

1 **TITLE I—AMENDMENTS TO THE**
2 **TARIFF ACT OF 1930**

3
4 **SEC. 101. LIMITATION ON LIQUIDATION**

5 Section 504 of the Tariff Act of 1930 (19 U.S.C. 1504) is
6 amended —

7 (1) in section (a)(1) by adding “or section 516A(c)(4)” after
8 “section 775(a)(3)”; and

9 (2) in section (d), by adding at the end “except for those entries
10 covered by the prohibition in section 516A(c)(4) of this Act.”

11 **SEC. 102. FINALITY OF CUSTOMS SERVICE DECISIONS.**

12 Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is
13 amended —

14 (1) in paragraph (6), by striking “or” at the end;

15 (2) by inserting after paragraph (7) the following new
16 paragraphs:

17 “(8) the assessment or collection of duties, taxes, or fees,
18 whether or not voluntarily tendered, under section 592 (c) or
19 (d) or section 593A (c) or (d) of this Act; or

20 “(9) a demand for payment or repayment of duties, taxes,
21 and fees other than in accordance with sections 500 and 501 of
22 this Act, including denials of requests for offsets pursuant to
23 section 509(b)(6)(A) of this Act;” and

1 (3) by inserting after “within the time prescribed by section
2 2636 of that title.” the following: “Notwithstanding the previous
3 sentence, if a protest is not filed with respect to a decision described
4 in paragraph (9), the existence and amount of liability for duties,
5 taxes, or fees requested to be paid or repaid in the decision shall not
6 be final and conclusive on any party for purposes of a civil action
7 commenced by the United States in the United States Court of
8 International Trade in accordance with section 1582 of title 28,
9 United States Code.”

10 **SEC. 103. FILING OF PROTESTS.**

11 (a) Section 514(c)(2) of the Tariff Act of 1930 (19 U.S.C.
12 1514(c)(2)) is amended —

13 (1) by redesignating subparagraph (F) as subparagraph (G);

14 (2) in subparagraph (G), as redesignated, by striking “(E)” and
15 inserting “(F)”; and

16 (3) by striking “or” at the end of subparagraph (E) and
17 inserting after subparagraph (E) the following new subparagraph:

18 “(F) with respect to a decision described in paragraph (8) or (9) of
19 subsection (a) —

20 “(i) any person against whom duties taxes, or fees are
21 assessed, or from whom duties, taxes, or fees are collected;

22 “(ii) any person to whom a demand is made by U.S.

1 Customs and Border Protection for payment or repayment of
2 duties, taxes, and fees;

3 “(iii) any person who tenders duties, taxes, or fees to
4 the U.S. Customs and Border Protection, whether or not
5 voluntarily; or

6 “(iv) any person whose request for an offset pursuant
7 to section 509(b)(6)(A) is denied, in whole or in part; or”.

8 (b) Section 514(c)(3) of the Tariff Act of 1930 (19 U.S.C.
9 1514(c)(3)) is amended by inserting at the end of clause (B) the
10 following sentence: “The date of a decision as to assessment or
11 collection of duties, taxes, or fees under section 592(c) or 593A(c) of
12 this Act is each of (i) the date on which U.S. Customs and Border
13 Protection receives a tender of the duties, taxes, or fees, (ii) the date
14 on which U.S. Customs and Border Protection informs the person
15 making a prior disclosure of the amount of duties, taxes, or fees
16 required to be tendered, and (iii) the date on which U.S. Customs
17 and Border Protection informs the person making any such tender
18 that the tender has been accepted and the matter is considered
19 closed.”

20 **SEC. 104. JUDICIAL REVIEW IN COUNTERVAILING**
21 **DUTY AND ANTIDUMPING PROCEEDINGS.**

22 Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is
23 amended —

1 (1) in subsection (c)—

2 (A) by inserting in paragraph (1) “or
3 suspended” after “enjoined by the court”;

4 (B) in paragraph (2) —

5 (i) by adding “Suspension of liquidation
6 and” before “injunctive relief”;

7 (ii) by designating the text in paragraph (2)
8 as subparagraph (B);

9 (iii) by inserting a new subparagraph (A) as
10 follows:

11 “(A) In the case of a determination
12 described in clause (iii) or (iv) of
13 subsection (a)(2)(B) of this section for
14 which judicial review is requested under
15 this section, liquidation of the entry of
16 merchandise that is covered by the
17 action is suspended and the
18 administering authority shall not issue
19 instructions to U.S. Customs and Border
20 Protection under section 751(a)(3)(B) of
21 this Act for those entries pending the
22 final disposition by the court, including
23 all appeals. The court may order the

1 administering authority to lift the
2 suspension of liquidation before the final
3 decision by the court, upon a request by
4 an interested party for such relief and a
5 proper showing that the requested relief
6 should be granted under the
7 circumstances.”; and

8 (iv) in new subparagraph (B), by inserting
9 “the liquidation of which was not suspended
10 as provided in (A) of this subsection,” after
11 “may enjoin the liquidation of some or all
12 entries of merchandise covered by a
13 determination of the Secretary, the
14 administering authority, the Commission,”;
15 and

16 (C) by inserting a new paragraph (4) as
17 follows:

18 “(4) The provisions of section 1504(d) of this title do
19 not apply to any entries subject to appeal under
20 subsection (a) of this section.”; and

21 (2) in subsection (e) —

22 (A) by inserting “or suspended” after
23 “enjoined” in subparagraph (2); and

1 (B) by inserting at the end “Any
2 liquidation not in such accordance is
3 void.”

4 **SEC. 105. CUSTOMS BROKERS.**

5 Section 641(e)(1) of the Tariff Act of 1930 (19
6 U.S.C. 1641(e)(1)) is amended —

7 (1) in the first sentence, by striking “written petition” and
8 inserting “summons and complaint”;

9 (2) by striking the sentence “A copy of the petition shall be
10 transmitted promptly by the clerk of the court to the Secretary or his
11 designee.”; and

12 (3) in the last sentence, by striking “petition” and inserting
13 “summons and complaint”.

14 **SEC. 106. LIQUIDATION IN ANTIDUMPING AND**
15 **COUNTERVAILING DUTY CASES**

16 Section 751(a)(3) of the Tariff Act of 1930 (19 U.S.C.
17 1675(a)(3)) is amended —

18 (1) in subsection (B) —

19 (A) by deleting “such” after “paragraph (1)”;

20 (B) by inserting after “paragraph (1),” the

21 following:

22 “the suspension of liquidation under

23 section 733(d)(2) of this Act shall remain in

1 effect until time for appeal under section 516A

2 of this Act has elapsed.”;

3 (C) by inserting “after that time” after

4 “promptly”;

5 (D) by inserting “unless suspension of

6 liquidation remains in effect pursuant to section

7 516A(c)(2)(A)” after “issued”; and

8 (E) by inserting at the end, “The administering

9 authority must not issue instructions to Customs until

10 the time for appeal under section 516A of this Act has

11 elapsed.”; and

12 (2) in subsection (C) —

13 (A) by striking “under section 516A(c)(2) of

14 this title” after “enjoined” and “under section 516A(g)(5)(c) of

15 this title” after “suspended”; and

16 (B) by inserting “under that section” after “suspended.”

17

18 **TITLE II—AMENDMENTS TO**

19 **TITLE 28, UNITED STATES CODE**

20

21 **SEC. 201. CIVIL ACTIONS AGAINST THE UNITED**

22 **STATES.**

1 Section 1581 of title 28, United States Code, is amended —

2 (1) in subsection (g) —

3 (A) by amending paragraph (1) to read as follows:

4 “(1) any decision of the Secretary of Treasury
5 under section 641 of the Tariff Act of 1930 to
6 suspend, revoke, or deny a customs broker’s license
7 or permit or impose a monetary penalty in lieu
8 thereof; and”;

9 (B) by striking paragraph (2); and

10 (C) by redesignating paragraph (3) as paragraph (2).

11
12 (2) in subsection (i),

13 (A) by striking “exception” and inserting
14 “exceptions” in its place;

15 (B) in paragraph (2) —

16 (i) by inserting “taxes, or” after “duties,”;

17 (ii) by striking “, or other taxes”;

18 and

19 (iii) by striking “for reasons other than the raising
20 of revenue”.

21 (C) in paragraph (3), by striking “for reasons other
22 than the protection of the public health or safety; or”;

23 (D) by renumbering paragraph (4) as paragraph (6);

1 (E) by inserting a new paragraph (4) as follows:

2 “(4) any prohibition or condition on the
3 importation of merchandise;”;

4 (F) by inserting a new paragraph (5) as follows:

5 “(5) importation without otherwise applicable
6 duties, taxes, or fees on the importation of
7 merchandise, or deferral of such duties, taxes, or fees;
8 or”;

9 (G) in paragraph (6) as renumbered by subparagraph
10 (D), by striking “(3)” and inserting “(5)” in place thereof; and

11 (H) in paragraph (6) as renumbered by subparagraph
12 (D), by inserting “, and section 1582 of this title” at the end;

13
14 (3) in subsection (j), by inserting before the period “or any
15 civil action arising under section 337 of the Tariff Act of 1930
16 (19 U.S.C. 1337)”.

17

18 **SEC. 202. CIVIL ACTIONS COMMENCED BY THE UNITED**
19 **STATES.**

20 Section 1582 of title 28, United States Code is amended to read
21 as follows:

22 **“§ 1582. Civil actions commenced by the United States**

1 “(a) The United States Court of International Trade shall
2 have exclusive jurisdiction of any civil action which is
3 commenced by the United States —

4 “(1) to recover a civil penalty under any provision of
5 the Tariff Act of 1930;

6 “(2) to recover a civil penalty arising from any
7 prohibition or condition on the importation of
8 merchandise;

9 “(3) to recover upon a bond relating to the
10 importation of merchandise required by the laws of the
11 United States or by the Secretary of the Treasury;

12 “(4) to recover customs duties; or

13 “(5) to enforce a summons under section 510 of the
14 Tariff Act of 1930 (19 U.S.C. 1510).

15 “(b) The United States Court of International Trade shall
16 have exclusive jurisdiction of any seizure of merchandise that
17 is imported or attempted to be imported, other than a seizure of
18 narcotics or other controlled substances, under any provision of
19 the Tariff Act of 1930 or any provision setting forth a
20 prohibition or condition on the importation of merchandise.”

21
22 **SEC. 203. PERSONS ENTITLED TO COMMENCE A CIVIL**
23 **ACTION**

24 Section 2631(g) of title 28, United States Code, is amended —

1 (A) by amending paragraph (1) to read as follows:

2 “(1) A civil action to review any decision of the
3 Secretary of the Treasury under section 641 of the
4 Tariff Act of 1930 to suspend, revoke, or deny a
5 customs broker’s license or permit or impose a
6 monetary penalty in lieu thereof may be commenced
7 in the United States Court of International Trade by
8 the person whose license or permit was suspended,
9 revoked, or denied, or by the person against whom
10 the decision was issued.”;

11 (B) by striking paragraph (2); and

12 (C) by redesignating paragraph (3) as paragraph (2);

13 **SEC. 204. TIME FOR COMMENCEMENT OF ACTION.**

14 Section 2636(g) of title 28, United States Code is amended to
15 read as follows —

16 “(g) A civil action contesting any decision of the Secretary of
17 the Treasury under section 641 of the Tariff Act of 1930 to
18 suspend, revoke, or deny a customs broker’s license or permit
19 or impose a monetary penalty in lieu thereof is barred unless
20 commenced in accordance with the rules of the United States
21 Court of International Trade within 60 days after the date of the
22 entry of the final decision or order of such Secretary.”

23 **SEC. 205. EXHAUSTION OF ADMINISTRATIVE**
24 **REMEDIES.**

1 Section 2637(a) of title 28, United States Code, is amended —

2 (1) by inserting “(1)” after “a civil action”; and

3 (2) by adding at the end the following:

4 “(2) In this subsection, the term ‘liquidated duties,
5 charges, or exactions’ does not include duties, taxes, or fees
6 that are the subject of a demand for payment or repayment
7 other than in accordance with sections 500 and 501 of the
8 Tariff Act of 1930 (19 U.S.C. 1500 and 1501), including
9 denials of requests for offsets under section 509(b)(6)(A) of
10 such Act (19 U.S.C. 1509(b)(6)(A)).”.

11 **SEC. 206. RELIEF.**

12 Section 2643(e) of title 28, United States Code, is amended by
13 striking “641(b)(6) or 641(d)(2)(A)” and inserting “641”.

14
15 **TITLE III—REFERENCES AND**
16 **EFFECTIVE DATE**

17 **SEC. 401. REFERENCES.**

18 Except as otherwise expressly provided in this Act, any
19 reference in this Act, including any amendment made by this Act, to
20 the “Bureau of Customs and Border Protection” or the “Customs
21 Service” shall be considered to be a reference to the U.S. Customs
22 and Border Protection of the Department of Homeland Security.

23 **SEC. 402. EFFECTIVE DATE.**

1 This Act and the amendments made by this Act shall take
2 effect on the date that is 60 days after the date of enactment of this
3 Act.