

115TH CONGRESS  
1ST SESSION

# H. R. 1057

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2017

Mr. TIBERI (for himself, Mr. NEAL, Mr. McCAUL, Mr. HUNTER, Miss RICE of New York, Mr. KELLY of Pennsylvania, and Mr. BUCHANAN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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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