

FIGHTING for America Act of 2024

Section-by-Section Analysis and Explanation

Section 1. Short Title.

This section specifies that the Act may be cited as the “Fighting Illicit Goods, Helping Trustworthy Importers, and Netting Gains for America Act of 2024” or the “FIGHTING for America Act of 2024.”

Section 2. Sense of Congress.

This section expresses the Sense of Congress that the conditions of trade in recent years—including the increasing volume of low-value imports entering the United States through streamlined, tariff-free “de minimis” entry procedures and the growth of the direct-to-consumer model of business—require Congress to revise the law to better protect the tariff revenue of the United States and scrutinize shipments entering through de minimis.

Section 3. Designation of Priority Trade Issue.

Section 3 designates the smuggling of fentanyl and other illicit drugs through de minimis entry procedures as a priority trade issue under the Trade Facilitation and Trade Enforcement Act of 2015, triggering the allocation of additional resources and increased enforcement efforts by U.S. Customs and Border Protection (CBP) to intercept illicit imports.

Section 4. Enhanced Transparency for Shipments.

Section 4 amends the de minimis statute, 19 U.S.C. 1321, to enhance transparency and strengthen CBP’s ability to detect and interdict illicit goods and penalize bad actors seeking to abuse the entry process. In particular, this section directs the Secretary of Treasury to publish regulations requiring additional data for each shipment, including the harmonized tariff schedule (HTS) classification, the identity of the relevant parties to the transaction (e.g., the seller, shipper, carrier, etc.), and other information to increase the accuracy of CBP’s smuggling and drug interdiction efforts. This section also provides for additional civil penalties to further deter attempts to abuse the de minimis exemption.

Section 5. Limitations on Exemption from Duties.

This section better protects the tariff revenue of the United States by excluding from de minimis entry certain goods subject to additional administrative duties or quotas designed to achieve a level playing field, including goods subject to antidumping or countervailing duties, a tariff rate quota or other quota, or duties imposed pursuant to Sections 201 or 301 of the Trade Act of 1974 or Section 232 of the Trade Expansion Act of 1962.

This section also excludes from de minimis entry goods identified as “import-sensitive” under the Generalized System of Preferences statute, including textiles and apparel. In addition, the

Secretary of Treasury is provided discretion to further limit the eligibility for de minimis entry in response to significant import surges or evidence of illicit trade.

Section 6. Disposition of Detained Merchandise.

This section provides CBP with the authority to more expeditiously dispose of detained goods that are abandoned while seeking de minimis entry.

Section 7. Report on Review of Merchandise by Partner Government Agencies.

This section requires the Secretary of the Treasury to report to Congress on how to improve the review of goods seeking de minimis entry by partner government agencies.

Section 8. Summary Forfeiture of Certain Merchandise Imported Contrary to Law.

This section provides that certain goods seeking de minimis entry may be summarily forfeited and it requires CBP to provide notice of such forfeiture to relevant parties.

Section 9. Additional Penalties for Aiding Unlawful Imports.

Recognizing penalties are based on the value of the imported merchandise, this section establishes a floor for penalties on de minimis valued goods.

Section 10. Sharing of Information with Respect to Suspected Violations of Intellectual Property Rights.

This section authorizes CBP to share certain transaction-related information provided by any entity that plays a role in the sale or importation of merchandise into the United States, including information generated by an online marketplace, in the case of suspected intellectual property rights violations.

Section 11. Customs User Fee for Processing Shipments.

This section provides that de minimis entries are subject to a \$2 customs user fee, similar to other entries already subject to such fees.

Section 12. Reporting Requirements.

This section establishes an annual report on the utilization of de minimis, as well as the identification of violations and application of penalties.

Section 13. Effective Date and Applicability.

This section specifies that the Act will take effect 60 days after the date of its enactment and apply to articles entered on or after 30 days after the effective date of the regulations provided for in section 4.