

AMENDMENT NO. _____ Calendar No. _____

Purpose: To clarify the exercise of customs revenue authority,
and for other purposes.

IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.

S. 2452

To establish the Department of National Homeland Security
and the National Office for Combating Terrorism.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LIEBERMAN

Viz:

1 On page 40, insert between lines 4 and 5 the fol-
2 lowing:

3 (d) EXERCISE OF CUSTOMS REVENUE AUTHOR-
4 ITY.—

5 (1) IN GENERAL.—

6 (A) AUTHORITIES NOT TRANSFERRED.—

7 Notwithstanding subsection (c), authority that
8 was vested in the Secretary of the Treasury by
9 law to issue regulations related to customs rev-
10 enue functions before the effective date of this

1 section under the provisions of law set forth
2 under paragraph (2) shall not be transferred to
3 the Secretary by reason of this Act. The Sec-
4 retary of the Treasury, with the concurrence of
5 the Secretary, shall exercise this authority. The
6 Commissioner of Customs is authorized to en-
7 gage in activities to develop and support the
8 issuance of the regulations described in this
9 paragraph. The Secretary shall be responsible
10 for the implementation and enforcement of reg-
11 ulations issued under this section.

12 (B) REPORT.—Not later than 60 days
13 after the date of enactment of this Act, the Sec-
14 retary of the Treasury shall submit a report to
15 the Committee on Finance of the Senate and
16 the Committee on Ways and Means of the
17 House of Representatives of proposed con-
18 forming amendments to the statutes set forth
19 under paragraph (2) in order to determine the
20 appropriate allocation of legal authorities de-
21 scribed under this subsection. The Secretary of
22 the Treasury shall also identify those authori-
23 ties vested in the Secretary of the Treasury
24 that are exercised by the Commissioner of Cus-

1 toms on or before the effective date of this sec-
2 tion.

3 (C) LIABILITY.—Neither the Secretary of
4 the Treasury nor the Department of the Treas-
5 ury shall be liable for or named in any legal ac-
6 tion concerning the implementation and en-
7 forcement of regulations issued under this para-
8 graph after the effective date of this Act.

9 (2) APPLICABLE LAWS.—The provisions of law
10 referred to under paragraph (1) are those sections
11 of the following statutes that relate to customs rev-
12 enue functions:

13 (A) The Tariff Act of 1930.

14 (B) Section 249 of the Revised Statutes of
15 the United States (19 U.S.C. 3).

16 (C) Section 2 of the Act of March 4, 1923
17 (19 U.S.C. 6).

18 (D) Section 13031 of the Consolidated
19 Omnibus Budget Reconciliation Act of 1985
20 (19 U.S.C. 58c).

21 (E) Section 251 of the Revised Statutes of
22 the United States (19 U.S.C. 66).

23 (F) Section 1 of the Act of June 26, 1930
24 (19 U.S.C. 68).

1 (G) The Foreign Trade Zones Act (19
2 U.S.C. 81a et seq.).

3 (H) Section 1 of the Act of March 2, 1911
4 (19 U.S.C. 198).

5 (I) The Trade Act of 1974.

6 (J) The Trade Agreements Act of 1979.

7 (K) The North American Free Trade Area
8 Implementation Act.

9 (L) The Uruguay Round Agreements Act.

10 (M) The Caribbean Basin Economic Re-
11 covery Act.

12 (N) The Andean Trade Preference Act.

13 (O) The African Growth and Opportunity
14 Act.

15 (P) Any other provision of law vesting cus-
16 toms revenue functions in the Secretary of the
17 Treasury.

18 (3) DEFINITION OF CUSTOMS REVENUE FUNC-
19 TIONS.—In this subsection, the term “customs rev-
20 enue functions” means—

21 (A) assessing, collecting, and refunding du-
22 ties (including any special duties), excise taxes,
23 fees, and any liquidated damages or penalties
24 due on imported merchandise, including
25 classifying and valuing merchandise and the

1 procedures for “entry” as that term is defined
2 in the United States Customs laws;

3 (B) administering section 337 of the Tariff
4 Act of 1930 and provisions relating to import
5 quotas and the marking of imported merchan-
6 dise, and providing Customs Recordations for
7 copyrights, patents, and trademarks;

8 (C) collecting accurate import data for
9 compilation of international trade statistics; and

10 (D) administering reciprocal trade agree-
11 ments and trade preference legislation.