

118TH CONGRESS
1ST SESSION

H. R. 3739

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

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2023

Mr. WENSTRUP (for himself, Mr. THOMPSON of California, Mr. SMITH of Nebraska, Ms. SEWELL, Mrs. MILLER of West Virginia, and Mr. PANETTA) introduced the following bill; which was referred to the Committee on Ways and Means

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 may be cited as the “For Accurate Import
5 Relief To Aid Retailers and Importers of Foreign Freights
6 Act of 2023” or “FAIR TARIFF Act of 2023”.

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

3 (a) PRODUCTS ENTERED DURING THE 60-DAY PE-
 4 RIOD BEGINNING ON OCTOBER 18, 2019.—Notwith-
 5 standing sections 514 and 520 of the Tariff Act of 1930
 6 (19 U.S.C. 1514 and 1520), or any other provision of law,
 7 U.S. Customs and Border Protection shall—

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

10 (A) provided for in subheading 9903.89.10,
 11 9903.89.13, 9903.89.16, 9903.89.19,
 12 9903.89.22, 9903.89.25, 9903.89.28,
 13 9903.89.31, 9903.89.34, 9903.89.37,
 14 9903.89.40, 9903.89.43, 9903.89.46, or
 15 9903.89.49 of the HTS; and

16 (B) that was entered for consumption, or
 17 withdrawn from warehouse for consumption,
 18 during the 60-day period beginning on October
 19 18, 2019; and

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

25 (b) PRODUCTS ENTERED DURING THE 60-DAY PE-
 26 RIOD BEGINNING ON JANUARY 12, 2022.—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 9903.89.57
7 or 9903.89.59 of the HTS; and

8 (B) that was entered for consumption, or
9 withdrawn from warehouse for consumption,
10 during the 60-day period beginning on January
11 12, 2022; and

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

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

24 (1) to either—

25 (A) locate the entry; or

1 (B) to reconstruct the entry if it cannot be
2 located; and

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

4 (d) REFUND OF AMOUNTS OWED.—

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

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

19 (3) REFUND APPLICATION PROCESS.—U.S.
20 Customs and Border Protection shall—

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

1 (B) make the process available to the pub-
2 lic not later than 90 days after the date of the
3 enactment of this Act.

4 (e) HTS DEFINED.—In this section, the term
5 “HTS” means the Harmonized Tariff Schedule of the
6 United States.

7 **SEC. 3. ADVANCE NOTICE WITH RESPECT TO CERTAIN AC-**
8 **TIONS UNDER SECTION 301 OF THE TRADE**
9 **ACT OF 1974.**

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

13 “(3) ADVANCE NOTICE.—The Trade Represent-
14 ative may not provide for an effective date of any ac-
15 tion described in subparagraph (A) or (B) of section
16 301(c)(1) with respect to—

17 “(A) an increase in the tariff rate of a
18 good of a foreign country (other than a non-
19 market economy country (as that term is de-
20 fined in section 771(18) of the Tariff Act of
21 1930 (19 U.S.C. 1677(18)))) by reason of the
22 good being included on a retaliation list or re-
23 vised retaliation list under this subsection, or

24 “(B) an increase in the tariff rate of a
25 good of a foreign country (other than a non-

1 market economy country (as that term is de-
2 fined in section 771(18) of the Tariff Act of
3 1930 (19 U.S.C. 1677(18))) by reason of the
4 good being subject to any other action under
5 subparagraph (A) or (B) of such section,
6 that is earlier than the date that is 60 days after no-
7 tice of the action is published in the Federal Reg-
8 ister.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a)—

11 (1) takes effect on the date of the enactment of
12 this Act; and

13 (2) applies with respect to—

14 (A) any good included on a retaliation list
15 under section 306(b) of the Trade Act of 1974
16 (19 U.S.C. 2416(b)) that is published in the
17 Federal Register on or after the date that is 30
18 days after the date of the enactment of this
19 Act; and

20 (B) any good that is subject to any other
21 action under subparagraph (A) or (B) of sec-
22 tion 301(c)(1) of such Act (19 U.S.C.
23 2411(c)(1)) that becomes effective on or after

1 the date that is 30 days after the date of the
2 enactment of this Act.

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