

119TH CONGRESS
1ST SESSION

H. R. 322

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2025

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

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”.

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)—

6 (i) in subparagraph (C), by striking
7 “\$800” and inserting “except as provided
8 in subsection (b)(1), \$800”; and

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

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

15 “(b) EXCEPTIONS.—

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

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

23 “(B) a country included in the priority
24 watch list (as such term is defined in section

1 182(g)(3) of the Trade Act of 1974 (19 U.S.C.
2 2242(g)(3))).

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

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

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

11 “(c) SUBMISSION OF DOCUMENTATION AND INFOR-
12 MATION.—

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

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

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

6 “(i) a description of the article;

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

10 “(iii) the country of origin of the arti-
11 cle;

12 “(iv) the country from which the arti-
13 cle is shipped;

14 “(v) the identity of the shipper;

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

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

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

1 United States through a commercial or mar-
2 keting platform, including an electronic com-
3 mercial or marketing platform.

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

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

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

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

1 “(B) USE FOR ANY LAWFUL PURPOSE.—

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

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

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

19 (b) EXAMINATION OF MERCHANDISE.—Section
20 499(c) of the Tariff Act of 1930 (19 U.S.C. 1499(c)) is
21 amended—

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

25 (2) in paragraph (2)—

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

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

5 (B) in the second sentence—

6 (i) by striking “The” and inserting
7 the following:

8 “(B) INFORMATION TO BE INCLUDED.—
9 The”; and

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

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

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

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

1 toms and Border Protections determines
2 may have an interest in the detained mer-
3 chandise, based on information reasonably
4 available to U.S. Customs and Border Pro-
5 tection, in such form and manner as the
6 Secretary of the Treasury shall by regula-
7 tion prescribe.

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

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

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

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

10 **SEC. 4. EFFECTIVE DATE.**

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

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