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112TH CONGRESS
2D SESSION

S. 2946

To provide for the reliquidation of certain entries of high-density, fiberboard-core laminate wall and floor panels, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2012

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Finance

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A BILL

To provide for the reliquidation of certain entries of high-density, fiberboard-core laminate wall and floor panels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIQUIDATION OF CERTAIN ENTRIES OF HIGH-DENSITY, FIBERBOARD-CORE LAMINATE WALL AND FLOOR PANELS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, U.S. Customs and Border Protection shall, not later than 90 days after receiving a request described in subsection (c), liquidate or reliquidate each entry de-

scribed in subsection (b) at the duty rate of 3.2 percent ad valorem.

(b) ENTRIES DESCRIBED.—Entries described in this subsection are entries of fiberboard produced using the dry method of production that—

(1) were entered on or after January 1, 1994, and on or before February 2, 2007;

(2) were classified at the time of entry under subheading 4411.19.40 of the Harmonized Tariff Schedule of the United States; and

(3) are substantially similar to the merchandise that was the subject of the decisions of the Court of Appeals for the Federal Circuit in Faus Group, Inc. v. United States, 581 F.3d 1369 (Fed. Cir. 2009), and Witex USA, Inc., et al. v. United States, 333 Fed. App. 569 (Fed. Cir. 2009).

(c) ACCESS TO ENTRY INFORMATION.—

(1) NOTICE.—Not later than 30 days after the date of the enactment of this Act, the Commissioner responsible for U.S. Customs and Border Protection (in this section referred to as the ''Commissioner'') shall provide notice to all importers of entries described in subsection (b) that they are entitled to request copies of the electronic records of U.S. Cus-

toms and Border Protection with respect to those entries, including information with respect to—

(A) the date and value of those entries; and

(B) whether or not U.S. Customs and Border Protection suspended the liquidation of those entries.

(2) PROVISION OF ENTRY INFORMATION.—The Commissioner shall provide information requested under paragraph (1) to the importer that requested the information not later than 15 days after receiving the request of the importer.

(d) REQUESTS.—Any person seeking a liquidation or reliquidation pursuant to subsection (a) with respect to an entry shall file a proper request with U.S. Customs and Border Protection not later than the date that is 90 days after the date of the enactment of this Act that contains—

(1) sufficient information to enable U.S. Customs and Border Protection—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located; and

(2) the entry summary documents for the entry and all supporting documents necessary to dem-

onstrate to U.S. Customs and Border Protection that the entry is an entry described in subsection (b).

(e) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by U.S. Customs and Border Protection not later than 30 days after the date of the liquidation or reliquidation.

(f) REPORT TO CONGRESS.—Not later than 150 days after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that specifies—

(1) which entries described in subsection (b) have been liquidated or reliquidated pursuant to subsection (a); and

(2) the amounts refunded pursuant to liquidations and reliquidations pursuant to subsection (a) in the aggregate and by importer, entry number, date, and port of entry.

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