112TH CONGRESS
2D SESSION
H. R. 5154

To provide for the reliquidation of certain entries of high-density, fiberboard-core laminate wall and floor panels, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2012

Mr. LoBIONDO (for himself and Mr. PASCRELL) introduced the following bill; which was referred to the Committee on Ways and Means

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A BILL

To provide for the reliquidation of certain entries of high-density, fiberboard-core laminate wall and floor panels, 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. RELIQUIDATION OF CERTAIN ENTRIES OF**

4   **HIGH-DENSITY, FIBERBOARD-CORE LAMI-**

5   **NATE WALL AND FLOOR PANELS.**

6   (a) IN GENERAL.—Notwithstanding section 514 of

7 the Tariff Act of 1930 (19 U.S.C. 1514) or any other pro-

8 vision of law, U.S. Customs and Border Protection shall,

9 not later than 90 days after receiving a request described

10 in subsection (c), liquidate or reliquidate each entry de-

1 scribed in subsection (b) at the duty rate of 3.2 percent

2 ad valorem.

3 (b) ENTRIES DESCRIBED.—Entries described in this

4 subsection are entries of fiberboard produced using the

5 dry method of production that—

6 (1) were entered on or after January 1, 1994,

7 and on or before February 2, 2007;

8 (2) were classified at the time of entry under

9 subheading 4411.19.40 of the Harmonized Tariff

10 Schedule of the United States; and

11 (3) are substantially similar to the merchandise

12 that was the subject of the decisions of the Court of

13 Appeals for the Federal Circuit in Faus Group, Inc.

14 v. United States, 581 F.3d 1369 (Fed. Cir. 2009),

15 and Witex USA, Inc., et al. v. United States, 333

16 Fed. App. 569 (Fed. Cir. 2009).

17 (c) ACCESS TO ENTRY INFORMATION.—

18 (1) NOTICE.—Not later than 30 days after the

19 date of the enactment of this Act, the Commissioner

20 responsible for U.S. Customs and Border Protection

21 (in this section referred to as the ''Commissioner'')

22 shall provide notice to all importers of entries de-

23 scribed in subsection (b) that they are entitled to re-

24 quest copies of the electronic records of U.S. Cus-

1 toms and Border Protection with respect to those

2 entries, including information with respect to—

3 (A) the date and value of those entries;

4 and

5 (B) whether or not U.S. Customs and Bor-

6 der Protection suspended the liquidation of

7 those entries.

8 (2) PROVISION OF ENTRY INFORMATION.—The

9 Commissioner shall provide information requested

10 under paragraph (1) to the importer that requested

11 the information not later than 15 days after receiv-

12 ing the request of the importer.

13 (d) REQUESTS.—Any person seeking a liquidation or

14 reliquidation pursuant to subsection (a) with respect to

15 an entry shall file a proper request with U.S. Customs

16 and Border Protection not later than the date that is 90

17 days after the date of the enactment of this Act that con-

18 tains—

19 (1) sufficient information to enable U.S. Cus-

20 toms and Border Protection—

21 (A) to locate the entry; or

22 (B) to reconstruct the entry if it cannot be

23 located; and

24 (2) the entry summary documents for the entry

25 and all supporting documents necessary to dem-

1 onstrate to U.S. Customs and Border Protection
2 that the entry is an entry described in subsection
3 (b).

4 (e) PAYMENT OF AMOUNTS OWED.—Any amounts
5 owed by the United States pursuant to the liquidation or
6 reliquidation of an entry under subsection (a) shall be paid
7 by U.S. Customs and Border Protection not later than 30
8 days after the date of the liquidation or reliquidation.

9 (f) REPORT TO CONGRESS.—Not later than 150 days
10 after the date of the enactment of this Act, the Commis-
11 sioner shall submit to the Committee on Finance of the
12 Senate and the Committee on Ways and Means of the
13 House of Representatives a report that specifies—

14   (1) which entries described in subsection (b)
15   have been liquidated or reliquidated pursuant to sub-
16   section (a); and

17   (2) the amounts refunded pursuant to liquida-
18   tions and reliquidations pursuant to subsection (a)
19   in the aggregate and by importer, entry number,
20   date, and port of entry.

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