

115TH CONGRESS
1ST SESSION

S. 372

To amend the Tariff Act of 1930 to ensure that merchandise arriving through the mail shall be subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2017

Mr. PORTMAN (for himself, Ms. KLOBUCHAR, Mr. RUBIO, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Tariff Act of 1930 to ensure that merchandise arriving through the mail shall be subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Synthetics Trafficking
3 and Overdose Prevention Act of 2017” or the “STOP Act
4 of 2017”.

5 **SEC. 2. FORMAL ENTRY REQUIREMENTS—POSTAL SERVICE**
6 **AS CONSIGNEE.**

7 Subparagraph (B) of section 484(a)(2) of the Tariff
8 Act of 1930 (19 U.S.C. 1484(a)(2)(B)) is amended to
9 read as follows:

10 “(B)(i) When an entry of merchandise is made
11 under this section, the required documentation or in-
12 formation shall be filed or electronically trans-
13 mitted—

14 “(I) by the owner or purchaser of the mer-
15 chandise; or

16 “(II) when appropriately designated by the
17 owner, purchaser, or consignee of the merchan-
18 dise, by a person holding a valid license under
19 section 641.

20 “(ii) The Postmaster General shall be deemed
21 the consignee for merchandise, as defined by section
22 498(c), imported through the mail, and the Post-
23 master General shall, at the Postmaster General’s
24 sole expense, designate a person holding a valid li-
25 cense under section 641 to file the required docu-
26 mentation or information or ensure that the owner

1 or purchaser of the merchandise or a person holding
 2 a valid license under section 641 that is designated
 3 by the owner or purchaser files the required docu-
 4 mentation or information.

5 “(iii) When a consignee declares on entry that
 6 he or she is the owner or purchaser of merchandise,
 7 U.S. Customs and Border Protection may, without
 8 liability, accept the declaration.

9 “(iv) For the purposes of this Act, the importer
 10 of record must be one of the parties who is eligible
 11 to file the documentation or information required by
 12 this section.”.

13 **SEC. 3. INFORMAL ENTRIES.**

14 Section 498 of the Tariff Act of 1930 (19 U.S.C.
 15 1498) is amended by adding at the end the following:

16 “(c) APPLICATION TO POSTAL SHIPMENTS.—

17 “(1) DEFINITIONS.—In this subsection:

18 “(A) DOCUMENT.—The term ‘document’
 19 means a piece of written, drawn, printed, or
 20 digital information, excluding objects of mer-
 21 chandise, that—

22 “(i) is conveyed in an envelope that is
 23 less than or equal to 165 millimeters in
 24 width, 245 millimeters in length, and 5
 25 millimeters in depth; and

1 “(ii) weighs 100 grams or less when
2 conveyed.

3 “(B) MERCHANDISE.—The term ‘merchan-
4 dise’ has the same meaning as that term is de-
5 fined in section 401 but does not include a doc-
6 ument.

7 “(2) REQUIREMENT.—Notwithstanding any
8 other provision of law, for merchandise meeting the
9 requirements of subsection (a), the Postmaster Gen-
10 eral shall comply with the entry requirements of sec-
11 tion 484.

12 “(3) REGULATIONS.—Any regulation issued
13 pursuant to this subsection shall apply identical
14 entry procedures for merchandise imported through
15 the mail as are applied for merchandise imported via
16 a private carrier.”.

17 **SEC. 4. DE MINIMIS SHIPMENTS.**

18 Section 321 of the Tariff Act of 1930 (19 U.S.C.
19 1321) is amended by adding at the end the following:

20 “(c)(1) For imported articles that qualify for the ad-
21 ministrative exemption under subsection (a)(2) and that
22 arrive at international mail facilities in the United States,
23 the Postmaster General shall be deemed the consignee for
24 such articles that are considered merchandise, as the term
25 is defined in section 498(c).

1 “(2) In addition to the parties that are authorized
 2 to comply with the entry requirements of sections 498 and
 3 484, the Postmaster General, as a consignee, may, using
 4 reasonable care, enter such merchandise that qualifies for
 5 the administrative exemption under subsection (a)(2).”.

6 **SEC. 5. CUSTOMS FEES.**

7 (a) IN GENERAL.—Paragraph (6) of section
 8 13031(a) of the Consolidated Omnibus Budget Reconcili-
 9 ation Act of 1985 (19 U.S.C. 58c(a)(6)) is amended to
 10 read as follows:

11 “(6)(A) For the arrival of shipments of mer-
 12 chandise (as the term is defined in section 498(c) of
 13 the Trade Act of 1930) or any other item that is
 14 valued at \$2,000 or less (or such higher amount as
 15 the Secretary of the Treasury may set by regulation
 16 pursuant to section 498 of the Tariff Act of 1930
 17 (19 U.S.C. 1498) and subject to adjustment under
 18 subsection (l)) arriving at an international mail facil-
 19 ity:

20 “(i) \$1 per individual airway bill or bill of
 21 lading (subject to adjustment under subsection
 22 (l)); or

23 “(ii) if such merchandise is formally en-
 24 tered, the fee provided for in paragraph (9), if
 25 applicable.

1 “(B) Notwithstanding section 451 of the Tariff
2 Act of 1930 (19 U.S.C. 1451), the payment required
3 by subparagraph (A) shall be the only payment re-
4 quired for reimbursement of U.S. Customs and Bor-
5 der Protection in connection with the processing of
6 an individual airway bill or bill of lading in accord-
7 ance with such subparagraph and for providing serv-
8 ices at international mail facilities, except that U.S.
9 Customs and Border Protection may require such
10 facilities to cover expenses of the agency for ade-
11 quate office space, equipment, furnishings, supplies,
12 and security.

13 “(C) The payment required by subparagraphs
14 (A) and (B) shall be paid on a quarterly basis by the
15 Postmaster General in accordance with regulations
16 prescribed by the Secretary of the Treasury. The
17 payments shall be allocated as follows:

18 “(i) 50 percent of the amount of payments
19 received in this paragraph shall, in accordance
20 with section 524 of the Tariff Act of 1930 (19
21 U.S.C. 1524), be deposited in the Customs
22 User Fee Account and shall be used to directly
23 reimburse each appropriation for the amount
24 paid out of that appropriation for the costs in-
25 curred in providing services to international

1 mail facilities. Amounts deposited in accordance
 2 with the preceding sentence shall be available
 3 until expended for the provision of customs
 4 services to international mail facilities.

5 “(ii) Notwithstanding section 524 of the
 6 Tariff Act of 1930 (19 U.S.C. 1524), 50 per-
 7 cent of the amount of payments received under
 8 this paragraph shall be paid to the Secretary of
 9 the Treasury, which is in lieu of the payment
 10 of fees under paragraph (10).”.

11 (b) TECHNICAL AMENDMENTS.—Paragraph (10) of
 12 section 13031(a) of the Consolidated Omnibus Budget
 13 Reconciliation Act of 1985 (19 U.S.C. 58c(a)(10)) is
 14 amended—

15 (1) by striking “or” in subparagraph (B);

16 (2) by striking the period at the end of sub-
 17 paragraph (C)(iii) and inserting a comma and “or”;

18 (3) by inserting after subparagraph (C)(iii) the
 19 following:

20 “(D) an international mail facility.”; and

21 (4) in the undesignated material at the end by
 22 striking the period and inserting “or referred to in
 23 subparagraph (D) see paragraph (6).”.

1 **SEC. 6. MANDATORY ADVANCED ELECTRONIC INFORMA-**
 2 **TION FOR POSTAL SHIPMENTS.**

3 Subparagraph (K) of section 343(a)(3) of the Trade
 4 Act of 2002 (Public Law 107–210; 19 U.S.C. 2071 note)
 5 is amended to read as follows:

6 “(K) The Secretary shall require the Post-
 7 master General to transmit or to ensure the
 8 transmission of the information required in
 9 paragraphs (1) and (2) to U.S. Customs and
 10 Border Protection for all shipments by the
 11 United States Postal Service which includes
 12 shipments that the United States Postal Service
 13 receives from foreign postal operators (ship-
 14 ments from foreign postal operators may be
 15 transported by private carriers). All regulations
 16 issued pursuant to this provision are required
 17 to impose the same information requirements
 18 on the United States Postal Service and private
 19 carriers.”.

20 **SEC. 7. MANIFEST PENALTIES APPLIED TO THE UNITED**
 21 **STATES POSTAL SERVICE.**

22 (a) PENALTIES FOR VIOLATIONS OF THE ARRIVAL,
 23 REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS.—
 24 Section 436 of the Tariff Act of 1930 (19 U.S.C. 1436)
 25 is amended by adding at the end the following new sub-
 26 section:

1 “(e) CIVIL PENALTIES ARISING FROM VIOLATIONS
 2 FOR POSTAL SHIPMENTS.—With respect to civil penalties
 3 provided for in subsections (b) and (d) above, the Post-
 4 master General shall be liable for the penalty if the viola-
 5 tion was caused by a foreign postal operator or the United
 6 States Postal Service.”.

7 (b) PENALTIES FOR FALSITY OR LACK OF MANI-
 8 FEST.—Section 584 of the Tariff Act of 1930 (19 U.S.C.
 9 1584) is amended by adding at the end the following new
 10 subsection:

11 “(c) PERSON DIRECTLY OR INDIRECTLY RESPON-
 12 SIBLE SHALL INCLUDE THE POSTMASTER GENERAL.—
 13 For purposes of subsection (a), the Postmaster General
 14 may be the person directly or indirectly responsible for a
 15 discrepancy if the discrepancy is the result of—

16 “(1) an omission by a foreign postal operator or
 17 the United States Postal Service; or

18 “(2) false information regarding the shipment
 19 that was provided to the carrier by a foreign postal
 20 operator or the United States Postal Service.”.

21 **SEC. 8. LIMITATION ON INTERNATIONAL POSTAL AR-**
 22 **RANGEMENTS.**

23 (a) EXISTING AGREEMENTS.—

24 (1) IN GENERAL.—In the event that any provi-
 25 sion in this Act is found to be in violation of obliga-

1 tions of the United States under the Universal Post-
2 al Union, the Secretary of State shall negotiate to
3 amend the relevant provisions of the agreement so
4 that the United States is no longer in violation of
5 the agreement.

6 (2) CONSTRUCTION.—Nothing in this sub-
7 section may be construed to require or permit any
8 delay in the implementation of this Act.

9 (b) FUTURE AGREEMENTS.—The Secretary of State
10 may not conclude any international postal arrangement
11 pursuant to the authority set out in section 407 of title
12 39, United States Code, that is inconsistent with this Act
13 or any amendment made by this Act.

14 **SEC. 9. APPLICATION OF OTHER CUSTOMS LAWS.**

15 (a) IN GENERAL.—U.S. Customs and Border Protec-
16 tion shall ensure that all merchandise, as that term is de-
17 fined in subsection (c) of section 498 of the Tariff Act
18 of 1930 (19 U.S.C. 1498), imported to the United States
19 through the mail shall be subject to the same import pro-
20 cedures, legal restrictions, and certifications as merchan-
21 dise imported by private carriers.

22 (b) REGULATIONS.—The Secretary of the Treasury
23 shall issue regulations pursuant to this Act to ensure that
24 merchandise imported through the mail is in accordance
25 with Federal law.

1 **SEC. 10. COST RECOUPMENT.**

2 The Postmaster General shall ensure that all costs
3 associated with complying with this Act, as well as all pen-
4 alties assessed against the Postmaster General, are
5 charged directly to foreign shippers, foreign postal opera-
6 tors, or United States ultimate consignees.

7 **SEC. 11. EFFECTIVE DATE; REGULATIONS.**

8 (a) **EFFECTIVE DATE.**—This Act shall become effec-
9 tive upon the date of the enactment of this Act.

10 (b) **REGULATIONS.**—Not later than 1 year after the
11 date of the enactment of this Act, the Secretary shall pre-
12 scribe all regulations required under this Act.

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