

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5788

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IN THE SENATE OF THE UNITED STATES

JUNE 18, 2018

Received; read twice and referred to the Committee on Finance

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## AN ACT

To provide for the processing by U.S. Customs and Border Protection of certain international mail shipments and to require the provision of advance electronic information on international mail shipments of mail, 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; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Synthetics Trafficking and Overdose Prevention Act of  
4 2018” or “STOP Act of 2018”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Customs fees.
- Sec. 3. Mandatory advance electronic information for postal shipments.
- Sec. 4. International postal agreements.
- Sec. 5. Cost recoupment.
- Sec. 6. Development of technology to detect illicit narcotics.
- Sec. 7. Civil penalties for postal shipments.
- Sec. 8. Report on violations of arrival, reporting, entry, and clearance requirements and falsity or lack of manifest.
- Sec. 9. Effective date; regulations.

7 **SEC. 2. CUSTOMS FEES.**

8 (a) **IN GENERAL.**—Section 13031(b)(9) of the Con-  
9 solidated Omnibus Budget Reconciliation Act of 1985 (19  
10 U.S.C. 58c(b)(9)) is amended by adding at the end the  
11 following:

12 “(D)(i) With respect to the processing of items  
13 that are sent to the United States through the inter-  
14 national postal network by ‘Inbound Express Mail  
15 service’ or ‘Inbound EMS’ (as that service is de-  
16 scribed in the mail classification schedule referred to  
17 in section 3631 of title 39, United States Code), the  
18 following payments are required:

19 “(I) \$1 per Inbound EMS item.

1           “(II) If an Inbound EMS item is formally  
2 entered, the fee provided for under subsection  
3 (a)(9), if applicable.

4           “(ii) Notwithstanding section 451 of the Tariff  
5 Act of 1930 (19 U.S.C. 1451), the payments re-  
6 quired by clause (i), as allocated pursuant to clause  
7 (iii)(I), shall be the only payments required for reim-  
8 bursement of U.S. Customs and Border Protection  
9 for customs services provided in connection with the  
10 processing of an Inbound EMS item.

11           “(iii)(I) The payments required by clause (i)(I)  
12 shall be allocated as follows:

13           “(aa) 50 percent of the amount of the pay-  
14 ments shall be paid on a quarterly basis by the  
15 United States Postal Service to the Commis-  
16 sioner of U.S. Customs and Border Protection  
17 in accordance with regulations prescribed by the  
18 Secretary of the Treasury to reimburse U.S.  
19 Customs and Border Protection for customs  
20 services provided in connection with the proc-  
21 essing of Inbound EMS items.

22           “(bb) 50 percent of the amount of the pay-  
23 ments shall be retained by the Postal Service to  
24 reimburse the Postal Service for services pro-

1           vided in connection with the customs processing  
2           of Inbound EMS items.

3           “(II) Payments received by U.S. Customs and  
4           Border Protection under subclause (I)(aa) shall, in  
5           accordance with section 524 of the Tariff Act of  
6           1930 (19 U.S.C. 1524), be deposited in the Customs  
7           User Fee Account and used to directly reimburse  
8           each appropriation for the amount paid out of that  
9           appropriation for the costs incurred in providing  
10          services to international mail facilities. Amounts de-  
11          posited in accordance with the preceding sentence  
12          shall be available until expended for the provision of  
13          such services.

14          “(III) Payments retained by the Postal Service  
15          under subclause (I)(bb) shall be used to directly re-  
16          imburse the Postal Service for the costs incurred in  
17          providing services in connection with the customs  
18          processing of Inbound EMS items.

19          “(iv) Beginning in fiscal year 2021, the Sec-  
20          retary, in consultation with the Postmaster General,  
21          may adjust, not more frequently than once each fis-  
22          cal year, the amount described in clause (i)(I) to an  
23          amount commensurate with the costs of services pro-  
24          vided in connection with the customs processing of  
25          Inbound EMS items, consistent with the obligations

1 of the United States under international agree-  
2 ments.”.

3 (b) CONFORMING AMENDMENTS.—Section 13031(a)  
4 of the Consolidated Omnibus Budget Reconciliation Act  
5 of 1985 (19 U.S.C. 58c(a)) is amended—

6 (1) in paragraph (6), by inserting “(other than  
7 an item subject to a fee under subsection  
8 (b)(9)(D))” after “customs officer”; and

9 (2) in paragraph (10)—

10 (A) in subparagraph (C), in the matter  
11 preceding clause (i), by inserting “(other than  
12 Inbound EMS items described in subsection  
13 (b)(9)(D))” after “release”; and

14 (B) in the flush at the end, by inserting  
15 “or of Inbound EMS items described in sub-  
16 section (b)(9)(D),” after “(C),”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall take effect on January 1, 2020.

19 **SEC. 3. MANDATORY ADVANCE ELECTRONIC INFORMATION**  
20 **FOR POSTAL SHIPMENTS.**

21 (a) MANDATORY ADVANCE ELECTRONIC INFORMA-  
22 TION.—

23 (1) IN GENERAL.—Section 343(a)(3)(K) of the  
24 Trade Act of 2002 (Public Law 107–210; 19 U.S.C.  
25 2071 note) is amended to read as follows:

1           “(K)(i) The Secretary shall prescribe regu-  
2           lations requiring the United States Postal Serv-  
3           ice to transmit the information described in  
4           paragraphs (1) and (2) to the Commissioner of  
5           U.S. Customs and Border Protection for inter-  
6           national mail shipments by the Postal Service  
7           (including shipments to the Postal Service from  
8           foreign postal operators that are transported by  
9           private carrier) consistent with the require-  
10          ments of this subparagraph.

11           “(ii) In prescribing regulations under  
12          clause (i), the Secretary shall impose require-  
13          ments for the transmission to the Commissioner  
14          of information described in paragraphs (1) and  
15          (2) for mail shipments described in clause (i)  
16          that are comparable to the requirements for the  
17          transmission of such information imposed on  
18          similar non-mail shipments of cargo, taking into  
19          account the parameters set forth in subpara-  
20          graphs (A) through (J).

21           “(iii) The regulations prescribed under  
22          clause (i) shall require the transmission of the  
23          information described in paragraphs (1) and (2)  
24          with respect to a shipment as soon as prac-

1            ticable in relation to the transportation of the  
2            shipment, consistent with subparagraph (H).

3            “(iv) Regulations prescribed under clause  
4            (i) shall allow for the requirements for the  
5            transmission to the Commissioner of informa-  
6            tion described in paragraphs (1) and (2) for  
7            mail shipments described in clause (i) to be im-  
8            plemented in phases, as appropriate, by—

9            “(I) setting incremental targets for in-  
10            creasing the percentage of such shipments  
11            for which information is required to be  
12            transmitted to the Commissioner; and

13            “(II) taking into consideration—

14            “(aa) the risk posed by such  
15            shipments;

16            “(bb) the volume of mail shipped  
17            to the United States by or through a  
18            particular country; and

19            “(cc) the capacities of foreign  
20            postal operators to provide that infor-  
21            mation to the Postal Service.

22            “(v)(I) Notwithstanding clause (iv), the  
23            Postal Service shall, not later than December  
24            31, 2018, arrange for the transmission to the  
25            Commissioner of the information described in

1 paragraphs (1) and (2) for not less than 70  
2 percent of the aggregate number of mail ship-  
3 ments, including 100 percent of mail shipments  
4 from the People’s Republic of China, described  
5 in clause (i).

6 “(II) If the requirements of subclause (I)  
7 are not met, the Comptroller General of the  
8 United States shall submit to the appropriate  
9 congressional committees, not later than June  
10 30, 2019, a report—

11 “(aa) assessing the reasons for the  
12 failure to meet those requirements; and

13 “(bb) identifying recommendations to  
14 improve the collection by the Postal Serv-  
15 ice of the information described in para-  
16 graphs (1) and (2).

17 “(vi)(I) Notwithstanding clause (iv), the  
18 Postal Service shall, not later than December  
19 31, 2020, arrange for the transmission to the  
20 Commissioner of the information described in  
21 paragraphs (1) and (2) for 100 percent of the  
22 aggregate number of mail shipments described  
23 in clause (i).

24 “(II) The Commissioner, in consultation  
25 with the Postmaster General, may determine to



1           exclude a country from the requirement de-  
2           scribed in subclause (I) to transmit information  
3           for mail shipments described in clause (i) from  
4           the country if the Commissioner determines  
5           that the country—

6                   “(aa) does not have the capacity to  
7                   collect and transmit such information;

8                   “(bb) represents a low risk for mail  
9                   shipments that violate relevant United  
10                  States laws and regulations; and

11                  “(cc) accounts for low volumes of mail  
12                  shipments that can be effectively screened  
13                  for compliance with relevant United States  
14                  laws and regulations through an alternate  
15                  means.

16                  “(III) The Commissioner shall, at a min-  
17                  imum on an annual basis, re-evaluate any de-  
18                  termination made under subclause (II) to ex-  
19                  clude a country from the requirement described  
20                  in subclause (I). If, at any time, the Commis-  
21                  sioner determines that a country no longer  
22                  meets the requirements under subclause (II),  
23                  the Commissioner may not further exclude the  
24                  country from the requirement described in sub-  
25                  clause (I).

1           “(IV) The Commissioner shall, on an an-  
2 nual basis, submit to the appropriate congres-  
3 sional committees—

4                   “(aa) a list of countries with respect  
5 to which the Commissioner has made a de-  
6 termination under subclause (II) to exclude  
7 the countries from the requirement de-  
8 scribed in subclause (I); and

9                   “(bb) information used to support  
10 such determination with respect to such  
11 countries.

12           “(vii)(I) The Postmaster General shall, in  
13 consultation with the Commissioner, refuse any  
14 shipments received after December 31, 2020,  
15 for which the information described in para-  
16 graphs (1) and (2) is not transmitted as re-  
17 quired under this subparagraph, except as pro-  
18 vided in subclause (II).

19           “(II) If remedial action is warranted in  
20 lieu of refusal of shipments pursuant to sub-  
21 clause (I), the Postmaster General and the  
22 Commissioner shall take remedial action with  
23 respect to the shipments, including destruction,  
24 seizure, controlled delivery or other law enforce-  
25 ment initiatives, or correction of the failure to

1 provide the information described in paragraphs  
2 (1) and (2) with respect to the shipments.

3 “(viii) Nothing in this subparagraph shall  
4 be construed to limit the authority of the Sec-  
5 retary to obtain information relating to inter-  
6 national mail shipments from private carriers or  
7 other appropriate parties.

8 “(ix) In this subparagraph, the term ‘ap-  
9 propriate congressional committees’ means—

10 “(I) the Committee on Finance and  
11 the Committee on Homeland Security and  
12 Governmental Affairs of the Senate; and

13 “(II) the Committee on Ways and  
14 Means, the Committee on Oversight and  
15 Government Reform, and the Committee  
16 on Homeland Security of the House of  
17 Representatives.”.

18 (2) JOINT STRATEGIC PLAN ON MANDATORY  
19 ADVANCE INFORMATION.—Not later than 60 days  
20 after the date of the enactment of this Act, the Sec-  
21 retary of Homeland Security and the Postmaster  
22 General shall develop and submit to the appropriate  
23 congressional committees a joint strategic plan de-  
24 tailing specific performance measures for achiev-  
25 ing—

1 (A) the transmission of information as re-  
2 quired by section 343(a)(3)(K) of the Trade  
3 Act of 2002, as amended by paragraph (1); and

4 (B) the presentation by the Postal Service  
5 to U.S. Customs and Border Protection of all  
6 mail targeted by U.S. Customs and Border Pro-  
7 tection for inspection.

8 (b) CAPACITY BUILDING.—

9 (1) IN GENERAL.—Section 343(a) of the Trade  
10 Act of 2002 (Public Law 107–210; 19 U.S.C. 2071  
11 note) is amended by adding at the end the following:

12 “(5) CAPACITY BUILDING.—

13 “(A) IN GENERAL.—The Secretary, with  
14 the concurrence of the Secretary of State, and  
15 in coordination with the Postmaster General  
16 and the heads of other Federal agencies, as ap-  
17 propriate, may provide technical assistance,  
18 equipment, technology, and training to enhance  
19 the capacity of foreign postal operators—

20 “(i) to gather and provide the infor-  
21 mation required by paragraph (3)(K); and

22 “(ii) to otherwise gather and provide  
23 postal shipment information related to—

24 “(I) terrorism;

1                   “(II) items the importation or in-  
2                   troduction of which into the United  
3                   States is prohibited or restricted, in-  
4                   cluding controlled substances; and

5                   “(III) such other concerns as the  
6                   Secretary determines appropriate.

7                   “(B) PROVISION OF EQUIPMENT AND  
8                   TECHNOLOGY.—With respect to the provision of  
9                   equipment and technology under subparagraph  
10                  (A), the Secretary may lease, loan, provide, or  
11                  otherwise assist in the deployment of such  
12                  equipment and technology under such terms  
13                  and conditions as the Secretary may prescribe,  
14                  including nonreimbursable loans or the transfer  
15                  of ownership of equipment and technology.”.

16                  (2) JOINT STRATEGIC PLAN ON CAPACITY  
17                  BUILDING.—Not later than one year after the date  
18                  of the enactment of this Act, the Secretary of Home-  
19                  land Security and the Postmaster General shall, in  
20                  consultation with the Secretary of State, jointly de-  
21                  velop and submit to the appropriate congressional  
22                  committees a joint strategic plan—

23                         (A) detailing the extent to which U.S. Cus-  
24                         toms and Border Protection and the United  
25                         States Postal Service are engaged in capacity

1 building efforts under section 343(a)(5) of the  
2 Trade Act of 2002, as added by paragraph (1);

3 (B) describing plans for future capacity  
4 building efforts; and

5 (C) assessing how capacity building has in-  
6 creased the ability of U.S. Customs and Border  
7 Protection and the Postal Service to advance  
8 the goals of this Act and the amendments made  
9 by this Act.

10 (c) REPORT AND CONSULTATIONS BY SECRETARY OF  
11 HOMELAND SECURITY AND POSTMASTER GENERAL.—

12 (1) REPORT.—Not later than 180 days after  
13 the date of the enactment of this Act, and annually  
14 thereafter until 3 years after the Postmaster Gen-  
15 eral has met the requirement under clause (vi) of  
16 subparagraph (K) of section 343(a)(3) of the Trade  
17 Act of 2002, as amended by subsection (a)(1), the  
18 Secretary of Homeland Security and the Postmaster  
19 General shall, in consultation with the Secretary of  
20 State, jointly submit to the appropriate congres-  
21 sional committees a report on compliance with that  
22 subparagraph that includes the following:

23 (A) An assessment of the status of the reg-  
24 ulations required to be promulgated under that  
25 subparagraph.

1 (B) An update regarding new and existing  
2 agreements reached with foreign postal opera-  
3 tors for the transmission of the information re-  
4 quired by that subparagraph.

5 (C) A summary of deliberations between  
6 the United States Postal Service and foreign  
7 postal operators with respect to issues relating  
8 to the transmission of that information.

9 (D) A summary of the progress made in  
10 achieving the transmission of that information  
11 for the percentage of shipments required by  
12 that subparagraph.

13 (E) An assessment of the quality of that  
14 information being received by foreign postal op-  
15 erators, as determined by the Secretary of  
16 Homeland Security, and actions taken to im-  
17 prove the quality of that information.

18 (F) A summary of policies established by  
19 the Universal Postal Union that may affect the  
20 ability of the Postmaster General to obtain the  
21 transmission of that information.

22 (G) A summary of the use of technology to  
23 detect illicit synthetic opioids and other illegal  
24 substances in international mail parcels and

1           planned acquisitions and advancements in such  
2           technology.

3           (H) Such other information as the Sec-  
4           retary of Homeland Security and the Post-  
5           master General consider appropriate with re-  
6           spect to obtaining the transmission of informa-  
7           tion required by that subparagraph.

8           (2) CONSULTATIONS.—Not later than 180 days  
9           after the date of the enactment of this Act, and  
10          every 180 days thereafter until the Postmaster Gen-  
11          eral has met the requirement under clause (vi) of  
12          section 343(a)(3)(K) of the Trade Act of 2002, as  
13          amended by subsection (a)(1), to arrange for the  
14          transmission of information with respect to 100 per-  
15          cent of the aggregate number of mail shipments de-  
16          scribed in clause (i) of that section, the Secretary of  
17          Homeland Security and the Postmaster General  
18          shall provide briefings to the appropriate congres-  
19          sional committees on the progress made in achieving  
20          the transmission of that information for that per-  
21          centage of shipments.

22          (d) GOVERNMENT ACCOUNTABILITY OFFICE RE-  
23          PORT.—Not later than June 30, 2019, the Comptroller  
24          General of the United States shall submit to the appro-  
25          priate congressional committees a report—



1           (1) assessing the progress of the United States  
2           Postal Service in achieving the transmission of the  
3           information required by subparagraph (K) of section  
4           343(a)(3) of the Trade Act of 2002, as amended by  
5           subsection (a)(1), for the percentage of shipments  
6           required by that subparagraph;

7           (2) assessing the quality of the information re-  
8           ceived from foreign postal operators for targeting  
9           purposes;

10          (3) assessing the specific percentage of targeted  
11          mail presented by the Postal Service to U.S. Cus-  
12          toms and Border Protection for inspection;

13          (4) describing the costs of collecting the infor-  
14          mation required by such subparagraph (K) from for-  
15          eign postal operators and the costs of implementing  
16          the use of that information;

17          (5) assessing the benefits of receiving that in-  
18          formation with respect to international mail ship-  
19          ments;

20          (6) assessing the feasibility of assessing a cus-  
21          toms fee under section 13031(b)(9) of the Consoli-  
22          dated Omnibus Budget Reconciliation Act of 1985,  
23          as amended by section 2, on international mail ship-  
24          ments other than Inbound Express Mail service in a

1 manner consistent with the obligations of the United  
2 States under international agreements; and

3 (7) identifying recommendations, including rec-  
4 ommendations for legislation, to improve the compli-  
5 ance of the Postal Service with such subparagraph  
6 (K), including an assessment of whether the detec-  
7 tion of illicit synthetic opioids in the international  
8 mail would be improved by—

9 (A) requiring the Postal Service to serve as  
10 the consignee for international mail shipments  
11 containing goods; or

12 (B) designating a customs broker to act as  
13 an importer of record for international mail  
14 shipments containing goods.

15 (e) TECHNICAL CORRECTION.—Section 343 of the  
16 Trade Act of 2002 (Public Law 107–210; 19 U.S.C. 2071  
17 note) is amended in the section heading by striking “**AD-**  
18 **VANCED**” and inserting “**ADVANCE**”.

19 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
20 FINED.—In this section, the term “appropriate congres-  
21 sional committees” means—

22 (1) the Committee on Finance and the Com-  
23 mittee on Homeland Security and Governmental Af-  
24 fairs of the Senate; and

1           (2) the Committee on Ways and Means, the  
2           Committee on Oversight and Government Reform,  
3           and the Committee on Homeland Security of the  
4           House of Representatives.

5 **SEC. 4. INTERNATIONAL POSTAL AGREEMENTS.**

6           (a) **EXISTING AGREEMENTS.—**

7           (1) **IN GENERAL.—**In the event that any provi-  
8           sion of this Act, or any amendment made by this  
9           Act, is determined to be in violation of obligations  
10          of the United States under any postal treaty, con-  
11          vention, or other international agreement related to  
12          international postal services, or any amendment to  
13          such an agreement, the Secretary of State should  
14          negotiate to amend the relevant provisions of the  
15          agreement so that the United States is no longer in  
16          violation of the agreement.

17          (2) **RULE OF CONSTRUCTION.—**Nothing in this  
18          subsection shall be construed to permit delay in the  
19          implementation of this Act or any amendment made  
20          by this Act.

21          (b) **FUTURE AGREEMENTS.—**

22          (1) **CONSULTATIONS.—**Before entering into, on  
23          or after the date of the enactment of this Act, any  
24          postal treaty, convention, or other international  
25          agreement related to international postal services, or

1 any amendment to such an agreement, that is re-  
2 lated to the ability of the United States to secure  
3 the provision of advance electronic information by  
4 foreign postal operators, the Secretary of State  
5 should consult with the appropriate congressional  
6 committees (as defined in section 3(f)).

7 (2) EXPEDITED NEGOTIATION OF NEW AGREE-  
8 MENT.—To the extent that any new postal treaty,  
9 convention, or other international agreement related  
10 to international postal services would improve the  
11 ability of the United States to secure the provision  
12 of advance electronic information by foreign postal  
13 operators as required by regulations prescribed  
14 under section 343(a)(3)(K) of the Trade Act of  
15 2002, as amended by section 3(a)(1), the Secretary  
16 of State should expeditiously conclude such an  
17 agreement.

18 **SEC. 5. COST RECOUPMENT.**

19 (a) IN GENERAL.—The United States Postal Service  
20 shall, to the extent practicable and otherwise recoverable  
21 by law, ensure that all costs associated with complying  
22 with this Act and amendments made by this Act are  
23 charged directly to foreign shippers or foreign postal oper-  
24 ators.

1 (b) COSTS NOT CONSIDERED REVENUE.—The recov-  
2 ery of costs under subsection (a) shall not be deemed rev-  
3 enue for purposes of subchapter I and II of chapter 36  
4 of title 39, United States Code, or regulations prescribed  
5 under that chapter.

6 **SEC. 6. DEVELOPMENT OF TECHNOLOGY TO DETECT IL-**  
7 **LICIT NARCOTICS.**

8 (a) IN GENERAL.—The Postmaster General and the  
9 Commissioner of U.S. Customs and Border Protection, in  
10 coordination with the heads of other agencies as appro-  
11 priate, shall collaborate to identify and develop technology  
12 for the detection of illicit fentanyl, other synthetic opioids,  
13 and other narcotics and psychoactive substances entering  
14 the United States by mail.

15 (b) OUTREACH TO PRIVATE SECTOR.—The Post-  
16 master General and the Commissioner shall conduct out-  
17 reach to private sector entities to gather information re-  
18 garding the current state of technology to identify areas  
19 for innovation relating to the detection of illicit fentanyl,  
20 other synthetic opioids, and other narcotics and  
21 psychoactive substances entering the United States.

22 **SEC. 7. CIVIL PENALTIES FOR POSTAL SHIPMENTS.**

23 Section 436 of the Tariff Act of 1930 (19 U.S.C.  
24 1436) is amended by adding at the end the following new  
25 subsection:

1 “(e) CIVIL PENALTIES FOR POSTAL SHIPMENTS.—

2 “(1) CIVIL PENALTY.—A civil penalty shall be  
3 imposed against the United States Postal Service if  
4 the Postal Service accepts a shipment in violation of  
5 section 343(a)(3)(K)(vii)(I) of the Trade Act of  
6 2002.

7 “(2) MODIFICATION OF CIVIL PENALTY.—

8 “(A) IN GENERAL.—U.S. Customs and  
9 Border Protection shall reduce or dismiss a civil  
10 penalty imposed pursuant to paragraph (1) if  
11 U.S. Customs and Border Protection deter-  
12 mines that the United States Postal Service—

13 “(i) has a low error rate in compliance  
14 with section 343(a)(3)(K) of the Trade Act  
15 of 2002;

16 “(ii) is cooperating with U.S. Customs  
17 and Border Protection with respect to the  
18 violation of section 343(a)(3)(K)(vii)(I) of  
19 the Trade Act of 2002; or

20 “(iii) has taken remedial action to  
21 prevent future violations of section  
22 343(a)(3)(K)(vii)(I) of the Trade Act of  
23 2002.

24 “(B) WRITTEN NOTIFICATION.—U.S. Cus-  
25 toms and Border Protection shall issue a writ-

1           ten notification to the Postal Service with re-  
2           spect to each exercise of the authority of sub-  
3           paragraph (A) to reduce or dismiss a civil pen-  
4           alty imposed pursuant to paragraph (1).

5           “(3) ONGOING LACK OF COMPLIANCE.—If U.S.  
6           Customs and Border Protection determines that the  
7           United States Postal Service—

8                   “(A) has repeatedly committed violations  
9                   of section 343(a)(3)(K)(vii)(I) of the Trade Act  
10                  of 2002,

11                  “(B) has failed to cooperate with U.S.  
12                  Customs and Border Protection with respect to  
13                  violations of section 343(a)(3)(K)(vii)(I) of the  
14                  Trade Act of 2002, and

15                  “(C) has an increasing error rate in com-  
16                  pliance with section 343(a)(3)(K) of the Trade  
17                  Act of 2002,

18           civil penalties may be imposed against the United  
19           States Postal Service until corrective action, satis-  
20           factory to U.S. Customs and Border Protection, is  
21           taken.”.

1 **SEC. 8. REPORT ON VIOLATIONS OF ARRIVAL, REPORTING,**  
2 **ENTRY, AND CLEARANCE REQUIREMENTS**  
3 **AND FALSITY OR LACK OF MANIFEST.**

4 (a) IN GENERAL.—The Commissioner of U.S. Cus-  
5 toms and Border Protection shall submit to the appro-  
6 priate congressional committees an annual report that  
7 contains the information described in subsection (b) with  
8 respect to each violation of section 436 of the Tariff Act  
9 of 1930 (19 U.S.C. 1436), as amended by section 7, and  
10 section 584 of such Act (19 U.S.C. 1584) that occurred  
11 during the previous year.

12 (b) INFORMATION DESCRIBED.—The information de-  
13 scribed in this subsection is the following:

14 (1) The name and address of the violator.

15 (2) The specific violation that was committed.

16 (3) The location or port of entry through which  
17 the items were transported.

18 (4) An inventory of the items seized, including  
19 a description of the items and the quantity seized.

20 (5) The location from which the items origi-  
21 nated.

22 (6) The entity responsible for the apprehension  
23 or seizure, organized by location or port of entry.

24 (7) The amount of penalties assessed by U.S.  
25 Customs and Border Protection, organized by name  
26 of the violator and location or port of entry.



1           (8) The amount of penalties that U.S. Customs  
2           and Border Protection could have levied, organized  
3           by name of the violator and location or port of entry.

4           (9) The rationale for negotiating lower pen-  
5           alties, organized by name of the violator and location  
6           or port of entry.

7           (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
8           FINED.—In this section, the term “appropriate congres-  
9           sional committees” means—

10           (1) the Committee on Finance and the Com-  
11           mittee on Homeland Security and Governmental Af-  
12           fairs of the Senate; and

13           (2) the Committee on Ways and Means, the  
14           Committee on Oversight and Government Reform,  
15           and the Committee on Homeland Security of the  
16           House of Representatives.

17 **SEC. 9. EFFECTIVE DATE; REGULATIONS.**

18           (a) EFFECTIVE DATE.—This Act and the amend-  
19           ments made by this Act (other than the amendments made  
20           by section 2) shall take effect on the date of the enactment  
21           of this Act.

22           (b) REGULATIONS.—Not later than one year after the  
23           date of the enactment of this Act, such regulations as are

- 1 necessary to carry out this Act and the amendments made
- 2 by this Act shall be prescribed.

Passed the House of Representatives June 14, 2018.

Attest:

KAREN L. HAAS,

*Clerk.*