

106TH CONGRESS
2D SESSION

S. 3199

To amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for a user fee to cover the cost of customs inspections at express courier facilities.

IN THE SENATE OF THE UNITED STATES

OCTOBER 12 (legislative day, SEPTEMBER 22), 2000

Mr. THOMPSON introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for a user fee to cover the cost of customs inspections at express courier facilities.

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. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS**
4 **COURIER FACILITIES.**

5 (a) CUSTOMS USER FEES.—Section 13031 of the
6 Consolidated Omnibus Budget Reconciliation Act of 1985
7 (19 U.S.C. 58c) is amended as follows:

8 (1) Subsection (a) is amended—

1 (A) by redesignating paragraphs (7)
 2 through (10) as paragraphs (8) through (11),
 3 respectively;

4 (B) by inserting after paragraph (6) the
 5 following new paragraph:

6 “(7) For the processing of merchandise that is
 7 informally entered or released at a centralized hub
 8 facility or an express consignment carrier facility
 9 (other than shipments valued at \$200 or less, which
 10 shall not be subject to any fee under this sub-
 11 section), \$5.”; and

12 (C) in the last sentence of paragraph (11),
 13 as so redesignated, by striking “subparagraphs
 14 (A), (B), and (C),” and inserting “subpara-
 15 graphs (A) and (B), see paragraph (7), and at
 16 facilities referred to in subparagraph (C),”.

17 (2) Subsection (b) is amended—

18 (A) in paragraph (5), by striking “(8)”
 19 and inserting “(9)”;

20 (B) in paragraph (6)—

21 (i) by striking “(a)(8)” and inserting
 22 “(a)(9)”;

23 (ii) by striking “(8)” and inserting
 24 “(9)”;

25 (C) in paragraph (8)—

1 (i) in subparagraph (A)(i), by striking
2 “(a)(9)” and inserting “(a)(10)”; and

3 (ii) in subparagraphs (B), (C), (D),
4 and (E), by striking “(9) or (10)” each
5 place it appears and inserting “(10) or
6 (11)”; and

7 (D) in paragraph (9)—

8 (i) in subparagraph (A), in the matter
9 preceding clause (i), by striking “a central-
10 ized hub facility, an express consignment
11 carrier facility, or”;

12 (ii) by striking clause (ii) of subpara-
13 graph (A);

14 (iii) in clause (i) of subparagraph
15 (A)—

16 (I) by striking—

17 “(i) In the case of a small airport or other facil-
18 ity—”;

19 (II) by redesignating subclauses
20 (I) and (II) as clauses (i) and (ii), re-
21 spectively, and aligning the text of
22 those clauses with clauses (i) and (ii)
23 of paragraph (8)(E); and

24 (III) in clause (ii), as so redesign-
25 nated, by striking “(a)(10) for such

1 fiscal year, in an amount equal to the
 2 reimbursement under subclause (I)”
 3 and inserting “(a)(11) for such fiscal
 4 year, in an amount equal to the reim-
 5 bursement under clause (i)”; and
 6 (iv) by amending subparagraph (B) to
 7 read as follows:

8 “(B) For purposes of this paragraph, the term ‘small
 9 airport or other facility’ means any airport or facility to
 10 which section 236 of the Trade and Tariff Act of 1984
 11 applies, if more than 25,000 informal entries were cleared
 12 through such airport or facility during the preceding fiscal
 13 year.”; and

14 (C) in paragraphs (10) and (11), by strik-
 15 ing “(9) or (10)” each place it appears and in-
 16 serting “(10) or (11)”.

17 (3) Subsection (c) is amended by adding at the
 18 end the following:

19 “(6) The terms ‘centralized hub facility’ and ‘ex-
 20 press consignment carrier facility’ mean a separate
 21 or shared specialized facility approved by a port di-
 22 rector of the Customs Service for examination and
 23 release of imported merchandise carried by an ex-
 24 press consignment carrier. Entry filing is also per-
 25 mitted at any such facility.”.

1 (4) Subsection (d)(4) is amended by striking
2 “(a)(7)” each place it appears and inserting
3 “(a)(8)”.

4 (5) Subsection (e) is amended by adding at the
5 end the following:

6 “(7) Notwithstanding section 451 of the Tariff Act
7 of 1930 or any other provision of law, all services rendered
8 by the United States Customs Service at a centralized hub
9 facility or an express consignment carrier facility relating
10 to the inspection or release of merchandise from such facil-
11 ity, either inbound or upon arrival from another country
12 or outbound when departing to another country (includ-
13 ing, but not limited to, normal and overtime services) shall
14 be adequately provided when needed, at no cost to such
15 facility (other than the fees imposed under subsection (a)
16 of this section).”.

17 (6) Subsection (f)(3)(A) is amended—

18 (A) in the matter preceding clause (i), by
19 striking “(9) or (10)” and inserting “(10) or
20 (11)”;

21 (B) in clause (i)—

22 (i) in subclause (IV), by striking
23 “and” at the end;

24 (ii) in subclause (V), by adding “and”
25 after “1993,”; and

1 (iii) by inserting after subclause (V)
2 the following:

3 “(VI) providing the services described in
4 subsection (e)(7) at centralized hub facilities
5 and express consignment carrier facilities,”; and

6 (C) in clause (ii), by striking “(8)” each
7 place it appears and inserting “(9)”.

8 (7) Subsection (f)(6) is amended by striking
9 “(9) and (10)” and inserting “(10) and (11)”.

10 (b) ADDITIONAL CONFORMING AMENDMENT.—Sec-
11 tion 301(b)(2)(B) of the Customs Procedural Reform and
12 Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(B)) is
13 amended by striking “(9) and (10)” and inserting “(10)
14 and (11)”.

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