

118TH CONGRESS  
1ST SESSION

# H. R. 4148

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

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IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2023

Mr. BLUMENAUER (for himself and Mr. DUNN of Florida) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Tariff Act of 1930 relating to de minimus 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”.

6 **SEC. 2. ADDITIONAL EXCEPTIONS TO EXEMPTIONS FOR DE**  
7 **MINIMIS TREATMENT UNDER THE TARIFF**  
8 **ACT OF 1930.**

9 Section 321 of the Tariff Act of 1930 (19 U.S.C.  
10 1321) is amended—

1 (1) in subsection (a)—

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

5 (B) in paragraph (2)(C), by striking  
6 “\$800” and inserting “except as provided in  
7 subsection (b)(1), \$800”; and

8 (C) in the matter following such paragraph  
9 (2)(C), as so amended, by striking “subdivision  
10 (2)” each place it appears and inserting “para-  
11 graph”; and

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

14 “(b) EXCEPTIONS.—

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

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

22 “(B) a country included in the priority  
23 watch list (as such term is defined in section  
24 182(g)(3) of the Trade Act of 1974 (19 U.S.C.  
25 2242(g)(3))).

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

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

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

9 “(c) SUBMISSION OF DOCUMENTATION AND INFOR-  
10 MATION.—

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

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

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

4                   “(i) a description of the article;

5                   “(ii) the appropriate classification of  
6 the article under the Harmonized Tariff  
7 Schedule of the United States;

8                   “(iii) the country of origin of the arti-  
9 cle;

10                  “(iv) the country from which the arti-  
11 cle is shipped;

12                  “(v) the identity of the shipper;

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

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

16           “(B) may provide that such documentation  
17 or information include other documentation or  
18 information regarding the offer for sale or pur-  
19 chase, or the subsequent sale, purchase, trans-  
20 portation, importation or warehousing of an ar-  
21 ticle described in paragraph (1), including such  
22 documentation or information relating to the of-  
23 fering of the article for sale or purchase in the  
24 United States through a commercial or mar-

1           keting platform, including an electronic com-  
2           mercial or marketing platform.

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

5                   “(A) IN GENERAL.—The regulations pre-  
6           scribed pursuant to paragraph (1) shall provide  
7           that—

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

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

24                          “(B) USE FOR ANY LAWFUL PURPOSE.—  
25           Such documentation or information may be

1           used by U.S. Customs and Border Protection  
2           for any lawful purpose.

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

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

17          (b) EXAMINATION OF MERCHANDISE.—Section  
18          499(c) of the Tariff Act of 1930 (19 U.S.C. 1499(c)) is  
19          amended—

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

23                 (2) in paragraph (2)—

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

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

3 (B) in the second sentence—

4 (i) by striking “The” and inserting  
5 the following:

6 “(B) INFORMATION TO BE INCLUDED.—  
7 The”; and

8 (ii) by redesignating the subsequent  
9 subparagraphs (A), (B), (C), (D), and (E)  
10 as clauses (i), (ii), (iii), (iv), and (v), re-  
11 spectively, and moving such clauses, as re-  
12 designated, 2 ems to the right; and

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

14 “(C) ADDITIONAL REQUIREMENTS RELAT-  
15 ING TO MERCHANDISE THAT MAY QUALIFY FOR  
16 CERTAIN ADMINISTRATIVE EXEMPTIONS.—

17 “(i) IN GENERAL.—In a case in which  
18 U.S. Customs and Border Protection has  
19 made a decision to detain merchandise that  
20 may qualify for an administrative exemp-  
21 tion pursuant to section 321(a)(2)(C), U.S.  
22 Customs and Border Protection shall issue  
23 such notice to each party that U.S. Cus-  
24 toms and Border Protections determines  
25 may have an interest in the detained mer-

1           chandise, based on information reasonably  
2           available to U.S. Customs and Border Pro-  
3           tection, in such form and manner as the  
4           Secretary of the Treasury shall by regula-  
5           tion prescribe.

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

15          “(iii) ABANDONMENT OR EXPORT DUE  
16          TO LACK OF RESPONSE.—If U.S. Customs  
17          and Border Protection does not receive a  
18          response from each interested party in  
19          merchandise described in clause (i) within  
20          30 days of the date on which such notice  
21          is issued to the interested parties, the mer-  
22          chandise may—

23                  “(I) be denied entry and be per-  
24                  mitted to be exported, with the im-



1                   porter responsible for paying all ex-  
2                   penses of exportation; or

3                   “(II) be deemed to be abandoned,  
4                   in which case title to such merchan-  
5                   dise shall be vested in the United  
6                   States and the merchandise shall be  
7                   disposed of in accordance with law.”.

8   **SEC. 4. EFFECTIVE DATE.**

9           The amendments made by this Act shall apply with  
10   respect to articles entered, or withdrawn from warehouse  
11   for consumption, on or after the 180th day after the date  
12   of the enactment of this Act.

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