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2D SESSION

S. 3057

To provide for the processing by U.S. Customs and Border Protection of certain international mail shipments and to require the provision of advance electronic information on international mail shipments of mail.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2018

Mr. PORTMAN (for himself, Ms. KLOBUCHAR, Mr. HATCH, Mr. WYDEN, Mr. RUBIO, Ms. HASSAN, Mr. CASEY, Ms. STABENOW, Mr. CORNYN, Mrs. McCASKILL, Mr. BROWN, Mr. ISAKSON, Mr. WHITEHOUSE, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for the processing by U.S. Customs and Border Protection of certain international mail shipments and to require the provision of advance electronic information on international mail shipments of mail.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Synthetics Trafficking and Overdose Prevention Act of
6 2018” or “STOP Act of 2018”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Customs fees.
- Sec. 3. Mandatory advance electronic information for postal shipments.
- Sec. 4. International postal agreements.
- Sec. 5. Cost recoupment.
- Sec. 6. Development of technology to detect illicit narcotics.
- Sec. 7. Civil penalties for postal shipments.
- Sec. 8. Report on violations of arrival, reporting, entry, and clearance requirements and falsity or lack of manifest.
- Sec. 9. Effective date; regulations.

3 **SEC. 2. CUSTOMS FEES.**

4 (a) IN GENERAL.—Section 13031(b)(9) of the Con-
 5 solidated Omnibus Budget Reconciliation Act of 1985 (19
 6 U.S.C. 58c(b)(9)) is amended by adding at the end the
 7 following:

8 “(D)(i) With respect to the processing of items
 9 that are sent to the United States through the inter-
 10 national postal network by ‘Inbound Express Mail
 11 service’ or ‘Inbound EMS’ (as that service is de-
 12 scribed in the mail classification schedule referred to
 13 in section 3631 of title 39, United States Code), the
 14 following payments are required:

15 “(I) \$1 per Inbound EMS item.

16 “(II) If an Inbound EMS item is formally
 17 entered, the fee provided for under subsection
 18 (a)(9), if applicable.

19 “(ii) Notwithstanding section 451 of the Tariff
 20 Act of 1930 (19 U.S.C. 1451), the payments re-

1 quired by clause (i), as allocated pursuant to clause
2 (iii)(I), shall be the only payments required for reim-
3 bursement of U.S. Customs and Border Protection
4 for customs services provided in connection with the
5 processing of an Inbound EMS item.

6 “(iii)(I) The payments required by clause (i)(I)
7 shall be allocated as follows:

8 “(aa) 50 percent of the amount of the pay-
9 ments shall be paid on a quarterly basis by the
10 United States Postal Service to the Commis-
11 sioner of U.S. Customs and Border Protection
12 in accordance with regulations prescribed by the
13 Secretary of the Treasury to reimburse U.S.
14 Customs and Border Protection for customs
15 services provided in connection with the proc-
16 essing of Inbound EMS items.

17 “(bb) 50 percent of the amount of the pay-
18 ments shall be retained by the Postal Service to
19 reimburse the Postal Service for services pro-
20 vided in connection with the customs processing
21 of Inbound EMS items.

22 “(II) Payments received by U.S. Customs and
23 Border Protection under subclause (I)(aa) shall, in
24 accordance with section 524 of the Tariff Act of
25 1930 (19 U.S.C. 1524), be deposited in the Customs

1 User Fee Account and used to directly reimburse
2 each appropriation for the amount paid out of that
3 appropriation for the costs incurred in providing
4 services to international mail facilities. Amounts de-
5 posited in accordance with the preceding sentence
6 shall be available until expended for the provision of
7 such services.

8 “(III) Payments retained by the Postal Service
9 under subclause (I)(bb) shall be used to directly re-
10 imburse the Postal Service for the costs incurred in
11 providing services in connection with the customs
12 processing of Inbound EMS items.

13 “(iv) Beginning in fiscal year 2021, the Sec-
14 retary, in consultation with the Postmaster General,
15 may adjust, not more frequently than once each fis-
16 cal year, the amount described in clause (i)(I) to an
17 amount commensurate with the costs of services pro-
18 vided in connection with the customs processing of
19 Inbound EMS items, consistent with the obligations
20 of the United States under international agree-
21 ments.”.

22 (b) CONFORMING AMENDMENTS.—Section 13031(a)
23 of the Consolidated Omnibus Budget Reconciliation Act
24 of 1985 (19 U.S.C. 58c(a)) is amended—

1 (1) in paragraph (6), by inserting “(other than
 2 an item subject to a fee under subsection
 3 (b)(9)(D))” after “customs officer”; and

4 (2) in paragraph (10)—

5 (A) in subparagraph (C), in the matter
 6 preceding clause (i), by inserting “(other than
 7 Inbound EMS items described in subsection
 8 (b)(9)(D))” after “release”; and

9 (B) in the flush at the end, by inserting
 10 “or of Inbound EMS items described in sub-
 11 section (b)(9)(D),” after “(C),”.

12 (c) EFFECTIVE DATE.—The amendments made by
 13 this section shall take effect on January 1, 2020.

14 **SEC. 3. MANDATORY ADVANCE ELECTRONIC INFORMATION**
 15 **FOR POSTAL SHIPMENTS.**

16 (a) MANDATORY ADVANCE ELECTRONIC INFORMA-
 17 TION.—

18 (1) IN GENERAL.—Section 343(a)(3)(K) of the
 19 Trade Act of 2002 (Public Law 107–210; 19 U.S.C.
 20 2071 note) is amended to read as follows:

21 “(K)(i) The Secretary shall prescribe regu-
 22 lations requiring the United States Postal Serv-
 23 ice to transmit the information described in
 24 paragraphs (1) and (2) to the Commissioner of
 25 U.S. Customs and Border Protection for inter-

1 national mail shipments by the Postal Service
2 (including shipments to the Postal Service from
3 foreign postal operators that are transported by
4 private carrier) consistent with the require-
5 ments of this subparagraph.

6 “(ii) In prescribing regulations under
7 clause (i), the Secretary shall impose require-
8 ments for the transmission to the Commissioner
9 of information described in paragraphs (1) and
10 (2) for mail shipments described in clause (i)
11 that are comparable to the requirements for the
12 transmission of such information imposed on
13 similar non-mail shipments of cargo, taking into
14 account the parameters set forth in subpara-
15 graphs (A) through (J).

16 “(iii) The regulations prescribed under
17 clause (i) shall require the transmission of the
18 information described in paragraphs (1) and (2)
19 with respect to a shipment as soon as prac-
20 ticable in relation to the transportation of the
21 shipment, consistent with subparagraph (H).

22 “(iv) Regulations prescribed under clause
23 (i) shall allow for the requirements for the
24 transmission to the Commissioner of informa-
25 tion described in paragraphs (1) and (2) for

1 mail shipments described in clause (i) to be im-
2 plemented in phases, as appropriate, by—

3 “(I) setting incremental targets for in-
4 creasing the percentage of such shipments
5 for which information is required to be
6 transmitted to the Commissioner; and

7 “(II) taking into consideration—

8 “(aa) the risk posed by such
9 shipments;

10 “(bb) the volume of mail shipped
11 to the United States by or through a
12 particular country; and

13 “(cc) the capacities of foreign
14 postal operators to provide that infor-
15 mation to the Postal Service.

16 “(v)(I) Notwithstanding clause (iv), the
17 Postal Service shall, not later than December
18 31, 2018, arrange for the transmission to the
19 Commissioner of the information described in
20 paragraphs (1) and (2) for not less than 70
21 percent of the aggregate number of mail ship-
22 ments, including 100 percent of mail shipments
23 from the People’s Republic of China, described
24 in clause (i).

1 “(II) If the requirements of subclause (I)
2 are not met, the Comptroller General of the
3 United States shall submit to the appropriate
4 congressional committees, not later than June
5 30, 2019, a report—

6 “(aa) assessing the reasons for the
7 failure to meet those requirements; and

8 “(bb) identifying recommendations to
9 improve the collection by the Postal Serv-
10 ice of the information described in para-
11 graphs (1) and (2).

12 “(vi)(I) Notwithstanding clause (iv), the
13 Postal Service shall, not later than December
14 31, 2020, arrange for the transmission to the
15 Commissioner of the information described in
16 paragraphs (1) and (2) for 100 percent of the
17 aggregate number of mail shipments described
18 in clause (i).

19 “(II) The Commissioner, in consultation
20 with the Postmaster General, may determine to
21 exclude a country from the requirement de-
22 scribed in subclause (I) to transmit information
23 for mail shipments described in clause (i) from
24 the country if the Commissioner determines
25 that the country—

1 “(aa) does not have the capacity to
2 collect and transmit such information;

3 “(bb) represents a low risk for mail
4 shipments that violate relevant United
5 States laws and regulations; and

6 “(cc) accounts for low volumes of mail
7 shipments that can be effectively screened
8 for compliance with relevant United States
9 laws and regulations through an alternate
10 means.

11 “(III) The Commissioner shall, at a min-
12 imum on an annual basis, re-evaluate any de-
13 termination made under subclause (II) to ex-
14 clude a country from the requirement described
15 in subclause (I). If, at any time, the Commis-
16 sioner determines that a country no longer
17 meets the requirements under subclause (II),
18 the Commissioner may not further exclude the
19 country from the requirement described in sub-
20 clause (I).

21 “(IV) The Commissioner shall, on an an-
22 nual basis, submit to the appropriate congres-
23 sional committees—

24 “(aa) a list of countries with respect
25 to which the Commissioner has made a de-

1 termination under subclause (II) to exclude
2 the countries from the requirement de-
3 scribed in subclause (I); and

4 “(bb) information used to support
5 such determination with respect to such
6 countries.

7 “(vii)(I) The Postmaster General shall, in
8 consultation with the Commissioner, refuse any
9 shipments received after December 31, 2020,
10 for which the information described in para-
11 graphs (1) and (2) is not transmitted as re-
12 quired under this subparagraph, except as pro-
13 vided in subclause (II).

14 “(II) If remedial action is warranted in
15 lieu of refusal of shipments pursuant to sub-
16 clause (I), the Postmaster General and the
17 Commissioner shall take remedial action with
18 respect to the shipments, including destruction,
19 seizure, controlled delivery or other law enforce-
20 ment initiatives, or correction of the failure to
21 provide the information described in paragraphs
22 (1) and (2) with respect to the shipment.

23 “(viii) Nothing in this subparagraph shall
24 be construed to limit the authority of the Sec-
25 retary to obtain information relating to inter-

1 national mail shipments from private carriers or
2 other appropriate parties.

3 “(ix) In this subparagraph, the term ‘ap-
4 propriate congressional committees’ means—

5 “(I) the Committee on Finance and
6 the Committee on Homeland Security and
7 Governmental Affairs of the Senate; and

8 “(II) the Committee on Ways and
9 Means, the Committee on Oversight and
10 Government Reform, and the Committee
11 on Homeland Security of the House of
12 Representatives.”.

13 (2) JOINT STRATEGIC PLAN ON MANDATORY
14 ADVANCE INFORMATION.—Not later than 60 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Homeland Security and the Postmaster
17 General shall develop and submit to the appropriate
18 congressional committees a joint strategic plan de-
19 tailing specific performance measures for achiev-
20 ing—

21 (A) the transmission of information as re-
22 quired by section 343(a)(3)(K) of the Trade
23 Act of 2002, as amended by paragraph (1); and

24 (B) the presentation by the Postal Service
25 to U.S. Customs and Border Protection of all

1 mail targeted by U.S. Customs and Border Pro-
2 tection for inspection.

3 (b) CAPACITY BUILDING.—

4 (1) IN GENERAL.—Section 343(a) of the Trade
5 Act of 2002 (Public Law 107–210; 19 U.S.C. 2071
6 note) is amended by adding at the end the following:

7 “(5) CAPACITY BUILDING.—

8 “(A) IN GENERAL.—The Secretary, with
9 the concurrence of the Secretary of State, and
10 in coordination with the Postmaster General
11 and the heads of other Federal agencies, as ap-
12 propriate, may provide technical assistance,
13 equipment, technology, and training to enhance
14 the capacity of foreign postal operators—

15 “(i) to gather and provide the infor-
16 mation required by paragraph (3)(K); and

17 “(ii) to otherwise gather and provide
18 postal shipment information related to—

19 “(I) terrorism;

20 “(II) items the importation or in-
21 troduction of which into the United
22 States is prohibited or restricted, in-
23 cluding controlled substances; and

24 “(III) such other concerns as the
25 Secretary determines appropriate.

1 “(B) PROVISION OF EQUIPMENT AND
2 TECHNOLOGY.—With respect to the provision of
3 equipment and technology under subparagraph
4 (A), the Secretary may lease, loan, provide, or
5 otherwise assist in the deployment of such
6 equipment and technology under such terms
7 and conditions as the Secretary may prescribe,
8 including nonreimbursable loans or the transfer
9 of ownership of equipment and technology.”.

10 (2) JOINT STRATEGIC PLAN ON CAPACITY
11 BUILDING.—Not later than one year after the date
12 of the enactment of this Act, the Secretary of Home-
13 land Security and the Postmaster General shall, in
14 consultation with the Secretary of State, jointly de-
15 velop and submit to the appropriate congressional
16 committees a joint strategic plan—

17 (A) detailing the extent to which U.S. Cus-
18 toms and Border Protection and the United
19 States Postal Service are engaged in capacity
20 building efforts under section 343(a)(5) of the
21 Trade Act of 2002, as added by paragraph (1);

22 (B) describing plans for future capacity
23 building efforts; and

24 (C) assessing how capacity building has in-
25 creased the ability of U.S. Customs and Border

1 Protection and the Postal Service to advance
2 the goals of this Act and the amendments made
3 by this Act.

4 (c) REPORT AND CONSULTATIONS BY SECRETARY OF
5 HOMELAND SECURITY AND POSTMASTER GENERAL.—

6 (1) REPORT.—Not later than 180 days after
7 the date of the enactment of this Act, and annually
8 thereafter until 3 years after the Postmaster Gen-
9 eral has met the requirement under clause (vi) of
10 subparagraph (K) of section 343(a)(3) of the Trade
11 Act of 2002, as amended by subsection (a)(1), the
12 Secretary of Homeland Security and the Postmaster
13 General shall, in consultation with the Secretary of
14 State, jointly submit to the appropriate congres-
15 sional committees a report on compliance with that
16 subparagraph that includes the following:

17 (A) An assessment of the status of the reg-
18 ulations required to be promulgated under that
19 subparagraph.

20 (B) An update regarding new and existing
21 agreements reached with foreign postal opera-
22 tors for the transmission of the information re-
23 quired by that subparagraph.

24 (C) A summary of deliberations between
25 the United States Postal Service and foreign

1 postal operators with respect to issues relating
2 to the transmission of that information.

3 (D) A summary of the progress made in
4 achieving the transmission of that information
5 for the percentage of shipments required by
6 that subparagraph.

7 (E) An assessment of the quality of that
8 information being received by foreign postal op-
9 erators, as determined by the Secretary of
10 Homeland Security, and actions taken to im-
11 prove the quality of that information.

12 (F) A summary of policies established by
13 the Universal Postal Union that may affect the
14 ability of the Postmaster General to obtain the
15 transmission of that information.

16 (G) A summary of the use of technology to
17 detect illicit synthetic opioids and other illegal
18 substances in international mail parcels and
19 planned acquisitions and advancements in such
20 technology.

21 (H) Such other information as the Sec-
22 retary of Homeland Security and the Post-
23 master General consider appropriate with re-
24 spect to obtaining the transmission of informa-
25 tion required by that subparagraph.

1 (2) CONSULTATIONS.—Not later than 180 days
2 after the date of the enactment of this Act, and
3 every 180 days thereafter until the Postmaster Gen-
4 eral has met the requirement under clause (vi) of
5 section 343(a)(3)(K) of the Trade Act of 2002, as
6 amended by subsection (a)(1), to arrange for the
7 transmission of information with respect to 100 per-
8 cent of the aggregate number of mail shipments de-
9 scribed in clause (i) of that section, the Secretary of
10 Homeland Security and the Postmaster General
11 shall provide briefings to the appropriate congres-
12 sional committees on the progress made in achieving
13 the transmission of that information for that per-
14 centage of shipments.

15 (d) GOVERNMENT ACCOUNTABILITY OFFICE RE-
16 PORT.—Not later than June 30, 2019, the Comptroller
17 General of the United States shall submit to the appro-
18 priate congressional committees a report—

19 (1) assessing the progress of the United States
20 Postal Service in achieving the transmission of the
21 information required by subparagraph (K) of section
22 343(a)(3) of the Trade Act of 2002, as amended by
23 subsection (a)(1), for the percentage of shipments
24 required by that subparagraph;

1 (2) assessing the quality of the information re-
2 ceived from foreign postal operators for targeting
3 purposes;

4 (3) assessing the specific percentage of targeted
5 mail presented by the Postal Service to U.S. Cus-
6 toms and Border Protection for inspection;

7 (4) describing the costs of collecting the infor-
8 mation required by such subparagraph (K) from for-
9 eign postal operators and the costs of implementing
10 the use of that information;

11 (5) assessing the benefits of receiving that in-
12 formation with respect to international mail ship-
13 ments;

14 (6) assessing the feasibility of assessing a cus-
15 toms fee under section 13031(b)(9) of the Consoli-
16 dated Omnibus Budget Reconciliation Act of 1985,
17 as amended by section 2, on international mail ship-
18 ments other than Inbound Express Mail service in a
19 manner consistent with the obligations of the United
20 States under international agreements; and

21 (7) identifying recommendations, including rec-
22 ommendations for legislation, to improve the compli-
23 ance of the Postal Service with such subparagraph
24 (K), including an assessment of whether the detec-

1 tion of illicit synthetic opioids in the international
2 mail would be improved by—

3 (A) requiring the Postal Service to serve as
4 the consignee for international mail shipments
5 containing goods; or

6 (B) designating a customs broker to act as
7 an importer of record for international mail
8 shipments containing goods.

9 (e) TECHNICAL CORRECTION.—Section 343 of the
10 Trade Act of 2002 (Public Law 107–210; 19 U.S.C. 2071
11 note) is amended in the section heading by striking “**AD-**
12 **VANCED**” and inserting “**ADVANCE**”.

13 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” means—

16 (1) the Committee on Finance and the Com-
17 mittee on Homeland Security and Governmental Af-
18 fairs of the Senate; and

19 (2) the Committee on Ways and Means, the
20 Committee on Oversight and Government Reform,
21 and the Committee on Homeland Security of the
22 House of Representatives.

23 **SEC. 4. INTERNATIONAL POSTAL AGREEMENTS.**

24 (a) EXISTING AGREEMENTS.—

1 (1) IN GENERAL.—In the event that any provi-
2 sion of this Act, or any amendment made by this
3 Act, is determined to be in violation of obligations
4 of the United States under any postal treaty, con-
5 vention, or other international agreement related to
6 international postal services, or any amendment to
7 such an agreement, the Secretary of State should
8 negotiate to amend the relevant provisions of the
9 agreement so that the United States is no longer in
10 violation of the agreement.

11 (2) RULE OF CONSTRUCTION.—Nothing in this
12 subsection shall be construed to permit delay in the
13 implementation of this Act or any amendment made
14 by this Act.

15 (b) FUTURE AGREEMENTS.—

16 (1) CONSULTATIONS.—Before entering into, on
17 or after the date of the enactment of this Act, any
18 postal treaty, convention, or other international
19 agreement related to international postal services, or
20 any amendment to such an agreement, that is re-
21 lated to the ability of the United States to secure
22 the provision of advance electronic information by
23 foreign postal operators, the Secretary of State
24 should consult with the appropriate congressional
25 committees (as defined in section 3(f)).

1 (2) EXPEDITED NEGOTIATION OF NEW AGREE-
2 MENT.—To the extent that any new postal treaty,
3 convention, or other international agreement related
4 to international postal services would improve the
5 ability of the United States to secure the provision
6 of advance electronic information by foreign postal
7 operators as required by regulations prescribed
8 under section 343(a)(3)(K) of the Trade Act of
9 2002, as amended by section 3(a)(1), the Secretary
10 of State should expeditiously conclude such an
11 agreement.

12 **SEC. 5. COST RECOUPMENT.**

13 (a) IN GENERAL.—The United States Postal Service
14 shall, to the extent practicable and otherwise recoverable
15 by law, ensure that all costs associated with complying
16 with this Act and amendments made by this Act are
17 charged directly to foreign shippers or foreign postal oper-
18 ators.

19 (b) COSTS NOT CONSIDERED REVENUE.—The recov-
20 ery of costs under subsection (a) shall not be deemed rev-
21 enue for purposes of subchapter I and II of chapter 36
22 of title 39, United States Code, or regulations prescribed
23 under that chapter.

1 **SEC. 6. DEVELOPMENT OF TECHNOLOGY TO DETECT IL-**
2 **LICIT NARCOTICS.**

3 (a) IN GENERAL.—The Postmaster General and the
4 Commissioner of U.S. Customs and Border Protection, in
5 coordination with the heads of other agencies as appro-
6 priate, shall collaborate to identify and develop technology
7 for the detection of illicit fentanyl, other synthetic opioids,
8 and other narcotics and psychoactive substances entering
9 the United States by mail.

10 (b) OUTREACH TO PRIVATE SECTOR.—The Post-
11 master General and the Commissioner shall conduct out-
12 reach to private sector entities to gather information re-
13 garding the current state of technology to identify areas
14 for innovation relating to the detection of illicit fentanyl,
15 other synthetic opioids, and other narcotics and
16 psychoactive substances entering the United States.

17 **SEC. 7. CIVIL PENALTIES FOR POSTAL SHIPMENTS.**

18 Section 436 of the Tariff Act of 1930 (19 U.S.C.
19 1436) is amended by adding at the end the following new
20 subsection:

21 “(e) CIVIL PENALTIES FOR POSTAL SHIPMENTS.—

22 “(1) CIVIL PENALTY.—A civil penalty shall be
23 imposed against the United States Postal Service if
24 the Postal Service accepts a shipment in violation of
25 section 343(a)(3)(K)(vii)(I) of the Trade Act of
26 2002.

1 “(2) MODIFICATION OF CIVIL PENALTY.—

2 “(A) IN GENERAL.—U.S. Customs and
3 Border Protection shall reduce or dismiss a civil
4 penalty imposed pursuant to paragraph (1) if
5 U.S. Customs and Border Protection deter-
6 mines that the United States Postal Service—

7 “(i) has a low error rate in compliance
8 with section 343(a)(3)(K) of the Trade Act
9 of 2002;

10 “(ii) is cooperating with U.S. Customs
11 and Border Protection with respect to the
12 violation of section 343(a)(3)(K)(vii)(I) of
13 the Trade Act of 2002; or

14 “(iii) has taken remedial action to
15 prevent future violations of section
16 343(a)(3)(K)(vii)(I) of the Trade Act of
17 2002.

18 “(B) WRITTEN NOTIFICATION.—U.S. Cus-
19 toms and Border Protection shall issue a writ-
20 ten notification to the Postal Service with re-
21 spect to each exercise of the authority of sub-
22 paragraph (A) to reduce or dismiss a civil pen-
23 alty imposed pursuant to paragraph (1).

1 “(3) ONGOING LACK OF COMPLIANCE.—If U.S.
 2 Customs and Border Protection determines that the
 3 United States Postal Service—

4 “(A) has repeatedly committed violations
 5 of section 343(a)(3)(K)(vii)(I) of the Trade Act
 6 of 2002,

7 “(B) has failed to cooperate with U.S.
 8 Customs and Border Protection with respect to
 9 violations of section 343(a)(3)(K)(vii)(I) of the
 10 Trade Act of 2002, and

11 “(C) has an increasing error rate in com-
 12 pliance with section 343(a)(3)(K) of the Trade
 13 Act of 2002,

14 civil penalties may be imposed against the United
 15 States Postal Service until corrective action, satis-
 16 factory to U.S. Customs and Border Protection, is
 17 taken.”.

18 **SEC. 8. REPORT ON VIOLATIONS OF ARRIVAL, REPORTING,**
 19 **ENTRY, AND CLEARANCE REQUIREMENTS**
 20 **AND FALSITY OR LACK OF MANIFEST.**

21 (a) IN GENERAL.—The Commissioner of U.S. Cus-
 22 toms and Border Protection shall submit to the appro-
 23 priate congressional committees an annual report that
 24 contains the information described in subsection (b) with
 25 respect to each violation of section 436 of the Tariff Act

1 of 1930 (19 U.S.C. 1436), as amended by section 7, and
2 section 584 of such Act (19 U.S.C. 1584) that occurred
3 during the previous year.

4 (b) INFORMATION DESCRIBED.—The information de-
5 scribed in this subsection is the following:

6 (1) The name and address of the violator.

7 (2) The specific violation that was committed.

8 (3) The location or port of entry through which
9 the items were transported.

10 (4) An inventory of the items seized, including
11 a description of the items and the quantity seized.

12 (5) The location from which the items origi-
13 nated.

14 (6) The entity responsible for the apprehension
15 or seizure, organized by location or port of entry.

16 (7) The amount of penalties assessed by U.S.
17 Customs and Border Protection, organized by name
18 of the violator and location or port of entry.

19 (8) The amount of penalties that U.S. Customs
20 and Border Protection could have levied, organized
21 by name of the violator and location or port of entry.

22 (9) The rationale for negotiating lower pen-
23 alties, organized by name of the violator and location
24 or port of entry.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means—

4 (1) the Committee on Finance and the Com-
5 mittee on Homeland Security and Governmental Af-
6 fairs of the Senate; and

7 (2) the Committee on Ways and Means, the
8 Committee on Oversight and Government Reform,
9 and the Committee on Homeland Security of the
10 House of Representatives.

11 **SEC. 9. EFFECTIVE DATE; REGULATIONS.**

12 (a) EFFECTIVE DATE.—This Act and the amend-
13 ments made by this Act (other than the amendments made
14 by section 2) shall take effect on the date of the enactment
15 of this Act.

16 (b) REGULATIONS.—Not later than one year after the
17 date of the enactment of this Act, such regulations as are
18 necessary to carry out this Act and the amendments made
19 by this Act shall be prescribed.

○