

117TH CONGRESS
2D SESSION

S. 5161

To provide for the liquidation or reliquidation of certain entries of products of European Union member states, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2022

Mr. MENENDEZ (for himself and Mr. CASSIDY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To provide for the liquidation or reliquidation of certain entries of products of European Union member states, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act maybe cited as the “For Accurate Import
5 Relief To Aid Retailers and Importers of Foreign Freights
6 Act of 2022” or the “FAIR TARIFF Act of 2022”.

7 **SEC. 2. CERTAIN ENTRIES OF PRODUCTS OF EUROPEAN**
8 **UNION MEMBER STATES.**

9 (a) PRODUCTS ENTERED DURING THE 60-DAY PE-
10 RIOD BEGINNING ON OCTOBER 18, 2019.—Notwith-

1 standing sections 514 and 520 of the Tariff Act of 1930
 2 (19 U.S.C. 1514 and 1520), or any other provision of law,
 3 U.S. Customs and Border Protection shall—

4 (1) liquidate or reliquidate each entry of a
 5 product—

6 (A) provided for in subheading 9903.89.10,
 7 9903.89.13, 9903.89.16, 9903.89.19,
 8 9903.89.22, 9903.89.25, 9903.89.28,
 9 9903.89.31, 9903.89.34, 9903.89.37,
 10 9903.89.40, 9903.89.43, 9903.89.46, or
 11 9903.89.49 of the HTS; and

12 (B) that was entered for consumption, or
 13 withdrawn from warehouse for consumption,
 14 during the 60-day period beginning on October
 15 18, 2019; and

16 (2) refund to the importer of record the amount
 17 of additional duties previously collected on the entry
 18 of that product by reason of the application of the
 19 applicable subheading of the HTS described in para-
 20 graph (1)(A) to the product.

21 (b) PRODUCTS ENTERED DURING THE 60-DAY PE-
 22 RIOD BEGINNING ON JANUARY 12, 2021.—Notwith-
 23 standing sections 514 and 520 of the Tariff Act of 1930
 24 (19 U.S.C. 1514 and 1520), or any other provision of law,
 25 U.S. Customs and Border Protection shall—

1 (1) liquidate or reliquidate each entry of a
2 product—

3 (A) provided for in subheading 9903.89.57,
4 9903.89.59, 9903.89.61, or 9903.89.63 of the
5 HTS; and

6 (B) that was entered for consumption, or
7 withdrawn from warehouse for consumption,
8 during the 60-day period beginning on January
9 12, 2021; and

10 (2) refund to the importer of record the amount
11 of additional duties previously collected on the entry
12 of that product by reason of the application of the
13 subheading of the HTS described in paragraph
14 (1)(A) to the product.

15 (c) REQUESTS.—A liquidation or reliquidation may
16 be made under subsection (a) or (b) with respect to an
17 entry of products only if a request therefor is filed with
18 U.S. Customs and Border Protection, not later than 1
19 year after the date of the enactment of this Act, that con-
20 tains sufficient information to enable U.S. Customs and
21 Border Protection—

22 (1) to either—

23 (A) locate the entry; or

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

1 (2) to verify the eligibility of the request.

2 (d) REFUND OF AMOUNTS OWED.—

3 (1) UNLIQUIDATED ENTRIES.—For an entry
4 described in subsection (a) or (b) that is unliqui-
5 dated, any duties, including interest, eligible for a
6 refund under subsection (a) or (b) shall be processed
7 for purposes of liquidation in accordance with sec-
8 tions 504 and 505 of the Tariff Act of 1930 (19
9 U.S.C. 1504 and 1505).

10 (2) RELIQUIDATED ENTRIES.—Any amounts
11 owed by the United States pursuant to a reliquida-
12 tion of an entry described in subsection (a) or (b)
13 (including interest from the date of entry) shall be
14 refunded not later than 180 days after the date of
15 the application for refund for the entry is made to
16 U.S. Customs and Border Protection.

17 (3) REFUND APPLICATION PROCESS.—U.S.
18 Customs and Border Protection shall—

19 (A) develop an application process for re-
20 questing refunds under subsections (a) and (b);
21 and

22 (B) make the process available to the pub-
23 lic not later than 90 days after the date of the
24 enactment of this Act.

1 (e) HTS DEFINED.—In this section, the term
 2 “HTS” means the Harmonized Tariff Schedule of the
 3 United States.

4 **SEC. 3. ADVANCE NOTICE WITH RESPECT TO CERTAIN AC-**
 5 **TIONS UNDER SECTION 301 OF THE TRADE**
 6 **ACT OF 1974.**

7 (a) IN GENERAL.—Section 306(b) of the Trade Act
 8 of 1974 (19 U.S.C. 2416(b)) is amended by adding at the
 9 end the following:

10 “(3) ADVANCE NOTICE.—The Trade Represent-
 11 ative may not provide for an effective date of any ac-
 12 tion described in subparagraph (A) or (B) of section
 13 301(c)(1) with respect to an increase in the duty
 14 rate of a good of a foreign country (other than a
 15 nonmarket economy country (as that term is defined
 16 in section 771(18) of the Tariff Act of 1930 (19
 17 U.S.C. 1677(18))) by reason of the good being—

18 “(A) included on a retaliation list or re-
 19 vised retaliation list under this subsection, or

20 “(B) subject to any other action under
 21 subparagraph (A) or (B) of such section,
 22 that is earlier than the date that is 60 days after no-
 23 tice of the action is published in the Federal Reg-
 24 ister.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a)—

3 (1) takes effect on the date of the enactment of
4 this Act; and

5 (2) applies with respect to—

6 (A) any good included on a retaliation list
7 under section 306(b) of the Trade Act of 1974
8 (19 U.S.C. 2416(b)) that is published in the
9 Federal Register on or after the date that is 30
10 days after the date of the enactment of this
11 Act; and

12 (B) any good that is subject to any other
13 action under subparagraph (A) or (B) of sec-
14 tion 301(c)(1) of such Act (19 U.S.C.
15 2411(c)(1)) that becomes effective on or after
16 the date that is 30 days after the date of the
17 enactment of this Act.

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