customs
23 and Border Protection does not receive a
24 response from each interested party in
25 merchandise described in clause (i) within

1 30 days of the date on which such notice
2 is issued to the interested parties, the mer-
3 chandise may—

4 “(I) be denied entry and be per-
5 mitted to be exported, with the im-
6 porter responsible for paying all ex-
7 penses of exportation; or

8 “(II) be deemed to be abandoned,
9 in which case title to such merchan-
10 dise shall be vested in the United
11 States and the merchandise shall be
12 disposed of in accordance with law.”.

13 **SEC. 4. EFFECTIVE DATE.**

14 The amendments made by this Act shall apply with
15 respect to articles entered, or withdrawn from warehouse
16 for consumption, on or after the 180th day after the date
17 of the enactment of this Act.